

California Department of Fish and Game
January 9, 2008

New Regulations Will Prohibit Use of Lead Projectiles for Big Game and Nongame Hunting in the Range of the California Condor

<http://www.dfg.ca.gov/wildlife/hunting/condor/>

After nearly a full year of public testimony, discussion, and environmental analyses, the Fish and Game Commission in December 2007 adopted regulations (Section 353, Title 14, CCR) that will prohibit the use of projectiles (bullets) containing lead for hunting deer, bear, wild pig, elk, and pronghorn antelope in areas designated as California condor range. Additionally, the regulations (Section 475, Title 14, CCR) will also prohibit use of lead in the same areas when hunting coyote, ground squirrels, and other nongame wildlife.

When:

The effective date for the new regulations will be July 1, 2008. It will be illegal to hunt the above species with lead projectiles beginning July 1.

What are the lead projectiles that are prohibited?

The Commission has defined projectiles so that the prohibited bullets and other projectiles can be understood. A "projectile" is defined as *any bullet, ball, sabot, slug, buckshot or other device which is expelled from a firearm through a barrel by force.*

Additionally, for hunting nongame, projectiles include "shot" and "pellets"; lead in these projectiles is prohibited as well.

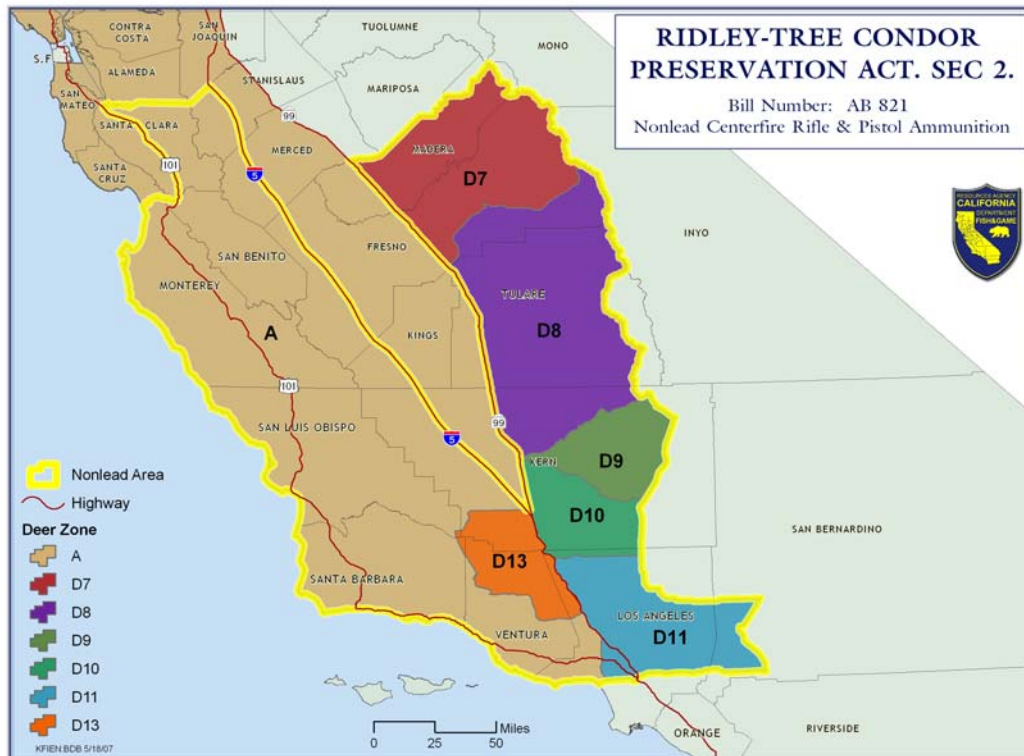
It will be illegal to use any projectile that contains more than 1 percent lead for hunting big game or nongame within the affected area. This includes centerfire as well as black-powder/muzzle-loader, and rimfire projectiles.

Lead Content in Projectiles

The Commission and Department are aware that trace levels of lead likely exist in any projectile as a result of the manufacturing process. Additionally, interpretation of the statute indicates the intent is to preclude risk to the condor from lead fragmentation. Therefore, the Commission has established a maximum amount of lead content in projectiles to be 1.0 percent by weight. In reality, it is understood that "non-lead" identified projectiles have far less than 1 percent lead content. The Commission and Department will be working on a certification process, to be completed before summer 2008, to help hunters identify projectiles that will be legal.

Where

The geographic area where lead is prohibited is exactly the same area described in the recently enacted AB 821- Ridley-Tree Condor Preservation Act (Nava) and entered into the Fish and Game Code as section 3004.5. To assist hunters in understanding and visualizing affected areas, the lead prohibition area is also known as deer hunt zones D7, D8, D9, D10, D11, D13, and most (but not all) of the South A zone. (The Department will identify specific hunts affected in a future update.)



What are the regulations and options for hunting with .22 caliber or smaller rimfire firearms?

Rimfire firearms are not legal in California for hunting big game or for depredation killing of big game animals (these are primarily deer and wild pig in condor range).

Rimfire firearms are legal for nongame animals (coyotes and ground squirrels primarily) and for sport hunting of small game mammals [hares (jackrabbits), cottontail, and tree squirrel]. However, for nongame animals the Commission has prohibited use of lead projectiles in .22 rimfire or smaller firearms as part of this regulation change in condor range.

The Commission has not addressed the issue of hunting small game mammals because that section of the regulations was not "opened" for potential change. Therefore, hunters

can legally hunt jackrabbit, cottontail, and tree squirrel using lead projectiles, but not ground squirrels in the same area. Part of the reasoning for this is that unlike nongame animals that are hunted and usually left in the field, game species must be retrieved and not wasted.

The Department and Commission are of the understanding that non-lead projectiles for rimfire are not readily available or manufactured at this time and that the only non-lead rimfire is in .22 caliber magnum, and not for the very popular .22 short, long, or long rifle.

Where can I find a list of known legal projectiles for hunting?

The Department and Commission will be initiating a process such that the Commission can certify projectiles as meeting the “non-lead” threshold for purposes of these regulations. This public review process will occur between February and June 2008 and should result in a listing of authorized projectiles acceptable for hunting within the affected area. Currently, the Department recommends visiting this webpage: <http://www.dfg.ca.gov/wildlife/hunting/condor/certifiedammo.html> although the subject projectiles have not been certified for the July 1 requirement (that is, all would be considered legal until July 1, 2008 and possibly thereafter).

If I purchase ammunition listed at that website, what assurance do I have that it will be legal after July 2008?

There are no assurances until the certification process is completed in Spring 2008. We recommend hunters be mindful of this timeframe.

What are the regulations for possessing lead projectiles within the affected area?

The Commission prohibited the possession of lead projectiles and a firearm capable of firing such projectiles, while big game or nongame hunting within the specified range. Otherwise, lead projectiles may be possessed.

The Department’s Law Enforcement Division will be interpreting and enforcing these regulations. If you have a scenario where you are not sure of legality, it is recommended that you contact a local DFG warden to seek guidance.

What about target shooting, “plinking”, or firearms for personal protection?

The Commission does not regulate these activities. Use of lead projectiles is legal unless another government entity has determined otherwise for lands they administer. The regulations prohibiting lead only relate to possession while engaged in specified hunting activities.

Are pellet rifles included in the non-lead ammunition ban?

Pellet rifles are not considered a firearm. Consequently, neither pellet rifles nor their projectiles would be included in the ban.

I shoot a 338 Lapua and cannot find any listings at <http://www.dfg.ca.gov/wildlife/hunting/condor/docs/nonlead-ammo-ca.pdf>, which means I will have to buy custom ammunition or reload them myself. How will the warden in the field determine that my ammunition is legal?

A training program will be implemented to familiarize field wardens with legal projectiles. It is possible that a warden may seize a cartridge to inspect the bullet under controlled conditions at a later time.

How will wardens check muzzle-loading rifles?

While hunting, any projectile in your possession may be inspected by wardens. On rare instances, a warden may seize the weapon for removal of the projectile under controlled conditions or fire the weapon into a medium to retrieve the projectile.

Information for Landowners, Ranchers, Farmers

How does this affect private lands and landowners in this area?

Landowners who are hunting big game or nongame species, or anyone authorized to hunt these species on private land, must also comply with the new regulation. The regulation applies to all public and private lands where hunting occurs.

How does this affect depredation permits to take offending wildlife?

The Department issues depredation permits for a variety of species for damage to crops and property. Depredation permit holders will also be required to use non-lead projectiles within the specified condor range.

A friend asks me to shoot ground squirrels on his property to reduce crop damage and minimize injuries to his livestock. Will the new ammunition requirements apply to this activity?

Yes.

How about the non-lead ammunition coupon program described in AB 821?

There is no funding to implement the coupon program. The program will not be implemented without funding.