



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE



3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358

THURSDAY, April 23, 2015

Meeting Time: 4:00 P.M.

AGENDA

Call Meeting to Order & Introductions:

The Stanislaus County *Fish & Wildlife Committee (F&WC)* encourages public participation and welcomes the public's interest.

Members of the public may be heard on any item of the Fish and Wildlife Committee's agenda. A person addressing the Committee will be limited to five (5) minutes, unless the Chairperson of the Committee grants a longer period of time. The Committee will allow comments by members of the public on an agenda item only during consideration of the item.

(OPTIONAL) TELEPHONE CONFERENCE DIAL-IN INFORMATION:

Participants may choose to join the meeting by dialing in to the following conference call number: **(209) 567-4399**. You will then be prompted to enter your **Conference Number: 80732**, followed by the # sign. Please check in with the Chair/Secretary by stating your full name.

Requests for Funds & Project Updates:

1. No request was received.

Correspondence:

1. Notice relating to the prohibition on the use of lead projectiles and ammunition using lead projectiles for the take of wildlife, *State of California, Fish and Game Commission, 1/26/2015.*
2. Notice relating to Deer Tagging and Reporting Requirements, *State of California, Fish and Game Commission, 3/3/2015.*
3. Notice relating to Central Valley Salmon, *State of California, Fish and Game Commission, 3,31,2015.*

Agenda Items:

1. Public Comment(s)
2. Approval of January 22, 2015 Meeting Minutes
3. Wildlife Management Report
4. Fishery Report
5. Wildlife Enforcement Report
6. Wood Duck Report
7. Old Business
8. Committee Comments

FW Members
Cristen Langner, DFG
Steve Tsao, DFG
Phil McKay, DFG
Ed Ayers

Adjourn: Next meeting – Thursday, July 23, 2015 at 4:00 p.m. (Please notify the Department of Parks and Recreation at 525-6770 to let us know if you will be attending this meeting and/or require special accommodation for the meeting.)

Agendas can also be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE



PARKS AND RECREATION
Jami Aggers, Director
Merry Rorabaugh, Asst. Director
Ed Ayers, Chair

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



MINUTES

JANUARY 22, 2015 AT 4:00 P.M.

3800 CORNUCOPIA WAY, 2ND FLOOR, CONFERENCE ROOM

(Agendas can be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtml>)

COUNTY FISH & WILDLIFE MEMBERS PRESENT:

Ed Ayers
Red Bartley (VIA TELEPHONE)
Ken Meidl
Jim Atherstone (VIA TELEPHONE)
Ed Channing (ALT)
Jason Guignard

STATE FISH & WILDLIFE REPRESENTATIVE:

Phil McKay
Ryan Detrick

PARKS & RECREATION STAFF PRESENT:

Cathy Amaral Winchester

MEMBERS ABSENT:

Don Vanwey (ALT)
Robert Bashaw (ALT)
Anthony Maxell
Dave Doubledee
Cody Johnson

GUESTS PRESENT:

Donna Burt

A. CALL TO ORDER & INTRODUCTIONS

Ed Ayers called the meeting to order and those in attendance introduced themselves.

B. REQUESTS FOR FUNDS/PROJECT UPDATES

1. The fund request from U.S. Army Corps of Engineers in the amount \$2,300.00 for their Kid's Fishing Fun Day on May 2nd, 2015, was approved upon motion and second for funding in the amount of \$2,300.00.
2. Project Update – Jessica Boone, USDA
3. Project Update – Donna Burt, Stanislaus Wildlife Care Center
 - Donna stated that they lost their vendor due the vendor going out of business and has requested approval to change the vendor to Corners Limited. It will be the same price \$1,500.00 and similar product as previous approved vendor/funding request.

REPORTER & ACTIONS

*Guignard, Miedl,
unanimous approval*

*Not present for
update*

*Guignard,
Atherstone,
unanimous approval*

C. CORRESPONDENCE

The Committee acknowledged the correspondences received, and suggested further action or comment be directed to the corresponding agency.

- I. Notice relating to take emergency action to list the Tricolored blackbird as endangered. *State of California, Fish and Game Commission, 11/25/14.*

ACTIONS

2. Notice of Proposed Changes in Regulations. *State of California, Fish and Game Commission, 11/25/14.*
3. Notice of proposed draft environmental document to address potential impacts on lead ammunition for hunting purposes. *State of California, Department of Fish and Wildlife, 11/25/14.*
4. Notice of Public Meetings on Proposal to List West Coast Population of Fisher as Threatened Under Endangered Species Act. *U.S. Fish and Wildlife Service, 11/25/14.*
5. Notice of Public Hearing on Proposal to Designate Critical Habitat for Western Yellow-Billed Cuckoo. *U.S. Fish and Wildlife Service, 12/1/14.*
6. Notice of Statement of Proposed Emergency Regulatory Action, *State of California, Fish and Game Commission, 12/16/14.*
7. Notice of Proposed Emergency Action, *State of California, Fish and Game Commission, 12/12/14.*
8. Notice of Proposed Mammal Hunting Regulations for the 2015-2016 season, *State of California, Fish and Game Commission, 1/9/15.*
9. Notice of Proposed changes in Central Valley Salmon Sport Fishing Regulations, *State of California, Fish and Game Commission, 1/9/15.*

D. PUBLIC COMMENTS

No comment was received.

ACTIONS/REPORTER

E. APPROVAL OF MINUTES

Minutes for the October 30, 2014, meeting was approved upon motion and second.

ACTIONS

*Atherstone, Bartley
unanimous approval*

F. WILDLIFE MANAGEMENT REPORT

No report.

ACTIONS/REPORTER

G. FISHERY REPORT

1. Stanislaus Weir (Riverbank): 5400 salmon
Tuolumne Weir (below Waterford): 600-660 salmon
2. There was no reported dead fish downstream or pre spawn mortality. If 40,000 acre of water is coming down the Stanislaus River it will not affect the fish/temperature.

ACTIONS & REPORTER

Jason Guignard

H. WILDLIFE ENFORCEMENT REPORT

1. They had 342 citations within Stanislaus County last year with 50% reporting through June 2014. They see 40% failure to appear so no monies coming in during this time. Of the cases that did go through so far they are getting a decent conviction rate and the overall fees collected are estimated at \$120.00 per base fine. There will be more information at the next meeting.
2. There has been a lot of activity recently with striper fishing. There was one streambed violation and two ongoing dairy discharge cases.
3. They are tending to see and handle homeless camp and litter issues on the Tuolumne River in which very little fine money is received.
4. Tim Galas has retired from the State Fish and Wildlife on 12/30/14.

REPORTER

*Ryan Detrick, Phil
McKay*

I. WOOD DUCK REPORT

The wood ducks had a slow start this year due to lack of water and drought. Ed Ayers has over 200 active boxes. He may plan to turn over to California Waterfowl Agency to take over the boxes.

ACTIONS & REPORTER

*Ed Channing, Ed
Ayers*

J. DISCUSSION ON CONFERENCE CALLS

It was suggested that members try to attend the meetings in person vs. conference calls unless there is a work or health issue.

ACTIONS & REPORTER

Ed Ayers

K. DISCUSSION ON SCOUT PROJECT REPAIR/REBUILD QUAIL QUZZLER AT DEL PUERTO

An Eagle Scout is interested in repairing/rebuilding the quail quzzlers at Del Puerto for a project. The Scout leader was given the information in regards to funding request process and website information for the Fish and Wildlife Committee. There was discussion to hold the annual barbeque at the same time as the scout project in the spring so that the committee members can also oversee the project.

ACTIONS & REPORTER

Ed Ayers

L. OLD BUSINESS

None reported

ACTIONS & REPORTER

M. COMMITTEE COMMENTS

1. Phil McKay and Ryan Detrick discussed their current assignments. Phil handles the Northern Patrol District and Ryan handles two Counties (Stanislaus and Tuolumne). Currently there are two vacancies with State Fish and Wildlife.
2. The Museum, located at Modesto Jr. College West Campus, just held their Gala Event. The Museum floor is not open to the public yet. There is 8000 square feet dedicated to the California's eco systems. There is also a new planetarium. In terms of equipment, it was stated that it is the best planetarium in the world. There is also an observatory which has one of the largest telescopes in the valley. There may be fundraisers to help finish the fish exhibit. If members come across dead animals they can contact Ken Meidl. Committee agreed to meet at the Museum at a future date.

ACTIONS & REPORTER

Phil McKay, Ryan Detrick

Ken Meidl

N. ADJOURNMENT & NEXT MEETING

There being no further business, the meeting was adjourned. The next regular meeting of the Fish and Wildlife Committee will be held on:

Atherstone, Guignard, unanimous approval

Thursday, April 23, 2015 at 4:00 p.m.
Conference Room, 2nd Floor
 3800 Cornucopia Way, Modesto

Prepared By: Cathy Winchester, Fish and Wildlife Secretary 209-525-6770

Agendas can also be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

Commissioners
Michael Sutton, President
Monterey
Jack Bayliss, Vice President
Los Angeles
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

January 13, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 311, 353, 464, 465, 475, and 485; repealing Section 355; and, adding Section 250.1, Title 14, California Code of Regulations, relating to the prohibition on the use of lead projectiles and ammunition using lead projectiles for the take of wildlife with firearms, which will be published in the California Regulatory Notice Register on January 16, 2014.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Craig Martz, Department of Fish and Wildlife, phone (916) 653-4674, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Caren Woodson
Associate Governmental Program Analyst

Attachment

2015 JAN 20 A 10:22
BOARD OF SUPERVISORS

#1

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 355, 356, 3003.1, 3004.5, 3800, 4009.5, and 4150 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 206, 207, 215, 220, 355, 356, 2005, 2055, 3003.1, 3004.5, 3683, 3800, 3950, 4000, 4001, 4002, 4003, 4004, 4009.5, 4150, and 4902 of said Code, proposes to amend 311, 353, 464, 465, 475, and 485; repeal Section 355; and, add Section 250.1, Title 14, California Code of Regulations, relating to prohibition on the use of lead projectiles and ammunition using lead projectiles for the take of wildlife with firearms.

Informative Digest/Policy Statement Overview

Informative Digest/Policy Statement Overview

Assembly Bill 711 (Chapter 742, Statutes of 2013) was signed by the Governor on October 11, 2013, and took effect on January 1, 2014. This legislative action amended Section 3004.5 of the Fish and Game Code, and requires the Fish and Game Commission (Commission) to promulgate regulations to ban the use of lead ammunition when taking any wildlife with a firearm not later than July 2019. The new law expands the existing requirement to use nonlead ammunition within the California condor range and requires the Commission to:

- Promulgate regulations by July 1, 2015, that phase in the requirements of Section 3004.5;
- Require partial or full implementation of the new regulations, if practicable, before July 1, 2019; and
- Maintain existing condor range restrictions and nonlead certification process until the new regulations are implemented.

The Department of Fish and Wildlife (Department) held a series of 16 public meetings throughout the state between January and August 2014. In addition, the Department provided presentations at the Commission's Wildlife Resources Committee (WRC) meetings in January, July, and September 2014 outlining proposals to phase in the required use of nonlead ammunition for the taking all wildlife with a firearm by July 2019.

The Department's revised regulatory recommendation, shown below, was presented at the Commission's September 2014 WRC meeting.

Phase 1 - Starting July 1, 2015, nonlead ammunition will be required for taking all wildlife on state Wildlife Areas and Ecological Reserves. These Department lands constitute approximately 925,000 acres in California, with high ecological values and relatively large numbers of hunters. In addition to hunters on Department lands, nonlead ammunition will be required for hunters taking Nelson bighorn sheep anywhere in California. This requirement will affect a small number of hunters as very limited numbers of Nelson bighorn sheep tags are issued annually. In 2014, fourteen tags were issued in California.

Phase 2 - Starting July 1, 2016, nonlead ammunition will be required when taking upland game birds with a shotgun, except for dove, quail, and snipe, and any game birds taken on licensed game bird clubs. In addition, nonlead ammunition will be required when

using a shotgun to take resident small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for depredation purposes. It will still be legal to take these animals with traditional lead rimfire and lead centerfire ammunition during phase 2. These revisions will allow partial implementation as required due to availability of nonlead shotgun ammunition as required by existing federal waterfowl regulations. The exception for permitted licensed game bird clubs takes into account the use of domesticated game birds at these facilities.

Phase 3 - Starting July 1, 2019, nonlead ammunition would be required when taking any wildlife with a firearm.

The proposed regulatory changes are intended to implement AB 711 while balancing the statutory requirements and deadlines with the complex nature of ammunition production, retail availability and consumer demand. The proposed regulations generally rely on more readily available nonlead rifle and shotgun ammunition during the first three years of the transition in order to give ammunition manufacturers more time to meet the increased demand for nonlead ammunition in California after July 1, 2019.

Proposed Changes

Amend Division 1, Subdivision 2, Title 14, CCR.

The title of the subdivision will be expanded to Game, Furbearers, Nongame, and Depredators.

Add Section 250.1, Title 14, CCR.

This new section will include the existing nonlead requirements that apply when taking specified wildlife in the California condor range and new requirements to phase in the statewide nonlead mandate pursuant to Section 3004.5 of the Fish and Game Code.

Subsection (a) describes the general purpose of the regulation.

Subsection (b) defines "projectile," "nonlead ammunition," "nonlead projectile," and makes it clear that shotgun ammunition containing pellets composed of materials approved as nontoxic by the U.S. Fish and Wildlife Service, as identified in Section 507.1 of these regulations, is considered certified. These provisions increase public understanding and enhance the clarity of the regulation.

Subsection (c) includes general provisions.

- (1) It is unlawful to possess any projectile containing lead in excess of the amount allowed in these regulations and a firearm capable of firing the projectile while taking or attempting to take wildlife.
- (2) The possession of a projectile containing lead in excess of the amount allowed in these regulations without possessing a firearm capable of firing the projectile is not a violation of this section.
- (3) This section is not intended to prohibit the possession of concealable firearms containing lead ammunition, provided that the firearm is possessed for personal protection and is not used to take or assist in the take of wildlife.

Subsection (d) specifies the phased approach to prohibit the use of lead ammunition when

taking wildlife, as required by the amendments to Section 3005.5 of the Fish and Game Code.

Phase 1 - Effective July 1, 2015, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking:

- (A) Nelson bighorn sheep as authorized by Fish and Game Code Section 4902; or
- (B) All wildlife in any wildlife area or ecological reserve, as described in sections 551, 552 and 630 of these regulations.

Phase 2 - Effective July 1, 2016, it shall be unlawful to use, or possess with any shotgun capable of firing, any projectile(s) not certified as nonlead as described in subsection (b)(3) when taking:

- (A) Upland game birds as included in Fish and Game Code Section 3683, except for dove, quail, snipe, and any game birds taken under the authority of a licensed game bird club as provided for in sections 600 and 600.4 of these regulations;
- (B) Resident small game mammals as defined in Section 257 of these regulations;
- (C) Fur-bearing mammals as defined by Fish and Game Code Section 4000;
- (D) Nongame mammals as defined by Fish and Game Code Section 4150;
- (E) Nongame birds as defined by Fish and Game Code Section 3800; or
- (F) Any wildlife for depredation purposes, regardless of whether the take is authorized by a permit issued pursuant to sections 401 or 402 of these regulations.

Phase 3 - Effective July 1, 2019, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking any wildlife for any purpose in this state.

Subsection (e) continues the existing restrictions on the use of lead ammunition in the condor range, as required by subdivision (i) of Fish and Game Code Section 3004.5. These restrictions are currently set forth in subsection (h) of Section 353 and subsection (f) of Section 475. This section will be repealed when the statewide ban on the use of lead ammunition when taking wildlife goes into effect on July 1, 2019.

Subsection (f) contains the language specifying the nonlead ammunition certification process moved and updated from existing Section 355.

Amend Section 311, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 353, Title 14, CCR.

This section will be amended to remove subsection (h) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section. Other proposed amendments will revise the current exceptions in subsection (a) into two subsections (definitions and exceptions) along with minor changes to improve clarity and consistency of the regulations.

Amend Section 464, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 465, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 475, Title 14, CCR.

This section will be amended to remove subsection (f) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section.

Amend Section 485, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Repeal Section 355, Title 14, CCR.

This section is proposed to be repealed since the ammunition certification process is integrated in subsection (f) of the new Section 250.1, Title 14, CCR.

Benefits of the Proposed Regulations

The benefits of the proposed regulations to the environment are through the elimination of a source of toxic lead substances that may be deleterious to wildlife and sustainable management of California's wildlife resources.

The proposed regulations are neither inconsistent nor duplicative of existing State or federal regulations. The proposed regulation will complement federal law because, unlike federal regulations prohibiting use of nontoxic shot when taking waterfowl, the proposed regulations will prohibit use of lead ammunition when taking any wildlife. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the prohibition on the use of lead projectiles and ammunition for the take of wildlife with firearms.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Resources Building Auditorium, 1416 Ninth St., in the Sacramento, California, on February 12, 2015, at 8 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference and Resort Center, 2777 Fourth St., in the Santa Rosa, California, on April 9, at 8 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 26, 2015, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the

Commission office, must be received before Noon on April 3. All comments must be received no later than April 9, 2015, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Caren Woodson at the preceding address or phone number. **Craig Martz, Department of Fish and Wildlife, phone (916) 653-4674, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The principle businesses that are expected to be impacted by the proposed regulatory changes are manufacturers and retailers of hunting equipment and businesses that serve hunters on recreational hunting trips. The proposed implementation schedule is structured to limit expected impacts on hunters

and hunting-related businesses that may be affected by the regulation. The availability of ammunition types is a central factor that influenced the timing of the phases so as to minimize any interruption in hunting activity caused by nonlead ammunition supply deficiencies.

(b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:**

The Commission does not anticipate significant impacts on the creation of new business or the elimination of existing businesses in California. However, some new business activity may be spurred to serve hunters' needs for nonlead ammunition, hand-loaded bullets, and practice time on shooting ranges.

The Commission does not anticipate any significant impacts on the creation or elimination of jobs within the State because the nonlead ban will be phased in to minimize any disruptions in hunting activity across four years. The multiplier for jobs in the hunting, ammunition manufacturing, and outdoor sports retail sectors is 17 jobs per million dollars in direct expenditure. Although we anticipate less disruption, if full implementation precipitates a five percent reduction in hunting activity, approximately 230 jobs could be eliminated across the state.

The Commission anticipates the potential for the expansion of businesses currently doing business in California that manufacture or sell nonlead ammunition. Hunting guides and/or shooting ranges that may aid in the acquisition of and/or the transition to the use of nonlead ammunition may also have the potential to expand.

The Commission anticipates benefits to the health and welfare of California residents through better management of toxic lead substances that may be deleterious to those who consume wild game.

The Commission does not anticipate any benefits to worker safety because this regulatory action will not impact working conditions or worker safety.

The Commission anticipates benefits to the environment through the elimination of a source of toxic lead substances that may be deleterious to wildlife.

(c) **Cost Impacts on a Representative Private Person or Business:**

A representative private person could spend an average of \$184 or expect to incur approximately a seven percent increase in annual hunting equipment expenditures in reasonable compliance with the proposed action.

(d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The Department has an estimated \$45,000 in regulation development and outreach costs in the year prior to promulgation of the regulation that will be absorbable in that year. The regulation has the potential to reduce licenses and tags sales revenue for the

Department. If full implementation precipitates a five percent decline in hunting activity, the Department license and tag sales revenue could be reduced by approximately \$1 million. However, past experience with restricting the use of lead ammunition in the condor range suggests that potential declines in license and tag sales will be less than five percent (for more detail on changes in tag sales within the condor range, please see pages 17-19 in the attached Standardized Regulatory Impact Assessment).

Any potential reduction in the number of licenses sold is not expected to significantly impact Federal Pittman-Robertson Funding allocations to the state. The impact of a potential decline in hunting activity of five percent is estimated to result in an approximately \$34,000 drop in the state's Pittman-Robertson allocation. The state may experience a decline, but it will be more a function of an anticipated drop in the total quantity of funds collected across the country.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated:



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



BOARD OF SUPERVISORS

2015 JAN 12 A 10: 16

Notice of Completion

Draft Environmental Document

Adding Section 250.1, Amending Sections 311, 353, 464, 465, 475, and 485, as well as Repealing Section 355 of Title 14 California Code of Regulations

Phasing of Nonlead Ammunition Requirement

Note to County Clerks: Pursuant to the Public Resources Code Section 21092.3 and Section 15087(d), Title 14, California Code of Regulations, the Notice of Completion must be posted within 24 hours of receipt and must remain posted for a period of at least 30 days

Project Location: Statewide

Lead Agency: California Fish and Game Commission

Review Period: January 7, 2015 – February 23, 2015

Project Description: AB 711, which became effective January 1, 2014 (Stats. 2013, ch 742, § 2, adding Fish & G. Code, § 3004.5) requires the use of nonlead ammunitions statewide not later than July 1, 2019 when taking any wildlife with a firearm. More specifically as to the advanced phasing that is a subject of the Proposed Program, Section 3004.5 requires that by July 1, 2015, the Commission must promulgate regulations that phase in the statute's requirements, and that, if any of the statutes requirements can be implemented practicably, in whole or in part, in advance of July 1, 2019, the Commission shall implement those requirements (Fish & G. Code § 3004.5(j)).

The Proposed Program is the phasing-in of the nonlead requirement not later than July 1, 2019. In the first phase, effective July 1, 2015, nonlead ammunition will be required when taking all wildlife on state Wildlife Areas and Ecological Reserves. In addition, nonlead ammunition will be required for hunters taking Nelson bighorn sheep in California's desert areas. In phase two, effective July 1, 2016, nonlead ammunition will be required when taking upland game birds with a shotgun, except for dove, quail, and snipe, and any game birds taken under the authority of a licensed game bird club as provided in sections 600 and 600.4, Title 14, California Code of Regulations. In addition, nonlead ammunition will be required for the take of resident small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for depredation purposes, with a shotgun statewide. In the final phase, effective July 1, 2019, pursuant to Fish and Game Code 3004.5 only nonlead ammunition may be used when taking any wildlife with a firearm for any purpose in California.

Anticipated Environmental Effects: The Proposed Program is not anticipated to have any significant effects on the environment.

Submission of Comments: For those interested, written comments or questions concerning this Draft EA should be submitted within this review period and directed to the name and address

listed below. Submittal of written comments via e-mail (Microsoft Word format) would be greatly appreciated.

California Department of Fish and Wildlife
Attn: Craig Stowers
Phasing of Nonlead Ammunition Requirement
Draft ED Comments
1812 9th Street
Sacramento, CA 95811
Phone: 916-445-3553
Email: Wildlifemgmt@wildlife.ca.gov

All documents mentioned herein or related to this Program can be reviewed online at the Program Website (<https://www.dfg.ca.gov/wildlife/hunting/lead-free/>). Additionally, copies of the Draft ED along with all referenced documents are available for public review at the following location:

California Department of Fish and Wildlife
Resources Building
1416 9th Street, 12th Floor
Sacramento, CA 95814

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Richard Rogers, Member
Santa Barbara
Michael Sutton, Member
Monterey
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 853-4899
(916) 853-5040 Fax
www.fgc.ca.gov

15 Day Notice of California Notice Register 2015, No.1-Z, Z2014-1223-01

Re: Mammal Hunting Regulations for 2015-2016

February 17, 2015

This is to provide you with a 15 day continuation notice of proposed regulatory action relative to amending section 708.5 "Deer Tagging and Reporting Requirements," Title 14, California Code of Regulations, relating to the proposed 2015 Sport Fishing regulations, which was published in the California Regulatory Notice Register on January 2, 2015, Register 2011, No. 1-Z; OAL Notice File No. Z2014-1223-01. The proposed additional language is in response to public comment and will permit the change to be adopted without applying a non-reporting fee until the 2016-2017 deer season.

Please note proposed amendments for sections 360, 361, 362, 363, 364, 702, 708.11 and 713, the dates of the public hearings related to this matter, and associated deadlines for receipt of written comments have not changed from the original notice.

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Karen Mitchell, Senior Environmental Scientist, Fisheries Branch, phone (916) 445-0826, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Jon D. Snellstrom

Associate Governmental Program Analyst

Attachment

BOARD OF SUPERVISORS
2015 FEB 23 A 10:21

#2

Section 708.5 is amended to read:

§ 708.5. Deer Tagging and Reporting Requirements.

(a) Upon the killing of any deer the tag holder shall immediately fill out all portions of the tag including the report card completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill.

The deer license tag shall be attached to the antlers of an antlered deer or to the ear of any other deer and kept attached during the open season and for 15 days thereafter. Except as otherwise provided, possession of any untagged deer shall be a violation. (Refer to Fish and Game Code, Section 4336).

(b) Every person to whom a deer license tag is issued shall ~~return the completed report card portion to the department within thirty days of taking a deer.~~ report to the Department their deer harvest.

(1) Successful deer tag holders are required to report deer harvested within 30 days of the date of harvest or by January 31, whichever date is first.

(2) Unsuccessful deer tag holders, whether they hunted or not, are required to report no harvest by January 31 annually.

(c) Harvest Report Card Return and Reporting Mechanisms.

(1) By mail or in person at the address specified on the harvest report card. A harvest report card returned by mail shall be postmarked by the date applicable to that card as specified in this section.

(2) Online through the department's internet license sales service website by the date specified in the section. Tag holders reporting online will be provided a confirmation number upon successful submission. The tag holder must record the provided confirmation number in the space provided on the harvest report card and retain the harvest report card until March 1 annually. Tags reported online must be surrendered to the department upon demand.

(d) ~~Beginning July 1, 2018~~ deer tag holders, whether successful or unsuccessful, who fail to report by the date specified in this section shall be subject to a Deer Harvest Non-reporting Fee. The fee specified in Section 702 shall be charged prior to the issuance of a deer tag or deer tag drawing application in the following year.

Note: Authority cited: Sections 200, 202, 203, 215, 219, 220, 1050, 1572, 4336, 4340 and 10502, Fish and Game Code. Reference: Sections 200, ~~201~~, 202, 203, 203.1, 207, 210, 215, 219, 220, 1050, 1570, 1571, 1572, 3950, 4336, 10500 and 10502, Fish and Game Code.

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Fish and Game Commission



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2015 MAR 19 A 11:06
BOARD OF SUPERVISORS

March 13, 2015

TO ALL INTERESTED AND AFFECTED PARTIES

Re: Central Valley Salmon, subsections 7.50(b)(5), (68) and (156.5), Title 14, California Code of Regulations, California Regulatory Notice Register, January 2, 2015, Notice File No. Z2014-1223-02, Register 2015, No. 1-Z

Notice was given that any person interested may present statements, orally or in writing, relevant to this rulemaking at a discussion and adoption hearing to be held at the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, California, on Wednesday, April 8, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard. The noticed date and location is unchanged for receipt of oral and written comments; however the adoption hearing is now scheduled for the Commission's teleconference meeting to be held on April 17, 2015. Moving the adoption date to the April 17, 2015 teleconference meeting will provide the time needed for final Pacific Fishery Management Council (PFMC) regulatory recommendations to the National Marine Fisheries Service, which will not be available until April 16, 2015.

Notice is now given that any person interested may participate in the adoption hearing teleconference April 17, 2015, at 10:00 a.m., or as soon thereafter as the matter may be heard, at any of the following locations:

- Resources Building – Room 1320, Fish and Game Commission Conference Room, 1416 Ninth Street, Sacramento, CA 95814
- California Department of Fish and Wildlife, 50 Ericson Court, Arcata, CA 95521
- California Department of Fish and Wildlife, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940
- California Department of Fish and Wildlife, 1933 Cliff Drive, Suite 9, Santa Barbara, CA 93109
- California Department of Fish and Wildlife, 4665 Lampson Avenue, Los Alamitos, CA 90720

Sincerely,


Jen D. Snellstrom
Associate Government Program Analyst

#3