

State of California
Office of Administrative Law

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FISH AND GAME
COMMISSION

2008 MAR 17 PM 2:16

In re:

Fish and Game Commission

NOTICE OF APPROVAL OF REGULATORY
ACTION

Regulatory Action:

Government Code Section 11349.3

Title 14, California Code of Regulations

OAL File No. 2008-0130-03 S

Adopt sections:

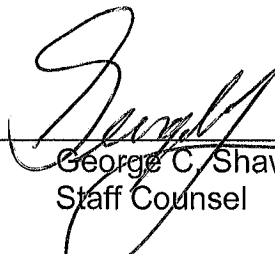
Amend sections: 671

Repeal sections:

This regulatory action adds seven species and two genera to the Restricted Animal List. They are all non-native invasive species and pose a threat to native fish and wildlife populations.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code.

Date: 3/13/2008



George C. Shaw
Staff Counsel

For: SUSAN LAPSLEY
Director

Original: John Carlson
Copy: Jon Snellstrom

EFFECTIVE DATE OF REGULATIONS

4/14/08

Regulatory Language

Section 671, Title 14, CCR is amended to read:

§671. Importation, Transportation and Possession of Live Restricted Animals.

(a) It shall be unlawful to import, transport, or possess alive animals restricted in subsection (c) below except under permit issued by the Department of Fish and Game. Permits may be issued by the department as specified herein and for purposes designated in Section 671.1 subject to the conditions and restrictions designated by the department. Except for mammals listed in Fish and Game Code Section 3950 or live aquatic animals requiring a permit pursuant to Fish and Game Code Section 2271, no permit is required by this section for any animal being imported, transported, or possessed pursuant to any other permit issued by the department. Cities and counties may also prohibit possession or require a permit for these and other species not requiring a state permit.

(b) The commission has determined the below listed animals are not normally domesticated in this state. Mammals listed to prevent the depletion of wild populations and to provide for animal welfare are termed "welfare animals", and are designated by the letter "W". Those species listed because they pose a threat to native wildlife, the agriculture interests of the state or to public health or safety are termed "detrimental animals" and are designated by the letter "D". The department shall include the list of welfare and detrimental wild animals as part of DFG MANUAL NO. 671 (2/25/92) IMPORTATION, TRANSPORTATION AND POSSESSION OF RESTRICTED SPECIES, to be made available to all permittees and other interested individuals.

(c) Restricted species include:

(1) Class Aves -Birds

(A) Family Alaudidae -Larks

Alauda arvensis (Skylark) (D).

(B) Family Cuculidae -Cuckoos

All species (D).

(C) Family Corvidae -Crows, Ravens, Rooks, Jackdaws

All species (D).

(D) Family Turdidae -Thrushes, Blackbirds, Fieldfare

1. *Turdus merula* (European blackbird) (D).

2. *Turdus viscivorus* (Missel thrush) (D).

3. *Turdus pilaris* (Fieldfare) (D).

4. *Turdus musicus* (Song thrush) (D).

(E) Family Sturnidae -Starlings, Mynahs

All species (D), except *Sturnus vulgaris* (Starling), *Gracula religiosa* or *Eulabes religiosa* (Hill mynahs), and *Leucopsar rothschildi* (Rothchild's mynah) are not restricted.

(F) Family Ploceidae -Sparrows, Weavers, Queleas

1. Genus *Passer* (Sparrow)

All species (D), except *Passer domesticus* (English house sparrow) is not restricted.

2. *Foudia madagascariensis* (Madagascar weaver) (D).

3. *Ploceus baya* (Baya weaver) (D).

4. Genus *Quelea* (Queleas) -All species (D).

(G) Family Estrildidae -Waxbills, Munias, Ricebirds

1. *Padda oryzivora* (Java sparrow) (D).

(H) Family Emberizidae -Yellowhammer

Emberiza citrinella (Yellowhammer) (D).

(I) Order Falconiformes -Falcons, Eagles, Hawks, Vultures

1. ~~Vultures All species (D)~~

2. ~~Falcons, Eagles, Hawks (D)~~

All species (D)

(J) Order Strigiformes -Owls

All species (D)

- (L) Family Zosteropidae -Whiteeyes
Genus *Zosterops* (Whiteeyes) -All species (D).
- (M) Family Psittacidae -Parrots, Parakeets
Myiopsitta monachus (Monk or Quaker parakeet) (D).
- (N) Family Anatidae (ducks, geese, and swans)
1. *Cygnus olor* (Mute Swan) (D)
 - (2) Class Mammalia -Mammals
 - (A) Order Primates -Monkeys, Apes
All species (W), except Family Hominidae -not restricted.
 - (B) Order Edentata -Sloths, Anteaters, Armadillos, etc.
All species:
 1. Family Dasypodidae -Armadillos -All Species (D).
 2. Family Bradypodidae -Sloths -(W).
 3. Family Myrmecophagidae -Anteaters -(W).
 - (C) Order Marsupialia -Marsupials or Pouched Animals
All species (W).
 - (D) Order Insectivora -Shrews, Moles, Hedgehogs, etc.
All species (D).
 - (E) Order Dermoptera -Gliding Lemurs
All species (D).
 - (F) Order Chiroptera -Bats
All species (D).
 - (G) Order Monotremata -Spiny Anteaters, Platypuses
All Species (W).
 - (H) Order Pholidota -Pangolins or Scaly Anteaters
All species (W).
 - (I) Order Lagomorpha -Pikas, Rabbits, and Hares
All species, (D), except domesticated races of rabbits and hares of the Family Leporidae -not restricted.
 - (J) Order Rodentia -Hamsters, Field Mice, Voles, Muskrats, Gerbils, Squirrels, Chipmunks, Woodchucks, and Prairie Dogs
 1. All species (D), except:
 - a. *Ondatra zibethica* (Muskrats) -Not restricted under conditions set forth in Fish and Game Code Section 2250;.
 - b. Domesticated races of golden hamsters of the species *Mesocricetus auratus* and domesticated races of dwarf hamsters of the Genus *Phodopus* not restricted;
 - c. Domesticated races of rats or mice (white or albino; trained, dancing or spinning, laboratory-reared) not restricted;
 - d. Domesticated races of guinea pigs of the species *Cavia porcellus* not restricted; and
 - e. Domesticated races of chinchillas of the species *Chinchilla laniger* not restricted.
 - (K) Order Carnivora -Raccoons, Ringtailed Cats, Kinkajous, Coatis, Cacomistles, Weasels, Ferrets, Skunks, Polecats, Stoats, Mongoose, Civets, Wolves, Foxes, Coyotes, Lions, Tigers, Ocelots, Bobcats, Serval, Leopards, Jaguars, Cheetahs, Bears, etc.
 1. Family Felidae -All species (W) except:
 - a. *Acinonyx jubatus* (cheetahs) -(D).
 - b. Domestic cats and hybrids of domestic cats are not restricted.
 2. Family Canidae -All species (W).
 - a. Wolf hybrids *Canis familiaris* (domestic dog) x *Canis lupus* (wolf).
 - i. Any F1 (first) generation wolf hybrid whelped on or before February 4, 1988 may be possessed under permit from the department.
 - ii. No state permit is required to possess the progeny of F1 generation wolf hybrids, but cities and counties may prohibit possession or require a permit.
 - b. Domesticated dogs are not restricted.
 3. Family Viverridae -All species (D).
 4. Family Procyonidae -All species -(D), except:

- b. Domesticated dogs are not restricted.
- 3. Family Viverridae -All species (D).
- 4. Family Procyonidae -All species -(D), except:
 - a. *Ailuris fulgens* (Lesser Panda) -(W).
 - b. *Ailuropoda melanoleuca* (Giant panda) -(W).
 - c. *Bassariscus astutus* (Ringtail or Ringtailed cat) -(W).
 - d. *Jentinkia sumichrasti* (Mexican and Central American Cacomistle) -(W).
- 5. Family Mustelidae -All species (D), except:
 - a. *Ambloynx cinerea* (Oriental small-clawed otter) -(W).
 - b. *Aonyx capensis* (African clawless otter) -(W).
 - c. *Pteronura brasiliensis* (Giant otter) -(W).
 - d. All species of Genus *Lutra* (River otters) -(W).
- 6. All others -(W).
- (L) Order Tubulidentata -Aardvarks
All species -(W).
- (M) Order Proboscidae -Elephants
All species -(W).
- (N) Order Hyracoidea -Hyraxes
All species -(W).
- (O) Order Sirenia -Dugongs, Manatees
All species -(W).
- (P) Order Perissodactyla -Horses, Zebras, Tapirs, Rhinoceroses, etc.
All species (W), except Family Equidae is not restricted.
- (Q) Order Artiodactyla -Swine, Peccaries, Camels, Deer, Elk, Moose, Antelopes, Cattle, Goats, Sheep, etc.
All species (D) except:
 - 1. *Bos taurus* and *Bos indicus* (Domestic cattle); *Bos grunniens* (Yak); *Bubalus bulalis* (Asian water buffalo); *Ovis aries* (Domestic sheep); *Capra hircus* (Domestic goat); *Sus scrofa domestica* (Domestic swine); *Llama glama* (Llama); *Llama pacos* (Alpaca); *Llama guanicoe* (Guanaco); Hybrids of llama, alpaca and guanacos; *Camelus bactrianus* and *Camelus dromedarius* (Camels); and *Bison bison* (American bison), are not restricted.
 - 2. Permits may be issued for species of Elk (Genus *Cervus*) which are already maintained within California; and
 - 3. Permits may be issued pursuant to Section 676, Title 14, CCR, for importing, breeding, slaughter and sale of the meat and other parts of fallow deer (*Dama dama*) for commercial purposes.
- (3) Class Amphibia -Frogs, Toads, Salamanders
 - (A) Family Bufonidae -Toads
Bufo marinus, *Bufo paracnemis*, *Bufo horribilis* (Giant toad or marine toad group) and all other large toads from Mexico and Central and South America-(D).
 - (B) Family Pipidae -Tongueless Toads
All species of the Genus *Xenopus*-(D).
 - (C) Family Ambystomatidae-Mole Salamanders
All species of the genus *Ambystoma* (tiger salamanders)-D
 - (D) Family Leptodactylidae -Neotropical Frogs
Eleutherodactylus coqui -Common Coqui or Coqui frog (D).
- (4) Class Agnatha -Jawless Fishes
 - (A) Family Petromyzontidae -Lampreys
All nonnative species (D).
 - (5) Class Osteichthyes -Bony Fishes
 - (A) Family Percichthyidae -Temperate Basses
 - 1. The species-*Morone americana* (White perch) (D).
 - 2. The species-*Morone chrysops* (White bass) (D).
 - (B) Family Clupeidae -Herrings
Dorosoma cepedianum (Gizzard shad) (D).

- (C) Family Sciaenidae -Drums
Aplodinotus grunniens (freshwater drum) (D).
- (D) Family Characidae -Characins
 1. *Astyanax fasciatus* (Banded tetra) (D).
 2. All species of the genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Taddyyella*, *Rooseveltiella*, and *Pygopristis* (Piranhas) (D).
 3. *Hoplias malabaricus* (Tiger fish) (D).
- (E) Family Salmonidae -Trouts
Salmo salar (Atlantic salmon) -Restricted in the Smith River watershed (D).
- (F) Family Lepisosteidae -Gars
 All species (D).
- (G) Family Amiidae -Bowfins
 All species (D).
- (H) Family Poeciliidae -Livebearers
Belonesox belizanus (Pike killifish) (D).
- (I) Family Channidae -Snakeheads
 All species (D).
- (J) Family Cyprinidae -Carps and Minnows
 1. *Leuciscus idus* (ide)(D).
 2. *Ctenopharyngodon idellus* (Grass carp) (D), except that permits may be issued to a person, organization or agency for possession of triploid grass carp, under conditions set forth in Section 238.6, Title 14, CCR.
 3. *Hypophthalmichthys molitrix* (Silver carp) (D).
 4. *Aristichthys nobilis* (Bighead carp) (D).
 5. *Hypophthalmichthys harmandi* (Largescale Silver carp) (D).
 6. *Mylopharyngodon piceus* (Black carp) (D).
- (K) Family Trichomycteridae (Pygidiidae) -Parasitic Catfishes.
 All species (D).
- (L) Family Cetopsidae -Whalelike Catfishes.
 All species (D).
- (M) Family Clariidae -Labyrinth Catfishes
 All species of the genera *Clarias*, *Dinotopterus*, and *Heterobranchus* (D).
- (N) Family Heteropneustidae (Saccobranchidae) -Airsac Catfishes
 All species (D).
- (O) Family Cichlidae -Cichlids
 1. *Tilapia sparrmani* (Banded Tilapia) (D).
 2. *Tilapia zilli* (Redbelly tilapia) (D), except permits may be issued to a person or agency for importation, transportation, or possession in the counties of San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial.
 3. *Tilapia aurea* (Blue tilapia) (D).
 4. *Tilapia nilotica* (Nile tilapia) (D).
- (P) Family Anguillidae -Freshwater Eels.
 All species of genus *Anguilla* (D).
- (Q) Family Esocidae -Pikes all species (D).
- (R) Family Percidae -Perches
 1. *Perca flavescens* (Yellow perch) (D).
 2. *Stizostedion vitreum* (Walleye) (D).
- (S) Family Catostomidae -Suckers
 All members of the genus *Ictiobus* (Buffalos) (D).
- (T) Family Cyprinodontidae-Killifishes
Cyprinodon variegatus (Sheepshead minnow) (D).
- (U) Family Latidae -Lates perches
Lates calcarifer (Barramundi also know as Barramundi perch or Silver barramundi) (D).
- (6) Class Elasmobranchiomorphi -Cartilaginous Fishes

- (A) Family Carcharhinidae -Requiem Sharks
All species of genus *Carcharhinus* (Freshwater sharks) (D).
- (B) Family Potamotrygonidae -River stingrays
All species (D).
- (7) Class Reptilia -Reptiles
- (A) Order Crocodylia -Crocodyles, Caimans, Alligators and Gavials
All species (D).
- (B) Family Chelyridae -Snapping Turtles
All species (D).
- (C) Family Elapidae -Cobras, Coral Snakes, Mambas, Kraits, etc.
All species (D).
- (D) Family Viperidae -Adders and Vipers
All species (D).
- (E) Family Crotalidae -Pit Vipers
All species (D), except *Crotalus viridis* (Western rattlesnake), *Crotalus atrox* (Western diamondback rattlesnake), *Crotalus ruber* (red diamondback rattlesnake), *Crotalus scutulatus* (Mojave rattlesnake), *Crotalus mitchelli* (speckled rattlesnake) and *Crotalus cerastes* (Sidewinder) not restricted.
- (F) Family Colubridae -Colubrids
1. *Dispholidus typus* (Boomsnake) (D).
 2. *Theoltornis kitlandii* (Bird or vine snake) (D).
 3. All species of genus *Nerodia* (watersnakes) (D).
- (G) Family Helodermatidae
1. *Heloderma suspectum suspectum* (reticulate Gila monster) (D).
- (8) Class Crustacea -Crustaceans
- (A) All species of Family Cambaridae -Crayfish, etc. (D), except *Procambarus clarkii* and *Orconectes virilis* not restricted.
- (B) All species of genus *Eriocheir* (D).
- (9) Class Gastropoda -Slugs, Snails
- (A) *Potamopyrgus antipodarum* (New Zealand mudsnail)
- (B) All nonnative species of slugs and land snails (D), except:
1. *Rumina decollata* (decollate snail) in the counties of San Bernardino, Riverside, Imperial, Orange, San Diego, Los Angeles, Ventura, Kern, Fresno, Madera, Tulare and Santa Barbara not restricted with the concurrence of the appropriate county agricultural commissioners.
 2. *Helix aspersa* (brown garden snail) not prohibited.
- (C) *Pomacea canaliculata* (Channeled Apple Snail) (D)
- (D) All species of genus *Haliotis* (Abalone) (D), except *Haliotis rufescens* (Red abalone), *Haliotis sorenseni* (White abalone), *Haliotis corrugate* (Pink abalone), *Haliotis fulgens* (Green abalone), *Haliotis cracherodii* (Black abalone), *Haliotis kamtschatkana* (Pinto abalone), *Haliotis walallensis* (Flat abalone) and *Haliotis assimilis* (Threaded abalone) are not restricted.
1. Note: Unpermitted nonnative abalone are determined to be detrimental to native populations, therefore the exemptions provided in Fish and Game Code subsection 2271(b) and subsection 236(b), Title 14, CCR, are not applicable.
- (10) Class Bivalvia-Bivalves
All members of the genus *Dreissena* (zebra mussels) -(D).
- (11) Transgenic Aquatic Animals.
Includes freshwater and marine fishes, invertebrates, crustaceans, mollusks, amphibians, and reptiles (D). Note: Unpermitted transgenic aquatic animals are determined to be detrimental to native wildlife, therefore the exemption provided for in Fish and Game Code Section 2150(e) is not applicable.

Note: Authority cited: Sections 2118 and 2120, Fish and Game Code. Reference: Sections 1002, 2116, 2118, 2118.2, 2118.4, 2449-2455, 2119, 2120, 2122, 2123, 2124, 2125, 2126, 2127, 2150, 2190, 2271, 3005.9 and 3005.92, Fish and Game Code.