STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR (See instructions on reverse)

STD. 400 (REV. 01-2013)

For use by Secretary of State only

43

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z- 2012-1016-01	2013-0116-01S	

For use by Office of Administrative Law (OAL) only

2013 JAN 16 AM 10:26

OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

ENDORSED FILED IN THE OFFICE OF

2013 FEB 25 PM 1:35

Debra Bowen

DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
Fish and Game Commission

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn	2012, 43-Z	10-26-2012

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Listing of Mountain Yellow Legged Frog (R. muscosa and R. sierrae)

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

ADOPT

AMEND
670.5

REPEAL

TITLE(S)
14

3. TYPE OF FILING

- ☒ Regular Rulemaking (Gov. Code §11346)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☐ Emergency (Gov. Code, §11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☐ Emergency Readopt (Gov. Code, §11346.1(h))
- ☐ File & Print
- ☐ Other (Specify) _____
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- ☐ Effective on filing with Secretary of State
- ☐ §100 Changes Without Regulatory Effect
- ☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify) _____

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Sheri Tiemann	(916) 654-9872	(916) 653-5040	STiemann@fgc.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE
1/16/13

TYPED NAME AND TITLE OF SIGNATORY
Sonke Mastrup, Executive Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 25 2013

Office of Administrative Law

REGULATORY LANGUAGE

Subsections (a)(3) and (b)(3) of Section 670.5, Title 14, CCR are amended to read:

§670.5. Animals of California Declared to Be Endangered or Threatened.
The following species and subspecies are hereby declared to be endangered or threatened, as indicated:

(a) Endangered:
- (1) Crustaceans:
  - (A) California freshwater shrimp (*Syncaris pacifica*)
  - (B) Shasta crayfish (*Pacifastacus fortis*)
- (2) Fishes:
  - (A) Bull trout (*Salvelinus confluentus*)
  - (B) Mohave tui chub (*Gila bicolor mohavensis*)
  - (C) Owens tui chub (*Gila bicolor snyderi*)
  - (D) Bonytail (*Gila elegans*)
  - (E) Colorado pikeminnow (*Ptychocheilus lucius*)
  - (F) Lost River sucker (*Deltistes luxatus*)
  - (G) Modoc sucker (*Catostomus microps*)
  - (H) Shortnose sucker (*Chasmistes brevirostris*)
  - (I) Razorback sucker (*Xyrauchen texanus*)
  - (J) Desert pupfish (*Cyprinodon macularius*)
  - (K) Owens pupfish (*Cyprinodon radiosus*)
  - (L) Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*)
  - (M) Winter run chinook salmon (*Oncorhynchus tshawytscha*)
  - (N) Coho salmon (*Oncorhynchus kisutch*) south of Punta Gorda (Humboldt County), California.
  - (O) Delta smelt (*Hypomesus transpacificus*)
- (3) Amphibians:
  - (A) Santa Cruz long-toed salamander (*Ambystoma macrodactylumcroceum*)
  - (B) Desert slender salamander (*Batrachoseps aridus*)
  - <u>(C) Southern mountain yellow-legged frog (*Rana muscosa*)</u>
- (4) Reptiles:
  - (A) Coachella Valley fringe-toed lizard (*Uma inornata*)
  - (B) Blunt-nosed leopard lizard (*Gambelia silus*)
  - (C) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)
- (5) Birds:
  - (A) California condor (*Gymnogyps californianus*)
  - (B) Bald eagle (*Haliaeetus leucocephalus*)
  - (C) California clapper rail (*Rallus longirostris obsoletus*)
  - (D) Light-footed clapper rail (*Rallus longirostris levipes*)
  - (E) California least tern (*Sterna antillarum browni*)
  - (F) Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)
  - (G) Elf owl (*Micrathene whitneyi*)
  - (H) Great gray owl (*Strix nebulosa*)

(I) Least Bell's vireo (*Vireo bellii pusillus*)
(J) Inyo California towhee (*Pipilo crissalis eremophilus*)
(K) Willow flycatcher (*Empidonax traillii*)
(L) Arizona Bell's vireo (*Vireo bellii arizonae*)
(M) Gila woodpecker (*Melanerpes uropygialis*)
(N) Gilded northern flicker (*Colaptes auratus chrysoides*)
(O) Belding's savannah sparrow (*Passerculus sandwichensis beldingii*)
(P) Marbled murrelet (*Brachyramphus marmoratus*)

(6) Mammals:
(A) Riparian brush rabbit (*Sylvilagus bachmani riparius*)
(B) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)
(C) Giant kangaroo rat (*Dipodomys ingens*)
(D) Tipton kangaroo rat (*Dipodomys nitritoides nitratoides*)
(E) Fresno kangaroo rat (*Dipodomys nitritoides exilis*)
(F) Salt-marsh harvest mouse (*Reithrodontomys raviventris*)
(G) Amargosa vole (*Microtus californicus scirpensis*)
(H) California bighorn sheep (*Ovis canadensis californiana*)

(b) Threatened:

(1) Gastropods:
(A) Trinity bristle snail (*Monadenia setosa*)

(2) Fishes:
(A) Cottonball Marsh pupfish (*Cyprinodon salinus milleri*)
(B) Rough sculpin (*Cottus asperrimus*)
(C) Spring-run chinook salmon (*Oncorhynchus tshawytscha*) of the Sacramento River drainage.
(D) Coho salmon (*Oncorhynchus kisutch*) from Punta Gorda (Humboldt County), California to the northern border of California.
(E) Longfin smelt (*Spirinchus thaleichthys*)

(3) Amphibians:
(A) Siskiyou mountain salamander (*Plethodon stormi*)
(B) Kern Canyon slender salamander (*Batrachoseps simatus*)
(C) Tehachapi slender salamander (*Batrachoseps stebbinsi*)
(D) Limestone salamander (*Hydromantes brunus*)
(E) Shasta salamander (*Hydromantes shastae*)
(F) Black toad (*Bufo exsul*)
(G) California tiger salamander (*Ambystoma californiense*)
(H) Sierra Nevada yellow-legged frog (*Rana sierrae*)

(4) Reptiles:
(A) Desert tortoise (*Gopherus agassizzii*)
(B) Barefoot banded gecko (*Coleonyx switaki*)
(C) Southern rubber boa (*Charina bottae umbratica*)
(D) Alameda whipsnake (*Masticophis lateralis euryxanthus*)
(E) Giant garter snake (*Thamnophis couchi gigas*)

(5) Birds:
(A) Swainson's hawk (*Buteo swainsoni*)
(B) California black rail (*Laterallus jamaicensis coturniculus*)
(C) Yuma clapper rail (*Rallus longirostris yumanensis*)
(D) Greater sandhill crane (*Grus canadensis tabida*)

(E) Bank swallow (*Riparia riparia*)
(F) Xantus's murrelet (*Synthliboramphus hypoleucus*)

(6) Mammals:
(A) Mohave ground squirrel (*Spermohilus mohavensis*)
(B) San Joaquin antelope squirrel (*Ammospermophilus nelsoni*)
(C) Stephens' kangaroo rat (*Dipodomys stephensi*)
(D) Sierra Nevada red fox (*Vulpes vulpes necator*)
(E) San Joaquin kit fox (*Vulpes macrotis mutica*)
(F) Island fox (*Urocyon littoralis*)
(G) Wolverine (*Gulo gulo*)
(H) Guadalupe fur seal (*Arctocephalus townsendi*)
(I) Peninsular bighorn sheep (*Ovis canadensis cremnobates*)

Note: Authority cited: Sections 2070 and 2075.5, Fish and Game Code. Reference: Sections 1755, 2055, 2062, 2067, 2070, 2074.6, 2075.5, 2077, 2080, 2081 and 2835, Fish and Game Code.