

**State of California
Office of Administrative Law**

In re:
Fish and Game Commission

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 670.5

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL File No. 2014-1219-01 E

In response to a petition received from the Center for Biological Diversity, the California Fish and Game Commission initiated this emergency action to amend section 670.5 of title 14 of the California Code of Regulations to declare the Tricolored blackbird (*Agelaius tricolor*) as endangered under the California Endangered Species Act.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 12/29/2014 and will expire on 6/30/2015. The Certificate of Compliance for this action is due no later than 6/29/2015.

Date: 12/29/2014


Eric Partington
Attorney

For: DEBRA M. CORNEZ
Director

Original: Sonke Mastrup
Copy: Sheri Tiemann

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

See instructions on reverse)

For use by Secretary of State only ⁹

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2014-1219-01E
-------------------------	---------------------------------	--------------------------	--

For use by Office of Administrative Law (OAL) only

<p>NOTICE</p>	<p>REGULATIONS</p>
---------------	--------------------

ENDORSED FILED IN THE OFFICE OF

2014 DEC 29 PM 1:40

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

2014 DEC 19 AM 11:03
OFFICE OF ADMINISTRATIVE LAW

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 <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Tricolored Blackbird - List as an Endangered Species	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
TITLE(S) 14	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> 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.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

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) _____

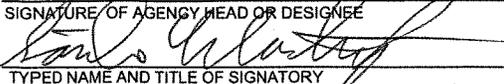
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)
 Fair Political Practices Commission
 State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Sheri Tiemann	TELEPHONE NUMBER (916) 654-9872	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) sheri.tiemann@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 December 19, 2014
TYPED NAME AND TITLE OF SIGNATORY Sonke Mastrup, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 29 2014

Office of Administrative Law

Regulatory Language

Subsection (a)(5) of Section 670.5, Title 14, CCR is 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:

... [No changes to subsection (a)(1) through (a)(4)]

(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*)
- (Q) Tricolored blackbird (*Agelaius tricolor*)

(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*)

... [No changes to subsection (b)]

Note: Authority cited: Sections 240, 2070, and 2075.5 and 2076.5, Fish and Game Code. Reference: Sections 1755, 2055, 2062, 2067, 2070, 2074.6, 2075.5, 2077, 2080, 2081 and 2835, Fish and Game Code.