

**State of California
Office of Administrative Law**

In re:
Fish and Game Commission

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend section: 670.5

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

**Government Code Section 11343.8 and
Fish and Game Code section 2705.5(e)**

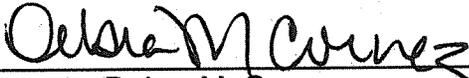
OAL Matter Number: 2019-0201-02

OAL Matter Type: File and Print Only (FP)

The Fish and Game Commission amends section 670.5 by adding the Humboldt marten to the endangered list of mammals, adding the Northern spotted owl and Tricolored blackbird to the threatened list of birds, and adding Fisher Southern Sierra Nevada Evolutionary Significant Unit to the threatened list of mammals. This action is exempt from the Administrative Procedure Act pursuant to section 2075.5, subdivision (e), of the Fish and Game Code. (Stats. 2018, ch. 329; effective 1/1/2019; SB 473.) Section 2075.5(e) requires the Commission to submit the amendments to OAL for filing with the Secretary of State and publication in the California Code of Regulations.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: March 18, 2019



Debra M. Cornez
Assistant Chief Counsel

**Original: Valerie Termini, Executive
Director**

Copy: Sheri Tiemann

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

FILE PRINT

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0201-02P	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		<p style="text-align: center;">2019 FEB -1 A 10: 12</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAR 18 2019
3:05 PM

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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fisher, Northern spotted owl, Humboldt marten, Tricolored blackbird	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)						
<table border="1"> <tr> <td>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</td> <td>ADOPT</td> </tr> <tr> <td></td> <td>AMEND 670.5</td> </tr> <tr> <td>TITLE(S) 14</td> <td>REPEAL</td> </tr> </table>	SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		AMEND 670.5	TITLE(S) 14	REPEAL
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"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <i>per agency OMC 3-18-19</i> <input checked="" type="checkbox"/> Other (Specify) <u>Section 2075.5(e)(2) FGC</u> <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> 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(a); Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)

7. CONTACT PERSON Sheri Tiemann	TELEPHONE NUMBER (916) 654-9872	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Sheri.Tiemann@fgc.ca.gov
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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 <i>Thesell</i>	DATE February 1, 2019
TYPED NAME AND TITLE OF SIGNATORY David Thesell, Program Manager	

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

MAR 18 2019

Office of Administrative Law

Regulatory Language

Subsections (a)(6)(J); (b) (5)(G); (b)(5)(H); and (b)(6)(J) 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:

(a) Endangered:

...

(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*)
- (I) Gray wolf (*Canis lupus*)
- (J) Humboldt marten (*Martes caurina humboldtensis*)

(b) Threatened:

...

(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*)
- (G) Northern spotted owl (*Strix occidentalis caurina*)
- (H) Tricolored blackbird (*Agelaius tricolor*)

(6) Mammals:

- (A) Mohave ground squirrel (*Spermophilus 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*)

(J) Fisher (*Pekania pennanti*) Southern Sierra Nevada Evolutionarily Significant Unit

Note: Authority cited: Sections 2070 and 2075.5, Fish and Game Code. Reference: Sections 1755, 2055, 2062, 2067, 2070, 2072.7, 2074.6, 2075.5, 2077, 2080, 2081 and 2835, Fish and Game Code.