



Tracking Number: (2021-004_) |

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Paul Rudnick

Address: [REDACTED]

Telephone number [REDACTED]

Email address:

2. Rulemaking Authority (Required) Reference to the statutory or constitutional authority of the Commission to take the action requested:

14 CCR §671.1 (a)

3. Overview (Required) - Summarize the proposed changes to regulations:

All species of the Genus *Xenopus* tadpoles and frogs are prohibited in the State.

The well documented *Xenopus laevis* is the largest *Xenopus* species and an invasive species in California and elsewhere around the Globe.

However, the current regulation 14 CCR §671.1 (a) prohibits ALL species of the Genus *Xenopus*.

Many of the prohibited species were not even described until years after the regulations were enacted.

There are many species within the Genus *Xenopus* which are completely non – invasive.

The rule prohibits the non invasive species *Xenopus amietii* based upon the fact that *Xenopus*



amieti is 'related to' the invasive *Xenopus laevis*. It is true these two frog species share the same Genus as the also shared a common ancestor millions of years ago.

The rule CLEARLY is enacted to prohibit species based upon *their level of invasiveness* and **not** enacted to prohibit amphibian species based upon evolution.

Xenopus amieti is legally prohibited from sharing classroom space with students in the State and it's only 'crime' is that it had a common ancestor with the invasive *Xenopus laevis* millions of years ago.

We are respectfully requesting a review of the now nearly half century old statute to reflect the realities of the much-changed challenge to native amphibians in local ecosystems and the implications for study in K-12 classrooms.

We are proposing to leave the Statute in place prohibiting 'all species of the Genus *Xenopus*' *with the single exception of Xenopus amieti*.

4. Rational (Required) - Describe the problem and the reason for the proposed change:

The study of tadpole to frog metamorphosis is K-12 Core curriculum and 'one of the fondest memories of childhood.'

As per current Statute the completely non invasive little 'Volcano frog' *Xenopus amieti* is legally prohibited from classrooms in the State yet the highly invasive bullfrog and highly invasive Cuban tree frog are legally permitted.

It seems to us that non – invasive, harmless tadpoles should be permitted in classrooms and 'not the other way around' as is the case per current Statutes.

In order to provide students with a positive Natural History lesson in classroom while allowing native diminishing tadpole populations to remain 'undisturbed' we propose a change to 14 CCR §671.1 (a) to allow the completely harmless non invasive I.U.C.N. Vulnerable Volcano frog to be allowed for classroom study in the State.

For the past 42 years Three Rivers Mail Order Corporation (a.k.a. Growafrog) has proudly facilitated education by providing captive bred see thru tadpoles and 'living staged tadpole to frog life cycle kits' so that a child may study metamorphosis in classroom without removing a native tadpole from the wild. A child may literally observe a live heartbeat and study anatomy WITHOUT the 'need' to dissect a live frog. In now 42 years there has never been a feral population of any of our frogs - anywhere - ever!

Currently *Xenopus amieti* is listed as an invasive species.

The little frog has zero invasive characteristics:

1. It is NOT a predator. It is prey.
2. It is NOT Invasive – it is endangered.
3. I.U.C.N. Red list status VULNERABLE



4. Endemic to one region on earth the Cameroon highlands.
5. Extreme low fecundity: *Xenopus laevis* perhaps 10,000 eggs per clutch. *Xenopus amieti* approx. 200 per clutch.
6. Extreme small size. Adults are approximately the same size as the permitted dwarf frog *Hymenochirus*.
7. Poor predator avoidance. *Xenopus amieti* is endemic to Volcanic lakes of the Cameroon highlands which are devoid of fish. The little frog has zero chance of surviving much less being an invasive species if introduced anywhere with many common larger fish such as largemouth bass.
8. No I.S.S.G.org listing of an invasive population of *Xenopus amieti* anywhere in the world. Indeed there are no listings of ANY *Xenopus* species on the Globe with the exception of the largest species *Xenopus laevis*.

Unfortunately, the simple act of a child going to the pond to obtain a tadpole for metamorphosis observation is no longer simple. The tadpole could easily be a highly invasive *Lithobates catesbeiana* (common American Bullfrog) tadpole which is well established in multiple regions in California. American Bullfrogs are a highly invasive I.U.C.N. species infested with Chytrid fungus.

In Southern California the tadpole is likely the Giant Cuban tree frog which is an I.S.S.G. highly invasive Non native species.

As per current Statutes, the American bullfrog is listed as a highly invasive species, yet it is PERMITTED.

Currently the Cuban tree frog is not even listed as an invasive species in the State. However, *Osteopilus septentrionalis* is a well documented invasive predator and 'bad news' for native amphibians. The Department will never be able to get rid of it – ever. The best that can be hoped for is to limit it's spread through legislation.

As per current Statute we are providing the permitted *Hymenochirus* and this frog is a 'poor choice' for education. *Hymenochirus* tadpoles are extremely small aprox 7mm. The tadpoles do not survive well in classroom. They are not transparent. We have already had a bevy of very upset educators who for decades have 'counted on' our company and our reputation to provide healthy, vigorous B.d. negative captive bred staged tadpoles for classroom observation.

In contrast to *Hymenochirus* tadpoles the Volcano frog *Xenopus amieti* **tadpoles** are EXCELLENT in size! Volcano frogs are also transparent thus allowing classroom anatomy study without the 'need' to dissect and 'sacrifice' a diminishing live frog! Volcano frogs compare very favorably with *Xenopus laevis* tadpoles for study!

*The student is getting ALL of the educational value of *Xenopus laevis* transparent tadpoles with ZERO risk of invasiveness!*

Our risk assessment of Not allowing the proposed rule change:

1. Continued harm to native California frog populations via predatory invasive species likely being released after classroom study.



2. An entire generation of students statewide will be 'shut out' from study of core curriculum in classroom.
3. Opening up the 'Potpourri' of unknown tadpole species via Ebay / biological supply companies/pet shops suppliers who simply collect wild tadpoles and ship. These tadpoles are often 'mystery' tadpoles and the State, the student and supplier often have 'no clue' what tadpole species are being provided.
4. The possible capture of native California frogs such as the Mountain Yellow-legged frog and/or Red Legged frog for classroom study. We *fervently* are of the opinion that this is a very poor idea. Native diminishing tadpole populations should be allowed to remain in the pond! Mountain Yellow-legged frog tadpoles take 2-4 years to morph! The California Red Legged frog is a threatened species! Let's NOT do this!

Our assessment of allowing the proposed rule change:

1. The State 'knows' the tadpole source for education – a harmless B.d. negative captive bred tadpole of a single species *Xenopus amieti* HIGHLY suitable for classroom observation.
2. Every student in California would have access to the study of core curriculum instead of 'shutting down' education for an entire generation of students.
3. Stopping or at least not contributing to the spread of invasive species which would likely be used as a 'substitute' for classroom study.
4. Save a species! The plight of diminishing 'bell weather' amphibians is a huge worldwide concern. In our humble opinion there is NO better way of 'raising awareness' of the plight of Vulnerable amphibian species than studying one in classroom!

If the application is denied and captive bred B.d. negative harmless tadpoles remain restricted and not permitted in the State the tadpoles which are permitted are

highly likely to be invasive species

OR

native species of concern which need to remain in the pond.

Our company is based upon a strong commitment to education **and** to native frog populations! We provide captive bred B.d. negative see thru tadpoles *because* we wish to allow native amphibians to remain 'undisturbed.' It is our understanding that we could legally provide invasive bullfrog or Cuban tree frog tadpoles as per Statute. We wish to inform the Commission that we will NOT do this! We do not provide invasive species to California or anywhere else. It is our fervent hope that the legal issues can be resolved however our commitment to the environment is unwavering and we will NOT provide invasive species even if permitted.

We respectfully thus petition the Commission to leave the door open to education by allowing the Volcano frog *Xenopus amieti* to be the single *Xenopus* species permitted in the State.

To summarize, this simple, single change to regulation is:

1. WIN for native frog populations
2. WIN for Elementary / Secondary Education



3. WIN for raising awareness for the plight of amphibians worldwide.

We wish to **thank** the Commission for allowing us to submit application for review.

SECTION II: Optional Information

5. **Date of Petition: March 7, 2021**

6. **Category of Proposed Change**

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: Invasive species reclassification: Remove *Xenopus amieti* from the restricted invasive species classification.

7. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)

Amend Title 14 Section(s): [Click here to enter text.](#)

Add New Title 14 Section(s): [Click here to enter text.](#)

Repeal Title 14 Section(s): [Remove *Xenopus amieti* from restricted species listing](#)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency:

As soon as possible.

10. **Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents:**

<https://www.biodiversitylibrary.org/page/41421231#page/949/mode/1up>

<https://www.iucnredlist.org/species/58168/16929588>

<http://www.iucngisd.org/gisd/search.php>

[https://cdfgnews.wordpress.com/2014/07/15/california-red-legged-frog-named-state-amphibian/#:~:text=\(Rana%20draytonii\)%2Ca%20state,legged%20frog%2C%20official%20State%20Amphibian.](https://cdfgnews.wordpress.com/2014/07/15/california-red-legged-frog-named-state-amphibian/#:~:text=(Rana%20draytonii)%2Ca%20state,legged%20frog%2C%20official%20State%20Amphibian.)

<https://wildlife.ca.gov/Regions/6/Amphibians/Mountain-Yellow-legged-Frog>



<https://nhm.org/stories/los-angeles-being-invaded-frogs>

<http://www.iucngisd.org/gisd/speciesname/Osteopilus+septentrionalis>

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:

Certainly, a negative impact upon schools by denying a child’s core curriculum, source. Possible increased costs to the Department due to costs associated with attempting to curtail the spread of the highly invasive Cuban tree frog which in our opinion would become the ‘substitute’ tadpole for ‘education.’ They are cheap and widely available. The tadpoles morph quickly and they are ‘interesting’ for students. This is about an invasive a frog as it gets and there are already populations established in Southern California.

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Denied by FGC
 - Denied - same as petition _____
- Tracking Number
- Granted for consideration of regulation change