

## Regulatory Language

Section 749.6, Title 14, CCR, is added to read:

### 749.6 Incidental Take of Mountain Yellow-Legged Frog (*Rana muscosa* and *Rana sierrae*) During Candidacy Period

This regulation authorizes take as defined by Fish and Game Code section 86, of Mountain yellow-legged frog (*Rana muscosa* and *Rana sierrae*), subject to certain terms and conditions, during the species' candidacy under the California Endangered Species Act (Fish and Game Code, section 2050 et seq.).

#### (a) Take Authorization.

The Commission authorizes the take of Mountain yellow-legged frog during the candidacy period subject to the terms and conditions herein.

##### (1) Scientific, Education or Management Activities.

Take of Mountain yellow-legged frog incidental to scientific, education or management activities is authorized.

##### (2) Scientific Collecting Activities.

Take of Mountain yellow-legged frog authorized by a scientific collecting permit issued by the Department of Fish and Game pursuant to California Code of Regulations, Title 14, section 650, or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539, subdivision (a)(1)(A), is authorized.

##### (3) Activities to Protect, Restore, Conserve or Enhance.

Take of Mountain yellow-legged frog incidental to otherwise lawful activities where the purpose of the activity is to protect, restore, conserve or enhance a species designated as an endangered, threatened, or candidate species under state or federal law, or such species' habitat is authorized.

##### (4) Fish Hatchery and Stocking Activities.

Take of Mountain yellow-legged frog incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department of Fish and Game (Department) and U.S. Fish & Wildlife Service Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH. No. 2008082025), as certified by the Department on January 11, 2010, is authorized.

##### (5) Wildland Fire Response and Related Vegetation Management.

Take of Mountain yellow-legged frog incidental to otherwise lawful wildland fire prevention, response and suppression activities, including related vegetation management, is authorized.

##### (6) Water Storage and Conveyance Activities

Take of Mountain yellow-legged frog incidental to otherwise lawful water storage and conveyance activities is authorized.

(7) Forest Practices and Timber Harvest.

Incidental take of Mountain yellow-legged frog is authorized for otherwise lawful timber operations. For purposes of this authorization, an otherwise lawful timber operation shall mean a timber operation authorized or otherwise permitted by the Z'Berg Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.), the Forest Practice Rules of the Board of Forestry, which are found in Chapters 4, 4.5, and 10, of Title 14 of the California Code of Regulations, or other applicable law. The Z'Berg Nejedly Forest Practice Act and Forest Practice Rules can be found at the following website: [http://www.fire.ca.gov/resource\\_mgt/resource\\_mgt\\_forestpractice.php](http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice.php).

(b) Reporting.

Any person, individual, organization, or public agency for which incidental take of Mountain yellow-legged frog is authorized pursuant to subdivision (a), shall report observations and detections of Mountain yellow-legged frog, including take, to the Department of Fish and Game on a semi-annual basis during the candidacy period. Observations, detections, and take shall be reported pursuant to this subdivision to the Department of Fish and Game, Fisheries Branch, Attn: Mountain yellow-legged frog observations, 830 S St., Sacramento, CA 95811, or by email submission to [mylfddata@dfg.ca.gov](mailto:mylfddata@dfg.ca.gov). Information reported to the Department pursuant to this subdivision shall include as available: a contact name; the date and location (GPS coordinate preferred) of the observation, detection, or take; and details regarding the animal(s) observed.

(c) Additions, Modifications or Revocation.

(1) Incidental take of Mountain yellow-legged frog from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to Fish and Game Code section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code section 2081, or other authority provided by law.

(2) The Commission may modify or repeal this regulation in whole or in part, pursuant to law, if it determines that any activity or project may cause jeopardy to the continued existence of Mountain yellow-legged frog.

Note: Authority cited: Sections 200, 202, 205, 240 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 240, 2080, 2084 and 2085, Fish and Game Code.