



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Mid-Peninsula Regional Open Space District
Westlands Water District
Caliber Schools

A written comment period has been established commencing on August 31, 2018, and closing on October 15, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than October 15, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

General Industry Safety Orders
Section 3389(a)

**Life Rings and Personal Flotation Devices (PFD)
in Marine Terminal Operations**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **October 18, 2018** in the **Auditorium** of the **State Resources Building, 1416 9th Street, Sacramento, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **August 31, 2018** and closes at 5:00 p.m. on **October 18, 2018**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

Section 3389(a) of Title 8, California Code of Regulations requires at least one life ring or a personal flotation device (PFD) where employees are exposed to the hazard of drowning. A new subsection (a)(1) is added to specifically address the hazards of drowning that may exist at marine terminals regulated by Article 14 of the General Industry Safety Orders (GISO). The federal counterpart standards require both the life ring and the PFD in marine terminal operations. 29 CFR 1917.26(f) requires a life ring where the employees' work exposes them to the hazard of drowning, and 29 CFR 1917.95(b)(1) requires a PFD for those employees who are engaged in work in which they may be pulled into the water while working under certain conditions (working in isolation, etc.).

New subsection (a)(1) will ensure that the Title 8 life ring and PFD standards for marine terminal operations are commensurate with the federal standards.

Anticipated Benefits

This proposal is intended to save marine terminal employees from potential drownings. Requiring both a readily accessible life ring and a PFD provides employees the needed protection from a drowning hazard. In the absence of one or the other, as allowed in the current state standard, the protection against drowning may not be adequate at times.

The proposal renders the state standard at least as effective as the federal standard.

Section 3389(a)

This section requires employers to provide life rings or PFDs to employees whose work exposes them to the hazard of drowning. It contains an exception statement, which excludes those employees who conduct flume patrols over flumes that are equipped with caps from having to wear a PFD or have a readily accessible life ring.

Amendments are proposed to delete the term "conveniently" and replace with the term "readily" to be commensurate with the comparable federal standard and thus ensure employees will be able to utilize a life ring quickly in case of an emergency. Further amendments are proposed for clarity to revise the wording in the exception to exclude employees who conduct flume pa-

trols from having to wear PFDs or use a life ring when the flume is equipped with caps sufficient to effectively guard against drowning.

The Board proposes to add a new subsection (a)(1) to make both a life ring and a PFD mandatory in marine terminal operations regulated by Article 14 of the GISO, where employees are exposed to the hazard of drowning. The proposed subsection (a)(1) is necessary to ensure that the state standard is at least as effective as the federal standard. California marine terminal employees will be further protected by the use of both a life ring and PFD.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on Local Agencies and School Districts:

None.

Cost or Savings to State Agencies:

None.

Cost to any Local Government or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:

None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None. This proposal is not expected to cause any fiscal impact on local governments. Municipality owned ports such as the ports of Oakland and Long Beach are only chartered by their respective cities who act as property landlords. They are staffed and operated by employees who work for PMA member marine terminal and longshoring companies (private entities). Those employers are responsible for day-to-day operations including the use of all equipment, and worker safety in accordance with the PMA Code book which already requires PFDs and life rings.

Cost or Savings in Federal Funding to the State:

None.

Cost Impacts on a Representative Private Person or Business:

Precompiled employment data could not be obtained for jobs in marine terminal operations where employees may be exposed to the hazard of drowning. Board Staff asked several stakeholders for their respective employment data and number of employees that could be impacted by the proposed regulation; however, complete information was not provided.

The Federal Register containing the Final Rule on Longshoring and Marine Terminals, Volume 62, No. 143, July 25, 1997, states on page 40190 that federal OSHA used employment data for the Standard Industry Classification (SIC) 4491 — Marine Cargo Handling class to estimate the economic impact of the final rule

on marine terminal operations. Likewise, the Board is also using employment data for the Marine Cargo Handling industry class, which is classified as the North American Industry Classification System (NAICS) 488320 industry class, to estimate the number of employees employed in California marine terminal operations. Per the US Census Bureau data, there were 75 employers employing approximately 15,000 employees belonging to this industry class in California in 2016. Of the 75 employers, 28 are members of the Pacific Maritime Association (PMA), which employs 12,000 of the 15,000 employees. The remaining 47 are non-PMA employers.

The Pacific Coast Marine Safety Code (Code), which is a collective bargaining agreement between PMA and the International Longshore and Warehouse Union (ILWU), covers approximately 80% (12,000/15,000 = 80%) of marine terminal employment in California. As the Code requires both the life ring and the PFD, the 28 PMA member employers are already compliant with the proposed regulation, and do not need to purchase any new life rings or PFDs. Outreach to non-PMA marine terminal employers shows that the terminals where the non-PMA employers operate already have life rings. Therefore, non-PMA employers will only need to ensure they have an adequate number of PFDs for their employees.

The 47 non-PMA employers have approximately 3,000 employees. Using a liberal assumption that PFDs would need to be purchased for all employees, and that PFDs cost \$48 each, the total cost of this proposal is estimated to be approximately \$144,000.

Employers are not expected to incur any new cost for training as the training on the use of life rings and PFDs is already included in the employer's existing GISO, Section 3203 Injury and Illness Prevention Program (IIPP).

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals, Including the Ability of California Businesses to Compete:

The Board has made an initial determination that this proposal is not expected to result in a statewide adverse economic impact directly affecting businesses/individuals since the cost of the proposed rulemaking (\$144,000) would be less than 0.004% of the revenue for the industry (over \$3.6 billion in 2012 as per US Census Bureau data), and also significantly less than the potential monetized benefit resulting from the prevention of employee injuries and fatalities due to drowning. The proposal is not expected to cause any adverse impact in terms of the ability of California businesses to compete with businesses in other states.

Significant Effect on Housing Costs: None.

SMALL BUSINESS DETERMINATION

Federal OSHA estimated approximately 90% of the employers belonging to the marine cargo handling industry class were small businesses (Federal Register Volume 62, No. 143, July 25, 1997, page 40192). Available Bureau of Labor Statistics (BLS) data for NAICS 4883 — Support Activities for Water Transportation (data not available for NAICS 488320) shows that in California, at least 86% of the businesses in 2012 were small businesses based on the revenue limit criteria provided by the US Small Business Administration. Using the federal estimate of 90% it is estimated that 68 employers are small businesses (75 x 90%).

Of these 68 small businesses, it is estimated that 21 are PMA member employers and the remaining 47 are non-PMA employers. As the PMA member employers are already compliant with the proposed regulation, only the 47 non-PMA member small businesses are expected to incur costs as a result of the proposed rulemaking. However, this proposal is not expected to result in any adverse economic impact on individual small businesses since the maximum cost of the proposed rulemaking is expected to be small, approximately \$3,050 (\$144,000/47) per business. It is reasonable to speculate that this cost per business could be less since not all the employees may be exposed to the hazard of drowning, and the PFD does not have to be exclusively worn by one particular employee, as it may be shared or reused by other employees.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any significant effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses. Staff estimates that each of the 47 non-PMA employers could incur a cost of \$3,050 for the PFDs.

BENEFITS OF THE PROPOSED ACTION

The proposal is expected to save marine terminal employees from potential injury and death caused by drowning by having readily available life rings and PFDs for the employees' protection. The proposal also renders the state standard at least as effective as the federal standard, to the extent that Title 8 will include a requirement that both life rings and PFDs be provided in the workplace.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Lara Paskins (Staff Services Manager I) and back-up contact person Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATION AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Paskins or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulation as revised. Please request copies of any modified regulation by contacting

Ms. Paskins or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulation for at least 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Paskins or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board’s website at <http://www.dir.ca.gov/oshsb>.

TITLE 10. BUREAU OF REAL ESTATE APPRAISERS

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (“Bureau”) is proposing to take the action described in the informative digest below. Any interested person may present statements or arguments relevant to the action proposed, orally or in writing, at a hearing to be held at:

Department of Consumer Affairs
1102 Q Street, Suite 4100
Sacramento, CA 95811

Date: October 16, 2018
Time: 10:00 a.m.

Written comments including those sent by mail, facsimile, or email to the address listed under “Contact Person” in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on October 15, 2018 or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit

written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 11310, 11313, 11314, 11315, 11315.1, 11316, 11343, 11350, and 11361 of the Business and Professions Code and to implement, interpret and make specific Sections 10, 480, 490, 11302, 11310, 11315.5, 11320, 11321, 11360, 11361, 11345.2, 11345.3, 11345.4, 11345.45, and 11345.6, of the Business and Professions Code and Civil Code section 1090.5, the Bureau is considering revising sections 3500, 3576, 3577, and 3721 to Title 10 of the California Code of Regulations as described in this Notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill (SB) 547 (Hill, Chapter 429, Statutes of 2017, effective January 1, 2018) changed several provisions of Bureau law to comply with federal law and increase consumer protections. As a result of these changes, the Bureau proposes to amend its regulations to implement, interpret, or make specific the new statutory changes.

Specifically, section 3500 encompasses regulatory definitions. Some of these definitions were redefined or created with SB 547. The Bureau proposes to use the definitions in its regulatory language.

Section 3576 details the requirements for controlling persons of Appraisal Management Companies (AMC). The Bureau proposes to eliminate regulatory language that repeats statutory language as it is unnecessary. The Bureau also proposes to require AMCs report when their registration has been refused, denied, canceled, suspended, or revoked in any state.

Section 3577 contains several proposed changes including removing language already in statute, creating a minimum record retention period, clarifying examples of undue influence, prohibiting AMCs from altering appraisal reports, and revising how AMCs can remove appraisers from their panel.

The Bureau proposes to make a few minor edits to Section 3721 to ensure the grounds for discipline apply to AMCs.

Business and Professions Code sections 11310, 11313, 11314, 11315, 11315.1, 11316, 11343, 11350, and 11361 authorize the Bureau to adopt regulations to establish conditions for the registrations and operation of AMCs, as well as to enforce and administer the Bureau’s law.

ANTICIPATED BENEFITS

There are many benefits. First, the regulations will use the same defined terms as used in statute to sync the

terms and make it easier to read and understand. Second, it will eliminate unnecessary language such as repetition of statutory language thereby reducing the size of the regulations. Third, it will require AMCs to report registration discipline in other states so the Bureau can determine if action should be brought here to protect Californians. Fourth, the proposal will establish a minimum record retention period for AMCs to ensure records are maintained when needed for investigations. Fifth, undue influence will be further defined to prevent its use against appraisers. Sixth, it will prohibit AMCs from altering reports thus ensuring the product is from the appraiser. Seventh, it will revise how AMCs can remove appraisers from their panel to allow AMCs to remove appraisers as needed.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Bureau has conducted a search of any similar regulations on this topic and has determined that there is no reasonable interpretation of any state regulation that is inconsistent or incompatible with the proposed action.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Yes, absorbable cost for additional reporting requirement and possible enforcement if fail to report.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to, or mandate imposed on, any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Bureau initially determines that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed language will require AMCs keep records for five years. Clients already require these records be kept for at least five years so there will likely be no business impact on those AMCs.

Impact on Jobs/New Businesses: None of the proposed changes will impact jobs or the formation of new businesses.

Cost Impact on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the

proposed action other than the retention period discussed above.

Effect on Housing Costs: None.

Effect on Small Businesses: The Bureau initially determines that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting small businesses. The proposed language will require AMCs keep records for five years. Typically, these records are kept electronically for years anyway so there will likely be no business impact on those AMCs. For those who do not keep the records for the proposed five-year period, there will be a slight cost for maintaining those records for the five-year period.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: There will be no creation or elimination of jobs or businesses nor will it affect the expansion of existing businesses.

Benefits: There are many benefits. First, the regulations will use the same defined terms as used in statute to sync the terms and make it easier to read and understand. Second, it will eliminate unnecessary language such as repetition of statutory language thereby reducing the size of the regulations. Third, it will require AMCs to report registration discipline in other states so the Bureau can determine if action should be brought here to protect Californians. Fourth, the proposal will establish a minimum record retention period for AMCs to ensure records are maintained when needed for investigations. Fifth, undue influence will be further defined to prevent its use against appraisers. Sixth, it will prohibit AMCs from altering reports thus ensuring the product is from the appraiser. Seventh, it will revise how AMCs can remove appraisers from their panel to allow AMCs to remove appraisers as needed.

Occupations/Businesses Impacted: Appraisal Management Companies.

Reporting Requirements: AMCs will need to report within 10 days of its registration being refused, denied, canceled, suspended, or revoked in any state.

Comparable Federal Regulations: None.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: AMCs will need to report to the Bureau when their registration has been refused, denied, canceled, suspended, or revoked in any state. This will benefit the health and welfare of Californians by ensuring only qualified AMCs are registered in California.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative considered by the Bureau or that has otherwise

been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of reasons which contains the purpose, rationale, and necessity for the proposed action.

The proposed text, this notice, the statement of reasons, and any other relevant documents are on the Bureau's website at www.brea.ca.gov. Click the "Laws & Enforcement" tab at the top of the page. Under the heading "Rulemaking Notifications" find the documents associated with this rulemaking subject: "AMC Update."

AVAILABILITY AND LOCATION OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the initial statement of reasons. Copies may be obtained by contacting the person named below or by accessing the website as provided above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Bureau may adopt the proposed regulations substantially as described in this notice. If the Bureau makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Bureau adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the contact person named below. The Bureau will accept written comments on the modified

regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Kyle Muteff, Legal Counsel
1102 Q Street, Suite 4100
Phone: 916-341-6126
FAX: 916-440-7406
kyle.muteff@brea.ca.gov

The backup person is:

Thu Tran
1102 Q Street, Suite 4100
Phone: 916-440-7876
FAX: 916-440-7406
Thu.Tran@brea.ca.gov

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1904 and 2070 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 1904, 2062, 2067, 2070, 2072.7 and 2075.5 of said Code, proposes to amend subsections (a)(15)(I) and (a)(25)(B) of Section 670.2, Title 14, California Code of Regulations, relating to Lassics lupine and coast yellow leptosiphon — Plants of California Declared to be Endangered, Threatened, or Rare.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 670.2, Title 14, California Code of Regulations (CCR), provides a list, established by the California Fish and Game Commission (Commission), of plants designated as endangered, threatened or rare in California. The Commission has the authority to add or remove species from this list if it finds that the action is warranted.

As required by Fish and Game Code Section 2075.5, subdivision (e)(2), the Commission must initiate proceedings in accordance with the Administrative Proce-

Act to amend Section 670.2 to add Lassics lupine (*Lupinus constancei*) and coast yellow leptosiphon (*Leptosiphon croceus*) to the list of endangered plants.

In making the recommendation to list Lassics lupine pursuant to the California Endangered Species Act, the California Department of Fish and Wildlife (Department) identified the following primary threats: (1) predation and herbivory; (2) climate change; (3) vegetation encroachment; (4) the vulnerability of small populations; and (5) fire. More detail about the current status of Lassics lupine can be found in the Report to the Fish and Game Commission, "Status Review of Lassics lupine (*Lupinus constancei*)" (Department of Fish and Wildlife, January 2018).

In making the recommendation to list coast yellow leptosiphon pursuant to the California Endangered Species Act, the Department identified the following primary threats: 1) recent and ongoing development and land-use changes; 2) impacts from invasive plant species; 3) erosion; 4) human activities such as trampling; and 5) the vulnerability of small populations. More detail about the current status of coast yellow leptosiphon can be found in the Report to the Fish and Game Commission, "Status Review of Coast Yellow Leptosiphon (*Leptosiphon croceus*)" (Department of Fish and Wildlife, December 2017).

The proposed regulation will benefit the environment by protecting Lassics lupine and coast yellow leptosiphon as endangered plants.

Commission staff has searched the California Code of Regulations and has found that the proposed regulation is neither inconsistent nor incompatible with existing State regulations. No other State entity has the authority to list threatened and endangered species.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Fresno Conference Center, 1055 Van Ness Avenue, Fresno, California, on Thursday, October 18, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on October 4, 2018, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed (to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on October 12, 2018. All comments must be received no later than October 18, 2018, at the hearing in Fresno, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Jeb Bjerke, Senior Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Bjerke can be reached at (916) 651-6594 or by email at Jeb.Bjerke@wildlife.ca.gov.**

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

While the statutes of CESA do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney

General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

Listing under CESA is a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other State laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA. Since the finding portion of CESA is silent as to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of Lassics lupine and coast yellow leptosiphon as endangered will subject them to the provisions of CESA. CESA prohibits take and possession except as may be permitted by the Department, the Native Plant Protection Act, or the California Desert Native Plants Act.

Endangered status for Lassics lupine and coast yellow leptosiphon is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to the California Environmental Quality Act (CEQA). CEQA requires local governments and private applicants undertaking projects subject to CEQA to consider de facto endangered species to be subject to the same requirements under CEQA as though they were already listed by the Commission in Section 670.2 (CEQA Guidelines, Section 15380). Lassics lupine and coast yellow leptosiphon have been recognized as rare plants in California for several decades, qualifying them for protection under CEQA Guidelines Section 15380.

Required mitigation as a result of lead agency actions under CEQA, whether or not the species is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchasing off-site habitat, development and implementation of management plans, establishing new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. Lead agencies may also require additional actions should the mitigation measures fail, resulting in added expenditures by the proponent. If the mitigation measures required by the CEQA lead agency do not minimize and fully mitigate to the standards of CESA, listing could increase business costs by requiring measures beyond those required by CEQA.

Although compliance with CESA could result in some additional costs for projects that affect State-listed species, the distributions of Lassics lupine and coast yellow leptosiphon are very restricted. Furthermore, Lassics lupine only occurs on land that is under federal jurisdiction. It is unlikely that there will be many significant actions affecting the species that will be subject to the application of CESA or CEQA. Coast yellow leptosiphon is restricted to one small population on a single sea bluff. Therefore, designating Lassics lupine and coast yellow leptosiphon as endangered is unlikely to have any significant statewide adverse economic impact directly affecting businesses, including the ability of

California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate that there will be any impacts on the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California as a result of the designation of Lassics lupine and coast yellow leptosiphon as endangered. The entire distribution of Lassics lupine is limited to two small and remote populations located entirely on federal land managed by the U.S. Forest Service. Coast yellow leptosiphon is restricted to one small population on a single sea bluff. Because of these localized distributions, adding Lassics lupine and coast yellow leptosiphon to the list of endangered species under CESA is unlikely to affect the creation or elimination of jobs or businesses within the State as a whole.

The Commission does not anticipate benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the State’s environment by the protection of Lassics lupine and coast yellow leptosiphon.

- (c) Cost Impacts on a Representative Private Person or Business:

Designation of Lassics lupine and coast yellow leptosiphon as endangered is unlikely to have any cost impacts on a representative private person or business. The entire distribution of Lassics lupine is limited to two small and remote populations located entirely on federal land managed by the U.S. Forest Service. Because Lassics lupine only occurs on land that is under federal jurisdiction and coast yellow leptosiphon is restricted to one small population on a single sea bluff, it is unlikely that there will be any actions affecting the species that will be subject to the application of CESA or CEQA, or that will result in any cost impacts on a representative private person or business.

Furthermore, designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or entities undertaking activities that were subject to CEQA. CEQA presently requires private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2, Title 14, CCR. (CEQA Guidelines, Section 15380.)

Any added costs should be more than offset by savings that would be realized through the informal consultation process available to private applicants under CESA. The process would allow conflicts to be resolved at an early stage in project planning and development, thereby avoiding conflicts later in the CEQA review process, which would be more costly and difficult to resolve.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has

otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**TITLE 16. CANNABIS CONTROL
APPEALS PANEL**

DIVISION 43, CALIFORNIA CODE OF
REGULATIONS

NOTICE OF PROPOSAL TO ADD RULES
6000–6018
PROCEDURES TO APPEAL ADMINISTRATIVE
ACTIONS AGAINST CANNABIS LICENSEES
OR APPLICANTS

The Cannabis Control Appeals Panel (Panel) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Panel will hold a public hearing starting at **9:00 a.m., Wednesday October 17, 2018**, or as soon after that as business before the Panel will permit, at the **State Personnel Board Building, 1st Floor Auditorium, 801 Capitol Mall, Sacramento, CA 95814**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Panel at its address below. Comments may also be submitted by email to philip.laird@bcsh.ca.gov. The written comment period closes at **5:00 p.m. on October 15, 2018**. The Panel will consider only comments received at the Panel offices by that time. Submit comments to:

Philip Laird
Cannabis Control Appeals Panel
801 Capitol Mall, Suite 601
Sacramento, CA 95814
Telephone: 916–653–4090
Email: Philip.laird@bcsh.ca.gov

AUTHORITY AND REFERENCE

Business and Professions Code section 26042 authorizes the Panel to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 26042, 26043, and 26044 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

This rulemaking action creates, clarifies and makes specific the procedures to be followed by a cannabis license applicant or existing cannabis licensee who has had a denial of his or her application, or any disciplinary action taken against his or her existing license, by a state licensing agency.

Business and Professions Code section 26042 provides that, “The panel shall adopt procedures for appeals similar to the procedures used in Article 3 (commencing with Section 23075) and Article 4 (commencing with Section 23080) of Chapter 1.5 of Division 9 of the Business and Professions Code. Such procedures shall be adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).” Additionally, Business and Professions Code section 26043 defines who may appeal a decision to the Panel, restricts the Panel from accepting new evidence not considered by the licensing authority, and limits review to the following questions: whether the licensing authority has proceeded without or in excess of its jurisdiction; whether the licensing authority has proceeded in the manner required by law; whether the decision is supported by the findings; and, whether the findings are supported by substantial evidence in the light of the whole record. Finally, Business and Professions Code section 26044 permits the Panel to remand cases to the licensing authority when it is discovered that there exists evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the underlying hearing. The statute also instructs that in any case the Panel shall enter an order either affirming or reversing the decision of the licensing authority, and that the Panel may direct the reconsideration of the matter to the licensing authority in light of any reversal it issues.

These proposed regulations will set forth the rules on how to file and serve a notice of appeal; how to file and serve the administrative record; how to file and serve any documents through email; how to file briefs that argue a party's position; the method by which dates for oral argument may be scheduled; limits on oral arguments; how to move to remand a case due to new evidence; how to file and serve motions; the reasons for which the Panel may dismiss an appeal; when Panel members are to disqualify or recuse themselves from hearing a case; the method by which the Panel may grant a stay; how the Panel handles settlements; the timeframe in which the Panel will enter its final order; the form of Panel orders; and prohibited *ex parte* communications.

The broad objectives of this regulation are to bring the Panel into compliance with Business and Professions Code section 26042, and to otherwise establish a clear, consistent, and predictable appeals process for applicants, licensees, licensing authorities, and the Panel to follow.

FORMS INCORPORATED BY REFERENCE

- 1) CCAP Form 6003, Notice of Appeal (New 04/18)
- 2) CCAP Form 6005, Certification of Email Address (New 04/18)

The proposed addition of Rule 6003 incorporates by reference CCAP Form 6003, Notice of Appeal (New 04/18), which is required to be completed and submitted to the Panel by the appellant in order to initiate his or her appeal.

The proposed addition of Rule 6005 incorporates by reference CCAP Form 6005, Certification of Email Address (New 04/18), which is required to be submitted to the Panel by all parties to an appeal to determine whether or not they agree to receive service of documents through email.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed addition of Rules 1600–1618 will benefit cannabis applicants, licensees, and licensing authorities by clearly defining the process they must follow when filing or responding to the appeal of a cannabis licensing decision. The regulations will also explain and clarify what the Panel's timelines and criteria are for hearing and deciding cases, creating greater transparency through the appeals process.

Additionally, the regulations will benefit the Panel by creating a defined structure by which the Panel will accept, hear, and decide appeals. This will allow the Panel to handle its caseload in a uniform and consistent man-

ner, and to more easily track and process the status of appeals.

CONSISTENCY EVALUATION

The Panel has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. This is because the law creating the Panel and its underlying appeals process is new and has had no implementation up to this point.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Panel has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The Panel anticipates that an appellant's fees to have the underlying administrative record prepared and copied for the Panel, set by the Office of Administrative Hearing's regulations, will likely average around \$300 depending on the length of the underlying administrative hearing and number of documents admitted into evidence.

Statewide adverse economic impact directly affecting businesses and individuals: None.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Panel concludes that the proposal will not: (1) create or eliminate jobs in California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Benefits of Proposed Action to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: These regulations merely ensure an orderly and consistent method for cannabis license applicants and licensees to appeal administrative decisions that are adverse to them. These regulations enhance due process for Californians by helping facilitate a more streamlined system of administrative appeal outside of the existing judicial system. Otherwise, these regulations do not benefit worker safety or the state's environment.

Effect on small businesses: The Panel has determined that the proposed regulations affect small businesses only to the extent a small business uses the appeals process for cannabis licensure. In such instance, the small business benefits from the enforcement of the regulation in that the regulations provide a predictable and orderly method for the small business to appeal an adverse decision concerning the small business' license.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Panel must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Panel would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Panel invites interested persons to present statements with respect to alternatives to the proposed regulations during the written comment period or, as needed, the scheduled hearing.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, and other information upon which the rulemaking is based should be directed to:

Philip Laird
Cannabis Control Appeals Panel
801 Capitol Mall, Suite 601
Sacramento, CA 95814
Telephone: 916-653-4090
Email: Philip.laird@bcsh.ca.gov

The backup contact person for these inquiries is:

Catherine Ohaegbu
Cannabis Control Appeals Panel
801 Capitol Mall, Suite 601
Sacramento, CA 95814
Telephone: 916-653-4090
Email: Catherine.Ohaegbu@bcsh.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Panel will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Philip Laird, or the alternative contact person at the address, phone number, or e-mail address listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Panel may adopt the proposed regulations substantially as described in this notice. If the Panel makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Panel adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Philip Laird at the address indicated above. The Panel will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Philip Laird at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <https://www.ccap.ca.gov/>.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

**Division 4 — California Institute for
Regenerative Medicine
Chapter 5, Section 100503**

**Deadline for Submission of Written Comment:
October 15, 2018 — 5:00 p.m.**

Public Hearing Date: None Scheduled

**Subject Matter of Proposed Amendments:
Grant Administration Policy for
Clinical Stage Projects**

SUBMITTAL OF COMMENTS

Any interested party may present comments in writing about the proposed amendments to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on October 15, 2018. Comments regarding this proposed action may also be transmitted via e-mail to GAPComments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than October 1, 2018.

SECTIONS AFFECTED

The proposed regulatory action amends Section 100503 to Chapter 5 of Title 17 of the California Code of Regulations, and the document incorporated by reference into section 100503.

AUTHORITY

Article XXXV of the California Constitution and Health and Safety Code Section 125290.40, subdivision (j).

REFERENCE

Sections 125290.30, 125290.35, 125290.40, 125290.45, 125290.50, 125290.60, 125290.70, 125292.10, Health and Safety Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in 2005 after the passage in 2004 of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure established a new state agency

to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. The Independent Citizens' Oversight Committee ("ICOC") is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California's leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry. The Act charges the ICOC with developing standards and criteria to make grant awards and to develop standards and criteria for proper oversight of awards. (§ 125290.50.) To that end, CIRM adopted the CIRM Grants Administration Policy for Clinical Stage Projects ("GAP").

Existing section 100503 incorporates by reference the GAP and indicates that recipients of grants for clinical stage projects will be subject to this particular GAP. This section indicates that amendments to the policy will be applied to current active grants at the next budget period after the effective date of any amendments.

This grants administration policy incorporated by reference by section 100503 serves as the terms and conditions for Clinical Stage Projects funded by the California Institute for Regenerative Medicine (CIRM) pursuant to clinical stage funding opportunities. In addition, it provides guidance to applicants and Awardees regarding their responsibilities. Principal investigators, program directors, and organizational officials with grants management responsibilities are urged to read this document carefully and to refer to relevant sections for answers to questions that arise concerning the administration of CIRM awards. Applicants and Awardees may be required to document compliance with any and all provisions set forth in the policy.

In furtherance of CIRM's mission to accelerate the development of stem cell therapies to patients with unmet medical needs, CIRM seeks to continuously improve upon its policies and procedures to ensure a more streamlined, predictable process for awarding and administering grants. As part of that goal, CIRM proposes to initiate a new round of amendments to the Grants Administration Policy for Clinical Stage Projects (Clinical GAP).

The following changes are proposed. With the exception of these proposed amendments, the remainder of the Clinical GAP will remain in effect, except for minor technical/clarifying fixes.

A. Allowable and Unallowable Project Costs

These sections describe the types of direct project costs CIRM funding may and may not support. CIRM proposes generally to follow the NIH Grants Policy Statement on allowable costs and highlight areas of common interest to its Awardees as follows:

Allowable

- Insurance that is deemed necessary and specific to the project not otherwise covered by Facilities or Indirect costs, including clinical trial insurance and medical liability (malpractice) insurance when the project involves human subjects.

Unallowable

- Legal costs incurred in defending or prosecuting claims, whether equitable or monetary.
- Intellectual property costs including, but not limited to, invention, copyright, patent, licensing or royalty costs, filing fees, translation costs, examination fees, annuity costs and grant fees, and related attorney’s fees.
- Routine, patient standard of care costs or any cost of care covered by a third party provider.

B. Clinical Trial Registration Requirement

CIRM proposes to add a requirement for all CIRM-funded clinical trials to be registered and to submit the results of the trial in accordance with FDAAA 801 requirements. These requirements include registering the trial no later than 21 days after the first patient is enrolled in the trial and publishing the results no later than 12 months after completion of the trial.

C. Delete Description of Scoring

CIRM proposes to remove the paragraph in Section II.E. Application Review that describes clinical application scoring. The current statement is inconsistent with the GWG bylaws, which modified the definition of a Tier 3 score. Given the existing conflict and the potential for future inconsistencies if the Board approves future changes to the GWG bylaws regarding scoring, CIRM suggests removing this language from the Clinical GAP.

D. Prior Approval Request — Change in California Organization Eligibility

CIRM proposes to add a requirement for a CIRM-funded Awardee to immediately report whether their organization’s status as a California-based or Non-California-based organization has changed in light of the fact that such status will determine the scope of allowable project costs.

If a California-based Organization becomes a Non-California-based organization, CIRM will propose to reduce the remainder of the award effective the date the organization’s status changed to only cover the allowable project costs available to Non-California-based organizations. If a Non-California-based organization becomes a California-based organization, CIRM proposes to maintain the existing award amount as approved by the ICOC but allow the Awardee to reallocate remaining funds to also cover any additional allowable

project costs available to California-based organizations.

E. Award Conversion

Under this section, recipients of CIRM’s Clinical Stage Program awards have the option to treat their awards as loans within the earlier of the submission of an application for marketing approval by the Food and Drug Administration or seven years from the effective date of the award. Unless the parties agreed to different terms, the awardee would be required to repay the loan balance within ten days of making the loan election at a rate that would escalate based on the date of repayment. The loan election would become final only after the awardee has satisfied the terms of the election. If an awardee does not make this election, its award would be treated as a grant. The proposed amendments make nonsubstantive amendments to delete references to non-existent funding opportunities and propose optional language regarding payback terms.

F. Award Termination

This section describes the circumstances under which failure of compliance may lead to CIRM action with regard to the Award, including termination of the Award. CIRM proposes to broaden this provision to address the circumstance where an Awardee or the Award become ineligible based on the criteria for that program.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

To the extent the regulation facilitates use of the funds and encourages development of intellectual property and return to the state as required by law, and to the extent California institutions apply for and receive research funds, such requirements are indirectly attributable to increased economic activity spurred by the investment research funds in the state and resultant positive business and employment development. Also, to the extent the regulation makes it possible for the expenditure of research funds in the state, and to the extent that research results in medical treatments and cures for chronic disease and injury, the regulation indirectly benefits the health and welfare of California residents who will benefit from such treatments and cures.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

CIRM has conducted an evaluation for any other regulations on this area and has concluded that this is the only regulation concerning administration of CIRM-funded Awards for late-stage research projects. Therefore, the proposed amendments are neither inconsistent nor incompatible with any other existing state regulations.

**INCORPORATED BY
REFERENCE DOCUMENTS**

California Institute for Regenerative Medicine Grants Administration Policy (GAP) for Clinical Stage Projects, Sections “II” through and including “VI” in their entirety; As to Section “I”, only part “I.B.”, (“Abbreviations”), “I.C.” (“Defined Terms”), “I.D.” (“Types of Support”) and “I.E.” (“Roles and Responsibilities”), Rev. 06/17.

**DISCLOSURES REGARDING THE
PROPOSED AMENDMENTS**

CIRM has made the following initial determinations:

**MANDATE ON LOCAL AGENCIES AND
SCHOOL DISTRICTS**

None.

EFFECT ON SMALL BUSINESS

CIRM has determined that the proposed amendments will have no impact on small businesses. The regulation implements conditions on awarding and administering grants for stem cell research. This research is conducted almost exclusively by large public and private non-profit institutions. As such, the amendments to the regulation are not expected to adversely impact small business as defined in Government Code Section 11342.610.

**IMPACT ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

CIRM has determined that the proposed amendments do not impose a mandate on local agencies or school districts, nor do they require reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the amendments do not constitute a “new program or higher level of service of an existing program” within the meaning of Section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed amendments.

COSTS OR SAVINGS TO STATE AGENCIES

CIRM has determined that no savings or increased costs to any agency will result from the proposed amendments.

**EFFECT ON FEDERAL FUNDING TO
THE STATE**

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed amendments.

EFFECT ON HOUSING COSTS

CIRM has determined that the proposed amendments will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES**

CIRM has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

CIRM has made an initial determination that the adoption of these amendments will not have a significant cost impact on representative private persons or businesses. CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendments.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The above analysis is based on that fact that the proposed amendments do not impose new requirements on existing business operations or functions of other agencies or individuals but implement standards for seeking and using state grant funds for scientific research. In most cases, such grants include funds to cover overhead and other indirect costs of the research, including most compliance activities. CIRM has made an initial determination that it is unlikely the proposed amendments will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California, nor directly impact the health and welfare of California residents, worker safety, and the state’s environment. However, applicants and Awardees of CIRM funds for clinical stage projects would have a clear understanding of their responsibilities in accepting and using state funds for stem cell research, which ultimately benefits the citizenry of California. In addition, to the extent the regula-

tion facilitates use of the funds and encourages invention and return to the state as required by law, and to the extent California institutions apply for and receive research funds, such requirements are indirectly attributable to increased economic activity spurred by the investment research funds in the state and resultant positive business and employment development. Also, to the extent the regulation makes it possible for the expenditure of research funds in the state, and to the extent that research results in medical treatments and cures for chronic disease and injury, the regulation indirectly benefits the health and welfare of California residents who will benefit from such treatments and cures.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), CIRM must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law than the proposal described in this Notice. CIRM invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments at the scheduled hearing or during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed amendments, all of the information upon which the amendments are based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments, CIRM may adopt the proposed amendments substantially as described in this notice. If CIRM makes modifications that are sufficiently related to the originally proposed text of the amendments, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as amended. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the amendments; and inquiries regarding the rulemaking file may be directed to:

Scott Tocher
Deputy General Counsel
California Institute for Regenerative Medicine
1999 Harrison Street, #1650
Oakland, CA 94612
(415) 740-8735

Questions on the substance of the proposed regulatory action may be directed to:

Gabe Thompson
Director of Portfolio Operations and Performance
1999 Harrison Street, Suite 1650
Oakland, CA 94612-3515
Phone/Fax: 510-340-9166

The Notice of Proposed Regulatory Amendment, the Initial Statement of Reasons and any attachments, and the proposed text of the amendments and existing regulation are also available on CIRM's website, www.cirm.ca.gov.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code Sec-

tion 11346.9, subdivision (a), may be obtained from the contact person named above.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2018-008-03**

Project: Elsie Gridley Mitigation Bank Phase 3 Restoration Project
Location: Solano County
Applicant: Wetland Resources LLC
Notifier: WRA Inc.

BACKGROUND

Wetland Resources LLC (Applicant) proposes to construct 37.99 acres of vernal pools within the Phase 3 Restoration Area, along with associated habitat enhancements (adjacent mounds and swales). The Elsie Gridley Mitigation Bank Phase 3 Restoration Project (Project) will occur at the Elsie Gridley Mitigation Bank (Mitigation Bank) located in northwestern Solano County, east of the city of Fairfield, California. During the construction period, grading and/or soil disturbance will occur within the entire 188.38 acre limit of disturbance.

Constructed vernal pools will include two pool types: crustacean breeding pools and shallow vegetation pools. The California Department of Fish and Wildlife (CDFW) does not anticipate constructed pools to be suitable for California tiger salamander breeding. Equipment used for excavation and grading for the restoration work will include pan scrapers, graders, track bulldozers, loaders, excavators, dump trucks, and box graders.

The proposed Project will construct swales to convey surface flow between existing and new vernal pools and seasonal wetlands. Swales will be about 10 feet wide and 6 inches deep. These shallow, wide swales will function similarly to those found in natural vernal pool systems, in which water from accumulated precipitation can overflow sequentially from one pool to the next before eventually draining to a larger waterway. These swales generally conduct water only after periods of relatively heavy precipitation and generally do not retain water; thus, they often lack wetland characteristics.

CDFW does not expect the swales constructed within the Phase 3 Restoration Area to support jurisdictional wetlands or California tiger salamander, although it is possible that portions of some of the swales will develop wetland characteristics.

The Applicant will distribute native soil excavated to create pools and swales within the Phase 3 Restoration Area to restore mima mound upland habitat adjacent to the constructed vernal pools. Mima mounds reinforce the structure and hydrology of vernal pool landscapes by creating well-defined patterns of high ground and low ground. CDFW expects the restoration of mima mounds to provide a more complex upland habitat than is generally available across much of the Phase 3 Restoration Area, and increase habitat suitability for burrowing mammals. An increase in abundance and distribution of burrowing mammals may benefit California tiger salamander, which locally prefer driest upland habitat. Mammal burrows in the Phase 1 and 2 restoration area were observed at the tops of constructed mounds at a higher density than the existing conditions in Phase 3 where available habitat is uniformly low and relatively wet. The Applicant will construct the mounds with a spacing and pattern similar to pre-disturbance conditions, based on historic aerial imagery of on-site areas and examinations of preserved vernal pools at the nearby Jepson Prairie Preserve. The mounds will be approximately 1.5 to 3.5 feet tall and 20 to 70 feet in diameter, with average side slopes of 12:1.

The Project activities described above are expected to incidentally take¹ California tiger salamander (*Ambystoma californiense*) where those activities take place within the entire 188.38-acre limit of disturbance, the Phase 3 Restoration Area (Figure 3). In particular, California tiger salamander could be incidentally crushed, entombed in burrows or soil cracks as a result of excavation and grading using pan scrapers, graders, track bulldozers, loaders, excavators, dump trucks, and box graders, and entrained in vernal pools and swales after construction is complete. The Central California distinct population segment of the California tiger salamander is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) (69 Fed. Reg. 47212-47248, August 4, 2004; 50 C.F.R. § 17.11, subd. (h)) and California tiger salamander is a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G.

¹Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

California tiger salamander individuals have been documented in the large playa pool in the northeast portion of the Phase 3 Restoration Area and in pools within the remnant agricultural channel along the northern boundary of the Phase 3 Restoration Area but have not been found within the agricultural drains interspersed within the Phase 3 Restoration Area. California tiger salamanders have also been observed within dispersal distance of the Phase 3 Restoration Area in a number of other pools throughout the Mitigation Bank, including pools in the Phase 1 and 2 Restoration Areas. Most of the wetland habitat within the Phase 3 Restoration Area does not pond for a duration sufficient to allow for metamorphosis. Because of the proximity of the nearest documented California tiger salamander, dispersal patterns of California tiger salamander, and the presence of suitable California tiger salamander habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that California tiger salamander is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of California tiger salamander.

According to the Service, the Project will result in the temporary loss of 150.39 acres of upland California tiger salamander habitat. Construction of the Project will also result in the permanent loss of 37.99 acres of upland habitat for the California tiger salamander through conversion to vernal pools and the permanent loss of 2.82 acres of upland/movement habitat through conversion to swales.

Because the Project is expected to result in take of a species designated as threatened under the ESA, the U.S. Army Corps of Engineers (USACE) consulted with the Service as required by the ESA. On July 13, 2018, the Service issued a Biological Opinion (Service file No. 08ESMF00-2017-F-3189) (BO) to the USACE. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

On July 18, 2018, the Director of CDFW received a notice from WRA, Inc., on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, including the ITS, are consistent with CESA for purposes of the Project California tiger salamander. (Cal. Reg. Notice Register 2018, No. 31-Z, p. 1239.)

DETERMINATION

CDFW has determined that the BO, including the ITS, is consistent with CESA as to the Project and California tiger salamander because the mitigation measures contained in the BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of California tiger salamander will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO and ITS will minimize and fully mitigate the impacts of the authorized take, are roughly proportional in extent to the impact of the authorized taking, and are capable of successful implementation; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of California tiger salamander. The mitigation measures in the BO and ITS include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

Prior to construction activities, Applicant will purchase 40.81 acres of California tiger salamander upland/movement habitat preservation credits from the Mitigation Bank for land in a different location from the 40.81 acres it will convert to vernal pools and swales, or from a Service- and CDFW-approved bank with a service area covering the Mitigation Bank, and will provide documentation of the purchase to the Service and CDFW.

- Applicant will provide mitigation for temporary impacts by restoring 147.57 acres of upland mound topography and achieving Performance Standards.
- Applicant will complete pool and mound construction and grading in any given area within the same work season to prevent multi-year project impacts.
- Construction activities will avoid California tiger salamander breeding habitat in playa pools in the northeastern portion of the Action Area with a minimum 250-foot setback, to avoid hydrologic impacts and reduce impacts to any potentially aestivating California tiger salamander. California tiger salamanders have also been documented in vernal marsh in Pools K, M, and N in the northern portion of the Action Area. These pools are located

in a separate watershed area and are separated from the proposed work area by a 6-foot berm and embankment and unlike the playa pool, levee banks, and canal bottoms provide aestivation opportunities near these features. A buffer has not been provided around these pools to reduce impacts to any potentially aestivating California tiger salamander.

- Applicant will place temporary construction fencing around the work area prior to grading that is designed not to impede movement of California tiger salamander. A Service-approved biologist will oversee placement and installation of construction fencing.
- Prior to any earth-moving activities, the Service-approved biologist will survey the entire fenced area for California tiger salamander and/or burrows or soil cracks that may be inhabited by California tiger salamander. Soil cracks and burrows that may be inhabited by California tiger salamander will be flagged.
- The Service-approved biologist will be present for the excavation of all soil cracks and burrows that may be inhabited by California tiger salamander and will look for California tiger salamander in the excavated material. If the Service-approved biologist finds any California tiger salamander individuals, the biologist will relocate the individuals to a suitable burrow outside the work area.
- Applicant will not conduct work if it is raining. The Service-approved biologist will check the National Weather Service by 6:00 a.m. on the day prior to a scheduled work day to see if there is a 5 percent or greater probability of rain forecasted overnight. If there is less than a 5 percent probability of rain forecasted, then before work begins the following morning, the Service-approved biologist or a construction crew member trained by the Service-approved biologist will check for California tiger salamander under any equipment, vehicles, or stored materials, and all excavated steep-walled holes or trenches all of which will have ramps to allow wildlife to exit. If there is a 5 percent or greater probability of rain forecasted overnight, then before work begins the next morning, the Service-approved biologist will conduct a more extensive inspection of the construction area for California tiger salamander. In addition, Applicant will instruct construction personnel to maintain vigilance regarding potential increased California tiger salamander activity.
- The Service-approved biologist will be on-site each day during initial grading and soil moving activities to watch for any California tiger salamander that may appear on the site. The Service-approved biologist will complete walking surveys following earth-moving equipment to look for California tiger salamander during initial groundbreaking. If the Service-approved biologist discovers one or more California tiger salamander individuals, the Applicant will stop work in the immediate area, and the Service-approved biologist will relocate the animal. Prior to the initiation of construction, the Applicant will prepare a California tiger salamander relocation plan and receive approval of the plan from the Service and CDFW. The plan will provide details on selected relocation sites (on-site gopher burrows) as well as specific procedures to follow for relocating any California tiger salamander found during construction. Only a biologist with credentials approved by the USFWS and CDFW may handle California tiger salamander to move an individual to safety unless it is in immediate danger. Handling and relocations will occur under the guidance of a biologist who holds a federal 10(a)(1)(A) permit and state Memorandum of Understanding to handle California tiger salamander. The Service-approved biologist will limit the duration of handling and captivity. While in captivity, the Service-approved biologist will keep the California tiger salamander in a cool, dark, moist, aerated environment, such as a clean and disinfected bucket or plastic container with a damp sponge. Containers used for holding or transporting will not contain any standing water.
- Applicant will report any California tiger salamander observed in the Phase 3 Restoration Area to the USFWS and CDFW immediately by phone and within 24 hours by email. With regard to CDFW, Applicant will contact Janice Gan (janice.gan@wildlife.ca.gov, (916) 944-0481) and Craig Weightman (craig.weightman@wildlife.ca.gov, (707) 944-5577). The report will minimally include the time of day and weather, location of disturbance and relocation site, and a photograph and brief description of animal's condition. As will be outlined in the California tiger salamander relocation plan, the Service-approved biologist will relocate the California tiger salamander to suitable relocation burrows within appropriate habitat (e.g., the opening of a ground burrow outside of the construction area) and monitor it until it is

determined that the California tiger salamander is not imperiled by predators or other dangers. The Service-approved biologist will not relocate the captured California tiger salamander to any property other than the Elsie Gridley Bank.

- If a California tiger salamander individual is injured as a result of proposed activities, the Service-approved biologist will immediately take it to a CDFW- or Service-approved wildlife rehabilitation or veterinary facility. The Applicant will identify the facility before starting activities that may affect California tiger salamander. The Applicant will bear any costs associated with the care or treatment of injured California tiger salamander. The Applicant will notify CDFW and the Service of the injury to the California tiger salamander immediately by telephone and e-mail followed by a written incident report. Notification will include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.
- Vehicles and equipment will enter and exit the Phase 3 Restoration Area via existing roads and gates, as well as via two temporary access drives, which Applicant will install to provide construction access locations that will otherwise be inaccessible. Construction of the temporary access drives will require the construction of low ramps to over roadside ditches located just outside the Mitigation Bank property. Applicant will place geo-web fabric and a section of culvert in each ditch, and place clean gravel, cobble, or a similar substrate over the culvert to form a stable roadway connecting the work area to the adjacent road. Applicant will stabilize all of the entry points providing construction access from adjacent roads to meet regional standards outlined by the Regional Water Quality Control Board. Applicant will place a layer of large gravel on the ground at each entrance to dislodge mud and other materials from vehicles exiting the construction site. Applicant will remove the two temporary access drives upon completion of work, including culverts, gravel, and all other materials.
- Applicant will initially plant the constructed vernal pools with vernal pool plant seed collected from on-site directly from plants and/or the soil surface in late spring. Applicant will collect seed in small quantities from a large number of existing

on-site pools with the intent of establishing high diversity of species rather than high initial cover in the constructed pools. Applicant will collect seed from no more than 25 percent of any single pool in order to maintain vernal pool plant cover and diversity in the donor pools. Applicant may collect seed using a vacuum mower, vacuum or similar mechanical or hand collection methods. Applicant will not collect seed in locations known to support special status plant species.

- Applicant will distribute plant seed prior to or concurrent with the onset of the rainy season, which occurs in the fall or early winter. Constructed vernal pools must meet vegetation performance criteria, and CDFW may employ corrective actions if the pools are not meeting their targets. Applicant may conduct supplemental seeding in subsequent years if necessary using on-site collected seed or commercially produced seed grown from a regional or on-site source. To maximize the likelihood of success, Applicant may control non-native invasive plant species prior to spreading of vernal pool plant seed.
- Prior to construction, Applicant will fence the northern perimeter of the Phase 3 Restoration Area to exclude grazing.
- Applicant will control target invasive plants including perennial pepperweed (*Lepidium latifolium*) and stinkwort (*Dittrichia graveolens*) prior to initiation of construction in order to limit establishment in the restoration area.
- Applicant will exclude grazing during the first growing season following construction to allow for grass establishment and development of rootmass and soil structure sufficient to support grazing animals. Applicant will re-introduce grazing in the late spring and summer following construction when soils have dried sufficiently to support grazing animals. Applicant will manage grazing to provide habitat suitable for California tiger salamander movement by reducing plant biomass to target levels described in the RMP and subsequent annual monitoring reports.
- Applicant will maintain a readily available copy of best management practices (BMPs) with the construction foreman/manager at the Action Area when construction activities take place. Applicant will provide the name and telephone number of the

construction foreman/manager to appropriate agencies prior to groundbreaking.

- Applicant will implement BMPs, as identified by the Central Valley Regional Water Quality Control Board and in the Storm Water Pollution and Prevention Plan, to control erosion both during and after work activities. Erosion control measures are critical to prevent soils, sediments, runoff from dust control, or hazardous materials from entering preserved wetlands or adjacent water bodies. BMP measures may include, but are not limited to, silt fencing, straw wattle, vegetative strips, hydroseeding, and temporary sediment disposal.
- Applicant will restrict fueling, cleaning, and other maintenance of vehicles and equipment to designated areas and inform workers of the importance of preventing spills, having appropriate clean-up measures should a spill occur, and the necessity of cleaning up any spills immediately. Clean-up activities will be in accordance with applicable local, state, and/or federal regulations. Applicant will properly maintain and clean machinery to prevent spills and leaks. Post construction compliance reports will document any spills.
- Applicant will place high-visibility fencing, a minimum of 4 feet in height, along all the boundaries of the construction zone prior to groundbreaking. The purpose of this fence will be to prevent construction vehicles or personnel from entering preserved or otherwise protected habitat. Applicant will place the fencing a minimum of 10 feet from the edge of preserved wetlands to prevent any disruption of sensitive areas. At the beginning of each workday, the biologist will inspect the fence surrounding the active work area and ensure that the Applicant is maintaining the fence in good condition. Applicant will not remove the fencing until the completion of grading activities.
- The proposed Project will follow specific procedures and practices necessary to suppress the generation of fugitive dust during construction activities, including covering of vehicles hauling loose material, regular watering of construction areas, and stabilization of disturbed areas. Applicant will treat unprotected or bare soils on a regular basis during restoration work to minimize wind erosion. Possible treatments include, but are not limited to, watering and/or covering areas with tarps, straw, or erosion control blankets. Water for dust control will not result in ponding that lasts for more than a few hours, and, therefore, will not

result in inadvertent seed germination or cyst hatching.

- Applicant will minimize the number of access routes, number, and size of staging areas, and total area of project activity as much as possible. Applicant will clearly mark routes and boundaries, and restrict heavy equipment to established roadways. Vehicular traffic will observe a speed limit of 20 miles per hour, and all stockpiling of equipment and vehicles will occur only in designated areas.
- Applicant will initiate a trash abatement program before starting construction and continue the program for the duration of construction. The program will ensure that trash and food items are contained in closed, animal-proof containers and removed regularly (once every 3 days) to avoid attracting opportunistic predators.
- Applicant will prohibit firearms and domestic dogs from the project area during construction (except for authorized security or law enforcement personnel).
- Upon completion of construction activities, Applicant will remove from the action area and properly dispose of all construction refuse including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

Monitoring and Reporting Measures

- Applicant will monitor the California tiger salamander restored uplands annually for up to 5 years following completion of the restoration or until the Performance Standards are met. The Performance Standards require that the Applicant show the restored areas to be similar to reference sites in Phases 1 and 2. The CDFW-approved monitoring methods will begin the year following completion of Phase 3 Restoration and will involve sub-sampling sufficient portions of Phase 3, taking into account factors such as pasture, density/extent of wetlands, proximity to California tiger salamander breeding habitat, and other variables that may influence the abundance and distribution of burrows or other features of upland habitat potentially used by California tiger salamander. Measured parameters will include aestivation habitat as burrow density and upland movement function as suitably low grass height and/or standing biomass. Applicant will compare the annual results to a reference site in Phase 1 and 2 in which burrow density and grass biomass are monitored. Applicant will select reference sites from portions of Phase 1 and 2 with similar slope,

soils, and proximity to breeding habitat to Phase 3, which have demonstrated restoration of upland habitat supporting burrowing mammals.

- Following the period of active construction, the restored habitat within the Phase 3 Restoration Area will be managed primarily through managed grazing and invasive plant control following guidelines established in the 2004 Resource Management Plan for the Elsie Gridley Mitigation Bank.
- The BO requires the Applicant to monitor the vernal pools and California tiger salamander upland/movement habitat annually for up to 5 years following completion of the restoration or until the Performance Standards are met. Although not a condition of the BO, CDFW requests a copy of all monitoring reports. The reports should include dates construction occurred and the success of revegetation and restoration.

Financial Assurances

- Prior to construction activities a Security shall be provided in the amount of \$35,075, which is 10 percent of the \$350,750 Phase 3 construction cost estimate.
- The Security shall be held by CDFW or a CDFW-approved entity and shall be provided in the form of an irrevocable letter of credit or another form of Security approved in advance in writing by CDFW’s Office of the General Counsel. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to meet the Performance Standards within 5 years of the completion of the Phase 3 Restoration.
- The Security shall be released to the Permittee after CDFW has confirmed in writing that all secured requirements have been satisfied.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of California tiger salamander, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and/or ITS, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR

Lawrence Creek Off Channel Pond 2.0 Project
(Tracking Number: 1653-2018-025-001-R1)
Humboldt County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 20, 2018, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves excavating and replacing sediment to construct an upland habitat feature along the streambank, and installing up to 45 pieces of large wood. The proposed project will be carried out on an unnamed tributary of Lawrence Creek, located approximately 9 miles north of Highway 36 on Lawrence Creek Mainline Road in Humboldt County, California.

On July 11, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Lawrence Creek Off Channel Pond 2.0 Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B180100WNHU; ECM PIN No. CW-849374) for coverage under the General 401 Order on August 15, 2018.

Trout Unlimited is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, Trout Unlimited will have the opportunity to submit under Fish and Game Code section 1652.

**RULEMAKING PETITION
DECISION**

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

**NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS**

Pursuant to Government Code 11340.7

Petitioner

Carl Higgins, #J-06160

Department Contact Person

Please direct any inquiries regarding this action to Ying Sun, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

Availability of Petition

The petition to amend regulations is available upon request directed to the Department's contact person.

Authority

Penal Code Sections: 5054 and 5058

Provisions of California Code Of Regulations Affected:

Title 15, Crime Prevention and Corrections Division 3, Adult Institutions, Programs and Parole

Summary of Petition and Department Decision:

Subsection 3177(b)(1)(A)

Petitioner's Request: Remove the language "without a criminal conviction."

Reason for Request: Petitioner states that if an inmate is not criminally convicted, he or she should not be denied family visits based on "theory or allegations."

Department's Response: Mr. Higgins's request is denied. California is one of only four states that grants family visits. CDCR's mission is to protect the public by safely and securely supervising adult and juvenile offenders, to provide effective rehabilitation and treatment, and to successfully reintegrate offenders into the community. CDCR recognizes the value of visitation as a means to improve the safety of prisons, as well as to establish and maintain meaningful connections with family and the community; however, family visits are a privilege granted to inmates, and not a right. Family visits are a creation of CDCR regulations under the general authority of PC Sections 5054 and 5058, not of any statute, and may be restricted or eliminated by amendment or repeal of those regulations.

Family visits occur in designated private units on prison grounds. As such, inmates and their overnight visitors are not subject to constant and direct supervision by custody staff. Because family visits are not constantly and directly supervised, staff's supervision of inmates with violent and serious offenses, prior arrests or convictions, or in-custody misconduct documented in Rules Violation Reports would be limited and pose a risk to the safety and security of the institutions. In general, such inmates require a higher degree of direct supervision while incarcerated than do inmates with less serious histories of criminal offenses and in-custody misconduct.

The intent of the visiting policy is to establish a visiting process which promotes safety in the prison, maintains meaningful family and community connections, and prepares inmates for successful release and rehabilitation. CCR Subsection 3177(b)(1) is intended to prohibit family visiting for inmates convicted of sexual offenses, spousal abuse, sexual abuse, and sexual battery. CDCR is responsible for the safety of visitors, and given that family visiting takes place in an area without the constant and direct supervision of custody staff, it is of the utmost importance that CDCR only approve family visits for inmates with no history of such offenses. CCR Subsections 3177(b)(1)(A)-(B) were adopted to reinforce the provisions of CCR Section 3173.1, which specifically applies to visiting with minors, and broadens the regulations to encompass family visiting in general. Family visits can be prohibited in order to maintain the safety and security of the institutions when conduct detailed in CCR Section 3177(b)(1) is determined to exist even though there is no criminal conviction. For instance, a parolee could have had his or her parole revoked for molesting a minor or an inmate could have had his or her visiting privileges terminated for molesting a minor, yet he or she was neither prosecuted for nor convicted of the crime. The evidentiary burden chosen is substantial evidence because this same evidentiary burden exists for denial of good time credits for disciplinary infractions under PC Section 2932(c)(5) and CCR Section 3320.

Subsection 3377.1(b)(9)

Petitioner's Request: Add the language "dismissal by the judge of sex related charges."

Reason for Request: Petitioner states a dismissal by a judge is equivalent to an acquittal or not guilty verdict.

Department's Response: Mr. Higgins's request is denied. Pursuant to CCR Subsection 3377.1(b)(9), a "R" suffix shall not be applied if an inmate was acquitted or found not guilty of a sex-related offense found under PC Section 290. A dismissal is not equivalent to an acquittal. An inmate's guilt is not tried in a dismissal

and the court’s reasoning for granting a dismissal varies.

Subsection 3377.1(b)(5)

Petitioner’s Request: Remove the “R” suffix from an inmate’s classification if the sex offense charge has been dismissed by a judge.

Reason for Request: Petitioner states if the District Attorney (DA) was not able to prove the sex-related charge the Department is biased by applying the “R” suffix based on “theory,” e.g., the DA’s comments and police reports.

Department’s Response: Mr. Higgins’s request is denied. A court’s disposition for dismissal is not a judgement of an inmate’s guilt. Furthermore, pursuant to CCR Section 3377.1(b) through (b)(5), a “R” suffix evaluation shall be conducted when the inmate has a history of arrest or detention, has charges which were subsequently dismissed, or if no disposition is rendered for any offense listed in PC Section 290. CDCR is obligated to uphold the integrity of public safety during the course of an inmate’s incarceration based on his or her history of sex-related offenses. A “R” suffix evaluation considers arrest reports, DA comments or any other official document in the event of sentencing reduction or amendments (i.e. plea deals/dismissals). Additionally, CDCR does not utilize a theory based approach when conducting “R” suffix evaluations, but rather utilizes a fact-finding-based approach that is applied to official documents (e.g., police reports and DA comments). CDCR does not consider the legal documents provided by courts or law enforcement agencies to be “theory” but rather a legally recognized summary of the circumstances of an alleged crime. Pursuant to CCR Subsection 3177(b)(1)(A), family visiting may be restricted when substantial documented evidence or information of misconduct exists, with or without a criminal conviction. CDCR relies upon arrest reports and DA comments pertaining to the circumstances and events of the crime in question, and conducts a review based upon these documents to determine if an inmate poses a threat to the safety of inmates, staff, or the public. If substantial documented evidence of misconduct is present, even without a criminal conviction, CDCR may restrict visiting privileges.

Subsection 3377.1(b)(14)

Petitioner’s Request: Add CCR Subsection 3377.1(b)(14) to state that if the inmate has “not shown any involvement in a sex-related act or incident for 16 years of incarceration, the Classification Committee has the authority to remove the “R” suffix.”

Reason for Request: Petitioner states the “R” suffix should be removed if the inmate has shown he or she has rehabilitated themselves and taken steps in self-help programs.

Department’s Decision: Mr. Higgins’s request is denied. CDCR does not use the rationale described by Mr. Higgins to consider the removal of a ‘R’ suffix. While an inmate has been incarcerated, and likely removed from the potential to commit additional sex crimes, a meaningful evaluation of an inmate’s proclivity to commit additional sex crimes cannot be measured.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2018-0711-01

BOARD OF EQUALIZATION

Definitions and General Provisions

The Board of Equalization submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to add a multijurisdictional assessment appeals board for which the participating counties do not adopt a set of rules and regulations to the definition of “board” in a regulation that contains definitions applicable to county equalization hearings. The proposed change is based on the enactment of formation of and procedures for a multijurisdictional assessment appeals board in S.B. 447 (Stats.2017, c. 132).

Title 18

AMEND: 301

Filed 08/20/2018

Agency Contact: Rose Smith (916) 323-9656

File# 2018-0711-02

BOARD OF EQUALIZATION

Mining Properties

The Board of Equalization submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to remove references to leach pads, tailing facilities, or settling ponds from a regulation pertaining to the valuation of mining and mineral properties and to remove Revenue and Taxation Code section 53.5 as a reference citation to the regulation. The proposed changes make the regulation consistent with A.B. 1718 (Stats.2017, c.592).

Title 18
AMEND: 469
Filed 08/20/2018
Agency Contact: Rose Smith (916) 323-9656

File# 2018-0813-01
CALIFORNIA HEALTH FACILITIES FINANCING
AUTHORITY
Lifeline Grant Program

The California Health Facilities Financing Authority submitted this emergency readoption action to keep in effect emergency regulations adopted on February 23, 2018 to implement the Clinic Lifeline Act of 2017, enacted in Government Code section 15438.11. The emergency regulations established the Lifeline Grant Program. The proposed regulations provide eligibility and evaluation criteria, eligible costs, and an application procedure and related procedures for specified small and rural health facilities to receive grants through the program.

Title 4
ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220,
7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
Filed 08/22/2018
Effective 08/22/2018
Agency Contact: Rosalind Brewer (916) 653-8243

File# 2018-0809-01
CALIFORNIA UNEMPLOYMENT INSURANCE
APPEALS BOARD
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 22
AMEND: 5200
Filed 08/16/2018
Effective 09/15/2018
Agency Contact: Kim Hickox (916) 263-6806

File# 2018-0703-04
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Investigation and Trial Preparation Course

This regular rulemaking amends two sections and the Post Administrative Manual, incorporated by reference, to revise the training requirements for district attorney investigators or inspectors.

Title 11
AMEND: 1005, 1015
Filed 08/15/2018
Effective 10/01/2018
Agency Contact: Connie A. Paoli (916) 227-2803

File# 2018-0802-04
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate and Parolee Name Change

The Department of Corrections and Rehabilitation amended a regulation that provides procedures for inmates and parolees to change names. The action makes the regulation consistent with S.B. 310 (Stats.2017, c. 856), which amended Code of Civil Procedure section 1279.5 to allow inmates and parolees to petition a court directly for name changes.

Title 15
AMEND: 3294.5
Filed 08/20/2018
Effective 09/01/2018
Agency Contact: Rosie Ruiz (916) 445-2244

File# 2018-0705-02
DEPARTMENT OF FOOD AND AGRICULTURE
Sales of Restricted Livestock Drugs and California Prescription Drugs

This rulemaking action by the Department of Food and Agriculture adopts sixteen sections regarding the sale of restricted livestock drugs and California prescription drugs. This action will: 1) establish the licensing scheme for restricted livestock drug licensees, including the requirements for applications; 2) establish licensee responsibilities for operations including requirements related to sale, storage, and recordkeeping; and 3) establish requirements regarding pharmacist oversight.

Title 3
ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006,
5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014,
5015
Filed 08/16/2018
Effective 08/16/2018
Agency Contact: Erika Lewis (916) 576-0201

File# 2018-0820-01
DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Eradication Area

This emergency rulemaking action amends the Oriental Fruit Fly Eradication Area to include Yolo County. Upon establishment of the eradication area in Yolo County, the Department of Food and Agriculture will perform detection, control and eradication activities.

Title 3
 AMEND: 3591.2
 Filed 08/22/2018
 Effective 08/22/2018
 Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0705-01
 DEPARTMENT OF MOTOR VEHICLES
 Employer Testing Program

The Department of Motor Vehicles (the “Department”) is authorized to use third-party testers to conduct commercial behind-the-wheel driving tests, under specified conditions. This regular rulemaking by the Department revises the process by which an examiner is required to be certified by the Department prior to conducting commercial behind-the-wheel driving tests. Additionally, the Department is incorporating by reference the Employer Testing Program Surety Bond form, which is required to be submitted by a third-party tester to the Department to provide evidence of a surety bond.

Title 13
 ADOPT: 25.23
 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 Filed 08/16/2018
 Effective 10/01/2018
 Agency Contact: Randi Calkins (916) 657-8898

File# 2018-0717-05
 DEPARTMENT OF PUBLIC HEALTH
 Lead-Related Construction, Certified Industrial Hygienist Correction

This regular rulemaking action amends the minimum eligibility requirements for certification for Lead-Related Construction Program professionals.

Title 17
 AMEND: 35083, 35087
 Filed 08/21/2018
 Effective 10/01/2018
 Agency Contact: Laurel Prior (916) 440-7673

File# 2018-0814-05
 DEPARTMENT OF SOCIAL SERVICES
 Temporary Management of Adult Community Care Facilities and Residential Care Facilities for the Elderly (RCFEs)

In this resubmitted emergency action, the Department of Social Services adopts regulations that address the qualifications of a temporary manager, the application and selection process for a temporary manager, and the budget restrictions when the manager temporarily

operates Adult Community Care Facilities and Residential Care Facilities for the Elderly.

Title 22, MPP
 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667
 Filed 08/22/2018
 Effective 08/22/2018
 Agency Contact: Everardo Vaca (916) 657-2363

File# 2018-0710-02
 DEPARTMENT OF STATE HOSPITALS
 SVPA Evaluation Processes

This certificate of compliance action makes permanent emergency regulations pertaining to procedures for evaluations under the Sexually Violent Predator Act (Welf. & Inst. Code, secs. 6600-6609.3).

Title 9
 ADOPT: 4020, 4020.1
 Filed 08/20/2018
 Effective 08/20/2018
 Agency Contact: Trini Balcazar (916) 562-2824

File# 2018-0709-02
 DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Import Export Rule Revisions

In compliance with Health and Safety Code section 25159, this rulemaking action revises regulations concerning imports and exports of hazardous waste to align with recently modified federal regulations.

Title 22
 ADOPT: 66262.83, 66262.84
 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix
 REPEAL: 66262.50, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.60, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89
 Filed 08/20/2018
 Agency Contact: John Muegge (916) 322-0471

File# 2018-0716-01
 STATE WATER RESOURCES CONTROL BOARD
 Basin Plan Amendment to Update Turbidity Objective Units of Measure

This action amends the Water Quality Control Plan for the Central Coast Region (Basin Plan). On July 14, 2017, the Central Coast Regional Water Quality Control Board adopted Resolution No. R3-2017-0014 to make nonsubstantive amendments to the Basin Plan.

The State Water Resources Control Board approved the amendments under Resolution No. 2018-0012 on March 6, 2018.

Title 23
 AMEND: 3920
 Filed 08/22/2018
 Effective 08/22/2018
 Agency Contact: Peter Meertens (805) 549-3869

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN March 21, 2018 TO
 August 22 2018**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

05/21/18 AMEND: 44

Title 2

08/02/18 ADOPT: 59830
 08/01/18 AMEND: 58200
 07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705
 07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3
 06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
 06/19/18 AMEND: 554.7
 05/17/18 ADOPT: 11027.1 AMEND: 11028
 05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165
 05/09/18 AMEND: 321
 05/09/18 AMEND: 11034
 04/25/18 AMEND: 18401
 04/25/18 AMEND: 18450.1
 04/23/18 ADOPT: 1859.90.4 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.5
 04/16/18 AMEND: 1859.2, 1859.51, 1859.70, 1859.82, 1859.93.1
 04/12/18 AMEND: 1859.2, 1859.81
 04/04/18 AMEND: 41000
 04/02/18 ADOPT: 243, 243.1, 243.2, 243.3, 243.4, 243.5, 243.6, 548.120, 548.120.1,

AMEND: 249, 266, 266.1, 266.2, 266.3, 548.121, 548.122, 548.123, 548.124
 04/02/18 AMEND: 38000, 38000.5, 38000.10

Title 3

08/22/18 AMEND: 3591.2
 08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015
 08/10/18 AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53
 08/02/18 AMEND: 3591.2
 07/31/18 AMEND: 3
 07/19/18 AMEND: 3591.2
 06/28/18 AMEND: 3435(b)
 06/21/18 AMEND: 3439(b)
 06/21/18 AMEND: 3591.5
 06/18/18 AMEND: 1280.11
 06/04/18 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608
 05/30/18 AMEND: 3439(b)
 05/24/18 AMEND: 3439(b)
 05/24/18 AMEND: 6502
 05/18/18 AMEND: 3439(b)
 04/30/18 AMEND: 3439(b)
 04/04/18 AMEND: 3591.15
 03/27/18 AMEND: 3439(b)
 03/26/18 AMEND: 3439(b)

Title 4

08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
 07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190
 07/18/18 AMEND: 2050
 07/09/18 AMEND: 10325, 10326
 07/03/18 AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered), 10160 (amended and renumbered). REPEAL: 10156, 10157
 07/02/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100

05/30/18	AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15	32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997 REPEAL: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330
05/25/18	AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259	
05/17/18	AMEND: 12590	
05/15/18	AMEND: 12204, 12220, 12238, 12560	
04/30/18	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.9, 10170.10	
04/10/18	AMEND: 10179	
04/09/18	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100	
03/29/18	AMEND: 7051, 7054, 7055, 7056, 7063, 7071	05/08/18 AMEND: 9789.31, 9789.32, 9789.39
03/22/18	AMEND: 1699	04/27/18 AMEND: 9789.25

Title 5

08/03/18 AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5

07/23/18 AMEND: 40050.2, 40100.1, 40513, 40514, 41021

07/03/18 ADOPT: 71396, 71397, 71398, 71399

06/21/18 AMEND: 19810

06/07/18 AMEND: 19810

05/18/18 ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310

05/08/18 AMEND: 75020

04/30/18 AMEND: 41906.5, 41906.6

04/30/18 AMEND: 42909

Title 8

05/30/18 AMEND: 1618.1

05/17/18 ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773

05/08/18 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470,

Title 9

08/20/18 ADOPT: 4020, 4020.1

06/21/18 AMEND: 4350

05/17/18 AMEND: 3850, 3850.010

05/14/18 AMEND: 3560, 3560.010, 3560.020, 3705, 3726, 3735, 3750, 3755

05/08/18 ADOPT: 4020, 4020.1

Title 10

06/13/18 AMEND: 2498.5

05/31/18 AMEND: 2715, 2728.5, 2752

05/22/18 AMEND: 2498.6

04/20/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538

03/27/18 AMEND: 30.60 REPEAL: 30.105

03/26/18 AMEND: 2318.6, 2353.1, 2354

03/26/18 AMEND: 2318.6, 2353.1

03/22/18 AMEND: 3525, 3527, 3561, 3569, 3570, 3575, 3602, 3603, 3681

Title 11

08/15/18 AMEND: 1005, 1015

08/02/18 AMEND: 4002

07/31/18 AMEND: 49.18

06/21/18 AMEND: 1005

06/18/18 AMEND: 1005, 1007, 1008, 1052

06/13/18 ADOPT: 51.32

06/05/18 AMEND: 1005, 1007, 1008

06/05/18 ADOPT: 49.18

05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522

04/11/18 ADOPT: 118.1

04/03/18 AMEND: 51.26

04/03/18 ADOPT: 51.30

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03/29/18	AMEND: 2021	08/13/18	AMEND: 3000, 3190, 3213
Title 12		08/06/18	ADOPT: 3999.98, 3999.99, 3999.320
07/05/18	AMEND: 451, 452, 453, 454, 455		AMEND: 3355, 3087 renumbered as
Title 13			3999.225, 3087.1 renumbered as
08/16/18	ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22		3999.226, 3087.2 renumbered as
07/23/18	ADOPT: 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, 223.16		3999.227, 3087.3 renumbered as
07/16/18	AMEND: 1151.1, 1152.4, 1152.4.1		3999.228, 3087.4 renumbered as
06/12/18	ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264		3999.229, 3087.5 renumbered as
05/30/18	ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06		3999.230, 3087.6 renumbered as
05/07/18	AMEND: 423.00		3999.231, 3087.7 renumbered as
04/26/18	AMEND: 1153		3999.232, 3087.8 renumbered as
04/18/18	AMEND: 1151.9.1		3999.233, 3087.9 renumbered as
Title 14			3999.234, 3087.10 renumbered as
08/13/18	AMEND: 7.50		3999.235, 3087.11 renumbered as
08/09/18	AMEND: 13055		3999.236, 3087.12 renumbered as
07/30/18	ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797		3999.237, 3350 renumbered as
07/30/18	ADOPT: 820.02		3999.200(a), 3350.1 renumbered as
07/30/18	ADOPT: 817.04 AMEND: 790		3999.200(b), (c), and (d), 3350.2 renumbered as
07/30/18	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07		3999.200(f), (g), and (h), 3351 renumbered as
07/19/18	AMEND: 3805.1		3999.202, 3353.1 renumbered as
07/05/18	AMEND: 1038		3999.203, 3354.2 renumbered as
07/02/18	AMEND: 916.9, 936.9, 956.9		3999.206, 3356 renumbered as
06/28/18	ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10 REPEAL: 1724.9		3999.410, 3357 renumbered as
06/28/18	AMEND: 18660.25, 18660.34		3999.440, 3358 renumbered as
06/28/18	AMEND: 502		3999.375, 3359 renumbered as
06/25/18	AMEND: 7.50		3999.411, 3359.8 renumbered as
06/07/18	AMEND: 1760, 1774, 1774.1, 1774.2		3999.200(e)
05/24/18	ADOPT: 3803.1, 3803.2, 3803.3 AMEND: 3802, 3803	08/01/18	AMEND: 3350, 3350.1
05/16/18	AMEND: 131	06/28/18	AMEND: 3043.3
05/10/18	ADOPT: 29.11	06/14/18	AMEND: 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, 3763 REPEAL: 3800, 3800.1, 3800.2, 3800.3
05/09/18	AMEND: 18660.5, 18660.10, 18660.21, 18660.34	06/13/18	ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12
05/01/18	ADOPT: 650 AMEND: 703 REPEAL: 650	06/07/18	ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
04/24/18	AMEND: 131	05/15/18	AMEND: 3000, 3030, 3190, 3269
04/19/18	AMEND: 4800	05/01/18	ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 2449.6, 2449.7, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), and 3044 REPEAL: 2449.2, 2449.3, 2449.5, 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
04/02/18	AMEND: 265	04/17/18	ADOPT: 2240 REPEAL: 2240
04/02/18	ADOPT: 749.9	04/09/18	AMEND: 3016, 3315
03/29/18	AMEND: 29.15	Title 16	
03/27/18	AMEND: 1038, 1299.03, 1666.0	08/08/18	REPEAL: 1399.531, 1399.532
Title 15		08/02/18	AMEND: 3340.17, 3340.41, 3340.45
08/20/18	AMEND: 3294.5	08/01/18	AMEND: 2070, 2071
		06/18/18	AMEND: 1735.2

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06/14/18	REPEAL: 1399.620, 1399.621, 1399.622, 1399.623	30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832
06/07/18	AMEND: 321, 364	
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