GAVIN NEWSOM, GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

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PROPOSED ACTION ON REGULATIONS

GENERAL PUBLIC INTEREST

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Time-Dated Material

DECISION NOT TO PROCEED

RULEMAKING PETITION DECISION

SUMMARY OF REGULATORY ACTIONS

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: Partnership Health Plan of California
San Bernardino Community College District

A written comment period has been established commencing on January 25, 2019, and closing on March 11, 2019. 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 March 11, 2019. 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 5. BOARD OF EDUCATION

AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 8:30 a.m. on March 11, 2019, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Patricia Alverson, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916−319−0155 or by e−mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 11, 2019. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 33031, 60605 and 60640, Education Code.

References: Sections 306, 37670, 47605, 47605.8, 47651, 49062, 49068, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60615, 60640, 60641, 60642.5 and 60642.6, Education Code; 20 U.S.C. Sections 1401(3), 1412(a)(16), and 6311(b)(1)(E); and 34 C.F.R. Sections 200.1 and 300.160.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 484 (Chapter 489, Statutes of 2013; hereafter "AB 484") authorized a new statewide testing program, the California Assessment of Student Performance and Progress (CAASPP) System. Provisions of AB 484 took effect in January 2014. Pursuant to California *Education Code* (*EC*) Section 60640, the CDE has updated the CAASPP System to include three new assessments: the new California Science Test (CAST), aligned with the California Next Generation Science Standards (CA NGSS); the new California Alternate Assessment for Science (CAA for Science); and the California Spanish Assessment (CSA), aligned with the Common Core State Standards in Español. CAASPP test results are used to improve teaching and learning by schools and districts in California. The CAASPP tests

are also developed, administered, and reported in accordance with federal requirements. With the development of these computer−based assessments, the CDE continues to move manuals and reports from paper products to electronic delivery of products. Work to build out web−based processes for local educational agency (LEA) training, designation of authorized staff, instructional manuals, and reporting continues to change the way the CDE communicates with assessment coordinators, test site administrators, teachers and parents.

This developmental work requires the addition of testing procedures and policies consistent with the assessments and the added resources. Additionally, the assessment consortium of which California is a member, Smarter Balanced Assessment Consortium (Consortium), recently made changes in some of its policies; changes with which the CAASPP regulations must conform by state law in order to ensure that test results are valid and reliable. In addition, the CDE's testing contractor issued recommendations regarding testing resources that must be included in order for the CAST and CSA to be valid and reliable as required by *EC* Section 60602.5. As required by *EC* Section 60640(q), Title 5 of the *California Code of Regulations* (5 CCR) sections 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 are being amended to conform the State's testing regulations to the CAASPP System.

The proposed amendments are designed to assure that the tests within the CAASPP are administered fairly and consistently throughout the State so that all students may access the tests and so that valid and reliable results are available for accountability determinations and to provide schools and educators with accurate information to improve student learning, and in so doing, prevent harm to the public peace, health, safety, and general welfare and progress of California pupils.

Anticipated Benefits of the Proposed Regulation

The benefit of enacting the proposed amendments are the promotion of an optimal, efficient and fair test administration for eligible students. The clarification of terminology and resources introduced by the transition to electronic processes will aid LEAs and educators in selecting and activating accessibility resources to students who can benefit from them, including supports for English learners (ELs). Additionally, the proposed amendments support increased local control, and strengthen validity, reliability and accuracy of statewide achievement scores used for the purposes of guiding instruction, gauging students' readiness for career and college, and for meeting state and federal accountability requirements.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the CAASPP System and found that none exist that are inconsistent or incompatible with these proposed regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non−discretionary costs or savings imposed on local agencies, including local educational agencies: None.

Costs or savings in federal funding to the State: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only affect LEAs and would have no impact on the private sector.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within 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 the Proposed Action: The proposed regulations ensure the standard, efficient and effective im-

plementation of a successful statewide assessment for California's public school children. Administering assessments that align with Consortium and contractor policies for accessibility are critical to ensuring valid and reliable test measures against which to gauge student progress. Clear and consistent procedures are also critical to ensuring that the statewide assessments are administered using standardized procedures that also support accurate, fair, valid, and reliable measures and the efficient reporting of those measures. The proposed changes will help to provide better information about student performance to teachers, parents, and administrators, to ultimately improve teaching and student learning, thus enhancing the general welfare, promoting fairness and social equity and increasing openness and transparency in government.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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.

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

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Mike Torres, Consultant
Assessment Development and Administration Division
California Department of Education
1430 N Street, 4401
Sacramento, CA 95814
Telephone: 916−319−0349

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916−319−0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at http://www.cde.ca.gov/re/lr/rr/.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS 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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Mike Torres, Assessment Development and Administration Division, 1430 N Street, 4401, Sacramento, CA, 95814; telephone, 916−319−0349. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING VISION TESTING

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on March 11, 2019, at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Daniela Torres, Coordinated School Health & Safety, 1430 N Street, Room 6408, Sacramento, CA, 95814; telephone, 916−319−0284. It is recommended that assistance be requested at least two weeks prior to the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Patricia Alverson, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916−319−0155 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 11, 2019. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 33031, Education Code.
References: Sections 3308.5, 44873, 44877, 44878, 49452, 49455, and 49456, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Previous law required, upon first enrollment in a California school district of a child at a California elementary school, and at least every third year thereafter until the child has completed the 8th grade, the child's vision to be appraised by the school nurse or other authorized person, as specified.

The chaptering of Assembly Bill 1840 (Chapter 803, Statutes of 2014) and Senate Bill 1172 (Chapter 925, Statutes of 2014) resulted in changes to *EC* Section 49455. These changes authorizes a pupil's vision to be appraised by using an eye chart or any scientifically validated photoscreening test. The changes further require photoscreening tests to be performed, under an agreement with, or the supervision of, an optometrist or ophthalmologist, by the school nurse or a trained individual who meets requirements established by the CDE.

Amendments to 5 *CCR* sections 590, 591, 594, and 596 and the proposed Section 597 are necessary to provide the specificity that is not included in statute, which will enable the CDE and school districts to implement the provisions of *EC* Section 49455.

Anticipated Benefits of the Proposed Regulation

The benefit of enacting the proposed regulations will be to provide direction and specificity that school districts can follow for purposes of complying with the provisions of *EC* Section 49455 related to vision appraisals that will lead to increased visual acuity of students and their ability to achieve at a greater level in the classroom.

Determination of Inconsistency/Incompatibility With Existing State Regulations

An evaluation of the proposed regulations have determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Section 11346.5(a)(3)(D).

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non−discretionary costs or savings imposed on local agencies, including local educational agencies: None.

Costs or savings in federal funding to the State: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only affect LEAs and would have no impact on the private sector.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within 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 the Proposed Action: The benefit of enacting the proposed regulations is to provide direction and specificity that school districts can follow for purposes of complying with the provisions of *EC* Section 49455 related to vision appraisals.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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.

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Daniela Torres, School Health Education Consultant
Coordinated School Health & Safety
California Department of Education
1430 N Street, Room 6408
Sacramento, CA 95814
Telephone: 916−319−0284
Email: dtorres@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Patricia Alverson, Regulations Coordinator, or the backup contact person, Hillary Wirick, Regulations Analyst, at 916−319−0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's website at http://www.cde.ca.gov/re/lr/rr/.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

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 Regulations Coordinator.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in the Hearing Room at the Medical Board of California, 2005 Evergreen Street, Sacramento, California 95815, at 9:00 a.m., on March 11, 2019.

Written comments, including those sent by mail, facsimile, or e−mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on March 11, 2019, or must be received at the hearing. The Board, 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 section 2018 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2037, 2065, 2066, 2096, 2102 and 2103 of said code, the Board is considering changes to Title 16, Division 13, Chapter 1, Article 6, California Code of Regulations (CCR) section 1321 as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 2096 requires applicants for physician's and surgeon's certificates to complete required postgraduate training that is approved by the Accreditation Council for Graduate Medical Education (ACGME) or the Royal College of Physicians and Surgeons of Canada (RCPSC).

Existing law under 16 CCR section 1321(a) states the following:

> Postgraduate training programs meeting the standards of the Accreditation Council on Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada shall be approved for the postgraduate training specified in Sections 2065, 2066, 2096, 2102, and 2103 of the code.

Since this statute and regulation became effective, ACGME−International and RCPSC−International have begun to review and accredit international postgraduate training programs. The law does not allow California to accept postgraduate training accredited by ACGME−International or RCPSC−International.

This rulemaking proposes to amend section 1321(a) to clarify that only accredited postgraduate training programs located in the United States and/or its territories or in Canada are approved by the Board to meet the postgraduate training requirement to be eligible for a California physician's and surgeon's license. This change does not impose a new barrier on applicants, but clarifies California law on postgraduate training requirements in light of the development of new accreditation programs that have not been vetted nor approved.

Further, this rulemaking proposes to amend section 1321(a) to specify that family medicine postgraduate training programs in Canada accredited by the College of Family Physicians of Canada (CFPC) are approved by the Board to meet the postgraduate training requirement to be eligible for a California physician's and surgeon's certificate. This is necessary because RCPSC has partnered with CFPC for these accreditations. As part of this change in the domestic accreditation practice adopted by RCPSC, the Board is seeking to clarify the name of this accreditation arm for approved postgraduate training in family medicine occurring in Canada.

Additionally, this proposal makes a non−substantive correction under section 1321(a), changing the word "on" to "for" so that the language correctly reads: "Accreditation Council for Graduate Medical Education," as this is the correct name for this entity.

Existing law under 16 CCR section 1321(b) states the following:

> A current list of such programs shall be maintained on file in the Sacramento office of the division.

This rulemaking proposes to amend section 1321(b) by striking this language as antiquated and unnecessary, and adding new language indicating that postgraduate training programs located in the United States and/or its territories accredited by the American Osteopathic As-

sociation (AOA) that have received initial/pre−accreditation status by the Accreditation Council on Graduate Medical Education (ACGME) shall be approved for the postgraduate training specified in Sections 2065, 2066, 2096, 2102, and 2103 of the BPC.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The proposed change to section 1321(a) will clarify that only accredited postgraduate training programs located in the United States and/or its territories or in Canada are approved by the Board. Both ACGME and RCPSC have established international accreditation programs which have not been vetted and approved. California, pursuant to BPC section 2096 only accepts postgraduate training approved by ACGME or RCPSC, not their international programs (ACGME−International or RCPSC−International). Accordingly, this proposed change will eliminate ambiguity for applicants for a physician's and surgeon's license and furthers consumer protection by clarifying what postgraduate training programs the Board will accept.

The proposed change to section 1321(a) will also clarify that the Board accepts family medicine postgraduate training in Canada accredited by the CFPC, since family medicine postgraduate training programs in Canada are now accredited by the CFPC, in partnership with RCPSC. Family medicine programs accredited by CFPC in Canada meet RCPSC standards. This proposed change will bring this regulation up to date with the current process in Canada for accrediting family medicine postgraduate training, and will provide clarity to applicants.

Additionally, this proposal makes a non−substantive correction, changing the word "on" to "for" so that the language correctly reads: "Accreditation Council for Graduate Medical Education," as this is the correct name for the ACGME.

The proposed change to section 1321(b) will remove obsolete language referencing the list of approved postgraduate training programs approved by the Board. The most current list of approved programs is available directly through the accrediting agencies, and it is not necessary nor efficient for the Board to keep a separate list of approved postgraduate training programs.

Further, section 1321(b) will be amended to indicate that postgraduate training programs located in the United States and/or its territories accredited by the AOA that have received pre−accreditation or initial accreditation status by the ACGME shall be approved for postgraduate training. This change is necessary to reflect the move to a single graduate medical education (GME) accreditation system in the United States beginning in 2014. The single GME accreditation system allows graduates of allopathic and osteopathic medical schools to complete their residency and/or fellowship education in ACGME−accredited programs and demonstrate achievement of common milestones and competencies. This change broadens access to training by permitting all eligible residency applicants to enter any accredited program in the United States, and to transfer from one accredited program to another without having to repeat training.

A status of pre−accreditation signifies that a program already approved by the AOA for postgraduate training has initiated the process of attaining ACGME accreditation while still under AOA approval.

A status of initial accreditation means that the program's ACGME Review Committee has determined that it is in substantial compliance with the applicable program requirements.

Once an AOA−accredited program is fully accredited by the ACGME, it will fall under CCR section 1321(a), but until then, to clarify that the Board will accept those programs that have received pre−accreditation or initial accreditation status, this regulatory change is necessary.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500−17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed amendments to section 1321 will only update the language in this section for consistency with current accreditation practices and eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation will not affect small businesses, since the proposed amendments to section 1321 will only update the language for consistency with current accreditation practices to eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination has been made based upon the fact that the proposed amendments only update the language for consistency with current accreditation practices to eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license.

Benefits of Regulation:

The benefit of amending section 1321 is to further define BPC sections 2037, 2065, 2066, 2096, 2102 and 2103 to update the language for consistency with current accreditation practices to eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license. This regulatory action furthers the goal of consumer protection through the proper licensing and regulation of health care professionals as well as enforcing the Medical Practice Act.

CONSIDERATION OF ALTERNATIVES

The Board 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 as 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 Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person, below, or by accessing the Board's website at: http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS 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.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name:	April Alameda
Address:	Medical Board of California 2005 Evergreen St., Ste. 1200 Sacramento, CA 95815
Telephone No.:	(916) 263−2382
Fax No.:	(916) 263−2387
E−Mail Address:	regulations@mbc.ca.gov

The backup contact person is:

Name:	Michael Briscoe
Address:	Medical Board of California 2005 Evergreen St, Ste. 1200 Sacramento, CA 95815
Telephone No.:	(916) 274−5797
Fax No.:	(916) 263−2387
E−Mail Address:	michael.briscoe@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.mbc.ca.gov/About_Us/Laws/_Proposed_Regulations.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
Little Lost Man Creek Fish Passage Project
(Tracking Number: 1653−2019−031−001−R1)
Humboldt County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on January 14, 2019, that the California Department of Transportation proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves replacing an existing concrete box culvert with a single−span bridge on Little Lost Man Creek, a tributary to Prairie Creek. Additionally, bioengineered bank stabilization will occur just downstream of the new bridge to address erosion as a result of the outdated box culverts. The proposed project will be carried out on Little Lost Man Creek, located 2.5−miles north of Orick on U.S. Highway 101 (US 101) at post mile (PM) 124.49 where Little Lost Man Creek flows under US 101, Humboldt County, California.

On November 29, 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 Little Lost Man Creek Fish Passage 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. 1B180166WNHU; ECM PIN No. CW−853960) for coverage under the General 401 Order on December 13, 2018.

The California Department of Transportation 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, the California Department of Transportation will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NO. 1653−2018−030−001−R4

Project:	Los Padres Dam Gravel Augmentation Project
Location:	Monterey County
Applicant:	Larry Hampson, Monterey Peninsula Water Management District
Notifier:	Josh Harwayne, Denise Duffy and Associates

Background

Project Location: The Los Padres Dam Gravel Augmentation Project (Project) is located in the Carmel River immediately downstream of the Los Padres Dam plunge pool at river mile 24.8, approximately 1.5 miles upstream from the confluence with Cachagua Creek, at a property owned by California−American Water Company, Assessor Parcel Number (APN) 418−191−005. The Carmel River supports the federally threatened south−central California coast steelhead (*Oncorhynchus mykiss*).

Project Description: The Monterey Peninsula Water Management District (Applicant) proposes to enhance or restore habitat within the Carmel River to provide a net conservation benefit for south−central California coast steelhead. The Project includes gravel augmenta-

tion to the Carmel River downstream of the Los Padres Dam, which blocks sediment transport downstream, and removal of an old, nonfunctioning fish ladder.

Applicant will place clean, imported, river−run, spawning−sized (1.5−inch to 4−inch diameter), rounded gravel into the channel of the Carmel River over an estimated 5−day interval during the low−flow period, at three locations within an approximately 300−foot reach downstream of the Los Padres Dam spillway. Gravel will subsequently be carried downstream by high river flows and is expected to provide spawning habitat for steelhead in a river reach where gravels have been flushed from the area by river flow and not replenished, due to the dam. Up to 1,500 tons (approximately 1,071 cubic yards) of gravel will be placed in the first year, and each subsequent year up to 1,500 tons of gravel will be added over an estimated 5−day interval each time to replenish the channel.

Applicant will also remove a 100−foot long Alaskan steeppass fish ladder that is no longer functioning and has already been replaced. The fish ladder consists of concrete walls with a steel grate over the top, all of which will be removed using a combination of hand tools (e.g., concrete saw and/or pneumatic jackhammer) and heavy construction equipment to haul material away.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.23 acres and approximately 300 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: gravel.

Project Timeframes:

Start date: June 2019
Completion date: June 2024
Work window: June 15−October 15

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and to provide and enhance steelhead spawning and rearing habitat, the Central Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 32718WQ18 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to steelhead and California red−legged frog (*Rana draytonii*).

Receiving Water: Carmel River.

Filled or Excavated Area:

Permanent area impacted: none
Temporary area impacted: 0.23 acres
Length temporarily impacted: 300 linear feet
Length permanently impacted: 0 linear feet

Dredge Volume: None.

Discharge Volume: 1,500 tons (approximately 1,071 cubic yards) of imported 1.5−inch to 4−inch diameter river−run gravel annually.

Project Location: Latitude 36.388461 N. and Longitude −121.666625 W., (NAD 83); APN: 418−191−005.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*).

On December 17, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on December 18, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z−2018−1218−05) on December 28, 2018. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non−habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for

Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which includes seasonal activity limitations and general measures to avoid and minimize impacts to biological resources, including pre−activity surveys by qualified biologists and monitoring during implementation by a qualified biologist. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Los Padres Dam Gravel Augmentation Project Description*, and the *Steelhead Spawning Gravel Enhancement — Below Los Padres Dam Fisheries Restoration Grant (FRGP) #P1240401,01 Final Project Report March 31, 2017*.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI and the *Steelhead Spawning Gravel Enhancement — Below Los Padres Dam Fisheries Restoration Grant (FRGP) #P1240401,01 Final Project Report March 31, 2017*.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, and WDID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: linda.connolly@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES
Monitoring Golden Eagle and Bald Eagle Nest Sites

The Department of Fish and Wildlife (Department) received a study proposal from Lauren McClure, on behalf of Stillwater Sciences, requesting authorization to take Golden Eagle (*Aquila chrysaetos*) and Bald Eagle (*Haliaeetus leucocephalus*), both Fully Protected birds, for scientific research purposes, consistent with conservation and recovery of the species. The Bald Eagle is listed as Endangered under the California Endangered Species Act.

Ms. McClure is planning to conduct studies throughout the range of the two eagle species in California, in accordance with standardized methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The research activities include passive ground surveys and aerial helicopter surveys to locate nests to determine nest occupancy, success and productivity. No adverse effects on individuals or populations are expected. Salvage activities may also be authorized for scientific purposes.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Ms. McClure as the Principal Investigator, to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30−day notice pe-

riod has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after February 25, 2019, for an initial and renewable term of up to, but not to exceed three years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916−445−3615.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES
Research on American Peregrine Falcon

The Department of Fish and Wildlife (Department) received a proposal on January 26, 2018 from Zeka Glucs, on behalf of the Santa Cruz Predatory Bird Research Group, Santa Cruz, California, requesting authorization to take American Peregrine Falcon (*Falco peregrinus anatum*) ('falcon'), a Fully Protected bird, for scientific research purposes consistent with conservation and recovery of the species.

Ms. Glucs proposes to study the falcon in Alameda, Santa Cruz, Marin, Solano, Monterey, Contra Costa, Santa Clara, San Francisco, Sonoma, and San Mateo counties, in accordance with methods approved by the Department. The proposed research consists of monitoring active nests, accessing nests to band and collect biological samples from nestlings for the purpose of understanding nest success and productivity, dispersal and survival of the species. Ms. Glucs and any others deemed qualified by the Department, would collect data by live capturing, measuring, banding, color−marking, and collecting feather, oral/fecal swabs, and blood from the falcon. No adverse effects on individual falcons or falcon populations are expected. Other research locations and activities may be added by the Department in the future. If any falcons are found dead, they will be salvaged (including any parts thereof) and donated to a scientific institution open to the public, as designated by the Department.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Ms. Glucs as the Principal Investigator, to carry out the proposed research activities on the falcon. Ms. Glucs is also required to possess valid federal permits for the falcon research, and a scientific collecting permit to incidentally take other bird species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30 day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after February 25, 2019, for an initial and renewable term of up to, but not to exceed four years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916−445−3615.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS
Humboldt Marten
(*Martes caurina humboldtensis*)

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), at a meeting in Fortuna, California on August 23, 2018, found pursuant to Fish and Game Code Section 2075.5, that the information contained in the petition to list Humboldt marten (*Martes caurina humboldtensis*) and other information in the record before the Commission, warrants adding the Humboldt marten to the list of endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See also Cal. Code Regs., tit. 14, § 670.1, subsec. (i).)

NOTICE IS ALSO GIVEN that, at its December 13, 2018 meeting in Oceanside, California, the Commission adopted the following findings outlining the reasons for its determination.

I. Background and Procedural History

Petition History

The Environmental Protection Information Center and the Center for Biological Diversity, as joint petitioners, submitted a "Petition to List Humboldt Marten (*Martes caurina humboldtensis*) as an Endangered Species under the California Endangered Species Act" (Petition) to the Commission on June 8, 2015. Commission staff transmitted the petition to the California Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2073 on June 18, 2015, and published a formal notice of receipt of the petition on July 24, 2015 (Cal. Reg. Notice Register 2015, No. 30−Z, p. 1237).

On November 11, 2015, the Department transmitted to the Commission its evaluation of the petition: "Evaluation of the Petition from the Environmental Protection Information Center and the Center for Biological Diversity to List the Humboldt Marten (*Martes caurina humboldtensis*) as Endangered Under the California

Endangered Species Act" (petition evaluation). The Commission formally received the Department's petition evaluation at a meeting on December 10, 2015 in San Diego, California (Fish & G. Code, §§ 2073.5 & 2074.2; Cal. Code Regs., tit. 14, § 670.1, subsec. (d) & (e)). At its public meeting on February 11, 2016, in Sacramento, California, the Commission considered the petition, the Department's petition evaluation and recommendation, and comments received. The Commission determined that sufficient information existed to indicate the petitioned action may be warranted and accepted the petition for consideration. Upon publication of the Commission's notice of its findings, the Humboldt marten was designated a candidate species on February 26, 2016 (Cal. Reg. Notice Register 2016, No. 9−Z, p. 290).

Status Review Overview

The Commission's action designating the Humboldt marten as a candidate species triggered the Department's process for conducting a status review to inform the Commission's decision on whether to list the species. At its scheduled public meeting on February 8, 2017, in Rohnert Park, California, the Commission granted the Department a six−month extension to complete the status review and facilitate external peer review. The Department transmitted to the Commission the Department's report to the Commission titled "A Status Review of Humboldt Marten (*Martes caurina humboldtensis*) in California" (Status Review) on June 20, 2018. And on June 21, 2018, the Commission formally received the Department's Status Review. On August 23, 2018, in Fortuna, California, the Commission found that the information contained in the petition to list the Humboldt marten and the other information in the record before the Commission warrants listing the Humboldt marten as an endangered species under the California Endangered Species Act.

Species Description

Martens have yellowish to dark brown fur with a contrasting lighter chest patch, the long, sleek body form typical of members of the mustelid (weasel) family, a relatively long bushy tail, and typically weigh 0.4−1.25 kilograms (0.88−2.76 pounds). Humboldt martens in California have subtle physiological differences from Sierra martens (*M. caurina sierra*) which also occur in California. Within California, Humboldt martens historically occupied near−coastal forests from Sonoma County north to the Oregon border; however, the current distribution within the state is limited to two small areas of Del Norte, northern Humboldt, and western Siskiyou counties, a small fraction of the historical range.

Humboldt martens breed once per year and females typically first give birth at two years of age and reach peak productivity from three to five years of age, although not all females attempt to breed each year. Kits are born in natal dens where they remain completely dependent on the mother for seven to eight weeks, after which the mother typically moves them to one or a series of maternal dens until the kits disperse, typically in late summer. Dispersal distances of Humboldt martens are largely unknown, but likely similar to distances of other North American martens, which typically average less than 15 kilometers (9.3 miles). Available information suggests that home ranges of Humboldt martens fall within the Sierra marten home range sizes in California of 70−733 hectares (173−1,811 acres).

In California, Humboldt martens subsist on a diet composed primarily of small mammals (squirrels, chipmunks, and voles) and birds, and to a lesser degree reptiles, fruits, and insects. Known predators of martens in North America include bobcats (*Lynx rufus*), coyotes (*Canis latrans*), foxes (*Vulpes vulpes*), fishers (*Pekania pennanti*), and great−horned owls (*Bubo virginianus*), with bobcats being the primary predator of Humboldt martens in California.

Humboldt martens in California are associated with two distinct habitat types: late−successional coastal redwood, Douglas−fir (*Pseudotsuga menziesii*), and mixed conifer forests with dense mature shrub layers; and serpentine habitats with variable tree cover, dense shrub cover, and rock piles and outcrops. Consistent among the two habitat types is the requirement for denning, resting, escape cover, and shelter structures. In late−successional forests, structures used include tree cavities, defects, snags, and logs; while in serpentine habitats rock piles and outcrops are commonly used in addition to tree structures. Humboldt martens also rely on extensive stands of dense shrub cover in both habitat types.

II. Statutory and Legal Framework

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The CESA listing process for the Humboldt marten began in the present case with the Petitioners' submittal of the petition to the Commission on June 8, 2015. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114−116;

- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541−1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600;
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111−1116;
- *Central Coast Forest Association v. California Fish and Game Commission* (2017), 2 Cal. 5th 594, 597−598; and
- *Central Coast Forest Association v. California Fish and Game Commission* (2018) 18 Cal. App. 5th 1191, 1196−1197.

The "is warranted" determination at issue here for Humboldt marten stems from Commission obligations established by Fish and Game Code Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether listing a species is warranted or is not warranted. Here, with respect to the Humboldt marten, the Commission made the finding under Section 2075.5(e)(2) that listing the species as endangered is warranted.

The Commission was guided in making these determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter." (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subsection (i)(1)(A), of the California Code of Regulations in making its determination regarding Humboldt marten. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species' continued existence is in serious danger or is threatened by any one or any combination of six factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human−related activities.

Fish and Game Code Section 2070 provides similar guidance. This section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, " '[l]aws providing for the conservation of natural resources' such as the CESA 'are of great remedial and public importance and thus should be construed liberally.' " (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal. App.4th at pp. 1545−1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally, in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., Id., §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subsec. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subsec. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species' status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subsec. (d), (f), (h).)

III. Factual and Scientific Bases for the Commission's Final Determination

The factual and scientific bases for the Commission's determination that designating the Humboldt marten as an endangered species under CESA is warranted are set forth in detail in the Commission's record of proceedings including the Petition, the Department's Petition Evaluation Report, the Department's status review, written and oral comments received from members of

the public, the regulated community, tribal entities, the scientific community and other evidence included in the Commission's record of proceedings.

The Commission determines that the continued existence of the Humboldt marten in the State of California is in serious danger or threatened by one or a combination of six factors as required by the California Code of Regulations Title 14, Section 670.1, subsection (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human−related activities.

The Commission also determines that the information in the Commission's record constitutes the best scientific information available and establishes that designating the Humboldt marten as an endangered species under CESA is warranted. Similarly, the Commission determines that the Humboldt marten is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

The items highlighted here and detailed in the following section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for the Humboldt marten. Similarly, the issues addressed in these findings represent some, but not all, of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

Background

The Commission bases its "is warranted" finding for the Humboldt marten most fundamentally on the fact that that historic trapping and habitat loss has extirpated Humboldt martens from significant portions of the species' range. Additionally, historic and ongoing habitat loss, habitat fragmentation, and associated elevated predation rates, coupled with ongoing threats to the species from a small population size, disease, toxicants, wildfire, and climate change place the remaining California Humboldt marten population at risk of extinction.

Threats

Present or Threatened Modification or Destruction of Habitat

Modification to the structure and landscape configuration of Humboldt marten habitat can negatively impact survival, reproduction, and population connectivity of the species (CDFW Status Review 2018). Timber harvest and other silvicultural treatments of older forests; wildland fires, salvage logging, and fuel reduction projects; development of coastal forests for human settlement; and the clearing of forests for the cultivation of cannabis can all lead to loss, degradation, and fragmentation of Humboldt marten habitat (CDFW Status Review 2018). The USFWS (2015) Humboldt marten species report concluded habitat loss and degradation from historical and current logging is the most plausible reason the marten is absent from much of its historical range, noting most of the remaining suitable habitat is located on federally owned land (Zielinski et al. 2001).

Forest conditions in the range of the Humboldt marten today have largely been shaped by a legacy of over 100 years of logging and timber management (CDFW Status Review 2018). It is estimated that the area of old growth conifer forest in the Pacific Northwest has been reduced by 72 percent since European settlement (Strittholt et al. 2006), and only 10 percent of the historical range of redwood forests remains in old growth stands today (Fox 1996). While timber harvest continues in the area, the logging of old growth forest stands on private and public lands has dramatically slowed from peaks in the second half of the 20th Century. Today, 33 percent of remaining old forest on federal lands in the Northwest Forest Plan area is fully protected from harvest, and 80 percent is afforded some level of management protection (Strittholt et al. 2006). The rate of timber harvest on private lands in the area has declined in recent decades due to more restrictive regulations and market conditions (CDFW Status Review 2018). Harvest on federal lands declined sharply following implementation of the Northwest Forest Plan in 1994 (Strittholt et al. 2006). The area of older forests (OGSI−200) on federal lands in the coastal and Klamath mountains of northwestern California declined 8.4 percent from 1993−2012, largely due to wildfires, while the area of older forests on non−federal lands increased 1.3 percent, despite losses to timber harvest (Davis et al. 2015). While recent losses of old forest stands in the Humboldt marten range have been relatively small, forest stands degraded and fragmented from historical logging will take decades to recover dense ericaceous shrub layers and centuries to recruit the large tree structures needed to restore high quality

Humboldt marten habitat conditions (Slauson and Zielinski 2009).

Wildfires and associated salvage logging of damaged trees can threaten the already small Humboldt marten population by reducing and fragmenting the remaining habitat (Slauson and Zielinski 2004). On federal lands in north coastal California there was a net 5.6 percent loss of old forest habitat over the period of 1993−2012 despite gains from forest succession; this loss was primarily attributed to wildfires (Davis et al. 2015). Connectivity between old forest stands was found to have decreased over the same period, mainly due to fragmentation caused by wildfires (Davis et al. 2015). In southwest Oregon the 2002 Biscuit Complex Fire burned 229,388 hectares (566,829 acres) and the 2017 Chetco Bar Fire burned an additional contiguous 77,346 hectares (191,125 acres) between the southern Oregon Humboldt marten population and the California−Oregon border population, perhaps functionally isolating the two populations from one another (CDFW Status Review 2018).

Vegetation management activities designed to reduce the risk of wildland fire by removing shrubs, reducing canopy cover, and removing snags and logs impact martens by removing required habitat structures and shrub cover which can reduce prey abundance and improve access for competitors (USFWS 2015). On federal lands, salvage logging and fuels management activities can occur on all land allocation categories except for wilderness areas (Hamlin et al. 2010), and on private lands salvage logging plans are exempt from normal review procedures and are automatically approved by the California Department of Forestry and Fire Protection (CAL FIRE) through a ministerial process if all applicable Forest Practice Rules are abided (Title 14, CCR §1052).

Thinning and fuel reduction management can fragment and degrade Humboldt marten habitat; however, severe wildfires can also substantially fragment and degrade marten habitat (CDFW Status Review 2018). Implementing fuel reduction treatments (mechanical or prescribed fire) on as little as 10−20 percent of the landscape significantly reduced the probability of Pacific marten habitat loss from wildfires (Moriarty et al. 2017). Modelling has shown that prescribed fire and mechanical thinning fuel reduction treatments in and surrounding marten habitat would limit the spread of large wildfires; treating only the landscape outside of predicted marten habitat was shown to be equally as effective as conducting fuel reduction treatments in marten habitat, so long as at least 30 percent of the landscape is available for treatment (Credo 2017). However, modeling also showed that excluding fuel treatments from all predicted marten habitat in watersheds increased the risk of net loss of marten habitat from wildfires over time (CDFW Status Review 2018). Management for the creation and conservation of resilient Humboldt marten habitat will require land managers to carefully plan for both habitat patches and fuel reduction zones over the landscape over time.

Habitat loss and degradation from human settlement and residential development rapidly increased in the 1850s when pioneers of European descent began harvesting lumber, farming, mining, and fishing along California's north coast (Del Norte County Community Development Department 2003). Since that time minor portions of the historical range have been converted from forests to urban areas, primarily in and around Crescent City, Humboldt Bay, Fortuna, Fort Bragg, and Willits; and much of the historical range south of Del Norte County has been parceled and occupied by very low density housing (=1 housing unit/16 hectares [40 acres])(Cal Fire 2010). However, the core population area currently occupied by Humboldt martens in California is almost entirely unoccupied by humans, with the exception of some areas adjacent to the Klamath River on Yurok Tribal lands (Cal Fire 2010). Low−density human occupancy does not necessarily result in the loss of mature forest habitat favored by martens, but human occupancy likely renders such areas unsuitable for martens (CDFW Status Review 2018). Impacts from the presence of humans, livestock, and pets, the construction and use of rural roads, and the use of household pesticides can frighten wildlife away, introduce novel predators, diseases, and toxicants, deplete prey populations, and degrade and fragment habitat (Merenlender et al. 2009). While further human development of the historical range will likely continue into the future, a modeled analysis of future land conversions under several human population growth scenarios found the probability of significant conversions to urban and agricultural uses in the northwest California coast region to be very low for the remainder of this century (Sleeter et al. 2017).

Large−scale marijuana cultivation in remote forests throughout California has increased since the mid−1990s, coinciding with the 1996 passage of Proposition 215, the Compassionate Use Act of 1996 (Health & Safety Code, § 11362.5), which allowed the legal use and growth of marijuana for certain medical purposes (Bauer et al. 2015). Humboldt and Del Norte counties are known centers of legal and illegal cannabis cultivation in California due to the remote and rugged nature of the land and abundant water sources (National Drug Intelligence Center 2007, Bauer et al. 2015). The recent passage of California Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act, further decriminalized the adult use of cannabis for recreational use beginning in January 2018 (CDFW Status Review 2018). In 2017, the California Legislature approved the

Medical and Adult Use of Cannabis Regulation and Safety Act which provides state and local governments the authority to regulate the production and processing of cannabis products, including regulation of the environmental impacts from growing cannabis (CDFW Status Review 2018). The impact these new laws will have on the conversion of forests for the production of cannabis is uncertain (CDFW Status Review 2018). A recent study found the majority of cannabis cultivation sites in Humboldt County were located >500 meters (1,640 feet) from the nearest road, indicating cultivation may contribute to landscape fragmentation, although the amount of land area under cannabis cultivation was found to be minor, at less than 1 percent of the land under organic crop cultivation (Bustic and Brenner 2016). The extent to which land clearing for legal and illegal cannabis cultivation contributes to Humboldt marten habitat loss and degradation is unknown.

Large Tree Structures and Tree and Shrub Canopy Cover

Both large tree structures and tree and shrub canopy cover are requisite Humboldt marten habitat features (CDFW Status Review 2018). These requisite features are likely particularly at risk from habitat loss and degradation resulting from the above activities (CDFW Status Review 2018).

The large tree structures used by Humboldt martens for resting, denning, and cover from predators were typically removed during timber harvests, both during initial harvests of original−growth forests as well as through harvest of "residual" old growth trees in subsequent entries in second−growth forests (Slauson et al. 2010, USFWS 2015). Delheimer (2015) compared the availability of potential Humboldt marten rest site structures (large trees, snags, logs, slash piles, platforms, and cavities) in occupied and unoccupied second−growth forest study sites in northern California and found there were significantly more structures available in the occupied sites. Large diameter trees, snags, and downed logs with cavities and platforms used as resting and denning structures by Humboldt martens are significantly reduced in second−growth forest stands compared to old growth stands (Slauson et al. 2003, Slauson et al. 2010). In Douglas−fir stands these structures begin to rapidly accumulate at 200−350 years of age (Franklin et al. 2002) and in second−growth stands it is estimated that it could take more than 200 years to recruit such structures (Slauson et al. 2010). The minimum age of live and dead tree structures used for resting by martens in north coastal California was 176 and 254 years, respectively (Slauson and Zielinski 2009).

Other silvicultural treatments also reduce marten habitat structures (CDFW Status Review 2018). For example, thinned stands (n=26) have been found to have significantly fewer potential resting and denning structures than Humboldt marten−occupied stands (n=7) (Slauson et al. 2010). Conversely, retention of woody structures during timber harvests (platforms in large trees, large diameter snags, slash piles, large diameter cull logs) appears to increase the probability of retaining marten populations in harvested forests (Slauson et al. 2010, Delheimer 2015).

Humboldt marten habitat suitability is reduced under most of the commonly used timber harvest methods, both through overstory canopy cover reduction and through loss of dense ericaceous shrub layers (Allgood 1996, USFWS 2015). Shrub layers can be destroyed or degraded through conifer stand management which favors trees over shrubs (such as mechanical brush clearing and application of herbicides that target shrub species), and through the competitive exclusion of densely planted conifers which shade out understory shrubs (Franklin et al. 2002, Slauson et al. 2010). Under the Z'berg−Nejedly Forest Practice Act, even−aged silvicultural methods on industrial north coast timberlands may completely eliminate post−harvest canopy cover in clear cuts over areas of up to 16 hectares (40 acres). In practice, openings in Green Diamond Resources Company even−aged harvest units average approximately 6 hectares (15 acres) (Green Diamond Resource Company 2017). Such conditions, which are typically avoided by Pacific marten (Slauson 2017), persist for years until the regenerated stand achieves suitable canopy closure (CDFW Status Review 2018).

Shrub cover has been found to be more patchily distributed in thinned stands than in old growth stands on federal forest lands (Slauson et al. 2010). Dense regenerating conifer stands that were thinned were found to regenerate moderately dense shade−tolerant native species shrub layers within 15−30 years following thinning; however, shrub cover remained significantly lower than levels found in the old growth redwood stands used by Humboldt martens (Slauson et al. 2010). Given relatively short harvest rotations, typically less than 60 years (USDA 1992, Green Diamond Resource Company 2012, Yurok Tribal Forestry 2012) in the coastal forests of northern California, overstory conditions suitable for martens are likely to exist on only a proportion of the intensively managed landscape at any given time (CDFW Status Review 2018).

Slauson et al. (2010) found that shrub flowering and fruiting are greatly reduced in stands thinned within the prior 30 years compared to stands occupied by martens. Only 38 percent of thinned stands were observed with a fruiting or flowering shrub component, compared to fruiting or flowering in 100 percent of old forest stands occupied by Humboldt martens. In addition to directly

providing food for martens, fruiting shrubs support greater densities of marten prey animals such as small mammals, hornets and migratory birds (Slauson et al 2010).

Vegetation management activities designed to efficiently produce timber and reduce the risk of wildland fire by removing shrubs, reducing canopy cover, and removing snags and logs may negatively impact martens by removing required habitat structures and by removing shrub cover which can reduce prey abundance and improve access for competitors and larger−bodied predators such as bobcats.

Large−scale Habitat Fragmentation

Forest fragmentation also threatens Humboldt marten individuals and populations (CDFW Status Review 2018). Male and female Pacific martens in the Sierra Nevada avoided crossing open ski runs between forest patches wider than 18 meters (60 feet) and 13 meters (43 feet) respectively in the Sierra Nevada mountains (Slauson 2017). Individuals may be forced to move over greater distances to acquire food in fragmented landscapes, increasing their energy costs and exposing them to more predators. Populations may be impacted by reducing the likelihood of successful juvenile dispersal and the ability of breeding individuals to move safely between population areas (CDFW Status Review 2018). Fragmented habitat conditions exist throughout much of the Humboldt marten's historical and current range, and the four extant marten populations in coastal California and Oregon appear to be isolated from one another by unsuitable habitat degraded by logging, severe wildfire, and urbanization (Slauson et al. 2017). Fragmentation of habitat can also be detrimental at finer scales, where the fragments may not be large enough to support a single marten territory. For example, the Redwood National and State Parks complex contains only three patches of late−successional forest greater than 2,023 hectares (5,000 acres) in area, with most patches less than 40 hectares (100 acres) in area (USFWS 2015).

Slauson et al. (2017) concluded that early trapping combined with the extensive habitat loss and fragmentation from unregulated timber harvesting were the two factors most likely responsible for the decline in distribution and abundance of Humboldt martens. Moriarty et al. (2016) suggested habitat fragmentation (both natural and anthropogenic) is the most serious threat to martens in coastal Oregon. Similarly, Credo (2017) found that Pacific martens avoided forest stands following mechanical thinning and prescribed fire treatments on the Lassen National Forest.

Degraded landscapes may lack obvious barriers to marten movement while at the same time acting as functional barriers to movement by decreasing the likelihood of daily survival and successful dispersal (CDFW Status Review 2018). American marten dispersal distances were found to decrease by approximately 50 percent in intensively logged forests in Ontario compared to unlogged forests, and the percent of juveniles successfully dispersing and establishing new territories declined from 49 percent in unlogged forests to 25 percent in logged forests (Johnson et al. 2009). Thompson (1994) found daily survival rates in recently harvested (3− to 40−year−old) forest stands in Ontario were nearly five times lower than in uncut forests.

Because roads favor generalist predators that prey on martens, crossing roads to move between fragmented patches of habitat means martens are more likely to encounter a predator than if they were able to remain in dense shrub habitat (Slauson et al. 2010). Fragmentation of dense shrub stands by roads also appears to confer a competitive advantage to generalist carnivores like fishers, gray foxes (*Urocyon cinereoargenteus*), and bobcats, which compete with and prey upon martens. Slauson et al. (2010) found that 80 percent of camera detections of generalist carnivores such as gray fox and bobcats were on roads, while 80 percent of habitat specialist carnivore (e.g. fisher and Humboldt marten) detections came from areas away from roads. The majority of roads in the extant range of Humboldt martens in California are used periodically for the seasonal hauling of timber; however, U.S. Highway 101, which is a four−lane highway in some sections, lies between the extant core population and late seral redwood habitat in state and federal redwood parks to the west, and U.S. Highway 199 closely parallels the California−Oregon population area. These highways may constitute a significant barrier to marten movement (S. Prokop and B. Silver 6/29/2016 letter to CDFW).

The amount of Humboldt marten habitat in California has been substantially reduced since the species' range was first described by early naturalists, primarily as a result of past timber harvesting and timber production practices which removed the large tree structures and dense shrub layers martens require for denning and protection from predators. Although the rate of timber harvesting appears to have decreased in recent years, it will take centuries to recruit large tree structures to replace what has been lost. Wildfire and the conversion of land to urban and agricultural uses including cannabis cultivation have also contributed to habitat loss and degradation over the last century. Where habitat remains, degraded conditions and fragmentation caused by roads, timber harvesting, cannabis cultivation, and other land use practices can limit its usefulness to the marten population. Degraded and fragmented habitats may allow larger carnivores to colonize traditional Humboldt marten habitat potentially resulting in increased rates of

predation on martens. Because historical habitat loss and degradation severely limits the spatial extent of suitable habitat available to the population, it continues to pose a potentially significant threat to Humboldt martens (CDFW Status Review 2018). However, increases in the extent of mature coastal forest and reductions in habitat fragmentation from recruitment of large tree and shrub structure over the coming decades on protected lands could significantly contribute to the recovery of Humboldt martens in California (CDFW Status Review 2018).

Some portions of the remaining occupied habitat are protected by wilderness and other land use designations, but large areas remain vulnerable to continued timber harvesting and other uses which can fail to retain required habitat elements on the landscape, and virtually all existing habitat is vulnerable to degradation and loss from wildfires (CDFW Status Review 2018). Until additional areas of suitable forest habitat are allowed to develop with careful management and the passage of time, the limited extent of suitable habitat will continue to prevent recovery of the California Humboldt marten population for several decades at a minimum (CDFW Status Review 2018). Therefore, the continued existence of the Humboldt marten in California is threatened by present or threatened modification or destruction of its habitat.

Overexploitation

Early trapping of Humboldt marten was intensive, with accounts of individual trappers taking 35−50 martens in a single winter (Grinnell et al. 1937). By the early 1900s annual harvest of Humboldt martens was already declining, prompting Joseph Dixon to call for closing the trapping season in California to prevent an extirpation; however, marten harvest continued until a partial closure was enacted in northwestern California in 1946, depleting populations and likely reducing genetic variation within the remaining population (Dixon 1925, Zielinski et al. 2001).

Today trapping of all martens is prohibited statewide (§ 460, Title 14, California Code of Regulations (CCR)), although it is possible that Humboldt martens could be inadvertently taken by trappers pursuing other fur bearers or nongame mammals that may be legally harvested for recreation, commerce in fur, or depredation (CDFW Status Review 2018). Trapping in California is highly regulated, and trappers must pass a Department examination demonstrating their skills and knowledge of laws and regulations prior to obtaining a license (Fish & G. Code § 4005). Additionally, only live−traps may be used to take furbearers or nongame mammals for recreation or commerce in fur, and trappers are required to check traps daily and release non−target animals (*Id.* §§ 3003.1, 4004, and 4152 and § 465.5, Title 14, CCR). With the passage of Proposition 4 in 1998, body−gripping traps (including snares and leg−hold traps) were banned in California for commerce in fur and recreational trapping (*Id.* § 3003.1). Trapping records indicate that there were no licensed fur trappers operating in Del Norte County from 2010 to 2016, and less than two trappers operating annually in Humboldt County in the same period, suggesting a very low probability of Humboldt marten bycatch (California Automated License Data System 2018). However, some body−gripping traps may be used by licensed trappers for purposes unrelated to recreation or commerce in fur, including protection of property or by government employees, or their authorized agents, while acting in their official capacities (*Id.* Fish & G. Code § 3003.1 and § 465.5, Title 14, CCR).

Trapping of Humboldt martens remains legal in neighboring Oregon where trappers are required to obtain a trapping license and take an educational course (Hiller 2011). In recent years only four to eight trappers per year reported pursuing martens in Oregon (Hiller 2011). Oregon trapping records are organized by county, making it difficult to determine if reported trapped martens were coastal Humboldt martens or interior (*Martes caurina caurina*). Review of trapping records from 2007 to 2016 indicates that as many as nine Humboldt martens may have been trapped in Oregon (CDFW Status Review 2018). Linnell et al. (2017) modeled Humboldt marten population viability in a coastal shore pine population and determined that the annual removal of two to three individuals from the population from human causes, such as trapping and road kills, would greatly increase the likelihood of extirpation within a 30−year period.

Trapping pressure on Humboldt martens was intense during the late 1800s and early 1900s, and very likely resulted in significant declines in population size as well as a dramatic reduction in range (CDFW Status Review 2018). There have been no studies on the population level effects of Humboldt marten trapping, but the loss of even a few adult martens, especially when combined with other mortality sources, could reduce the likelihood of long−term population viability (USFWS 2015). However, it is unlikely that trapping continues to threaten Humboldt martens in California due to the ban on trapping martens, the small number of active fur trappers, restrictions on the types of traps that may be used for other species, as well as requirements that licensed trappers check traps daily and release non−target animals (CDFW Status Review 2018). Despite the past impact that trapping had on the species, due to changes in trapping laws and practices, overexploita-

tion no longer threatens the species in California (CDFW Status Review 2018).

Predation

Predation is a major cause of Humboldt marten mortality in California populations (CDFW Status Review 2018). Predation can significantly limit marten populations in the wild (Hodgman et al. 1997, Bull and Heater 2001, McCann et al. 2010, Slauson et al 2017). Known or expected predators of Humboldt martens include bobcats, gray foxes, coyotes, mountain lions (*Puma concolor*), great horned owls, goshawks (*Accipiter gentilis*), and Pacific fishers (Buskirk and Ruggiero 1994, Bull and Heater 2001, Slauson et al. 2009b, Woodford et al. 2013). Moriarty et al. (2016) detected the following potential predators at camera traps within 5 kilometers (3.1 miles) of known Humboldt marten detections: black bear (*Ursus americana*), bobcat, gray fox, domestic dog (*Canis familiaris*), domestic cat (*Felis catus*), coyote, and mountain lion. Gray foxes were the most frequently observed species with detections near 29 percent of the known marten stations (CDFW Status Review 2018). Bobcats, black bears, and domestic dogs were detected near 26 percent, 23 percent, and 11 percent of the known marten stations, respectively (CDFW Status Review 2018). Detections of coyotes, domestic cats, and mountain lion were less frequent, ranging from two to four percent (CDFW Status Review 2018).

Bull and Heater (2001) documented 22 Pacific marten mortalities in their northeastern Oregon radio telemetry study; of these, 18 were attributed to predation, by bobcats (44 percent), raptors (22 percent), coyotes (11 percent), and other martens[1] (22 percent). The martens killed by predators accounted for 51 percent of the collared population over their four−year study (Bull and Heater 2001). In Wilk and Raphael's (in press) study of Pacific martens in the Oregon Cascades, 35 of 47 marten mortalities were attributed to predation (74 percent, mostly from coyotes and bobcats). In a Humboldt marten dispersal study in California (Slauson et al. 2014), nine martens (39 percent of collared martens) were killed by predation over the course of less than one year, and all nine of the predation events were by bobcats. An inverse relationship between bobcat occupancy and marten occupancy almost certainly exists as well as a direct relationship between bobcat occupancy and marten predation rates (CDFW Status Review 2018).

[1] The four marten deaths attributed to other martens were all males, including two juveniles. The carcasses were not eaten, but showed trauma suggestive of fighting. The authors surmised resident male martens engaged in territorial defense were responsible for these mortalities.

Predator — Vegetative Community Interactions

Coastal forest ecosystems are complex, with tree, shrub, and herbaceous plant layers creating multiple structural layers. Historically, dense continuous shrub understories were common in mature forests in the redwood region (Morgan 1953, Allgood 1996, Slauson and Zielinski 2007). These shrub understories have been drastically reduced in many areas and modified through a century of logging and related forest management such as burning, mechanical clearing, road building, and planting dense stands of trees which compete for sunlight with shrubs and herbs (Slauson and Zielinski 2007). The time period over which shrub layer extent, density, and species composition drastically changed corresponded with observed reductions in Humboldt marten distribution and the observed expansion of generalist mesocarnivore (mid−sized carnivores) distributions in the redwood region (Slauson and Zielinski 2007).

Dense shrub layers may play an important role in excluding marten predators. Most North American martens occupy areas where deep snow accumulates, which effectively excludes larger carnivores with higher body mass to foot surface area ratios. It rarely snows in the coastal forests occupied by Humboldt martens, but it is thought that extensive, extremely dense shrub layers effectively exclude larger bodied carnivores and provide a niche for Humboldt martens to exploit (Slauson et al. 2010). Humboldt martens, with the smallest body size of North American marten subspecies (Hagmeier 1961), are adapted to the dense foliage and stems found near ground level in coastal forest ecosystems, allowing them to move quickly through the dense cover and successfully capture prey.

Humboldt martens appear to require dense shrub stand patches of >50−100 hectares (124−247 acres) (Slauson et al. 2007). Where shrub layers have been removed or reduced, fishers and gray foxes — both potential marten predators, have expanded their historic ranges into the previously unoccupied redwood region (Slauson and Zielinski 2007). Conversely, in the remaining old tree conifer stands with intact dense shrub layers that Humboldt martens select as preferred habitat, fishers and gray foxes are rarely detected (Slauson 2003, Slauson and Zielinski 2007). Humboldt martens in northwestern California showed the strongest preference for stands with $\geq$80 percent shrub cover, and avoided stands with <60 percent shrub cover, while fishers and foxes avoided stands with $\geq$80 percent shrub cover and used stands with <60 percent shrub cover in proportion to their availability (Slauson 2003); however, in the shore pine coastal dune habitat of central Oregon Eriksson et al. (in review) found Humboldt martens and gray foxes coexisting in the same habitat.

The high predation rates noted in the Pacific marten and Humboldt marten studies above occurred in areas that included intensively managed forests. Raphael (2004 *in* Slauson et al. 2017) described his central Oregon Pacific marten study as a "high−harvest" area. Bull and Heater's (2001) 400 kilometers squared (154 miles squared) northeastern Oregon Pacific marten study area included a relatively small area (53 kilometers squared) (20 miles squared) of uncut forest surrounded by an area "extensively harvested for timber (approximately 80 percent) and fragmented by partial cuts, regeneration cuts, and roads." More than 90 percent of the Slauson et al. (2014) Humboldt marten dispersal study area had been previously harvested. Managed forests with open overstories, less dense shrub layers, and high road density appear to favor larger−bodied generalist predators such a bobcats, gray foxes, and fishers, which may prey on or kill Humboldt martens (Slauson and Zielinski 2007, Slauson et al. 2010). Fragmentation of dense shrub stands by roads also appears to confer a competitive advantage to generalist carnivores like fishers, bobcats, and gray foxes, which compete with and prey upon martens. Slauson et al. (2010) found that 80 percent of camera detections of generalist carnivores such as fisher, gray fox, and bobcats were on roads, while 80 percent of marten detections came from off−road areas. Because roads favor generalist predators, crossing roads to move between fragmented patches of habitat means martens are much more likely to encounter a predator than they would be if they were able to remain in dense shrub habitat (Slauson et al. 2010).

A landscape−scale habitat shift has occurred within the Humboldt marten's geographic range since the advent of industrial logging in the 20th century; from large, contiguous old forest stands with extensive dense shrub layers to a more patchy landscape of younger stands with degraded shrub layers divided by road systems. It is thought that small−bodied martens have a competitive advantage over the larger−bodied carnivores when foraging and moving through dense shrub stands (Slauson and Zielinski 2007), so this shift in habitat can disadvantage marten while simultaneously favoring larger−bodied generalist carnivores such as bobcats, fishers, and gray foxes. These changes, along with the increased density of roads in the area, appear to have allowed generalist predators to expand their distributions into areas they did not traditionally occupy and prey upon martens at higher rates than historically occurred. Although it is unknown whether predation alone threatens the existence of Humboldt martens in California, adult survival rates are known to be the most influential parameters in marten population growth models (Slauson et al. 2017, Linnell et al. 2018). Predation rates therefore potentially have a substantial influence on Humboldt marten population trends.

While predation is natural in wildlife communities, predation rates by larger predators appear to be elevated in landscapes managed for timber production due to the removal of large tree and shrub layer cover and the association between the primary prey of larger predators and early seral forest habitat (CDFW Status Review 2018). The degree to which predation by larger predators limits Humboldt marten populations on or adjacent to managed landscapes and what management actions may effectively reduce this mortality factor in these areas warrants further research (CDFW Status Review 2018). In the interim, observations suggest that ongoing timber harvest and occasional wildland fires which create early seral forest conditions in or adjacent to extant populations or areas identified as important for population re−establishment and connectivity will continue to elevate predation risk, potentially lead to declining population trajectories, and prevent recovery of the California Humboldt marten population (CDFW Status Review 2018). Therefore, the continued existence of the Humboldt marten in the State of California is in serious danger or threatened by predation.

Competition

No data or studies were identified that assess the impacts of competition between Humboldt martens and other species, and the USFWS Humboldt marten species report (2015) does not identify competition as a significant stressor on Humboldt martens. Additionally, species with very specific habitat associations, such as Humboldt marten, would be expected have a competitive advantage within their preferred habitat over habitat generalist species in the same area (Ricklefs 1990, Zabala et al. 2009). Further, carnivore species typically select prey species of a certain size as a function of the predator's own mass, effectively limiting competition with smaller and larger carnivores in the same community (Sinclair et al. 2003, Owen−Smith and Mills 2008). However, Peterson et al. (in review) found that increased diversity in the predator community appears to restrict the breadth of diet diversity in Pacific martens, suggesting that competition for food resources does influence marten ecology. In coastal Oregon, Moriarty et al. (2016) detected the following potential competitor predators at camera traps within 5 kilometers (3.1 miles) of historical marten detections (reported as percent of camera trap sample units with detections): spotted skunk (*Spilogale gracilis*) at 41 percent of stations, opossum (*Didelphis viriginiana*) at 25 percent of stations, and short−tailed weasel at 8 percent of stations. Of these, only the spotted skunk is similar in size to Humboldt martens (Maser et al. 1981), and it is a habitat generalist. Eriksson et al. (in review) theorized that gray foxes, raccoons, and western spotted skunks would be the most likely dietary competitors

with Humboldt martens in Oregon shore pine habitats but found gray foxes and raccoons were common in stands occupied by martens which suggests competition for food resources in shore pine habitat does not limit the distribution of martens.

There is no indication in the available information to indicate that competition poses a substantial threat to Humboldt marten populations in California at this time. However, there is substantial overlap between the habitat preferences and prey species of Humboldt martens (Wiens et al. 2014).

There is significant overlap in the prey species of Humboldt martens and barred owls (*Strix varia*); including Douglas' squirrels, flying squirrels, voles, deer mice, and songbirds (Wiens et al. 2014). The dietary overlap and shared habitat affinities suggest the two species may be resource competitors (Holm et al. 2016). The range of barred owls in North America has radically expanded in the last several decades; the species first being detected in northwestern California coastal forests in the early 1980s (Dark et al. 1998). If barred owl populations continue to increase in northern California, prey species used by Humboldt martens may decline, potentially decreasing the marten carrying capacity (maximum marten population size the available habitat can sustain) of the available habitat and changing the food−web dynamics of the coastal forest ecosystem (Holm et al. 2016).

Disease

In its Humboldt marten species report (2015), the UFSWS noted: "The outbreak of a lethal pathogen within one of the three coastal marten populations could result in a rapid reduction in population size and distribution, likely resulting in a reduced probability of population persistence, given the small size of these populations." North American martens are known to be susceptible to a variety of diseases, including: rabies, plague, distemper, toxoplasmosis, leptospirosis, trichinosis, sarcoptic mange, canine adenovirus, parvovirus, herpes virus, West Nile virus, and Aleutian disease (Strickland et al. 1982, Zielinski 1984, Williams et al. 1988, Banci 1989, Brown et al. 2008, Green et al. 2008). Although Strickland et al. (1982) found that American martens in their central Ontario study tested positive for toxoplasmosis, Aleutian disease (a carnivore parvovirus), and leptospirosis, none of the diseases was considered to be a significant mortality factor for martens. Similarly, although Zielinski (1984) discovered antibodies to plague (*Yersinia pestis*) in four of 13 Sierra martens in the Sierra Nevada, he noted martens only appear to show transient clinical signs of the disease.

Gray foxes within the current range of Humboldt martens in California are known to have been exposed to canine distemper, parvovirus, toxoplasmosis, West Nile virus, and rabies, all of which are transmittable to martens (Brown et al. 2008, Gabriel et al. 2012). In their Hoopa Valley Reservation Study, Brown et al. (2008) found that dead fishers within the range of Humboldt marten had been exposed to canine parvovirus and canine distemper which is known to cause high rates of mortality in mustelids (Deem et al. 2000). Wengert and Gabriel (2017 unpublished data) tested 19 whole blood samples from coastal Oregon Humboldt martens for the presence of antibodies to canine distemper virus, canine parvovirus, and *Toxoplasma gondii* protozoan parasites. Detection of antibodies to a specific pathogen in a blood sample indicates the animal was exposed to that pathogen at some time in the past. Antibodies to canine distemper virus were not detected in any sample, five samples (26 percent) had antibodies to parvovirus, and 14 (74 percent) had antibodies to toxoplasma. The absence of canine distemper virus could be explained by the small sample size examined; indicate infrequent interactions between martens and infected carnivores (e.g. gray foxes, skunks, raccoons) in the community; or suggest that infected martens generally do not survive canine distemper virus infection (CDFW Status Review 2018).

Because several potentially lethal diseases are known from the environment, a disease outbreak in one or both of the remaining Humboldt marten population areas in California should be considered a potential threat to the species (CDFW Status Review 2018). Although it is not known if this threat alone imperils the persistence of the species in California, when combined with the serious threats of small, isolated populations, habitat loss from wildland fire, cannabis cultivation and timber management, and other threats, the possibility of a catastrophic disease outbreak further reduces the certainty that the Humboldt marten population will persist into the foreseeable future (CDFW Status Review 2018).

Other Natural Events or Human−Related Activities

Small Populations

Small, isolated populations are inherently vulnerable to extinction due to loss of genetic variability; inbreeding depression and genetic drift; reduced genetic capacity to respond to changes in the environment; as well as through demographic stochasticity (changes in age and sex ratios resulting in less than optimal breeding opportunities) due to random variation in birth and death rates (Primack 1993, Reed and Frankham 2003). In studied wildlife populations, genetic diversity is strongly correlated with population fitness (increased survival and reproduction rates) and decreased extinction risk (Hedrick and Kalinowski 2000, Reed and Frankham 2003). The smaller the population size, the more likely other threats will drive it to extinction (Primack 2010).

The only recent estimate of the Humboldt marten population was that less than 100 individuals exist in California (Slauson et al. 2009b). Since that time an additional small population has been discovered and the current estimate is that there are less than 80 breeding−age females in the state, far below the population size experts believe to be required to ensure long−term viability of a species (CDFW Status Review 2018; Traill et al. 2007, Traill et al. 2010, Flather et al. 2011). The loss of genetic diversity inherent to small, isolated populations can be expected to increase their risk of extinction because small and inbred populations have reduced ability to adapt with changing environments due to diminished pools of potentially adaptive heritable phenotypes (Frankham 2005). Populations of at least several hundred reproductive individuals are believed to be required to ensure the long−term viability of vertebrate species, with several thousand individuals being the goal (Primack 1993). However, observations of wild populations indicate that it is possible for small populations to persist, at least in the short term, in the face of genetic challenges, but these observations do not inform the probability or durability of recovery (Harding et al. 2016).

In wild populations, reproductive output and survival vary amongst individuals and from year to year. In large populations this variance averages out, but in small populations this variation, termed demographic stochasticity, can cause the population size to fluctuate randomly up or down (Primack 1993). The smaller the population size the more pronounced the effect. Once a population size drops, its next generation is even more susceptible to further stochasticity and random inequalities in the sex ratio resulting in fewer mating opportunities and a declining birth rate (Primack 1993). Due to their small population size, Humboldt martens may be vulnerable to these effects (CDFW Status Review 2018).

Linnell et al. (2018) modeled the probability that a small coastal Oregon Humboldt marten population would persist over a 30−year window under several different initial population sizes, population growth rates, and rates of human−caused mortality (trapping and vehicle strikes). When the population growth rate and the human−caused mortality rate was held constant and only the initial population size was changed the differences in modeled extinction probabilities was dramatic. Under one scenario the modeled extinction probability for an initial population of 40 animals was 0.03 (or a 97 percent probability of population persistence for 30 years) versus an extinction probability of 1.00 (or certain population extirpation within 30 years) for an initial population of 20 animals.

Unpredictable changes in the natural environment and biological communities can cause the size of small populations to vary dramatically where larger, more widely distributed populations would remain more stable because these changes normally occur in localized areas (Primack 1993). For example, unpredictable changes in a species' prey or predator populations, climate, vegetative community, or disease and parasite exposure can cause the size of a small, isolated population to fluctuate wildly, and possibly lead to extinction (Primack 1993). Additionally, natural disasters such as droughts, fires, earthquakes, and severe storms can lead to dramatic population changes if the population is small and localized such that the disaster impacts all or most of the individuals. Although the probability of such events is generally rare in any given year, over the course of generations the probability becomes much greater (Primack 1993). Ecological modeling studies have demonstrated that the influence of random environmental stochasticity has a greater influence on extinction probability than demographic stochasticity (Primack 1993). Environmental and genetic effects can work in concert with each other to seriously threaten small populations. As populations become smaller, they become more vulnerable to demographic variation, environmental variations, genetic drift, and inbreeding depression. Each of these effects can amplify the impact of the other effects, further reducing population size and accelerating the species towards extinction in what has been termed an extinction vortex (Primack 1993).

Small populations, and populations that have experienced periods of low population numbers in the past lose genetic diversity and may suffer the effects of inbreeding depression — the concentration of deleterious alleles (maladaptive genes) in the population from the mating of closely related individuals resulting in offspring with reduced fitness (Frankham 2005, Harding et al. 2016). Closely related to inbreeding depression is genetic drift, or the accumulation and fixation of detrimental alleles in in the population due to a limited breeding pool (Hedrick and Kalinowski 2000). In large populations maladaptive genes do not accumulate in the population due to random mate pairings and the elimination of less fit offspring through natural selection. However, in small, isolated populations natural selection can have less of an effect on the population genotype than genetic drift. When this happens deleterious genes can become fixed in the population's genotype resulting in decreased reproductive fitness in all individuals, and potentially negative population growth (Hedrick and Kalinowski 2000, Frankham 2005).

The influence of inbreeding depression on fitness−related traits appears variable across populations, heritable traits, and environments (Hedrick and Kalinowski 2000). Inbreeding depression affects nearly every well−studied wildlife species and contributes to extinction

risk in most wild populations of naturally outbreeding species (Frankham 2005). It is uncertain whether inbreeding depression occurs within the California Humboldt marten population, but the small population size and apparent period of isolation from other populations make it likely that significant genetic diversity has been lost (Slauson et al. 2017).

The loss of genetic diversity and the accumulation of deleterious genes can largely be mitigated by the exchange of breeding individuals between population centers (Primack 1993). When individuals migrate from their natal population to new population areas, the novel genes they introduce can balance the effects of genetic drift and inbreeding depression (CDFW Status Review 2018). As few as one migrant per generation in a population of 120 individuals could negate the effects of genetic drift (Primack 2010). Consequently, habitat fragmentation can seriously increase the genetic risks to isolated subpopulations, and habitat connectivity between populations can substantially mitigate these risks (CDFW Status Review 2018).

While the genetic risks associated with small populations may significantly increase a population's risk of extinction, it is important to note that a small population size alone is not necessarily predictive of population viability over time (CDFW Status Review 2018). A well−planned conservation strategy can substantially mitigate risks associated with small populations (CDFW Status Review 2018). A comprehensive plan for long term viability should include the principles of representation, resiliency, and redundancy (Shaffer and Stein 2000, Wolf et al. 2015). These principles require recovered species be present in multiple large populations across the entire spectrum of habitats used by the species, and these populations must also be resilient to environmental changes, identified threats, and genetic threats (Wolf et al. 2015). The California Humboldt marten population, numbering less than 80 breeding females, is currently highly exposed to the environmental and genetic risks inherent to small populations; however, a carefully designed program of habitat protection, connection, as well as the possibility of facilitated translocations could connect isolated breeding populations, increase the number of populations, and partially mitigate these risks (CDFW Status Review 2018).

Wildland Fires

Slauson (2003) states that stochastic events such as wildfire present a major challenge to the persistence of Humboldt marten, and the *Conservation Assessment and Strategy for Humboldt Martens in California and Oregon* (Slauson et al. 2017) classified wildfires as a serious threat over a large area of the extant population areas in California and Oregon. In the near−coastal areas occupied by Humboldt martens, conditions that promote the ignition and spread of wildfire rarely exist due to the typically wet winters and foggy summers of the local climate (CDFW Status Review 2018). However, fires become more frequent in the extant Humboldt marten range with distance inland from the coast (Oneal et al. 2006). By examining the size of recent fires in the extant range, Slauson et al. (2017) concluded that a single large fire could affect 31 percent to 70 percent of the currently occupied suitable habitat in California. Others have concluded that a single wildfire could burn an entire core population area (USFWS 2015). The effects of fires vary with the intensity of the burn and the severity of the impact on the vegetative community; ranging from high severity burns which can kill and consume most vegetation, including large tree structures, to low severity burns which consume only the ground level vegetation, leaving shrub and tree layers largely unaffected (USFWS 2015). Slauson et al. (2017) state that even a low severity burn would be likely to reduce Humboldt marten habitat suitability by reducing shrub cover; however, when a portion of the 2008 Siskiyou Complex Fire burned through approximately 25 percent of a studied Humboldt marten population area in the interval between surveys in 2008 and 2012, no change in marten occupancy post−fire was detected, indicating that any fire−related impacts to the population were slight and/or short lived (Slauson et al. 2017). More recently, in the summer of 2015, the Nickowitz fire burned approximately 2,800 hectares (7,000 acres) in and adjacent to the current known range of Humboldt martens in Del Norte County, but the impact to Humbodlt martens has not been assessed (InciWeb 2015).

Wildfires can impact Humboldt martens by destroying and degrading suitable habitat thereby reducing the carrying capacity or theoretical maximum population size the landscape can support. Large, high−severity burns can create open landscapes devoid of overhead cover and the dense shrub cover martens rely on for protection from predators. These areas are likely functional barriers to marten movements and dispersal as Pacific martens are known to avoid crossing openings in excess of 18 meters (60 feet) (Slauson 2017). The 2002 Biscuit Complex Fire and the 2017 Chetco Bar burned a combined 306,733 hectares (757,954 acres), with some overlap, in the area between the southern Oregon Humboldt marten population and the California−Oregon border population, likely preventing the exchange of individuals and genes between the two populations (CDFW Status Review 2018).

Miller et al. (2012) reported that the annual number of fires, mean fire size, maximum fire size, and area burned all increased in northwestern California over the period of 1910−2008. Miller et al. (2012) also noted that high severity fires tended to be clustered in years when

region−wide lighting strikes caused multiple ignitions, indicating that weather conditions in some years are conducive to widespread high severity fires in northwestern California. The effects of wildland fire on the landscape are difficult to predict due to variations in ignition frequency and burn severity based on vegetation type, geography, and weather patterns. However, it is clear that fires have the potential to degrade or destroy Humboldt marten habitat over entire population areas, further reducing the carrying capacity of the landscape and fragmenting populations (Davis et al. 2015). Although it is impossible to predict the timing and location of wildfires, it is likely that fires will impact Humboldt marten habitat and populations in northwestern California in the foreseeable future (CDFW Status Review 2018). Therefore, habitat loss from wildland fire is a threat to the persistence of the California Humboldt marten population.

Climate Change

The North American continent has already experienced the climatic effects of human−mediated increases in greenhouse gas emissions (USGCRP 2017). The annual average temperature in the contiguous United States has been 0.7 celsius (1.2 fahrenheit) warmer over the past 30 years compared to the period 1895−2016, and is projected to further increase to 1.4 celsius (2.5 fahrenheit) warmer over the period 2021−2050 (Vose et al. 2017). By the end of the century, annual average temperatures are projected to be 1.6−4.1 celsius (2.8−7.3 fahrenheit) warmer based on low emissions scenarios, to 3.2−6.6 celsius (5.8−11.9 fahrenheit) warmer under high emissions scenarios (Vose et al. 2017).

In northwestern California annual precipitation levels have been 10−15 percent lower in the last three decades compared to the period 1901−1960 (Easterling et al. 2017). While future precipitation levels in this region are not projected to change radically, the frequency of drought events is projected to increase due to increased evapotranspiration resulting from increasing temperatures (Easterling et al. 2017). Additionally, projected warming of ocean surface temperatures 2.7 celsius $\pm$ 0.7 celsius (4.9 fahrenheit $\pm$1.3 fahrenheit) (Jewett and Romanou 2017) will likely result in reduced daily coastal fog formation.

The Humboldt marten's coastal redwood and Douglas−fir forest ecosystem is characterized by moderate temperatures, high annual precipitation, and summer fog which supports dense conifer tree and shrub cover (Slauson et al. 2007, USFWS 2015). This ecosystem is currently limited in spatial extent to near coastal Oregon and northern California. Climate projections suggest that the coastal zone where precipitation is frequent will narrow in the future (PRBO 2011). The intrusion of coastal fog into inland forests has already been observed to be decreasing in frequency (Johnstone and Dawson 2010), though whether this pattern will continue into the future is unclear (PRBO 2011). Less extensive coastal precipitation, reduced fog intrusion, and globally increasing temperatures together could cause the southern extent of mesic coastal forest to retract northward, further reducing the amount of suitable habitat available to Humboldt martens (USFWS 2015, Slauson et al. 2017). These climatic changes could cause a shift from current conifer dominated vegetative communities to hardwood forests unsuitable to martens, and the dense, shade−tolerant shrub layer required by martens may be lost (USFWS 2015). These vegetation transitions could create conditions more favorable to marten predators and could further fragment the remaining patches of suitable habitat (USFWS 2015). Under moderate emissions scenarios the bioclimatic conditions that support Humboldt marten habitat are projected to reliably occur only in Del Norte County and northern Humboldt County (DellaSalla 2013).

Projected climatic changes could further impact Humboldt martens by changing the fire regime in the range of the subspecies. Miller et al. (2012) reported the number of fires per year, mean fire size, maximum fire size, and area burned all increased in northwestern California over the period 1910−2008 and that observed changes in the local climate explained much of the fire trends. This research demonstrates that the effects of a changing climate may already be impacting Humboldt marten habitat and highlights the link between climate patterns and wildfire trends in northwestern California forests. In addition to wildfire−mediated habitat changes resulting from changes in climate, other studies have projected climate−related changes in forest disease, insect damage, and other disturbance events which could affect marten habitat quality or availability (USFWS 2015). Finally, Lawler et al. (2012) suggested that martens (all North American species) will be highly sensitive to climate change and will likely experience the greatest impacts at the southernmost latitudes and lowest elevations within their range.

In a recent modeling study, Stewart et al. (2016) assessed climate change vulnerability to 20 of California's terrestrial mammals, including the Humboldt marten. Their study included three components of climate change vulnerability for each taxon. The first component is the taxon's projected response to future climate change, which is the percent of climatically suitable potential habitat projected to be lost (or added) due to climate change. It is based on the climatic conditions within the historical range and projections of those conditions in future climate scenarios. The second vulnerability component is exposure/niche breadth. This component scores the projected amount of change in

climate within the taxon's range and is expressed as percent change compared to current conditions within the historical range of the taxon. The final component is based on an assessment of the taxon's physical, behavioral, and physiological characteristics that affect its sensitivity and adaptive capacity to respond to climate change. Overall climate change vulnerability was assessed by combining the scores for the three components. Two emission scenarios (high, low) and two global climate models (hot/dry and warm/wet) were used to project four future climates. Overall vulnerability scores were partitioned into five categories, ranging from "may benefit" through "less," "moderately," "highly," and "extremely" vulnerable to future climate change impacts.

Depending on the scenario, the Humboldt marten's vulnerability was assessed to be either less vulnerable (low emission, warm/wet scenario), moderately vulnerable (low emission, hot/dry scenario and high emission, warm/wet scenarios), or highly vulnerable (high emission, hot/dry scenario). By the end of the century, projected habitat conditions at the locations Humboldt martens have been detected to date would remain largely suitable under the low emission, warm/wet scenario (only about 1 percent loss of suitable locations), but 77 percent of the locations would become unsuitable under the high emission, hot/dry scenario. The following excerpt from Stewart et al. (2016) summarizes the results from the models:

> Distribution models suggest that the Humboldt marten would benefit (increase area of climatically suitable habitat) under wet climate scenarios, but would be adversely impacted (decrease area of climatically suitable habitat) under drier future climate scenarios. Under the wet scenarios, suitable habitat is projected to increase in extent around the currently suitable areas in the southern portion of its coastal range. Under the hot dry scenarios, suitable habitat on the coast is projected to retract into the core area currently known to be occupied by the subspecies. Distribution models map large areas of suitable climate where the Humboldt marten is not currently known to occur. These include areas in the southern coastal part of the Humboldt marten's presumed historical range, as well as areas within the geographic range of the Sierran subspecies of the Pacific marten (*Martes caurina sierra*). Given the current understanding of Humboldt marten's requirements for forest structure (large decadent trees with cavities for denning, dense shrub layers) that do not occur in much of the coastal forests of northern California, it is not surprising that the species does not currently occur in a large proportion of the coastal area predicted as currently climatically suitable.

There is relatively high certainty that temperatures will continue to increase within the range of Humboldt martens, which is likely to increase the frequency of drought events due to increased evapotranspiration (CDFW Status Review 2018). Although there is less confidence in projected changes in total precipitation, fire regimes, and the distribution of vegetative communities, it is apparent that significant changes are possible within the century (CDFW Status Review 2018). Changes in the distribution and abundance of preferred Humboldt marten habitat could significantly impact the existing Humboldt marten population and limit opportunities for population expansion. Therefore, climate change is a threat to the long−term persistence of the Humboldt marten population in California.

Toxicants

The control of animals perceived as pests through poisoning was historically common in the western states (CDFW Status Review 2018). Two former methods had the potential to kill non−target predators such as the Humboldt marten: poisoning livestock carcasses and aerial broadcast of poisoned baits. In one report, dead fishers and martens were observed in the vicinity of poisoned ungulate carcasses in Washington State (Zielinski et al. 2001). While such practices had largely ceased by the 1970s, the historical impact on Humboldt marten population size and distribution is unknown but potentially significant. Recently the use of rodenticides and other toxicants at illegal cannabis plantations has been observed to be a widespread practice (Gabriel et al. 2018). Anticoagulant rodenticides detected near cannabis plantations in northwestern California include brodifacoum, bromodiolone, chlorophacinone, diphacinone, and warfarin. Brodifacoum and bromodiolone are considered second−generation anticoagulant rodenticides which were introduced when rodents developed resistance to first−generation compounds in the 1970s (Gabriel et al. 2012, 2013, Thompson et al. 2014). First−generation compounds generally require several doses to cause intoxication, while second−generation anticoagulant rodenticides, which are more acutely toxic, often require only a single dose to cause intoxication or death and persist in tissues and in the environment (Gabriel et al. 2012). Additionally, other highly toxic pesticides, some of which are banned in the United States, have been found at illegal cannabis grow sites (Thompson et al. 2014).

A recent study conducted on Green Diamond Resource Company and surrounding lands in Humboldt and Del Norte Counties detected anticoagulant rodenticide exposure in the tissues of 70 percent of northern

spotted owls (n=10) and 40 percent of barred owls (n=84) examined, although none of 36 rodent livers examined had traces of rodenticides (Gabriel et al. 2018). The authors hypothesized a recent increase in cannabis cultivation sites in northwestern California may have led to the increased use of anticoagulant rodenticides in the area. In an earlier study, Gabriel et al. (2015) detected the presence of anticoagulant rodenticides in the tissues of >85 percent of the dead fishers tested in California. Within their northern California study area (i.e., Hoopa Valley Indian Reservation) 52 fishers were tested for anticoagulant rodenticide exposure. Seven fishers were confirmed to have died from anticoagulant rodenticide poisoning, all of which had trespass marijuana grows within their home ranges (Gabriel et al. 2015). Because fisher and martens have similar foraging habits and diets, rodenticide exposure likely also poses a significant threat to the Humboldt marten population in California (Slauson et al. 2017). In recent necropsies of deceased Humboldt martens, one out of six carcasses examined showed traces of rodenticides in its tissues (Slauson et al. 2014). Although exposure to rodenticides was not necessarily the cause of death of the exposed animals, the acute toxicity of these compounds makes it likely that the salvaged animals were either directly killed by rodenticides or negatively affected to the extent that death from other causes such as exposure, predation, or starvation became more likely.

The documented continued use of highly toxic anticoagulant rodenticides and other pesticides within the California range coupled with the known impacts to the fisher demonstrates that toxicant exposure threatens the Humboldt marten in California.

IV. Final Determination by the Commission

The Commission has weighed and evaluated the information for and against designating the Humboldt marten as an endangered species under CESA. This information includes scientific and other general evidence in the Petition; the Department's Petition Evaluation Report; the Department's status review; the Department's related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the Humboldt marten is in serious danger or threatened by present or threatened modifications or destruction of the species' habitat, predation, competition, disease, or other natural occurrences or human−related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subsec. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.) The Commission determines that there is sufficient scientific information to indicate that designating the Humboldt marten as an endangered species under CESA is warranted at this time and that with adoption and publication of these findings the Humboldt marten for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as endangered.

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DECISION NOT TO PROCEED

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Pursuant to Government Code section 11347

Commission on Peace Officer Standards and Training

Pursuant to Government Code Section 11347, the Commission on Peace Officer Standards and Training hereby gives notice that it has decided not to proceed with Division 2 of Title 11, Section 1013, Law Enforcement Code of Ethics (Notice File No. Z−2018−1102−02). Published in the California Regulatory Notice Register (CRNR) on November 16, 2018. The Commission will initiate a later day, with notice as required by law, a new proposal to adopt/amend regulations pertaining to the same or similar subject matter.

Any interested person with questions concerning this rulemaking should contact Melani Singley at (916) 227−4258.

The Department will also publish this Notice of Decision Not to Proceed on its website.

RULEMAKING PETITION DECISION

BOARD OF FORESTRY AND FIRE PROTECTION

DATE: January 8, 2019

ACTION: Notice of Decision on Petition for Rulemaking Action

SUBJECT: Petition by Rancho Guejito Requesting Initiation of Formal Rulemaking and Promulgation of Regulations Related to Certified Rangeland Managers

PETITIONER: Rancho Guejito ("Petitioner") submitted to the California Board of Forestry and Fire Protection (the "Board") a "Petition for Administrative Rulemaking to Amend the Program for Licensing, Certification, and Discipline of the Certified Rangeland Managers" (the "Petition") on October 16, 2017. Of the seven requests contained in the Petition, three were previously denied. Pursuant to the requirements of Government Code Section 11340.7, the Board provides this response to the remaining four items in the Petition.

CONTACT PERSON: Inquiries concerning this decision may be directed to Matt Dias, Executive Officer, California Board of Forestry and Fire Protection, by mail at: P.O. Box 944246, Sacramento, CA 94244−2460, or by telephone at: (916) 653−8007.

AVAILABILITY OF PETITION: The Petition for the adoption of regulations is available upon request directed to the Board's Contact Person.

AUTHORITY: Under authority established in the Professional Foresters Law (Public Resources Code Sections 750−783), including but not limited to Public Resources Code Section 759, the Board may by regulation adopt such rules and regulations as it determines are reasonably necessary to enable it to

carry into effect the provisions of the Professional Foresters Law.

INTRODUCTION AND SUMMARY OF PETITION

On October 16, 2017, the Board received a "Petition for Administrative Rulemaking to Amend the Program for Licensing, Certification, and Discipline of the Certified Rangeland Managers" from Rancho Guejito. The Petitioner proposed specific language to the Board for the adoption of regulations related to professional standards and the Certified Rangeland Manager (CRM) specialty, as authorized by Public Resources Code Sections 762 and 772, and title 14, California Code of Regulations, Section 1651. The Board responded by denying three of the requests that were unrelated to the regulations or were unclear in their content, and by scheduling a public hearing pursuant to Government Code section 11340.7(a). Petitioner was notified of the partial denial and public hearing by letter dated November 15, 2017. Pursuant to the requirements of Government Code Section 11340.7, notice of the denial of the three requests was provided to Petitioner and was submitted to OAL on December 21, 2017.

At the public hearing on December 5, 2017, the Board considered the remaining four items in the Petition, but decided not to adopt any regulatory changes at that time. Instead, the Board referred the materials to its advisory committee, the Professional Foresters Examining Committee (PFEC) for further review. After reviewing the proposed changes and holding multiple public meetings, the PFEC recommended that the Board deny the remaining items in the Petition. The four remaining items from the Petition, which are the subject of this Notice of Decision, are requests that the Board:

1. Adopt proposed new regulatory section Title 14 Cal. Code Regs., section 1650.1, to ensure enforcement of the requirement that licensees have "good moral character" and a "good reputation for honesty and integrity" as set forth in Pub. Res. Code section 769;
2. Adopt the proposed amendments to Title 14 Cal. Code Regs., section 1650, subsection (c)(2), to ensure better enforcement of the professional standards set by the independent society charged with administering the CRM certification program;
3. Adopt the proposed new regulation, Title 14 Cal. Code Regs., section 1650.1, subsection (f) to oversee and maintain impartiality in all CRM disciplinary proceedings; and
4. Adopt the proposed amendments to Title 14 Cal. Code Regs., section 1650, subsection (c)(4), to improve enforceability of the Professional Society Reporting Requirements, including the timely submission of annual reports by internal certification panels to the relevant professional societies and/or public agencies.

For the reasons discussed below, the Board denies the remaining four items in the Petition.

DETERMINATION ON THE PETITION

A. Determination Regarding Request 1.

The proposed new regulatory section 1650.1 pertaining to Request 1 is shown in Attachment A, below.

Government Code Section 11342.2 establishes the necessity standard for rulemaking actions: ". . . no regulation adopted is valid or effective unless . . . reasonably necessary to effectuate the purpose of the statute [it is implementing, interpreting, making specific or otherwise carrying out.]" Government Code Section 11349, subdivision (a) defines the term "necessity." The request to adopt the proposed new regulation section 1650.1, "to ensure enforcement of the requirement that licensees have 'good moral character' and a 'good reputation for honesty and integrity' as set forth in Pub. Res. Code section 769," fails to meet the necessity standard under Government Code Sections 11342.2 and 11349, subdivision (a). The Board's disciplinary authority with respect to certified specialists is set forth in Public Resources Code Sections 772 and 778, and the Board's investigation authority is set forth in Public Resources Code Section 775. Public Resources Code Section 769 addresses the qualifications of an applicant. The proposed new regulation is not "reasonably necessary to effectuate the purpose" of the statutes, and therefore fails to meet the statutory requirements under the Administrative Procedure Act. In addition, existing regulations, such as those in title 14, California Code of Regulations, sections 1600 through 1651, currently address complaints, investigations, disciplinary guidelines, and other required rules.

Government Code Sections 11342.2 and 11349.1, subdivision (a)(2), establish the authority standard for rulemaking actions: ". . . when a state agency has authority to adopt regulations . . . no regulation adopted is valid or effective unless consistent with and not in conflict with the statute . . . [it is implementing, interpreting, making specific or otherwise carrying out.]" Government Code Section 11349, subdivision (b) defines the term "authority" as ". . . the provision of law which permits or obligates the agency to adopt, amend or repeal a regulation." The request to adopt the proposed new regulation section 1650.1, "to ensure enforcement of the requirement that licensees have 'good moral

character' and a 'good reputation for honesty and integrity' as set forth in Pub. Res. Code section 769," fails to comply with the authority standard under Government Code Sections 11342.2 and 11349, subdivision (b), and 11349.1, subdivision (a)(2). Under Public Resources Code section 772, upon recognition of a certified specialty program by the Board, such as the existing CRM program, the Board is required to grant a certificate to an applicant, as the Board's recognition constitutes "full qualification without examination" for the Board's certificate of specialization. Further, the Board's disciplinary authority under section 778 does not include discipline of a licensed individual with respect to the "good moral character" and "good reputation for honesty and integrity" under Public Resources Code Section 769. Therefore, to the extent the proposed regulation seeks to enforce the moral character and reputation requirements in Public Resources Code Section 769 against CRMs, it fails to comply with the authority standards under the Administrative Procedure Act, and the Board thus lacks the authority to adopt the regulations.

B. Determination Regarding Request 2.

The specific requested language amending section 1650, subdivision (c)(2), in Request 2, above, is: *"(2) Any disciplinary action against any Certified Specialist shall be conducted pursuant to Title 14 of the California Code of Regulations, Section 1650.1."*

As the proposed amended language would require the adoption of the new proposed regulatory language in Request 1, the reasoning and analysis set forth in Section A apply here equally. Thus, the requested language fails to satisfy the necessity and authority standards for the reasons discussed above. More particularly, to the extent the proposed language intends to enforce professional standards set by an independent certification program, it exceeds the statutory authority under Public Resources Code section 772 and 778. The Board's disciplinary authority under section 778 does not include discipline of a licensed individual in connection with professional standards set by an independent certification program. The Board's disciplinary authority is constrained by Public Resources Code Section 778. Thus, the requested language does not satisfy the authority standard under Government Code Sections 11342.2 and 11349, subdivision (b), and 11349.1, subdivision (a)(2), and the Board thus lacks the authority to adopt the regulations.

C. Determination Regarding Request 3.

The specific requested language adopting the proposed new regulation section 1650.1, subsection (f), in Request 3, above, is:

> *"(f) The internal certification panel shall gather additional information as necessary in the course of the investigation. Either party to the complaint may submit additional information to the panel prior to action being recommended. The internal certification panel shall review all submitted information by the complainant and the certified specialist who is the subject of the complaint. The internal certification panel shall be responsible for gathering evidence and shall complete its investigation within a reasonable time. The purpose of the investigation shall be to gather facts for consideration by the internal certification panel to recommend appropriate action. During the investigation process, any member of the panel, the PFEC, or the Board that receives an ex parte communication from either the complainant or the subject of the complaint shall disclose the date, time, participants, and general nature of the communication (including any documents) to the other party within 10 days after the communication occurs. Failure to comply with this disclosure requirement shall result in the recusal of the member of the panel, PFEC, and Board that received the communication from further participation in the complaint process. Based on these ex parte disclosures, the Board shall recuse any member of the panel, PFEC, or Board that it determines to hold a potential conflict of interest or bias that a reasonable person would consider to substantially interfere with the ability of the member's impartiality in making a recommendation or determination regarding the complaint. If all members of the internal certification panel have been recused, then the investigation shall be conducted by the Executive Officer or his designee; provided, however, that the Executive Officer or designee adheres to the process for bias assessment, recusal, and regulation of ex parte communications described in this subsection and subsection (d)(1)."*

As the proposed language would require the adoption of a portion of the new proposed regulatory language in Request 1, the reasoning and analysis set forth in Section A apply here equally. Thus, the requested language fails to satisfy the necessity and authority standards for the reasons discussed above.

The requested language does not satisfy the necessity standard under Government Code Sections 11342.2 and 11349, subdivision (a), as it is not "reasonably necessary to effectuate the purpose" of the statutes. Under Public Resources Code Section 763, the Professional Foresters Examining Committee, which has been established by the Board, has broad existing statutory authority and discretion with respect to reviewing complaints, investigations and making disciplinary recommendations to the Board. And, Public Resources Code Section

775 provides the Board with express authority regarding complaints, investigations, and disciplinary authority. The requested language is thus not necessary to effectuate the purpose of these or other statutes.

In addition, to the extent the proposed regulation seeks to dictate the complaint, investigation, or disciplinary requirements of an internal certification panel of a specialty program recognized by the Board pursuant to Public Resources Code Section 772, it exceeds statutory authority. Under Section 772, the Board has the authority to approve an independent certification program "as full qualification without examination" for the Board's certificate of specialization, but does not have the authority to dictate the complaint, investigation, or disciplinary requirements of the program. Thus, the requested language does not satisfy the authority standard under Government Code Sections 11342.2 and 11349, subdivision (b), and 11349.1, subdivision (a)(2), and the Board thus lacks the authority to adopt the regulations.

D. Determination Regarding Request 4.

The specific requested language amending section 1650, subdivision (c)(4), in Request 4, above, is shown below in underline:

> "(4) Prior to March 1 of each calendar year, those Professional Societies and public agencies with independent certification programs shall submit to the PFEC a report which describes the previous calendar year accomplishments of the certification program, including but not limited to the number of applicants for certification, the approvals, denials, and copies of examinations, to insure the program fully protects the public interest. Each annual report shall describe the scope of the internal certification panel's authority in relation to the duties set forth in subsection (c)(1) and provide an assessment of the performance of those duties over the previous calendar year. Failure to submit the report shall result in a review by the PFEC at a duly noticed and public hearing by December 31 of the calendar year, which may result in the rejection of the Certification program by the Board."

The requested language does not satisfy the necessity standard under Government Code Sections 11342.2 and 11349, subdivision (a), as it is not "reasonably necessary to effectuate the purpose" of the authorizing statutes. The existing regulatory language appropriately and adequately effectuates the purpose of the applicable statutes, and therefore the requested language is not necessary.

CONCLUSION

For the reasons set forth above, the Board respectfully denies the remaining four items in Rancho Guejito's "Petition for Administrative Rulemaking to Amend the Program for Licensing, Certification, and Discipline of the Certified Rangeland Managers." The proposed changes do not satisfy the necessity standards under the Administrative Procedure Act. Further, to the extent the Petition requests rulemaking changes that exceed the Board's statutory authority, these are more appropriately the province of the Legislature. However, although the proposed regulatory changes in the present Petition are denied, the Professional Foresters Examining Committee is in the process of reviewing other potential changes to the existing regulations governing independent certification programs to improve clarity and reduce potential confusion regarding the roles and authority of the Board, the Professional Foresters Examining Committee, and any independent certification program. As the PFEC recommended that the Board deny the four remaining items in the Petition, any future recommendations by the PFEC to the Board for regulatory action would be independent of the Petition, as would the Board's consideration of possible future rulemaking action. The Petitioner's interest in the Board's rulemaking process is appreciated.

Exhibit A
(Proposed new 14 CCR § 1650.1)

1650.1 Disciplinary Guidelines for Certified Specialists.

(a) A Certified Specialist licensed pursuant to Public Resources Code, Section 772, including a Certified Rangeland Manager, shall be subject to disciplinary actions by the Board as defined in this chapter for violation of professional and/or ethical standards established by the professional society or a public agency, or for violation of those standards promulgated by the Board pursuant to Section 778 of the Code.

(b) Any person may file with the Board a written verified complaint involving the actions of any person licensed under an independent certification program established by a professional society or public agency, including a Certified Rangeland Manager pursuant to Title 14, California Code of Regulations, Section 1651, subdivision (a). Upon receipt of such complaint, the Board shall cause investigation to be made of the actions of the person licensed as a Certified Specialist. Such investigation shall not be limited to a review of submission of the materials submitted as part of the

complaint. An internal certification panel formed pursuant to Title 14, California Code of Regulations, Section 1650, subdivision (c)(1) may, upon its own motion, file such complaint with the Board. The Board may, upon its own motion, cause investigation to be made of the actions of any person licensed as a Certified Specialist.

(c) The complaint must be accompanied by an affidavit setting forth the allegation or allegations upon which the complaint is based. A complaint must include:

(1) The identity of the person who is the subject of the complaint, including his or her license number if known;

(2) A description of the transaction or circumstances involved;

(3) The date and place where the events occurred;

(4) The identity and contact information of any other person or persons with knowledge of the events described;

(5) A description of the loss, damage or other adverse consequences of the licensee's conduct;

(6) Copies of pertinent portions of any plans, reports, correspondence, business records or other documents that support the complaint.

(d) The Board shall verify within 30 days of receipt of a complaint that the complaint is legally subject to possible disciplinary action pursuant to Public Resources Code Section 778. The Board may request additional information from the complainant. Upon verification, the Board shall within 30 days cause all of the following to occur:

(1) Transmit copies of the complaint, affidavit and supporting documentation to the internal certification panel and immediately direct that the members of the panel, PFEC, and Board conduct an internal assessment of potential bias and disclose in writing any potential conflicts of interest to the Board within 30 days; failure to conduct this assessment for bias shall result in the recusal of the panel. Upon receipt of the panel's written assessment for bias, the Board shall recuse any member of the panel, PFEC, or Board that it determines to hold a potential conflict of interest or bias that a reasonable person would consider to substantially interfere with the ability of the member's impartiality in making a recommendation or determination regarding the complaint;

(2) Notify the certified specialist who is the subject of the complaint that a complaint was received and that the certified specialist will be permitted to submit a written response to the internal certification panel within 30 days of receipt of the notification;

(3) Provide written acknowledgement of receipt of the complaint to the complainant.

(e) The identity of the complainant shall remain confidential throughout the investigation, except as may be required under law.

(f) The internal certification panel shall gather additional information as necessary in the course of the investigation. Either party to the complaint may submit additional information to the panel prior to action being recommended. The internal certification panel shall review all submitted information by the complainant and the certified specialist who is the subject of the complaint. The internal certification panel shall be responsible for gathering evidence and shall complete its investigation within a reasonable time. The purpose of the investigation shall be to gather facts for consideration by the internal certification panel to recommend appropriate action.

During the investigation process, any member of the panel, the PFEC, or the Board that receives an ex parte communication from either the complainant or the subject of the complaint shall disclose the date, time, participants, and general nature of the communication (including any documents) to the other party within 10 days after the communication occurs. Failure to comply with this disclosure requirement shall result in the recusal of the member of the panel, PFEC, and Board that received the communication from further participation in the complaint process. Based on these ex parte disclosures, the Board shall recuse any member of the panel, PFEC, or Board that it determines to hold a potential conflict of interest or bias that a reasonable person would consider to substantially interfere with the ability of the member's impartiality in making a recommendation or determination regarding the complaint. If all members of the internal certification panel have been recused, then the investigation shall be conducted by the Executive Officer or his designee; provided, however, that the Executive Officer or designee adheres to the process for bias assessment, recusal, and regulation of ex parte communications described in this subsection and subsection (d)(1).

(g) If the professional society charged with administering the certification program has established or adopted any standards of professional and/or ethical conduct or behavior,, [sic] *such standards shall be considered in any investigation of a verified complaint and recommendation or determination thereon. In addition, statutory requirements set forth in Public Resources Code section 769 for good moral character, honesty, and integrity shall also be considered in any investigation of a verified compliant and recommendation or determination thereon.*

(h) Pursuant to Public Resources Code, Sections 776 and 777, appropriate actions for recommendation to

the Board by the internal certification panel may include:

(1) Exoneration, i.e., a determination that the evidence in the record does not warrant informal or formal disciplinary or enforcement action at the time and therefore formal disciplinary or enforcement action is not imminent;

(2) Confidential letter to certified specialist stating concerns of Board;

(3) Private reprimand;

(4) Proposed stipulated agreement, imposing license suspension or revocation or probationary conditions for retaining license;

(5) Licensing action in the form of an Accusation pursuant to Public Resources Code, Section 776.

(i) The internal certification panel shall notify in writing the Board of the action recommended by the panel in response to the complaint, along with a statement of reasons and justifications for its recommendation, which shall include a discussion of facts in support of the recommendation. The internal certification panel shall provide the Board with all documents and information that the panel relied on or used to make the recommendation. The Board shall have discretion to gather further information, and to accept, modify, or reject the recommended action, pursuant to Public Resources Code, Section 775, and the disciplinary guidelines contained in Title 14 of the California Code of Regulations, Section 1612.1. If the Board determines that the appropriate action is exoneration and if the complainant is not the internal certification panel or the Board, the Board shall notify the complainant of its determination, along with a statement of reasons and justifications for its determination, which shall include a discussion of facts in support of the determination, as well as disclosure of the panel's written recommendation. The Board's determination shall be supported by substantial evidence.

(j) Upon conclusion of a hearing on a licensing action in the form of an Accusation and receipt of a recommendation for Board action by an administrative law judge, the Board shall render the final decision relative to suspension or revocation of a license in accord with Government Code, Section 11517. Pursuant to Government Code, Section 11522, a licensee may petition the Board for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition.

(k) The Board shall notify the subject of the complaint and the complainant of its determination, which shall constitute Final Action. Upon the Board's notice of Final Action, the complainant and subject of the complaint may pursue any available remedy under the law including appealing the decision to the superior court.

(l) Notification of disciplinary action shall proceed in accord with Title 14 of the California Code of Regulations, Section 1612.2.

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# 2018−1206−02
BOARD OF REGISTERED NURSING
Advanced Practice Registered Nurse

This regular resubmittal of OAL Matter No. 2017−1020−01S by the Board of Registered Nursing (1) updates definitions relating to nurse practitioners and nurse practitioner education programs; (2) identifies categories of nurse practitioners; (3) updates requirements for obtaining certification and evaluating a registered nurse's qualifications to be certified as a nurse practitioner; (4) establishes requirements to and for nurse practitioner education programs in California; (5) establishes requirements for reporting nurse practitioner education program changes; and (6) establishes requirements for clinical practice experience for nurse practitioner students enrolled in an out−of−state nurse practitioner education program.

Title 16
ADOPT: 1483.1, 1483.2, 1486
AMEND: 1480, 1481, 1482, 1483, 1484
Filed 01/15/2019
Effective 01/15/2019
Agency Contact: Dean Fairbanks (916) 574−7684

File# 2018−1203−03
BUREAU OF CANNABIS CONTROL
Medicinal and Adult−Use Cannabis Regulation

This is an action to make permanent the emergency regulations adopted in OAL no. 2017−1127−05E (readopted in OAL no. 2018−0525−01EE) to implement, interpret, and make specific the Medicinal and Adult−Use Cannabis Regulation and Safety Act (MAUCRSA), found in Business & Professions Code, section 26000 et seq. These regulations provide licensing and enforcement criteria for commercial cannabis businesses in

California, including distributors, retailers, microbusinesses, temporary cannabis events, and testing laboratories. These regulations inform applicants for licensure of the applicable meaning of key statutory terms, identify the documents and supplemental information required in an application, and provide specific clarification of terms, prohibitions, and conditions for compliance with MAUCRSA.

Title 16
ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5007.1, 5007.2, 5008, 5009, 5010, 5010.1, 5010.2, 5010.3, 5011, 5012, 5013, 5014, 5015 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5024.1, 5025, 5026, 5027, 5028, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5040.1, 5041, 5041.1, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5052.1, 5053, 5054, 5300, 5301, 5302, 5303, 5303.1, 5304, 5305, 5305.1, 5306, 5307, 5307.1, 5307.2, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5402, 5403, 5403.1, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5414, 5415, 5415.1, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5426, 5427, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5506.1, 5507, 5600, 5601, 5602, 5603, 5604, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814, 5815, 5900, 5901, 5902, 5903, 5904, 5905
Filed 01/16/2019
Effective 01/16/2019
Agency Contact: Kaila Fayne (916) 465−9120

File# 2018−1204−04
CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE
Changed Statutes and Superseded Names

This action without regulatory effect by the California Debt Limit Allocation Committee deletes text and forms to align with changes to state and federal law. Reference to the California Industrial Development Finance Advisory Commission are deleted in text and forms in response to the passage of Assembly Bill 1547 (Stats. 2018, ch. 645), which abolished this commission. Additionally, Congress removed the authority for Qualified Energy Conservation Bonds by repealing section 54 in Title 26 of the Internal Revenue Code. CDLAC also makes several changes to forms to remove duplicative and unnecessary text.

Title 4
AMEND: 5000, 5033, 5060, 5100, 5170, 5260, 5350, 5450, 5500, 5540, 5600
REPEAL: 5361, 5362, 5363, 5380, 5560, 5570, 5571, 5572, 5573, 5580, 5590
Filed 01/16/2019
Agency Contact: Felicity Wood (916) 651−8484

File# 2018−1204−02
CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY
Lifeline Grant Program

The California Health Facilities Financing Authority submitted this timely certificate of compliance action to make permanent emergency regulations that provide eligibility and evaluation criteria and an application and related procedures for specified small and rural health facilities to receive grants through the Lifeline Grant Program, which implements the Clinic Lifeline Act of 2017, enacted in Government Code section 15438.11.

Title 4
ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
Filed 01/16/2019
Effective 01/16/2019
Agency Contact: Rosalind Brewer (916) 653−8243

File# 2018−1130−07
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Family Visiting (Overnight) and Inmate Discipline

This action by the Department of Corrections and Rehabilitation amends provisions concerning family visiting (overnight) privileges and inmate discipline.

Title 15
AMEND: 3177, 3315
Filed 01/15/2019
Effective 01/15/2019
Agency Contact: Anthony Carter (916) 445−2220

File# 2018−1220−03
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Supplemental Reforms to Credit Earning

The Department of Corrections and Rehabilitation submitted this emergency action, pursuant to Penal Code section 5058.3, to amend four regulations that allow inmates to earn credits that may advance release dates and parole dates. The amendments increase the amount of credits inmates may earn in several categories, as specified.

Title 15
AMEND: 3043, 3043.3, 3043.4, 3043.5
Filed 01/09/2019
Effective 01/09/2019
Agency Contact: Laura Lomonaco (916) 445−2217

File# 2018−1203−02
DEPARTMENT OF FOOD AND AGRICULTURE
Cannabis Cultivation Licensing

The Department of Food and Agriculture submitted this timely certificate of compliance action to make permanent emergency regulations that implement statutes under the Medicinal and Adult−Use Cannabis Regulation and Safety Act. The proposed regulations address the licensing of commercial cannabis cultivation operations in California, including application and licensing requirements and related fees, cultivation site requirements, inspection, investigation, audit, and enforcement provisions, and establish the statewide track−and−trace system, which will track activities of commercial cannabis and cannabis products from cultivation through the distribution chain.

Title 3
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, 8609
Filed 01/16/2019
Effective 01/16/2019
Agency Contact: Amanda Brown (916) 263−0801

File# 2018−1130−04
DEPARTMENT OF INSURANCE
Workers' Compensation Classification/Rating Rules

This action amends, effective 1−1−2019, the (1) California Workers' Compensation Uniform Statistical Reporting Plan — 1995, (2) the California Workers' Compensation Experience Rating Plan — 1995, and (3) the Miscellaneous Regulations for the Recording and Reporting of Data. The three publications are incorporated by reference in sections 2318.6, 2353.1, and 2354, respectively, in title 10 of the California Code of Regulations. The full text of each publication is available at the Insurance Commissioner's offices and is published by the Workers' Compensation Insurance Rating Bureau of California. These amendments are exempt from the APA and OAL review under the rates exemption of Government Code section 11340.9(g).

Title 10
AMEND: 2318.6, 2353.1, 2354
Filed 01/14/2019
Effective 01/01/2019
Agency Contact: Patricia Hein (415) 538−4430

File# 2018−1130−05
DEPARTMENT OF INSURANCE
Workers' Compensation Classification/Rating Rules

This action amends, effective 1−1−2020, the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, which is incorporated by reference in section 2318.6 of title 10 of the California Code of Regulations. The full text is available at the Insurance Commissioner's offices and is published by the Workers' Compensation Insurance Rating Bureau of California. This amendment is exempt from the APA and OAL review under the rates exemption of Government Code section 11340.9(g).

Title 10
AMEND: 2318.6
Filed 01/14/2019
Effective 01/01/2020
Agency Contact: Patricia Hein (415) 538−4430

File# 2018−1203−04
DEPARTMENT OF PUBLIC HEALTH
Cannabis Manufacturing Licensing

The Department of Public Health submitted this timely certificate of compliance action to make permanent the changes adopted in OAL File Nos. 2017−1127−04E, 2018−0403−03E, 2018−0525−02EE, and 2018−1001−02EE. This action makes permanent ninety−four sections in chapter 13 of division 1 of title 17 of the California Code of Regulations that implement the Medicinal and Adult−Use Cannabis Regulation and Safety Act (Senate Bill 94, Stats. 2017, Ch. 27). This action will: 1) establish the licensing scheme, including temporary licenses, for manufacturers of manufactured cannabis products, including the requirements for applications and the individuals or entities that are required to submit applications; 2) establish licensing fees; 3) set minimum standards for extraction processes; 4) set minimum standards for sanitary manufacturing practices; 5) establish licensee responsibilities for operations including requirements related to security, training, recordkeeping, and disposal; 6) establish quality and safety standards for finished manufactured cannabis products; and 7) establish packaging and labeling standards for manufactured cannabis products.

Title 17
ADOPT: 40100, 40101, 40102, 40105, 40115, 40116, 40118, 40120, 40126, 40128, 40129, 40130, 40131, 40132, 40133, 40135, 40137, 40150, 40152, 40155, 40156, 40159, 40162, 40165, 40167, 40175, 40177, 40178, 40179, 40180, 40182, 40184, 40190, 40191, 40192, 40194, 40196, 40200, 40205, 40207, 40220, 40222, 40223, 40225, 40230, 40235, 40240, 40243, 40246, 40248, 40250, 40253, 40255, 40258, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40295, 40297, 40300, 40305, 40306, 40308, 40315, 40330, 40400, 40401, 40403, 40404, 40405, 40406, 40408, 40409, 40410, 40411, 40412, 40415, 40417, 40500, 40505, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40551, and 40570
Filed 01/16/2019
Effective 01/16/2019
Agency Contact: Linda M. Cortez (916) 440−7807

File# 2018−1204−01
DEPARTMENT OF PUBLIC HEALTH
BabyBIG Fee Increase

The Office of Administrative Law grants the request of the Department of Public Health to file with the Secretary of State and print in the California Code of Regulations an amendment increasing the per patient fee for Botulism Immune Globulin effective January 1, 2019, and further increasing the fee effective January 1, 2021. This request is pursuant to Health and Safety Code section 123707(d), which exempts this action from the Administrative Procedure Act.

Title 17
AMEND: 3030
Filed 01/10/2019
Effective 01/01/2019
Agency Contact: Dawn Basciano (916) 440−7367

File# 2018−1126−01
DEPARTMENT OF SOCIAL SERVICES
Treatment of Motor Vehicles for CalWORKs Program

This action amends the Manual of Policies and Procedures (MPP) with respect to the treatment of motor vehicles in the CalWORKs program in light of amended statutes.

Title MPP
AMEND: 42−207, 42−213, 42−215, 42−221, 80−310
Filed 01/09/2019
Effective 04/01/2019
Agency Contact: Oliver Chu (916) 657−3588

File# 2018−1130−03
DEPARTMENT OF SOCIAL SERVICES
Post−Adoption Contact Agreement

This action by the Department of Social Services implements Family Code sections 8616.5 and 8714.7 relating to "post adoption contact adoption agreements" which replaced "kinship adoption agreements." This action also updates reference to Judicial Council form "ADOPT−310" to reflect the current Judicial Council form used for "post adoption contact adoption agreements."

Title MPP, 22
ADOPT: 35064
AMEND: 31−002, 35000, 35001, 35129, 35129.1, 35152.1, 35152.2, 35177, 35179, 35181, 35183, 35211, 35215, 35315
Filed 01/15/2019
Effective 04/01/2019
Agency Contact: Kenneth Jennings (916) 657−2586

File# 2018−1130−06
DEPARTMENT OF STATE HOSPITALS
Sexually Violent Predator Act Assessment Protocol

In this regular rulemaking action, the Department of State Hospitals adopts six new sections to implement the requirements for sexually violent predator evaluations, including general procedures, assessment instruments available for use, and documents to be considered in evaluations.

Title 9
ADOPT: 4011, 4012, 4013, 4014, 4014.1, 4015
Filed 01/15/2019
Effective 04/01/2019
Agency Contact: Trini Balcazar (916) 562−2824

File# 2018−1130−01
DEPARTMENT OF WATER RESOURCES
Agricultural Water Measurement

The Department of Water Resources (Department) submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to amend a regulation that addresses annual water supplier reports that are required to be submitted to the Department by agricultural water suppliers, and the corresponding incorporated by reference form for submitting these annual reports, so that they conform to amendments made to Water Code section 531.10(a)(1) in AB 1668 (Stats.2018, c. 15).

Title 23
AMEND: 597
Filed 01/15/2019
Agency Contact: Martin Berbach (916) 651−9216

File# 2018−1221−01
FAIR POLITICAL PRACTICES COMMISSION
SEI: Certification of Electronic Filing Systems

This action by the Fair Political Practices Commission amends the requirements for certification of electronic filing systems for statements of economic interest to add data exchange requirements, update security and recertification requirements, and revise revocation or rejection criteria.

Title 2
AMEND: 18756
Filed 01/14/2019
Effective 02/13/2019
Agency Contact: Ginny Lambing (916) 322−3854

File# 2018−1206−01
NEW MOTOR VEHICLE BOARD
Case Management

As a change without regulatory effect, the New Motor Vehicle Board amends four sections dealing with definitions and hearings or protests. The amendments remove references to Vehicle Code sections that were contained in article 6 ((commencing with section 3085) in chapter 6 of division 2) that expired by operation of law on 1/1/2019. (Veh. Code, sec. 3085.10, Stats. 2015, ch. 526, sec. 8.)

Title 13
AMEND: 550, 551.8, 551.12, 590
Filed 01/16/2019
Agency Contact:
Danielle R. Phomsopha (916) 327−3129

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN August 15, 2018 TO January 16, 2019

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 2

01/14/19 AMEND: 18756
01/07/19 AMEND: 60802, 60803, 60807, 60808, 60824, 60825, 60827, 60831, 60832, 60833, 60835, 60840, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855, 60856, 60858, 60860, 60861, 60863, 61120
12/18/18 AMEND: 1859.76
12/14/18 ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8, 1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21
12/12/18 AMEND: 2970
12/12/18 AMEND: 18545, 18700, 18730, 18940.2
12/05/18 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445
12/04/18 AMEND: 1897
11/29/18 ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97
11/27/18 AMEND: 1897
11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17
10/29/18 AMEND: 1896.99.100, 1896.99.120
10/22/18 ADOPT: 18215.4
10/11/18 AMEND: 1859.51(e)
09/27/18 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1
09/26/18 AMEND: 59760
09/24/18 AMEND: 18700.2
09/20/18 AMEND: 559.885
09/20/18 ADOPT: 211.2 AMEND: 211
09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5
09/11/18 AMEND: 1859.77.3

Title 3

01/16/19 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, 8609

01/07/19 AMEND: 3439
12/18/18 ADOPT: 4921
11/29/18 AMEND: 3899
11/06/18 AMEND: 3435(b)
10/08/18 AMEND: 3591.12
10/02/18 AMEND: 3591.12
09/13/18 AMEND: 6502
09/12/18 AMEND: 3591.13
09/12/18 AMEND: 3591.12
09/06/18 AMEND: 3601
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

Title 4

01/16/19 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
01/16/19 AMEND: 5000, 5033, 5060, 5100, 5170, 5260, 5350, 5450, 5500, 5540, 5600 REPEAL: 5361, 5362, 5363, 5380, 5560, 5570, 5571, 5572, 5573, 5580, 5590
01/02/19 AMEND: 12200, 12201, 12220, 12221
12/17/18 ADOPT: 10092.1, 10092.2, 10092.3 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14
12/12/18 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7
11/26/18 ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329
11/26/18 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429
11/20/18 AMEND: 1632
11/20/18 AMEND: 1843.3
11/20/18 AMEND: 8078.3, 8078.15
11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
11/02/18 AMEND: 8078.8, 8078.10
10/31/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
10/18/18 AMEND: 1843.2
10/18/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.14
09/26/18 AMEND: 12205.1
09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
09/17/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

Title 5

12/31/18 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
12/05/18 AMEND: 19810
10/22/18 ADOPT: 20236 AMEND: 20101, 20105, 20107, 20116, 20118, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20180, 20185, 20190, 20203, 20205, 20235 REPEAL: 20119, 20158, 20125, 20216, 20217, 20251, 20251, 20255, 20251, 20260, 20265
10/17/18 AMEND: 18600

Title 8

01/07/19 AMEND: 11140
01/03/19 AMEND: 336
12/26/18 AMEND: 9789.19
11/26/18 AMEND: 9789.25
11/15/18 AMEND: 344, 344.1, 344.2
11/06/18 ADOPT: 9789.19.1 AMEND: 9789.12.1, 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.12, 9789.12.13, 9789.13.2, 9789.16.1, 9789.16.7, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.11, 9789.19
11/01/18 AMEND: 14300.35, 14300.41
10/30/18 ADOPT: 9792.24.5 AMEND: 9792.22
10/10/18 AMEND: 344.18
10/08/18 ADOPT: 13850, 13851, 13853, 13855, 13856, 13857, 13858, 13859, 13860, 13861, 13862, 13863, 13864, 13865, 13866, 13867, 13868, 13870, 13871, 13872, 13873, 13874

Title 9

01/15/19 ADOPT: 4011, 4012, 4013, 4014, 4014.1, 4015
10/04/18 AMEND: 4350
08/20/18 ADOPT: 4020, 4020.1

Title 10

01/14/19 AMEND: 2318.6, 2353.1, 2354
01/14/19 AMEND: 2318.6
12/31/18 AMEND: 2632.5, 2632.11
12/26/18 ADOPT: 2238.10, 2238.11, 2238.12
11/29/18 ADOPT: 2509.80, 2509.81, 2509.82
11/27/18 AMEND: 3704
11/20/18 AMEND: 8000, 8030
11/19/18 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007
09/25/18 AMEND: 2498.4.9
09/25/18 AMEND: 2498.5
09/25/18 AMEND: 2498.6
09/24/18 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
08/31/18 ADOPT: 2218.80, 2218.81, 2218.82, 2218.83

Title 11

01/08/19 ADOPT: 5460
12/31/18 AMEND: 2084, 2086, 2088, 2089, 2090, 2092, 2095, 2107
12/28/18 AMEND: 5505, 5507, 5509, 5510, 5511, 5513, 5514, 5516, 5517
10/24/18 AMEND: 1953, 1955
09/26/18 AMEND: 44.2
08/23/18 AMEND: 1004, 1005, 1081
08/15/18 AMEND: 1005, 1015

Title 12

01/08/19 ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)
01/03/19 AMEND: 553.70
11/07/18 AMEND: 505.2
09/27/18 AMEND: 500 (renumbered to 501), 501 (renumbered to 505), 501.1 (renumbered to 501.3), 501.2 (renumbered to 505.2), 501.3 (renumbered to 505.1), 501.4 (renumbered to 505.11), 502 (renumbered to 505.3), 502.1 (renumbered to 505.6), 502.2 (renumbered to 505.12), 502.3 (renumbered to 505.4), 503 (renumbered to 501.2), 503.1 (renumbered to 505.7), 504 (renumbered to 505.8), 504.1 (renumbered to 505.9), 505 (renumbered to 510.1), 506 (renumbered to 500), 507 (renumbered to 510.9), 508 (renumbered to 510.10), 509 (renumbered to 520.2)
09/25/18 AMEND: 600

Title 13

01/16/19 AMEND: 550, 551.8, 551.12, 590
01/08/19 ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)
01/03/19 AMEND: 553.70
12/26/18 AMEND: 2025
12/26/18 AMEND: 1152.7, 1152.7.1
12/20/18 ADOPT: 1217.2, 1263.2
12/12/18 AMEND: 1961.2, 1961.3
12/04/18 ADOPT: 425.01
11/29/18 AMEND: 17.00
11/27/18 AMEND: 1157.21
10/22/18 AMEND: 551.14, 551.24, 555.1, 584
10/18/18 AMEND: 551.12
10/10/18 AMEND: Appendix (Article 2.0)
09/24/18 AMEND: 2222
09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4
08/30/18 AMEND: 1213
08/30/18 AMEND: 1239
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

Title 13, 17

01/04/19 ADOPT: title 17: 95483.2, 95483.3, 95486.1, 95486.2, 95488, 95488.1, 95488.2, 95488.3, 95488.4, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95490, 95491.1, 95500, 95501, 95502, 95503 AMEND: title 13: 2293.6; title 17: 95481, 95482, 95483, 95483.1, 95484, 95485, 95486, 95487, 95489, 95491, 95492, 95493, 95494, 95495 REPEAL: title 17: 95483.2, 95488, 95496

Title 14

01/02/19 AMEND: 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10, 150.16
12/28/18 ADOPT: 15064.3, 15234 AMEND: 15004, 15051, 15061, 15062, 15063, 15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222, 15269, 15301, 15357, 15370, Appendix G, Appendix M, Appendix N
12/17/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
12/17/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
12/17/18 ADOPT: 820.02

12/17/18 ADOPT: 817.04 AMEND: 790
12/14/18 ADOPT: 4970.17.1 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07.2, 4970.08, 4970.09, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.19.2, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2
12/13/18 AMEND: 2975
12/10/18 ADOPT: 126.1 AMEND: 125.1, 126 [renumbered to 126.1]
11/28/18 ADOPT: 716 AMEND: 300
11/28/18 ADOPT: 42 AMEND: 43, 651, 703
11/20/18 AMEND: 699.5
11/15/18 AMEND: 632
11/15/18 AMEND: 632
11/15/18 AMEND: Subsection 120.7(m) REPEAL: Appendix A Form DFG−120.7 (10/87)
11/13/18 AMEND: 1038, 1038.1, 1038.2
11/06/18 AMEND: 3010, 3011, 3012, 3013, 3015
11/05/18 ADOPT: 29.11
10/30/18 ADOPT: 132.6 AMEND: 132.1, 132.2, 132.3
10/30/18 AMEND: 11600
10/29/18 AMEND: 17041, 17042, 17043, 17044, 17045, 17046
10/29/18 AMEND: 1038
10/16/18 AMEND: 890
10/16/18 AMEND: 1038
10/15/18 AMEND: 895, 895.1, 912.9, 932.9, 952.9
09/17/18 ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.35, 18660.36, 18660.37, 18660.39, 18660.41 REPEAL: 18660.23
09/06/18 AMEND: 1104.1

Title 15

01/15/19 AMEND: 3177, 3315
01/09/19 AMEND: 3043, 3043.3, 3043.4, 3043.5
01/07/19 AMEND: 3999.98, 3999.200
01/07/19 AMEND: 8000
12/26/18 ADOPT: 2249.30, 2449.31, 2449.32, 2449.33, 2449.34, 3495, 3496, 3497 AMEND: 2449.1, 3490, 3491
11/14/18 ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511 REPEAL 1378
11/13/18 ADOPT: 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215 AMEND: 8000, 8004.3, 8106, 8106.1 amended and renumbered as 8207, 8106.2 amended and renumbered as 8106, 8198 amended and renumbered as 8298, 8199 amended and renumbered as 8299
11/01/18 ADOPT: 3999.25
10/30/18 ADOPT: 3329.5
10/29/18 REPEAL: 3999.20
10/22/18 ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157
10/17/18 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
10/08/18 AMEND: 3352.2, 3352.3, 3354, 3355.1
10/03/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
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10/16/18 AMEND: 2070, 2071

10/15/18 AMEND: 1417

10/08/18 ADOPT: 1423.1, 1423.2 AMEND: 1418, 1424, 1426, 1430

09/17/18 AMEND: 1735.2

09/13/18 ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355

08/30/18 AMEND: 1399.573

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10/10/18 AMEND: 35095

10/09/18 ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196

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12/19/18 AMEND: 72329.2
12/13/18 ADOPT: 51002.5 AMEND: 51003.1
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11/14/18 AMEND: 3006
11/05/18 AMEND: 2200, 2200.4, 2200.6
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