



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**STATE AGENCY:**

Department of Resources, Recycling and Recovery

**MULTI-COUNTY:**

Workforce Alliance of the North Bay Board

A written comment period has been established commencing on July 19, 2019 and closing on September 2, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 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 his 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 his 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 September 2, 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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

**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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**SPECIAL INVESTIGATIVE UNITS**

**REG-2018-00023**

**SUBJECT OF PROPOSED RULEMAKING**

The Commissioner proposes to adopt amendments to Title 10, California Code of Regulations (“CCR”), Chapter 5, Subchapter 9, Article 2, sections 2698.30 and 2698.33-2698.41 after considering comments from the public. The proposed regulations clarify requirements of an insurer’s unit or division responsible for investigating possible fraudulent claims by insureds or persons making claims for services or repairs against policies held by insureds, as authorized by the provisions of Insurance Code section 1875.24.

**PUBLIC HEARING**

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, orally or in writing, concerning the proposed regulation as follows:

**Date:**

**September 5, 2019**

**Time:**

**10:00 a.m.** If it is necessary for the hearing to exceed two hours, there will likely be a one-hour break from 12:00 noon to 1:00 p.m.

**Location:**

**California Department of Insurance  
300 Capitol Mall, 13<sup>th</sup> Floor, Room 13025  
Sacramento, California**

**ACCESS TO HEARING ROOMS**

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing to make special arrangements, if necessary.

**PRESENTATION OF WRITTEN COMMENTS;  
CONTACT PERSONS**

All persons are invited to submit written comments on the proposed regulation during the public comment period. The public comment period will end at **5:00 p.m. on September 5, 2019**. Please direct all written comments to the following contact person:

Summer Volkmer  
Attorney III  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4169  
[Summer.Volkmer@insurance.ca.gov](mailto:Summer.Volkmer@insurance.ca.gov)

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following alternate contact person:

Damon Diederich  
Attorney III  
California Department of Insurance  
300 Capitol Mall, 11<sup>th</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 492-3567  
[Damon.Diederich@insurance.ca.gov](mailto:Damon.Diederich@insurance.ca.gov)

**DEADLINE FOR WRITTEN COMMENTS**

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **5:00 p.m. on September 5, 2019**. Any written materials received after that time may not be considered.

**COMMENTS TRANSMITTED BY  
E-MAIL OR FACSIMILE**

The Commissioner will accept written comments transmitted by email, provided they are sent to the following two email addresses: [Summer.Volkmer@insurance.ca.gov](mailto:Summer.Volkmer@insurance.ca.gov) and [Damon.Diederich@insurance.ca.gov](mailto:Damon.Diederich@insurance.ca.gov). The Commissioner will also accept written

comments transmitted by facsimile, provided they are directed to the attention of Summer Volkmer and sent to the following facsimile number: (415) 904-5490. However, email comments are preferred.

**Comments sent to other e-mail addresses or facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

#### AUTHORITY AND REFERENCE

The Commissioner proposes to adopt amendments to add Article 2, containing Sections 2698.30 and 2698.33-2698.41, to Title 10, Chapter 5, and Subchapter 9 of the California Code of Regulations pursuant to the rulemaking authority vested in him by subdivision (c) of section 1875.24 of the Insurance Code.

The proposed adoption will implement, interpret, and make specific the provisions of Insurance Code sections 730, 1872.4, 1874.2, 1874.6, 1875.24, 1875.4, 1877.3, 1877.5, 1879.5, and 1879.6.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### SUMMARY OF EXISTING LAW

The Legislature enacted Insurance Code section 1875.20 requiring insurers admitted to conduct business in California to provide for the operation of a unit or division to investigate possible fraudulent claims. The Commissioner promulgated regulations to implement that requirement in 2005. The current regulations provide definitions and procedures for detecting, investigating, and referring suspected insurance fraud, establish training requirements, specify the information insurers are required to report to the Department, and provide guidelines regarding the Commissioner's examinations of an insurer's unit.

##### POLICY STATEMENT OVERVIEW

Every insurer admitted to do business in this state is required to maintain a unit or division to investigate possible fraudulent claims. It has become apparent that additional clarification and guidance is necessary to ensure that fraud is being adequately investigated by insurers. Additionally, the regulations need to be amended to address changing practices in insurers' fraud investigations. The most frequently occurring problems include inadequate fraud referrals being made to the

Department, insurers missing investigative steps, not all cases of suspected insurance fraud being investigated or reported, and the lack of information necessary to for the Department to determine the adequacy of insurers Special Investigative Units (SIUs).

The regulations require procedures for detecting and investigating insurance fraud, but the regulations have been interpreted differently by insurers and lack information necessary for the Department to conduct meaningful compliance audits. Additional clarification would assist insurers in fraud investigations as well as the Department with its ability to monitor compliance.

The Department receives a high quantity of referrals from insurers that are either incomplete or sent prematurely without the insurer having completed the necessary investigation. Many referrals omit entire sections or key data fields that are essential to the Department's intake process. The volume of referrals received that are incomplete results in a significant waste of Department resources. Additionally, when a referral is sent prematurely the Department receives referrals that should not have been referred in the first place, resulting in additional wasted resources.

The Department has found a higher rate of noncompliance with insurers who contract out its fraud investigation functions. Additionally, the Department has found that oftentimes the insurer is not appropriately monitoring its contractors, and when there are multiple levels of subcontracting the Department is unable to identify which contractor is responsible for what function. The lack of insurer oversight of its contractors and subcontractors is troubling and the Department cannot properly monitor compliance when SIU duties and functions are difficult to understand due to multiple layers of contracting.

The information requested in these regulations assists the Department in determining whether an SIU is adequately staffed pursuant to section 2698.32. The existing regulations are not specific enough for the Department to gather information necessary to determine compliance. The Department has identified additional information that would assist its evaluation in that respect, but cannot mandate insurers to report that information because it is not addressed in the regulations.

Anticipated benefits from the proposed regulatory action include the following: The regulations will facilitate the detection of insurance fraud in this state, by increasing the overall effectiveness of insurer fraud investigations. The regulations will result in more, higher-quality insurer fraud referrals to the Department, and reduce the number of low-quality referrals, which will lead to efficiencies in fraud investigations for state and local governments. These efficiencies are

expected to reduce the incidence of fraud, thus promoting an insurance market better able to serve consumers.

#### EFFECT OF PROPOSED ACTION

The proposed action will clarify procedures and requirements which will result in more consistent standards by which insurers are to conduct and report its fraud investigations. The proposed action will also update the regulations to align it with current practice and technology, increase the overall effectiveness of insurer investigations, and provide the Department with additional tools to monitor compliance. The proposed changes will result in better fraud investigations by the insurer, higher-quality referrals to the Department, and clearer compliance guidelines.

#### NOT MANDATED BY FEDERAL LAW OR REGULATIONS

These regulations are not mandated by federal law. There are no existing federal regulations or statutes comparable to these proposed special investigative unit regulations as no federal statutes or regulations require insurers to provide for the continuous operation of a unit or division to investigate possible fraudulent claims.

#### CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department conducted an evaluation of existing law, including a review of its existing regulations, and determined that the proposed regulation is not inconsistent or incompatible with any existing state regulations.

#### OTHER STATUTORY REQUIREMENTS

The Department evaluated whether there were other requirements prescribed by statute applicable to these regulations by reviewing statutes and regulations relating to this issue, and determined that there were no such requirements.

#### LOCAL MANDATE

The Department has determined that the proposed regulation will not impose a mandate on a local agency or school district that requires reimbursement pursuant to Government Code section 17500 *et seq.*

#### FISCAL IMPACT

The Department has determined that the proposed regulation will not impose a cost to any local agency or school district that requires reimbursement under Government Code section 17500 *et seq.*, nor will it result in other nondiscretionary costs or savings to local agencies. There will be no cost or savings in federal funding to the state. The regulation is expected to increase annual costs on the State Compensation Insurance Fund by \$27,500 and increase Department of Insurance costs by \$2.7 million in the first year, and \$1.7 million annually thereafter.

#### HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the adoption of the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that will be affected are insurers. In order to comply with the proposed regulations, insurers will have to make reasonable efforts to investigate suspected insurance fraud, make referrals of suspected insurance fraud to the Department according to specifications set forth in the regulations, provide required training to the insurers' SIU personnel, and provide additional information on the annual reports which insurers are presently required to file with the Department. The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

1. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
2. Consolidation or simplification of compliance and reporting requirements for businesses.
3. The use of performance standards rather than prescriptive standards.
4. Exemption or partial exemption from the regulatory requirements for businesses.

#### STATEMENT OF RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department is required to assess any impact the proposed adoption may have on the following: the cre-

ation or elimination of jobs within the State of California (Government Code § 11346.3(b)(1)(A)); the creation of new businesses or the elimination of existing businesses within the State of California (Government Code § 11346.3(b)(1)(B)); and the expansion of businesses currently doing business within the State of California (Government Code § 11346.3(b)(1)(C)).

Below is a summary of the results of the Economic Impact Assessment pursuant to Government Code sections 11346.3(b)(1)(A) through (D).

- A. The proposed regulation is anticipated to result in the creation of 19.4 jobs. As a result, the proposed regulations will likely have a minimal effect, a net gain of 2.4 jobs, on overall employment within the State of California. The regulation is expected to affect less than one ten-thousandth of a percent of the total nonfarm employment in California (i.e.,  $2.4/17,566,770 = 0.00001\%$ ).
- B. The proposed regulation is anticipated to result in the elimination of 17.4 jobs. As a result, the proposed regulations will likely have a minimal effect, a net gain of 2.4 jobs, on overall employment within the State of California. The regulation is expected to affect less than one ten-thousandth of a percent of the total nonfarm employment in California (i.e.,  $2.4/17,566,770 = 0.00001\%$ ).
- C. Insurers are very large financial companies often operating in multiple states. Given that the average cost impact to an insurer is estimated to be \$27,800 (\$6.4 million/230 firms), and the average insurer has an estimated benefit of \$19,100 (\$4.4 million/230 firms), it is not expected that the proposed regulation will have a significant impact on the creation of new businesses in California.
- D. Insurers are very large financial companies often operating in multiple states. Given that the average cost impact to an insurer is estimated to be \$27,800 (\$6.4 million/230 firms), and the average insurer has an estimated benefit of \$19,100 (\$4.4 million/230 firms), it is not expected that the proposed regulation will have a significant impact on the elimination of existing businesses in California.
- E. Insurers are very large financial companies often operating in multiple states. Given that the average cost impact to an insurer is estimated to be \$27,800 (\$6.4 million/230 firms), and the average insurer has an estimated benefit of \$19,100 (\$4.4 million/230 firms), it is not anticipated that the proposed regulation will have an impact on the ability of businesses in California to expand. Additionally, the estimated net loss to total

economic output of \$12.2 million suggests that the regulation will have a very small impact on the California economy as a whole.

- F. The proposed regulation will benefit the health and welfare of California's consumers and businesses. Streamlining the investigative process, eliminating incomplete SIU referrals, and recovering additional restitution payments will lead to a more efficient insurance market that can better serve consumers.

**POTENTIAL COST  
IMPACTS ON REPRESENTATIVE  
PRIVATE PERSON OR BUSINESS**

Except for insurance companies, the Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The cost known to the Department that a representative insurer could incur to comply with the proposed regulation is approximately \$27,800 on average.

**BUSINESS REPORT**

The Department finds that it is necessary for the health, safety or welfare of the people of the state that the regulation apply to businesses.

**IMPACT ON SMALL BUSINESS**

The proposed regulation will have a minimal adverse direct impact on insurers as discussed in the foregoing analysis, but by law they are not considered small businesses (Government Code section 11342.610(b)(2)).

**ALTERNATIVES STATEMENT**

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this 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.

**AVAILABILITY STATEMENTS**

The Department will make the express terms of the proposed adoption available to the public for inspection

and copying on request to the contact person listed above and on its public website.

The Department has prepared an Initial Statement of Reasons that describes the reasons for the proposed adoption. The Initial Statement of Reasons will be made available for inspection and copying on request to the contact person listed above and on the Department's public website.

The file for this proceeding, which includes a copy of the proposed text of regulation, the Initial Statement of Reasons, the information upon which the proposed action is based, and any supplemental information, including reports, documentation, and other materials related to the proposed action that is contained in the rule-making file, is available by appointment for inspection and copying at 300 Capitol Mall, 16th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Please direct appointment requests to the contact person listed above.

#### MODIFIED TEXT

If the Department adopts a regulation that differs from the one that has originally been made available but is sufficiently related to the original proposed adoption, the full text of the amended regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date the Department adopts the amended regulation. Interested persons should request a copy of the amended regulation from the contact person listed above.

#### AUTOMATIC MAILING

A copy of this Notice (including the Informative Digest, which contains the general substance of the proposed adoption) will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemakings.

#### FINAL STATEMENT OF REASONS

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared pursuant to Government Code section 11346.9(a). Requests for the Final Statement of Reasons should be directed to the contact person listed above.

#### INTERNET ACCESS

Documents concerning proposed regulation, including the proposed text of regulation and Initial Statement

of Reasons, are available on the Department's website at the following link: <https://legaldocs.insurance.ca.gov/publicdocs/RegulationList>.

### TITLE 14. FISH AND GAME COMMISSION

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 7071, 7078, 8032.5, 8389, 8550 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 205, 210, 255, 7071, 7078, 7120, 7178, 8032.5, 8033 and 8587.1 of said Code, proposes to amend sections 27.60, 28.60, 163, 163.1, 163.5, 164 and 705; add section 28.62; and add Article 6, sections 55.00, 55.01 and 55.02, Title 14, California Code of Regulations, relating to the California Pacific Herring Fishery Management Plan implementing regulations.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of these proposed amendments to regulations is the implementation of the *California Pacific Herring Fishery Management Plan* (Herring FMP). This Fishery Management Plan (FMP) has been produced pursuant to the Marine Life Management Act (MLMA). The amendments are further necessary to improve management of the existing commercial and recreational Pacific Herring fisheries and to support the orderly use of this natural resource.

Regulations pertaining to California's herring fisheries are currently in multiple sections of Title 14 of the California Code of Regulations (CCR). Section 163 regulates the commercial harvest of herring. Section 163.1 regulates the transfer of herring permits. Section 163.5 stipulates penalties and Section 164 regulates the harvesting of herring eggs. The recreational fishery is not regulated.

It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the State (Fish and Game Code (FGC) Section 7050(b)). To achieve this goal, the MLMA of 1999 (FGC sections 7050–7090) contemplates the use of FMPs developed by the Department of Fish and Wildlife (Department) and adopted by the Fish and Game Commission (Commission) (FGC sections 7072, 7075 and 7078) to guide fishery management. FGC subsection 7071(b) also provides authority for the Commission to adopt regulations that implement an FMP or plan amendment.

In accordance with these provisions, the Department has developed a Draft Herring FMP to ensure the long-

term sustainability of the resource and the fisheries that rely on it. The Herring FMP includes a proposed overhaul of the limited entry permit system, a Harvest Control Rule (HCR) for the San Francisco Bay fishery, a tiered management framework for setting quotas in all areas, collaborative research protocols, and a proposed daily bag limit for the recreational fishery. Along with the Herring FMP, the Department has also prepared proposed implementing regulations that create new recreational restrictions and delete or amend existing commercial requirements.

The proposed regulations are divided into four parts: (1) new recreational fishing regulations, (2) regulations to implement the Herring FMP, (3) amendments and additions to the commercial fishing regulations, and (4) provision of forms and fees. The following is a summary of the proposed changes to Title 14, CCR:

1. Add new recreational herring regulations to Section 28.62, Title 14, CCR, and amend existing regulations in sections 27.60 and 28.60, Title 14, CCR. The proposed regulations will:
  - Establish a bag limit within the range of zero to ten (0–10) gallons, which is approximately 0 to 100 pounds, or 0–520 fish. The Department is recommending a daily bag limit of five (5) gallons.
  - Remove “Pacific Herring” from the list of species with no recreational bag limit.
  - Clarify the species (Pacific Herring) in the existing bag limit on recreational take of herring eggs on kelp.
2. Add Article 6 of Chapter 5.5 of Subdivision 1 of Title 14, CCR; California Pacific Herring Fishery Management Plan, and add new Sections 55.00, 55.01, and 55.02. The proposed new sections will:
  - Describe the purpose and scope of the Herring FMP;
  - Provide relevant definitions used in the Herring FMP;
  - Describe the management process and HCR.
3. Delete and redraft all existing commercial regulatory language and associated subsections in sections 163, 163.1, 163.5, and 164, Title 14, CCR.
  - The new language in Section 163 includes all regulations related to permits (both herring and herring eggs on kelp (HEOK)), including permit transfers and revocation conditions.
    - A continued requirement that herring or HEOK taken in excess of the quota be released to the Department using the Release of Property Form FG–MR 674.
  - The new language in Section 163.1 describes methods of commercial take for herring, and
    - Section 163.5 provides regulations for the Herring Buyer’s Permit.
    - Section 164 is amended regarding the landing of HEOK, with a new requirement that anyone receiving HEOK must have a Herring Buyer’s Permit.
      - The royalty fee of \$500 per ton of herring eggs on kelp will no longer be required.
      - The Herring–Eggs–on–Kelp Monthly Landings and Royalty Report (DFW 143 HR (REV. 06/04/15)), will be repealed and no longer required.
      - Authorized Agent form MRD 164 is repealed; however, agents may be designated on form 1406 Herring Eggs on Kelp Application.
4. Amend Section 705 Commercial Fishing Applications, Permits, Tags, and Fees. Because of the adoption of the Herring FMP, and the adoption of the amendments to the herring fishery regulations as described herein, it is necessary to amend the forms, provide fees to recover reasonable Department costs, and to make the forms consistent with current regulations. The following forms, to be Incorporated by Reference, are attached to the Regulatory Text:
  - DFW 327 (New 4/11/19) 2019–2020 HERRING BUYER’S PERMIT APPLICATION
  - FG–329 Herring Fresh Fish Market Permit is deleted
  - DFW 1406 (New 4/11/19) HERRING–EGGS–ON–KELP PERMIT APPLICATION
  - DFW 1322–2 (New 4/11/19) SEASON REQUEST FOR CHANGES TO HERRING PERMITS: BOAT TRANSFER & SIMULTANEOUS FISHING
  - DFW 1377 (New 4/11/19) COMMERCIAL HERRING PERMIT WORKSHEET
    - A new drawing fee of \$4.50 for Applications for New Herring Permits

These proposed regulations were drafted to achieve the sustainability and social policy objectives enumerated in FGC sections 7050, 7055, and 7056. The amended sections would not conflict with any existing Title 14 regulations. In accordance with FGC Section 7071(b), the implementing regulations of this Herring FMP will render the following sections of the FGC inoperative once they are adopted: FGC sections 8389, 8550, 8550.5, 8552, 8552.2, 8552.3, 8552.4, 8552.5, 8552.6, 8552.7, 8552.8, 8553, 8554, 8556, 8557, 8558, 8558.1, 8558.2, 8558.3 and 8559.

## BENEFIT OF THE REGULATIONS

It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the State. To achieve this goal, the MLMA contemplates the use of FMPs developed by the Department and adopted by the Commission to guide fishery management. The Commission may adopt regulations that implement the FMP.

## CONSISTENCY WITH STATE REGULATIONS

The Commission and Department have conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the herring fishery.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Thursday, August 8, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Rincon Government Center, One Government Center Lane, Valley Center, California, on Thursday, October 10, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before September 26, 2019 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). All comments (both oral and written) must be received no later than October 10, 2019, at the hearing in Valley Center, California. If you would like copies of any modifications to this proposal, please include your name and mailing address. **Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.**

## AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Direc-

tor, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sheri Tiemann at the preceding address or phone number. **Andrew Weltz, Environmental Scientist, Department of Fish and Wildlife, (707) 576-2896 or [Andrew.Weltz@wildlife.ca.gov](mailto:Andrew.Weltz@wildlife.ca.gov)**, has been designated to respond to questions on the substance of the proposed regulations.

## AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

## IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Individuals and businesses will not

incur any increase in compliance costs. The decrease in the fleet size may result in more profitable catch per unit effort for individuals. However, harvest volume and fishing intensity will continue to be highly influenced by market prices and many other factors unrelated to Commission regulations.

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

The proposed action is not anticipated to impact the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations will not impose new compliance costs or adversely impact fishing activity in the state.

The proposed action is not anticipated to benefit the health and welfare of California residents or worker safety, but benefits to the State's environment are anticipated through the improved management of herring resources.

- (c) Cost Impacts on a Representative Private Person or Business:  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

**EFFECT ON SMALL BUSINESS**

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

**CONSIDERATION OF ALTERNATIVES**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY**

**NOTICE IS HEREBY GIVEN** that the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 through 2818, in order to implement, interpret and make specific Penal Code Sections 2801 through 2818, proposes to amend Section 8004.2 of Article 1, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8.

**PUBLIC HEARING**

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than 15 days before the close of the written public comment period.

**PUBLIC COMMENT PERIOD**

The public comment period will close September 3, 2019. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

**MAIL or HAND DELIVERED**

CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

**FAX**

(916) 358-2709

**E-MAIL**

[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

**CONTACT PERSON**

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

**M. Doherty, Regulatory Analyst**  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
Telephone (916) 358-1711  
[piaregs@calpia.ca.gov](mailto:piaregs@calpia.ca.gov)

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**C. Pesce, Administrative Assistant**  
California Prison Industry Authority  
560 East Natoma Street, Folsom CA 95630  
Telephone (916) 358-1711

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the above persons at the above address.

#### AUTHORITY AND REFERENCE

**Penal Code Section 2800:** In 1982, the California Legislature restructured the Department of Corrections’ industries and vocational training program for inmates abolishing the Correctional Industries Commission and replacing it with the newly created Prison Industry Authority (PIA) (subsequently renamed CALPIA) under the direction of the Prison Industry Board.

**Penal Code Section 2807(a):** Section 2807(a) provides that CALPIA is authorized and empowered to operate industrial, agricultural, and service enterprises which will provide products and services needed by the state, or any political subdivision thereof, or by the federal government, or any department, agency, or corporation thereof, or for any other public use. Products may be purchased by state agencies to be offered for sale to inmates of the department and to any other person under the care of the state who resides in state-operated institutional facilities. Fresh meat may be purchased by food service operations in state-owned facilities and sold for onsite consumption. By giving CALPIA these duties and power by statute, rulemaking authority is implicitly delegated to adopt those rules and regulations necessary for the due and efficient exercise of a duty or power expressly granted.

**Penal Code Section 2802:** Section 2802 provides for the existence of a Prison Industry Board (PIB).

**Penal Code Section 2808:** Section 2808 provides the PIB, in the exercise of its duties, all of the powers and do all of the things that the board of directors of a private corporation would do.

PIB proposes to amend regulation section 8004.3, renumber section 8004.4 as 8004.5, and add new section 8004.4.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulatory action will allow PIB to implement its authority vested by the Legislature. In PC section 2808, the Legislature granted PIB powers equal to “all of the things that the board of directors of a private corporation would do. . . .”

The proposed amendments will be vetted through the public process of PIB, and now are being promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). PIB will vote on these proposed regulations at their board meeting. Upon approval, PIB’s Record of Vote and applicable portion of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL) and are available to the public upon request and upon CALPIA’s website.

The problem addressed by this regulatory amendment is to carefully use limited resources for inmates to obtain skills to promote the likelihood of immediate employment upon release, and as a result, end a return to prison. According to the Legislative Analyst’s Office, it costs an average of \$81,000 per year to incarcerate an inmate in prison in California. Since 2010–11 the average annual cost has increased by about \$32,000 or 58 percent (58%). Conversely, \$81,000 per year is saved for each inmate that does not return to prison after release. CDCR tracked 74,875 people who were released from state prison between July 1, 2011, and June 30, 2012, for three years and found they had a three-year conviction rate of 54.3 percent. In contrast, with a recidivism rate of less than 10 percent, CALPIA’s CTE programs are among the CDCR’s most successful vocational training programs. This is a 44.3 percent difference by comparison. For example, CALPIA’s CTE program trains inmates in various construction skills that include welding and ironwork, general labor, and finished carpentry. CALPIA provides paroled graduates with a set of tools and a tool belt so they are ready for the first day of their new job. The Manhattan Institute conducted a study confirming that the sooner ex-offenders are employed, the less likely they will commit future crimes resulting in further jail and prison time.

By instituting an inmate probationary period, inmates are given opportunity to learn the essential duties of the work, and also may be removed during this period upon not meeting the probationary period requirements. Removing inmates who do not meet the probationary period requirements from CALPIA assignments focuses

CALPIA's resources to be able to increase the number of inmates successfully retrained for work after release.

In order to fully support CALPIA's purpose to operate like a private, self-sustaining business and to function safely and efficiently, the proposed amended regulation is necessary.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

Anticipated benefits of the proposed regulatory action include a nonmonetary benefit of ongoing employment of inmate workers and providing experiences for inmate workers to utilize upon release from custody. Additional benefits include:

- Increase percentage of inmates leaving incarceration with work experience and skills, focusing opportunities earlier to benefit the greatest number of inmates.
- Provide inmates with experience similar to the work environment in the public sector.
- By instituting an inmate probationary period, inmates are given opportunity to learn the essential duties of the work, and also may be removed during this period upon not meeting the probationary period requirements. Removing inmates who do not meet the probationary period requirements from CALPIA assignments focuses CALPIA's resources to be able to increase the number of inmates successfully retrained for work after release.
- Potential impact may lower overall recidivism rate for inmates.

CALPIA has evaluated the potential benefits of this proposed regulatory action and made an initial determination that this proposed regulatory action:

- Will have no effect on housing costs.
- Will not impose new mandates upon local agencies or school districts.
- Will involve no nondiscretionary costs or savings to any local agency, no cost to any local agency or school district for which Sections 17500–17630 of the Government Code require reimbursement, nor costs or savings in federal funding to the state.
- Will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California.
- Will continue to provide a nonmonetary benefit for the protection of public health and safety by ensuring ongoing efficiency of operations employment inmate workers, and providing work

experiences for inmate workers to utilize upon release from custody.

- Will eliminate inconsistencies from institution to institution and facility to facility.
- Will decrease the incidences of inmate appeals regarding CALPIA assignments and removal from assignments.
- Will support uniformity in application of regulations regarding inmate assignments and removal from assignments.
- Will provide assurances of consistent and equitably allocated assignments and removal from assignments.

#### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

During the process of developing this regulation, PIB and CALPIA have conducted a search of any similar regulations on this topic and have concluded that this regulation is neither inconsistent nor incompatible with existing laws and regulations.

#### LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

#### FISCAL IMPACT STATEMENT

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Cost or savings to any state agency: None.

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

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

#### EFFECT ON HOUSING COSTS

PIB and CALPIA have determined that the proposed action will have no significant effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

PIB and CALPIA have determined that adoption of the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California business-

es to compete with businesses in other states because this regulation only applies to internal operations of CALPIA.

## ECONOMIC IMPACT ANALYSIS/ASSESSMENT

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), PIB and CALPIA have made the following assessments regarding the proposed regulation:

#### BENEFITS OF PROPOSED ACTION

As stated above under the Informative Digest and Policy Statement Overview, the benefits of the regulatory action include:

- Nonmonetary benefit of ongoing employment of inmate workers and providing experiences for inmate workers to utilize upon release from custody.
- Increase percentage of inmates leaving incarceration with work experience and skills, focusing opportunities earlier to benefit the greatest number of inmates.
- Provide inmates with experience similar to the work environment in the public sector.
- By instituting an inmate probationary period, inmates are given opportunity to learn the essential duties of the work, and also may be removed during this period upon not meeting the probationary period requirements. Removing inmates who do not meet the probationary period requirements from CALPIA assignments focuses CALPIA's resources to be able to increase the number of inmates successfully retrained for work after release.
- Potential impact may lower overall recidivism rate for inmates.
- Nonmonetary benefit for the protection of public health and safety by ensuring ongoing efficiency of operations employment inmate workers, and providing work experiences for inmate workers to utilize upon release from custody.
- Decrease the incidences of inmate appeals regarding CALPIA assignments and removal from assignments.
- Support uniformity in application of regulations regarding inmate assignments and removal from assignments.

- Provide assurances of consistent and equitably allocated assignments and removal from assignments.

**Thus, this proposed action benefits the public and general welfare.**

### CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because these jobs are not affected by CALPIA's proposed regulatory changes any differently than exists presently or there is no impact on existing jobs and therefore there is no impact with the adoption of this section.

### CREATION, EXPANSION, OR ELIMINATION OF EXISTING BUSINESSES (SMALL OR LARGE) WITHIN THE STATE OF CALIFORNIA

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by CALPIA's proposed regulatory changes any differently than currently, or not at all, and therefore will not have an effect on the creation, expansion, or elimination of small or large businesses within California.

### BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS

Provide a nonmonetary benefit for the protection of public health and safety by ensuring ongoing efficiency of operation employment inmate workers, and providing experiences for inmate workers to utilize upon release from custody.

#### REPORTS RELIED UPON

1. Immediate Access to Employment Reduces Recidivism, June 11, 2015, [https://www.realclearpolitics.com/articles/2015/06/11/immediate\\_access\\_to\\_employment\\_reduces\\_recidivism\\_126939.html](https://www.realclearpolitics.com/articles/2015/06/11/immediate_access_to_employment_reduces_recidivism_126939.html)
2. CDCR Release Back-to-Back Annual Recidivism Reports, October 10, 2017, <https://news.cdcr.ca.gov/news-releases/2017/10/10/cdcr-releases-back-to-back-annual-recidivism-reports/>

3. How much does it cost to incarcerate an inmate? 2018–2019, [https://lao.ca.gov/PolicyAreas/CJ/6\\_cj\\_inmatecost](https://lao.ca.gov/PolicyAreas/CJ/6_cj_inmatecost)

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

PIB and CALPIA are 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 SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small businesses any differently than they are now or not at all because they are not affected by CALPIA's internal operations.

#### CONSIDERATION OF ALTERNATIVES

PIB and CALPIA have determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of PIB and CALPIA, 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 proposed regulatory action. Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

#### AVAILABILITY OF RULEMAKING DOCUMENTS

The Proposed Text, Initial Statement of Reasons, Materials Relied Upon and other information upon which the rulemaking is based have been placed in the rulemaking file and are available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If modifications sufficiently related to the originally proposed

text are made, the changes will be clearly indicated and made available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. PIB and CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website <http://www.calpia.ca.gov>.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

### TITLE 22. DEPARTMENT OF SOCIAL SERVICES

ORD #0119-03

#### ITEM #1 Simplified Criminal Records Exemptions

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on September 4, 2019, at the following address:

Office Building # 8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 4, 2019.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit

written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations \(http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information\)](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

#### CONTACT

California Department of Social Services  
Office of Regulations Development  
744 P. Street, MS 8-4-192  
Sacramento, CA 95814  
Telephone: (916) 657-2856, Fax: (916) 654-3286  
Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

#### CHAPTERS

Title 22, Division 6, Chapters 1, 2, 3, 7.3, 8, 8.5, 8.8, and 9.5; Division 12, Chapters 1 and 3; and Division 15, Chapter 1

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations for the Home Care Aide Registry and Community Care Licensing (CCL) facilities, including Social Rehabilitation Facilities, Adult Day Programs, Crisis Nurseries, Foster Family Homes, Residential Care Facilities for the Elderly, Residential Care Facilities for the Chronically III, Child Care Centers, and Family Child Care Homes stipulate that individuals with criminal histories who seek licensure or employment in CCL facilities or inclusion in the Home Care Aide Registry may be eligible for a simplified criminal exemption if they meet specified eligibility criteria. Individuals who are eligible for a simplified criminal record exemption are not required to submit additional information related to their convictions and rehabilitation, and CDSS renders criminal record exemption de-

terminations for these individuals quickly. Currently, individuals may be eligible for a simplified criminal record exemption if they meet the following criteria: the individual does not have a demonstrated pattern of criminal activity, the individual has no more than one conviction, the conviction was for a nonviolent misdemeanor and does not pose a risk of harm to an individual, and it has been at least five consecutive years since the completion of the most recent period of incarceration or supervised probation. If an individual with a criminal history does not meet those conditions, then the individual may seek a standard criminal record exemption. To process the individual's request for a standard criminal record exemption, CDSS may request that the individual submit additional information related to their convictions and their rehabilitation. Currently, individuals seeking a standard exemption have 45 days to submit the requested additional information.

The proposed regulations amend the eligibility criteria for a simplified criminal record exemption, and they change the amount of time allotted to individuals seeking a standard criminal record exemption to send to CDSS requested information related to their convictions and rehabilitation. Specifically, the proposed regulations amend the eligibility criteria for a simplified criminal record exemption to allow individuals who have multiple non-violent misdemeanor convictions arising from a single incident of criminal conduct, who do not have a demonstrated pattern of criminal activity, and for whom it has been at least five consecutive years since the completion of the most recent period of incarceration or supervised probation to receive a simplified criminal record exemption. Additionally, the proposed regulations specify that individuals who seek a standard criminal record exemption are allotted 30 days to send to CDSS the requested information related to the individual's convictions and rehabilitation.

During the process of developing these regulations, CDSS 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.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The Department will render decisions regarding applicants' eligibility for criminal record exemptions more quickly, which will allow applicants to begin working sooner.

Expanded economic opportunity to individuals whose criminal histories suggest they do not pose an excessive threat to individuals in CCL facilities.

CCL facility licensees will be able to fill vacant positions more quickly, when the licensee intends to hire an individual with a limited criminal history.

The proposed regulations have no detrimental impact to California’s environment.

The proposed regulations may have a small, but positive impact on the recidivism rate within California, because the ability for an individual with a criminal history to find employment is very strongly correlated with a decreased chance of recidivism. Although the proposed regulations generally do not affect the outcome of the criminal record exemption decision, the proposed regulations expedite the Department’s decision-making process, which in turn will allow the affected individuals to begin working more quickly in CCL facilities.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

**LOCAL MANDATE STATEMENT**

These regulations do not impose a mandate upon local agencies or school districts that require reimbursement pursuant to Section 17500 et seq. of the Government Code (GC).

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the proposed regulations will expedite the criminal record exemption process for a subset of individuals applying for employment or licensure with CCL facilities or for inclusion in the Home Care Aide Registry.

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

CDSS is not aware of any cost impacts that a representative private person or business would necessarily

incur in reasonable compliance with the proposed action.

**SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that there is no adverse impact on small businesses as a result of filing these regulations because the proposed regulations will expedite the criminal record exemption process for a subset of individuals applying for employment or licensure with CCL facilities or for inclusion in the Home Care Aide Registry. This will allow affected small businesses to hire a subset of individuals with limited criminal histories more quickly.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows:

- CDSS will render decisions on the criminal record exemption eligibility of a subset of individuals seeking licensure or employment in CCL facilities or inclusion in the Home Care Aide Registry more quickly.
- CCL facilities seeking to hire individuals with limited criminal histories will be able to do so in a timelier manner.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

In developing the regulatory action, CDSS considered the following alternatives with the following results:

Alternative #1: Apply new standards without a regulatory change.

Result: This alternative may result in an unenforceable “underground regulation” by adopting rule a general application without complying with the rulemaking processes required by the Administrative Procedure Act.

Alternative #2: Status quo.

Result: This alternative would result in CDSS continuing to require applicants whose criminal histories sug-

gest they pose a minimal threat to the health and safety of individuals in CCL facilities to undergo the standard criminal record exemption process, which delays CDSS' ability to render criminal record exemption decisions in a timely manner, and which would be an inefficient use of CDSS' resources. Additionally, this alternative would result in continued unnecessary delays in the criminal record exemption process due to an excessively long period during which applicants can submit information relevant to their criminal records and rehabilitation.

Alternative #3: Broader criteria for a simplified criminal record exemption, including criteria that would allow for individuals with convictions arising from multiple incidents of criminal conduct.

Result: This alternative would result in CDSS granting criminal record exemptions to individuals who may pose an excessive risk to the health and safety of individuals in CCL facilities. CDSS, therefore, decided that it was appropriate to continue to require individuals whose criminal histories do not match the proposed simplified criminal record exemption criteria to go through the standard criminal record exemption process so that CDSS may evaluate these individuals on a case-by-case basis.

Alternative #4: 15-day response window for applicants to send information related to their criminal records and rehabilitation.

Result: This alternative would result in the Department placing an unduly burdensome requirement upon individuals seeking a criminal record exemption. A 15-day response window is not enough for applicants to submit the necessary information.

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are 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.

#### **AUTHORITY AND REFERENCE CITATIONS**

Sections 1530, 1530.1, 1568.072, 1569.30, 1596.81 and 1796.63 of the Health & Safety (H&S) Code give CDSS the authority to develop these regulations, and Sections 1516, 1522, 1522.07, 1531, 1568.09, 1568.072, 1568.082, 1568.092, 1569.17, 1596.871, 1796.23 and 1796.24 of the H&S Code are being referenced to make the regulations more specific.

#### **CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person:

Oliver Chu  
(916) 657-2586

Backup:

Sylvester Okeke  
(916) 657-2586

#### **TITLE MPP. DEPARTMENT OF SOCIAL SERVICES**

ORD #0119-04

ITEM # Welfare-to-Work Employment Regulation  
Amendments (2017-2018 Legislative Cycle)

The California Department of Social Services (hereafter known as the Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on September 3, 2019, at the following address:

Office Building # 8  
744 P St., Room 105  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 3, 2019.

Following the public hearing the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information) (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available at the following address:

**CONTACT**

California Department of Social Services  
 Office of Regulations Development  
 744 P Street, MS 8-4-192  
 Sacramento, CA 95814  
 Telephone: (916) 657-2856, Fax: (916) 654-3286  
 Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

**CHAPTERS**

CDSS Manual of Policies and Procedures, Eligibility and Assistance Standards Manual, Chapter 42-700 (Welfare-to-Work), Sections 42-701 (Introduction to Welfare-to-Work), 42-708 (Welfare-to-Work 24-Month Time Clock), 42-709 (CalWORKs Federal Standards), 42-711 (Welfare-to-Work Participation Requirements), 42-716 (Welfare-to-Work Activities), 42-750 (Supportive Services), and 42-751 (Underpayments and Overpayments for Transportation and Ancillary Support Services).

**INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW**

The California Work Opportunity and Responsibility to Kids (CalWORKs), Welfare-to-Work Program is the employment and training component of the CalWORKs Program which is funded, in part, by the federal Temporary Assistance for Needy Families (TANF) block grant. The TANF Program limits federally funded cash aid to adult recipients to a total of five years. The intent of the Welfare-to-Work Program is to provide employment and training services to the maximum possible number of individuals within the adult Cal-

WORKs population to aid them in achieving economic self-sufficiency within this timeframe.

These proposed regulatory amendments implement the following:

- Assembly Bill (AB) 480 (Chapter 690, statutes of 2017), amended Welfare and Institutions Code (WIC) section 11321.2 by adding a diaper supportive service of thirty dollars (\$30) per child under 36 months of age, each month, to welfare-to-work participants to assist with diaper costs.
- AB 818 (Chapter 141, Statutes of 2017), amended WIC section 11322.87 to allow welfare-to-work participants an extension of their 24-month time clock when they require additional time to complete an educational or treatment program that is presumed to increase the participant's likelihood of employment.
- AB 910 (Chapter 318, Statutes of 2017), added WIC section 11322.8, which specifies that unless exempted, an adult participant in the CalWORKs program shall be required to participate in welfare-to-work activities. It also specifies that, unless exempt, a pregnant person shall participate for an average of 30 hours per week. A new assistance unit was created based on that information, "Adult in Pregnant Person Only Assistance Unit."
- AB 1604 (Chapter 303, Statutes of 2017), amended WIC section 11320.1(b)(2), which specifies that if an individual that does not possess a high school diploma or equivalent, such individual should be immediately assigned to a program intended to earn such diploma. It also added WIC section 11325.3(b) which specifies that if such individual does not desire to participate in an education program to earn a high school diploma or equivalent he or she may elect not to do so, but must make that election in writing on his or her welfare-to-work plan.
- AB 1811 (Chapter 35, Statutes of 2018) amended WIC section 11325.23, which added "study time provided for by an educational or training institution" to the list of allowable Self-Initiated Program components.

These proposed regulatory changes will benefit working CalWORKs participants who have children under 36 months of age and who are in need of diaper assistance. An unfulfilled need for diapers impacts the physical, mental, and economic well-being of children and parents. Many CalWORKs program participants with children under 36 months of age suffer from diaper insecurity. This regulatory action will help alleviate that need. Also, these proposed regulatory changes will pro-

vide CalWORKs recipients with an opportunity to better their education. A society with higher educational attainment experiences positive outcomes such as decreased poverty and improved health and well-being.

The Department considered other possible related regulations in this area, and we found that these are the only regulations dealing in this subject area (CalWORKs welfare-to-work employment and training services), and therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 480, AB 818, AB 910, AB 1604, and AB 1811, as well as with existing state regulations.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact.
4. Federal Funding to State Agencies: No fiscal impact.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are state mandated local costs that require reimbursement, which is provided in the Budget Act to cover any costs that local agencies may incur.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that these regulations only apply to a small group of the CalWORKs program participants, who are a comparatively small part of the statewide population.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows:

The proposed regulations to implement AB 480 will benefit the welfare of California residents. The proposed regulations will provide relief to participants in the CalWORKs program by preventing diaper insecurity to children 36 months of age and younger, which will allow program participants to participate in program activities that lead to self-sufficiency.

The proposed regulations to implement AB 818, AB 1604, and AB 1811, Section 18, will benefit the welfare of California residents in that, collectively, a society with higher educational attainment, which these bills seek to promote, experiences positive outcomes by way of decreased poverty and, in correlation to decreased poverty, improved health and well-being.

The proposed regulations to implement AB 910 will benefit the welfare of California residents in that pregnant persons will receive aid by participating in federally required activities (existing) or more flexible activities with a lower weekly participation requirement during pregnancy. This lower weekly participation requirement for pregnant persons is expected to result in improved health outcomes for the parent and their child(ren).

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The Department determined that due to the nature of these regulatory changes, a consideration of alternatives to regulatory amendments was not warranted as each regulatory change is responsive to mandatory regulatory amendments included in the respective legislation passed in the 2017–2018 legislative session.

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the regulations are 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.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554 and 10604 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11320.1, 11322.8, 11322.87, 11323.2, 11325.23 and 11325.3, Welfare and Institutions Code.

CDSS REPRESENTATIVE  
REGARDING THE RULEMAKING  
PROCESS OF THE PROPOSED REGULATION

Contact Person:

Everardo Vaca  
(916) 657–2586

Backup:

Sylvester Okeke  
(916) 657–2586

**GENERAL PUBLIC INTEREST**

**BOARD OF FORESTRY AND  
FIRE PROTECTION**

**NOTICE OF CORRECTION**

**Concerning the Notice of Proposed Action re:  
“Stocking and Silvicultural Standards  
Amendments, 2019”**

(OAL File No. Z2019–0625–01)

Originally published July 5, 2019

The above–referenced notice was originally published in the California Regulatory Notice Register 2019, 27–Z, July 5, 2019. The Notice incorrectly cited Authority and Reference as required pursuant to Government Code § 11346.5(a)(2) and 1 CCR § 14, as well as information related to the Informative Digest/Policy Statement Overview, as required pursuant to Government Code § 11346.5(a)(3)(A)–(D). Additionally, a portion of the facts, evidence, documents, testimony, or other evidence relied upon to support initial determination in the notice that the proposed action will not have a significant adverse economic impact on business (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8)) was erroneous as was portions of the comparative analysis with federal regulations and the fiscal impact analysis.

The correct information is as follows:

**AUTHORITY AND REFERENCE**  
(pursuant to GOV § 11346.5(a)(2) and  
1 CCR § 14)

Authority cited: Sections 4551, 4553, 1561.1, 4561.2, and 4561.6, Public Resources Code. Reference: Sections 4561, 4561.1, and 4561.2, Public Resources Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

(pursuant to GOV § 11346.5(a)(3)(A)–(D))

The Z’berg–Nejedly Forest Practice Act of 1973 (FPA) describes many of the broad forest management goals and policies of the state, including Public Resources Code (PRC) § 4512(c), which states “The Legislature finds and declares that it is the policy of this state to encourage prudent and responsible forest resource management calculated to serve the public’s

need for timber and other forest products, while giving consideration to the public’s need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations.”

The FPA further describes the relationship between forest management and atmospheric sequestration of carbon dioxide through PRC § 4512.5(d), which states “. . . there is increasing evidence that climate change has and will continue to stress forest ecosystems, which underscores the importance of proactively managing forests so that they can adapt to these stressors and remain a net sequesterer of carbon dioxide.”

PRC § 4551 describes the mechanism through which forest policy is implemented through the authorization of the Board to “. . . adopt district forest practice rules and regulations for each district in accordance with the policies set forth in Article 1 (commencing with Section 4511) of this chapter and pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.”

Additionally included in the FPA is PRC § 4561, which sets forth “resource conservation standards”, which are minimum standards intended to “. . . ensure that a cover of trees of commercial species, sufficient to utilize adequately the suitable and available growing space, is maintained or established after timber operations.” The section goes on to outline various prescriptive standards for minimum tree occupancy required under described site-specific conditions.

PRC § 4561.2 authorizes the Board to “. . . adopt alternative stocking standards that meet the purposes of Section 4561 if those alternative standards reasonably address the variables in forest characteristics, achieve suitable resource conservation, and contribute to specific forest health and ecological goals as defined by the board.”

Since the initial creation of the regulatory stocking standards, several factors have significantly influenced forest health and management practices throughout the state. When the minimum resource conservation regulations were initially adopted, planted seedling survival rates were extremely poor, often resulting in extremely high failure rates and driving a need to plant trees at greater densities in order to ensure adequate site occupancy and survival of seedlings. Before 1953, only 31 percent of the plantings in the state successfully became established, whereas today, a combination of improved nursery and planting technology and practices, has resulted in seedling establishment rates of as high as 95

percent. Additionally, since the initial adoption of these regulations, the socioecological goals of forest management have significantly expanded and have influenced forest stocking and planting procedures. Issues surrounding atmospheric carbon sequestration, the risk and threat of loss and damage from wildfires, growing forest pest conditions, ongoing and potentially long-term drought conditions, climate change, and forest heterogeneity and diversity all serve to influence forest management practices and will impact associated stocking and planting procedures. The problem that the proposed action seeks to address is that current regulations do not address any of these changing conditions and do not provide for optimal stocking conditions in light of those conditions. The proposed action was developed in response to these changing ecological conditions and improved seedling survival rates. This proposal will allow for new point count Resource Conservation Standards for Minimum Stocking by Forest District and new point count standards for various regeneration methods, intermediate treatments, special prescriptions, riparian zones in watersheds with listed anadromous salmonids, and substantially damaged timberlands. The proposed action also revises the existing stocking sampling methods to reflect those quantitative changes to the point count standards. Furthermore, the proposed action creates a performance-based option for basal area stocking standards where a Registered Professional Forester (RPF) may provide site specific forest stand and timberland conditions, then explain and justify how the proposed alternative stocking standard contributes to the forest health and ecological goals defined by the board as contained in this proposal. The Director may then inspect the area of the proposed alternative to determine that the alternative achieves suitable resource conservation.

Additionally, several of the regulatory silvicultural methods, as specified in 14 CCR §§ 913, 933, and 953 et seq., which are similarly intended to implement the goals of PRC §§ 4512 and 4513 and which specify prescriptive requirements for the harvesting and retention of trees, do not currently provide prescriptive standards which address these changing ecological conditions or otherwise align with the ecological goals intended to promote the state’s policies related to healthy forest management in light of changing conditions.

The amendments and adoption help to address the specific forest health and ecological goals identified by the Board and clarify how those goals will achieve suitable resource conservation. The forest health and ecological goals identified by the Board include:

- Increased carbon sequestration
- Reduction in fire risk, fuels loading

- Increased resilience to forest pests
- Increased resilience to drought / increased water yield
- Appropriate stocking for resilient forests in a changing climate
- Avoidance of large-scale disturbances which promote homogeneity in forests

The **purpose** of the proposed action is:

1. To address the specific forest health and ecological goals identified by the Board to improve forest resilience to drought, fire, forest pests and diseases and increase carbon sequestration rates to defend against global climate change. This is accomplished primarily by amending the point count minimums in the Resource Conservation Standards to a lower standard. The proposed lower standards provided for suitable resource conservation by reducing competition between trees for the essential resources of sunlight, water and nutrients needed for photosynthesis, and eliminates the need for expensive pre-commercial thinning treatments and resulting fuel buildup that can contribute to wildfire risk and carbon release. The proposal also allows site specific basal area stocking levels to be proposed if existing stocking standard minimums could lead to reduced forest health. Contemporary research indicates the following (see citation and source references below).
  - Less competition between trees planted at lower, more appropriate densities may result in lower mortality rates and hence faster net growth of trees that can sequester more carbon.
  - It is important to reduce the densities of smaller diameter trees, as they can be associated with high severity, large-scale fires that result in the vast majority of carbon storage loss and greenhouse gas emissions on forested land.
  - A reduction in overall forest density helps create forests which are less susceptible to forest pest and disease outbreaks, reducing the amount of forest carbon stored in the dead pool.
  - The current stocking standard encourages overplanting in many areas, exacerbating conditions that can lead to extensive and severe wildfires that result in loss of life, structures, critical habitat and productive forestland.
  - The current stocking standard encourages overplanting in many areas, helping create conditions that are susceptible to forest pest and disease outbreaks far beyond those associated with normal, cyclical outbreaks.

- The current stocking standard encourages overplanting in many areas, contributing to conditions that increase inter-tree competition for water, reduce tree vigor and limit forest-water yield.
  - The current stocking standard requires planting at densities that will be unsustainable for future forests in a changing climate. Effects of climate change on California forests include increased competition for water, longer fire seasons with more severe behavior, and greater susceptibility to insect and disease outbreaks.
  - Appropriately stocked forests are more resilient and resistant to a variety of stressors, which may help prevent large-scale, extreme disturbances that create large, homogenous patches of forest type, age and structure.
2. To align the prescriptive requirements of specific silvicultural prescriptions with the above-stated ecological goals in order to address the state's changing ecological conditions and promote the state's forest policy goals.
  3. To address clarity issues, where they exist within the silvicultural methods.

The **effect** of the proposed action is to provide for increased forest resilience and suitable resource conservation by adjusting point count standards to a level that reduces competition between trees for the essential resources of sunlight, water and nutrients needed for photosynthesis and requisite for forest resilience to natural stressors. The proposed action would eliminate the need for expensive pre-commercial thinning treatments and the resulting fuel buildup created by such treatments which can contribute to wildfire risk and carbon release. The proposal would also allow a Registered Professional Forester (RPF) to propose site specific basal area stocking levels down to the current minimum Resource Conservation Standards, if the existing standards for the various regeneration methods, intermediate treatments, or special prescriptions would lead to reduced forest health, increase in fire risk, or reduced rates of carbon sequestration. Implementation of the proposed action will help to increase rates of carbon sequestration and reduce the long-term probabilities of large-scale wildfire that can result in homogeneous forest structure across the landscape by reducing tree mortality from drought, insects, and disease. The proposed action is consistent with the legislature's findings and declaration in PRC § 4512.5(d) for "proactively managing forests so that they can adapt to these stressors and remain a net sequesterer of carbon dioxide."

The proposed action will also have the effect producing prescriptive silvicultural methods which are clear and which accurately reflect those standards which are

intended to promote the state's forest policy goals and achieve improved forest and environmental quality.

The **benefit** of the proposed action is to provide a mechanism pursuant to PRC § 4512.5(d) to proactively manage forest stocking, so that forests can adapt to these stressors and become more resilient while increasing rates of carbon sequestration to help offset climate change that contributes to these stressors. This revised regulatory mechanism is also likely to yield an economic benefit to the state as reduced seed and seedling planting requirements will reduce costs associated with transportation, storage, labor, and additional treatments necessary to plant and manage seedlings of higher densities.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to secondary egress routes and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: Sections 4551, 4561, and 4561.2, Public Resources Code.

**MANDATED BY FEDERAL  
LAW OR REGULATIONS**

There are no comparable Federal regulations related to minimum resource conservation standards. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**FISCAL IMPACT**  
(pursuant to GOV § 11346.5(a)(6))

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing forest practice regulations related to the minimum resource conservation standards.

**FACTS, EVIDENCE, DOCUMENTS,  
TESTIMONY, OR OTHER EVIDENCE RELIED  
UPON TO SUPPORT INITIAL DETERMINATION  
IN THE NOTICE THAT THE PROPOSED ACTION  
WILL NOT HAVE A SIGNIFICANT ADVERSE  
ECONOMIC IMPACT ON BUSINESS**  
(pursuant to GOV § 11346.2(b)(5) and  
GOV § 11346.5(a)(8))

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating professional forestry in California that the Board brings to bear on regulatory development.

If you have any questions, please contact Eric Hedge at (916) 653-9633 or [PublicComments@bof.ca.gov](mailto:PublicComments@bof.ca.gov).

**DEPARTMENT OF  
FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR**

Upper Shasta River Habitat Improvement Project  
(Tracking Number: 1653-2019-040-001-R1)  
Siskiyou County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 9, 2019, that the California Trout proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the construction of riffle and large woody debris structure, as well as enhancement of the riparian and an existing off-cove channel. The proposed project will be carried out on Shasta River, located at 13521 Big Springs Road, Montague, Siskiyou County, California.

On May 28, 2019, 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 Upper Shasta River Habitat Improvement 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. 1A190063WNSI; ECM PIN No. CW-858742) for coverage under the General 401 Order on July 1, 2019.

California Trout is requesting a determination that the project and associated documents are complete pur-

suant 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, California Trout will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF TOXICS  
SUBSTANCES CONTROL**

**Public Notice Requirement for California  
Resources Elk Hills Variance**

On June 21, 2019, the Department of Toxic Substances Control (DTSC) issued a Post-Closure Permit (Permit) and a variance from the monitoring requirements of California Code of Regulations, title 22, chapter 14, article 6: Water Quality Monitoring and Response Programs for Permitted Facilities, for the California Resources Elk Hills, 27R Hazardous Waste Trench Unit Facility (Facility). The variance will allow the post-closure care activities to continue at the Facility without the inclusion of groundwater, surface water, and unsaturated zone monitoring. DTSC is issuing the variance under the authorization of Health and Safety Code section 25143. The variance is authorized as part of the permitted post-closure care of the Facility and remains in effect from the effective date of the Permit until the Permit is no longer in force.

The Facility is located in Kern County, Tupman, California, Sections 27 and 34, township 30 south, range 23 east, and is identified by EPA ID number: CA4170024414.

For additional information, contact Randy Snapp of the Department of Toxic Substances Control at (916) 255-3711 or by e-mail at Randy.Snapp@dtsc.ca.gov.

**RULEMAKING PETITION  
DECISION**

**BOARD OF PHARMACY**

July 2, 2019

Amber Baur, Executive Director  
UFCW Western States Council  
8530 Stanton Avenue  
Buena Park, CA 90620

Re: Petition for Rulemaking to Implement Business and Professions Code Section 4113.4 (SB 1442 (Weiner)) Regarding Pharmacist Assistance

Dear Ms. Baur:

Thank you for your letter of March 25, 2019, wherein you petition the board to adopt regulations “pertaining to implementation and enforcement of Section 4113.5 of the Business and Professions Code.” You requested the board adopt new section 1714.2 to Title 16 of the California Code of Regulations. As part of the petition, you referenced Business and Professions Code sections 4001.1 and 4005 as the board’s authority for this adoption. As you are aware, the board considered your petition as part of its May 7–8, 2019 meeting. This letter serves as written notification of the board’s action.

Pursuant to Government Code section 11340.7(b), the board elected to take other action it determined to be warranted by the petition. More specifically, during its meeting, the board referred the development of regulation language to its Legislation and Regulation Committee. The board believed that a regulation may be necessary but determined that policy issues and concerns related to Business and Professions Code section 4113.5 should be discussed and fully vetted through committee.

Please be advised that such discussion is currently scheduled as part of the committee’s July 24, 2019 public meeting. Any recommendations will subsequently be discussed by the board, also as part of a public meeting for discussion and consideration, and if moved to regulation, will be subject to Chapter 3.5 of the Administrative Procedure Act.

Please be advised that any interested persons have a right to obtain a copy of the petition and this response.

The appropriate contact for this matter is Lori Martinez, 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833, [lori.martinez@dca.ca.gov](mailto:lori.martinez@dca.ca.gov), (916) 518-3100.

Sincerely,

/s/

Anne Sodergren  
Interim Executive Officer

**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# 2019-0529-02  
AIR RESOURCES BOARD  
2018 State Area Designations

Existing law establishes State ambient air quality standards. Health and Safety Code section 39608 requires the Air Resources Board ("ARB") to annually assess the air quality in each area of California and determine whether it meets State standards. In this regular rulemaking, ARB is adding two areas and amending current area designation regulations for ozone and nitrogen dioxide.

Title 17  
AMEND: 60200, 60201, 60203  
Filed 07/09/2019  
Effective 07/09/2019  
Agency Contact: Bradley Bechtold (916) 322-6533

File# 2019-0604-01  
CALIFORNIA DEPARTMENT OF TAX AND FEE  
ADMINISTRATION  
Application of the Fee Collection Procedures Law

The California Department of Tax and Fee Administration (Department) submitted this file and print action to add a California battery fee, a manufacturer battery fee, a cannabis excise tax, and a cannabis cultivation tax to a regulation that sets forth fees and taxes collected by the Department under the Fee Collection Procedures Law (Rev. & Tax. Code section 55001 et seq.). The Department is authorized to collect these additional fees and taxes under the Fee Collection Procedures Law pur-

suant to the enactment of various statutes in A.B. 2153 (Stats.2016, ch. 666) and Proposition 64 (2016). The Department is also adding two reference citations to the regulation that relate to the collection of these additional fees and taxes.

Title 18  
AMEND: 3500  
Filed 07/10/2019  
Effective 07/10/2019  
Agency Contact: Richard Bennion (916) 455-2130

File# 2019-0528-02  
DEPARTMENT OF MANAGED HEALTH CARE  
Financial Solvency of Risk Bearing Organizations

This rulemaking action by the Department of Managed Health Care (Department) amends seven sections in title 28 of the California Code of Regulations to update the definition of "organization," update financial solvency standards, and revise requirements for the reporting of financial solvency. The Department is also adopting three new financial survey forms to be used by risk bearing organizations.

Title 28  
AMEND: 1300.75.4, 1300.75.4.1, 1300.75.4.2,  
1300.75.4.5, 1300.75.4.7, 1300.75.4.8, 1300.76  
Filed 07/10/2019  
Effective 10/01/2019  
Agency Contact: Jennifer Willis (916) 324-9014

File# 2019-0624-01  
DEPARTMENT OF SOCIAL SERVICES  
CalWORKs Maximum Aid Payment (MAP) Increase

This emergency request for filing with the Secretary of State and printing in the Manual of Policies and Procedures amends CalWORKs regulations to conform to recently amended statute by increasing the Maximum Aid Payment (MAP) ten percent and, for future increases, by referring to the relevant statutes and noting that updates to MAP figures are published by the Department in All County Letters. Pursuant to uncodified section 42(b) of Assembly Bill 1811 (Stats. 2018, ch. 35), this action is deemed to be an emergency and is exempt from review by the Office of Administrative Law.

Title MPP  
AMEND: 44-207, 44-315, 89-110  
Filed 07/05/2019  
Effective 07/05/2019  
Agency Contact: Kenneth Jennings (916) 657-2586

File# 2019-0531-01  
FISH AND GAME COMMISSION  
Central Valley Salmon Sport Fishing

This action sets bag and possession limits for the recreational take of Chinook salmon in the American, Feather, Mokelumne, and Sacramento rivers.

Title 14  
AMEND: 7.50  
Filed 07/09/2019  
Effective 07/16/2019  
Agency Contact: Craig Castleton (916) 651-1329

Title 27  
AMEND: 27000  
Filed 07/08/2019  
Effective 07/08/2019  
Agency Contact: Julian Leichty (916) 323-2395

File# 2019-0529-01  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Proposition 65

This file and print request by the Office of Environmental Health Hazard Assessment amend subdivisions (b), (c), and (d) of section 27000 to revise the lists of chemicals required to be tested by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. This amendment is exempt from the rulemaking procedures of the Administrative Procedure Act and Office of Administrative Law review pursuant to Health and Safety Code section 25249.8.

**PRIOR REGULATORY  
DECISIONS AND CCR  
CHANGES FILED WITH THE  
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit [www.oal.ca.gov](http://www.oal.ca.gov).