



# 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

ADOPTION

MULTI-COUNTY:

Options for Youth-Action

AMENDMENT

MULTI-COUNTY:

Santa Cruz Fire County Agencies Insurance Group

STATE:

California Transportation Commission

A written comment period has been established commencing on September 20, 2019 and closing on November 4, 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 November 4, 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 4. CALIFORNIA HORSE  
RACING BOARD**

**NOTICE OF PROPOSAL TO ADD  
RULE 1660.1, CLAIMED  
HORSE HEALTH RECORD**

The California Horse Racing Board (Board or CHRB) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Board proposes to add Rule 1660.1, Claimed Horse Health Record, to establish procedures by which intra-articular injection information of a claimed horse will be transferred to the new attending veterinarian upon purchase in a claiming race. Specifically, the proposed rule requires California Horse Racing Board (CHRB) licensed veterinarians to complete the required sections of the Claimed Horse Health Form CHRB-245 (New 08/19) and submit the form to the new CHRB licensed attending veterinarian within five days of the claim.

The purpose of this proposed regulation is to ensure important intra-articular injection treatment information is transferred to the new attending veterinarian so that the veterinarian will be better informed of the horse's intra-articular injection history prior to treating the horse.

**PUBLIC HEARING**

The Board will hold a public hearing starting at **9:30 a.m., Thursday, November 21, 2019** or as soon after that as business before the Board will permit, in the

**Steeplechase Room at the Del Mar Hilton, 15575 Jimmy Durante Boulevard, Del Mar, California.** At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

**WRITTEN COMMENT PERIOD**

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **on November 4, 2019**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

John McDonough, Chief Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6025  
E-mail: JMcDonough@chr.ca.gov

**AUTHORITY AND REFERENCE**

Authority cited: Sections 19420, 19440, 19562, 19580, 19581 and 19583, Business and Professions Code. Reference: Sections 4857, 19401, 19420, 19440, 19580, 19581 and 19583, Business and Professions Code.

Business and Professions Code sections 19420, 19440, 19562, 19580, 19581 and 19583 authorize the Board to adopt the proposed regulatory addition, which would implement, interpret or make specific sections 4857, 19401, 19420, 19440, 19580, 19581, and 19583, Business and Professions Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Business and Professions Code section 19401(a) provides that it is the intent of the Horse Racing Law to allow pari-mutuel wagering on horse races while assuring protection of the public. Business and Professions Code section 19420 states that the Board has jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include

adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19583 states that every veterinarian who treats a horse within the inclosure shall report the details of such treatment to the official veterinarian in writing.

The proposed addition of Rule 1660.1, Claimed Horse Health Record, will establish a procedure by which important intra-articular treatment information will be transferred with the horse when it is purchased in a claiming race.

Subsection (a) states that upon a horse being claimed in a claiming race, the Claimed Horse Health Record form CHRB-245 (New 08/19), shall be provided by the Official Veterinarian or his or her designee, to the horse's previous CHRB licensed attending veterinarian. This section is necessary because it establishes a framework by which the previous attending CHRB licensed veterinarian will be notified of his obligation to complete the form. Routinely, the Official Veterinarian is notified whenever a horse is claimed in a claiming race. As such, the Official Veterinarian is in the position to notify the previous attending veterinarian that the horse has been claimed, and they are required to complete CHRB Form 245.

Subsection (b) requires that the horse's previous CHRB licensed attending veterinarian shall complete all required sections of the Claimed Horse Health Record form CHRB-245 and submit the form to the horse's new CHRB licensed attending veterinarian as identified by the horse's owner or trainer within five days of the claim. The requirement that the CHRB Form 245 be provided within five calendar days of the claim is necessary to allow sufficient time for the form to be completed by the previous CHRB licensed attending veterinarian and transmitted to the new CHRB licensed attending veterinarian.

Subsection (b)(1) states that intra-articular injections given to the horse by the previous CHRB-licensed attending veterinarian within sixty calendar days prior to the race in which the horse was claimed, shall be reported on the Claimed Horse Health Record form (CHRB-245). This is necessary because an accurate intra-articular joint injection history will inform the new CHRB attending veterinarian of areas that may need closer inspection or treatment. Requiring the last 60 calendar days of treatment to be recorded is neces-

sary because any medical issues from a prior treatment are likely to arise within 60 days of treatment. Requiring the previous CHRB licensed attending veterinarian to provide intra-articular injection history, enables the new CHRB licensed attending veterinarian to more accurately diagnose and treat the horse.

Subsection (c) states that a CHRB licensed veterinarian attending a horse for the first time after it is claimed shall review the Claimed Horse Health Record CHRB-245 (New 08/19) prior to performing any intra-articular injections, any other intra-lesional musculoskeletal corticosteroid treatments, or extracorporeal shock wave therapy to the horse. This provision is necessary because it will reduce the number of unnecessary joint treatments, if performed, could be detrimental to the horse's health. Reviewing the injection history prior to performing a new joint treatment, the veterinarian will have a better understanding of the health of the horse and the best manner in which to effectively treat the horse.

Subsection (c)(1) provides that in case of a medical emergency or medical necessity, corticosteroid treatment may be initiated prior to review of the Claimed Horse Health Record after which the horse shall be placed on the Veterinarian's List for a minimum of 14 days. The treating veterinarian is in the best position to determine the medical needs of the horse. Subsection (c)(1) allows for the veterinarian to treat the horse with a corticosteroid treatment if he or she feels that it is a medical emergency or medical necessity. In the event this occurs, the horse is required to be placed on the Veterinarian's List for a minimum of 14 days. Placement on the Veterinarian's List is necessary so the horse can be properly monitored before returning to racing. Pursuant to Board Rule 1866, Veterinarian's List, a horse on the Veterinarian's List shall only be removed from the list after having established or demonstrated to the satisfaction of the Official Veterinarian or Racing Veterinarian that the horse is raceably sound and in fit physical condition to exert its best effort in a race. This is necessary to ensure oversight before a horse returns to racing.

Subsection (d) requires that the Claimed Horse Health Record form CHRB-245 (New 08/19) shall be confidential except as provided by any federal or state law or regulation. California Business and Professions Code section 4857(a)(4) mandates that veterinarian records of treatment not be disclosed unless required in compliance with a state regulation. The proposed regulation would create an exception to 4857(a)(4). Subsection (d) is necessary to ensure these veterinarian records maintain confidentiality once transferred to the new attending veterinarian.

Currently, upon purchase of a horse in a claiming race, the intra-articular treatment records of the horse

are not routinely transferred to the new owner. In fact, it is common that no prior medical information of the horse is transferred from the prior owner to the new owner. As a result, the horse's pre-existing medical conditions and treatments may not be known to the new owner. Consequently, a horse may be treated with an injection a week before it races, be claimed and transferred to a new owner, and the new attending veterinarian will have no way of knowing the horse's medical history, leaving open the possibility of the immediate injection of the same joint. Unnecessary intra-articular injections can adversely impact the health of the joint, potentially leading to premature failure of the joint. The proposed addition of CHRB Rule 1660.1, Claimed Horse Health Record, seeks to remedy this issue by requiring a health record, listing intra-articular injection treatment information from a horse claimed in a claiming race, to be transferred from the horse's former CHRB licensed attending veterinarian(s) to the horse's new CHRB licensed attending veterinarian(s) prior to any intra-articular injections, any other intra-lesional musculoskeletal corticosteroid treatments, or extracorporeal shock wave therapy being performed. Accordingly, the CHRB seeks to enhance equine health and safety in California by ensuring these medical records are passed to the new CHRB licensed attending veterinarian.

#### FORMS INCORPORATED BY REFERENCE

- 1) Form CHRB-245, Claimed Horse Health Record, (New 08/19)

The proposed addition of Rule 1660.1 will incorporate by reference CHRB-245, Claimed Horse Health Record (New 08/18), as it would be cumbersome, unduly expensive or otherwise impractical to publish this document in the California Code of Regulations.

Form CHRB-245, Claimed Horse Health Record (New 08/19), will be used by CHRB licensed veterinarians to report all intra-articular injections administered by that veterinarian in the last 60 days to the horse. Under the proposed regulation, the Official Veterinarian will complete the top portion of the form identifying the horse's name, the claiming race date, the track and the new CHRB Owner or Trainer. This information will clarify which horse's intra-articular injection information needs to be disclosed as well as identify the new owner or trainer. The Official Veterinarian will also indicate whether the horse has been on the Veterinarian's List as unsound or bled in the last 12 months and whether the horse has a history of being on the Veterinarian's List. The Veterinarian's List is maintained by the Official Veterinarian at the track and horses are placed on the Veterinarian's List for issues such as sickness, lameness, unsoundness or injury. The authority to

place horses on the Veterinarian's List is found in CHRB Rule 1866, Veterinarian's List. The proposed addition of Rule 1660.1 provides that the prior attending CHRB licensed veterinarian complete the bottom of Form CHRB-245. The prior attending veterinarian will indicate whether the horse has been provided an intra-articular joint injection within the last 60 days. If an injection has occurred, the prior veterinarian will then indicate the date of the injection, the location, the structure/joint and the medication that was used. The form will provide drop-down options of common responses for veterinarians to use if applicable. For example, in describing the location, the veterinarian can choose "Fetlock" which is a commonly injected joint. In the event the veterinarian does not see an option that correctly describes the treatment, he or she is free to fill in the information accurately.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Rule 1660.1 will substantially enhance the health and safety of horses participating in racing throughout the state. Currently, upon purchase of a horse in a claiming race, the intra-articular treatment record of the horse is not routinely transferred to the new attending veterinarian. As a result, the horse's pre-existing medical conditions and treatments are not known to the new attending veterinarian. Consequently, a horse may be treated with an injection a week before it races, be claimed and transferred to a new owner, and the new attending veterinarian will have no way of knowing the horse's medical history, leaving open the possibility of the immediate injection of the same joint. Unnecessary intra-articular injections can adversely impact the health of the joint, potentially leading to premature failure of the joint. Accordingly, this proposed regulatory change will allow joint treatment information to travel with the horse, thereby benefiting the health and welfare of the horse.

The proposed changes will also benefit the horse racing industry by enhancing the sport's integrity and perception. By requiring a health record, listing intra-articular injection treatment information from a horse claimed in a claiming race, to be transferred from the horse's former CHRB licensed attending veterinarian(s) to the horse's new CHRB licensed attending veterinarian(s) prior to any intra-articular injections, any other intra-lesional musculoskeletal corticosteroid treatments, or extracorporeal shock wave therapy being performed, the new attending veterinarian will be able to more accurately and effectively diagnosis and treat the horse, which in turn will lead to fewer unnecessary injections of joints.

CONSISTENCY EVALUATION

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

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed addition of Rule 1660.1 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.

The following studies/relevant data were relied upon in making the above determination:

The Board did not rely on any technical, theoretical, and/or empirical study, reports or documents in proposing the addition of Rule 1660.1.

Cost impact on representative private persons or businesses: none.

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

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The proposed addition of Rule 1660.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed regulatory changes will substantially enhance the health and safety of horses participating in racing throughout the state by requiring intra-articular treatment information to be passed with the horse when it is purchased in a claiming race. Such measures will protect horses by ensuring the new attending veterinarian has accurate joint treatment history. The proposed regulatory change will not benefit worker safety of the state's environment.

Effect on small businesses: none. The proposed addition of Rule 1660.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

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

John McDonough, Chief Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6025  
E-mail: JMcDonough@chr.ca.gov

If the person named above is not available, interested parties may contact:

Robert Brodnik, Staff Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6025  
E-mail: rjbrodnik@chr.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register,

the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting John McDonough, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of John McDonough at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Robert Brodnik at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's website address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR Scott River Watershed Coho Salmon  
Habitat Enhancement Project  
(Tracking Number: 1653-2019-048-001-R1)  
Siskiyou County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 5, 2019, that the Scott River Watershed Council proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves introducing large woody debris and spawning gravels to a naturally occurring side channel to improve spawning conditions for coho salmon. The proposed project will be carried out on a side channel of French Creek, approximately 2.1 miles upstream of the confluence with the Scott River, located in Etna, Siskiyou, California.

On August 8, 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 Scott River Watershed Coho Salmon Habitat Enhancement 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 Number 1A190123WNSI; ECM PIN Number CW-860531) for coverage under the General 401 Order on September 3, 2019.

The Scott River Watershed Council is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or

Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

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

**DEPARTMENT OF  
FISH AND WILDLIFE**

**HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NUMBER 1653-2019-045-001-R3**

**Project:** Stanford University Upper Quarry — California Red-Legged Frog Habitat Restoration Project

**Location:** Santa Clara County

**Applicant:** Dr. Alan Launer, Stanford University

**Notifier:** Max Busnardo, H.T. Harvey & Associates

**Background**

Project Location: The Stanford University Upper Quarry — California Red-Legged Frog Habitat Restoration Project (Project) is located east of Old Upper Page Mill Road, approximately half way between Foothill Expressway and Interstate 280, Santa Clara County, at a property owned by Stanford University, Assessor Parcel Number (APN) 142-16-039, and affects an unnamed drainage, tributary to Matadero Creek. The unnamed drainage, tributary to Matadero Creek supports populations of California red-legged frog (CRLF, *Rana draytonii*).

Project Description: Stanford University (Applicant) proposes to enhance or restore habitat within an unnamed drainage to provide a net conservation benefit for CRLF. The Project includes creation of 4 ponds and riparian vegetation planting to increase the local CRLF population and the likelihood of the species' long-term persistence on Stanford University property. The 4 ponds will include habitat elements that support all CRLF life stages, including egg laying and development, tadpole development and metamorphosis, and adult frog foraging. There is a gap in the riparian canopy that will be planted to provide oak-dominated riparian habitat and to provide continuous riparian corridor along the drainage. Detailed Project plans, discussion of proposed work, species protection measures, site photos, and maps are on file with the California Department of Fish and Wildlife's (CDFW) Habitat Conservation Planning Branch.

Project Size: The total Project area is approximately 4.02 acres, including 450 linear feet of stream. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, section 15333).

Project Associated Discharge: Discharge of fill materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) imported clay, (2) soil from on-site, (3) rock from on-site, and, (4) soil from container plants (revegetation).

Project Timeframes:

Start date for pond creation: September 2019

Completion date for pond creation: October 2019

Start date for pond and riparian revegetation:

November 2019

Completion date for pond and riparian revegetation:

December 2019

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (California Integrated Water Quality System (CIWQS) Place ID Number 854450 (BKW) and CIWQS Regulatory Measure ID Number 427807) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to CRLF, common gartersnake (*Thamnophis sirtalis*), San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), white-tailed kite (*Elanus leucurus*), and nesting birds.

Receiving Water: unnamed drainage, a tributary to Matadero Creek.

Filled or Excavated Area:

Permanent area impacted: 0.091 acres

Temporary area impacted: 0.160 acres

Length temporarily impacted: 142 linear feet

Length permanently impacted: 308 linear feet

Dredge Volume: None.

Discharge Volume: (1) 7 cubic yards of imported clay, (2) 19 cubic yards of soil from on-site, (3) 26 cubic yards of rock from on site, and (4) 0.09 cubic yards of soil from container plants (revegetation).

Project Location: latitude 37.39951 degrees, longitude -122.16120 degrees, APN 142-16-039.

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

On August 7, 2019, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on August 13, 2019, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-0813-02) on August 23, 2019. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

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

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) measures to protect impacts on wildlife species, (2) measures to protect adjacent habitats and downstream water quality, and (3) measures for spill prevention and response. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Stanford University Habitat Conservation Plan Upper Quarry California Red-Legged Frog Habitat Restoration and Monitoring Plan*.

**Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the

monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols.

Monitoring of ponds includes CRLF surveys, hydroperiod monitoring, pond sedimentation and erosion monitoring, and revegetation monitoring. There will also be vegetation monitoring within the revegetated gap in the riparian canopy.

**Notice of Completion**

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

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- CIWQS Place ID Number 854450 (BKW) and CIWQS Regulatory Measure ID Number 427807 indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name, CIWQS Place ID Number, and CIWQS Regulatory Measure ID Number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [kristin.garrison@wildlife.ca.gov](mailto:kristin.garrison@wildlife.ca.gov).

**Project Authorization**

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

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

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

**NOTICE OF PUBLIC COMMENT PERIOD**

**September 20, 2019 to October 19, 2019**  
**PROSPECTIVE PURCHASER AGREEMENT**  
**GENERAL ELECTRIC–OAKLAND SITE**  
 Oakland, California

**Para información en español por favor  
 comuníquese con Alejandro Vivas al  
 número (510) 540–3911.**

**WHAT IS BEING PROPOSED?** — The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a Prospective Purchaser Agreement with Bridge Acquisitions, LLC (Bridge), regarding General Electric–Oakland (Site) located at 5441 International Boulevard, Oakland, CA 94601. Under the proposed Prospective Purchaser Agreement, Bridge will purchase the property as Bridge Point Oakland, LLC and contribute to the cleanup of the Site, subject to certain conditions and reservations, in consideration of a covenant not to sue by DTSC. The proposed Prospective Purchaser Agreement includes contribution protection provided by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 113(f)(2), 42 U.S.C. section 9613(f)(2).

**HOW CAN I GET INVOLVED?** — DTSC will consider public comments on the Prospective Purchaser Agreement that are postmarked or received by October 19, 2019. DTSC may withdraw consent of the Prospective Purchaser Agreement if such comments disclose facts or considerations that indicate the Prospective Purchaser Agreement is inappropriate, improper or inadequate. **Comments should be addressed to: Yongsheng “Johnny” Sun, Cleanup Program, Department of Toxic Substances Control, 700 Heinz Avenue, Berkeley, CA 94710. (Please include “General Electric–Oakland” in the subject line of your letter or email).**

**WHERE DO I GET INFORMATION?**

Copies of these documents, key technical reports, and other site–related information are available:

**In Person** (By Appointment only):  
 DTSC Regional Records Office  
 File Room  
 700 Heinz Avenue  
 Berkeley, CA 94710  
 (510) 540–3800

**By Internet:**

**DTSC Envirostor Website**

[https://www.envirostor.dtsc.ca.gov/public/profile-report?global\\_id=01360059](https://www.envirostor.dtsc.ca.gov/public/profile-report?global_id=01360059)

Please click on the Community Involvement tab

**By Mail** (Per your request):

Yongsheng “Johnny” Sun  
 DTSC  
 700 Heinz Avenue  
 Berkeley, CA 94710  
[Yongsheng.Sun@dtsc.ca.gov](mailto:Yongsheng.Sun@dtsc.ca.gov)

**FOR ADDITIONAL INFORMATION:** If you have any questions or wish to discuss the Prospective Purchaser Agreement please contact: **Yongsheng “Johnny” Sun**, DTSC Project Manager at (510) 540–3872 or [Yongsheng.Sun@dtsc.ca.gov](mailto:Yongsheng.Sun@dtsc.ca.gov).

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**Announcement of the Carcinogen Identification  
Committee Meeting Scheduled for December 5,  
2019, Notice of Availability of Hazard  
Identification Materials for Acetaminophen and  
Notice of Public Comment Period**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup> (Proposition 65). The Carcinogen Identification Committee (CIC) advises and assists OEHHA in compiling the list of chemicals known to the state to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the state’s qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

Acetaminophen will be considered for possible listing by the CIC at a public meeting scheduled for **Thurs-**

<sup>1</sup> Health and Safety Code section 25249.5 et seq.

day, December 5, 2019. The meeting will be held in the Sierra Hearing Room at the CalEPA Headquarters building, 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the meeting.

OEHHA announces the availability for public review of the hazard identification documents entitled: "Evidence on the Carcinogenicity of Acetaminophen". The CIC will consider this document for its deliberations on the potential listing of acetaminophen at its December 5, 2019 meeting. In preparing this document, OEHHA issued a public request for information relevant to the evidence of carcinogenicity of acetaminophen. The data call-in period for this request for information opened on March 15, 2019 and closed on May 29, 2019. OEHHA considered the information received from the data call-in in preparing the hazard identification document.

Copies of the hazard identification document are available on OEHHA's website at <https://oehha.ca.gov/proposition-65>. The document may also be requested from OEHHA's Proposition 65 Implementation Office by calling (916) 445-6900.

This notice marks the beginning of a 45-day public comment period on this document. **OEHHA must receive comments and any supporting documentation by Monday, November 4, 2019.** All timely filed public comments will be provided to CIC members in advance of the meeting. Public comments at the meeting will be limited to five minutes per commenter, except for those commenters who make requests by November 4, 2019 and receive approval from the Chair of the committee for longer comments. Please submit a request for additional time, with an estimate of the time you will need and the reason you are requesting additional time, to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov) or call the Proposition 65 Implementation Office at (916) 445-6900 by November 4, 2019.

Written comments on the hazard identification document may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Mailing Address:

Tyler Saechao  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010

Street Address:

1001 I Street  
Sacramento, California 95814

Fax: (916) 323-2265

Comments received during the public comment period will be posted on the OEHHA website in advance of the meeting. Electronic files submitted should not have any form of encryption because OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

If you have any questions, please contact Tyler Saechao at [Tyler.Saechao@OEHHA.ca.gov](mailto:Tyler.Saechao@OEHHA.ca.gov) or (916) 445-6900.

## DECISION NOT TO PROCEED

### DEPARTMENT OF SOCIAL SERVICES

ORD #0915-11

RULE: Pursuant to Government Code section 11347

ITEM: In-Home Supportive Services (IHSS) Paramedical

The California Department of Social Services (hereafter known as the Department), in accordance with Government Code section 11347, hereby gives notice of its decision not to proceed with the rulemaking action published in the California Regulatory Notice Register, Register 2018, Number 45Z, November 9, 2018 (<https://oal.ca.gov/wp-content/uploads/sites/166/2018/11/45z-2018.pdf>).

The proposed rulemaking addressed sections of IHSS program areas including, but not limited to: establishing a clear definition of a licensed health care professional for the purpose of ordering paramedical services (LHCP-PM); assigning an indicator of 6 for identifying level of functioning, which is used in the assessment process; and setting protocols and specifications to ensure counties more clearly understand the definitions and parameters of paramedical services.

Please direct any inquiries regarding the decision not to proceed for these proposed regulations to:

California Department of Social Services  
 Office of Regulations Development  
 744 P Street, MS 8-4-192  
 Sacramento, CA 95814  
 Telephone: (916) 657-2586  
 Fax: (916) 654-3286  
 Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

PUBLIC POSTING: The Department will post this notice on the [In-Home Supportive Services Paramedical regulations page](https://www.cdss.ca.gov/inforesources/Pre-Hearing-Regulations/ORD-No-0915-11) (<https://www.cdss.ca.gov/inforesources/Pre-Hearing-Regulations/ORD-No-0915-11>).

**OAL REGULATORY  
 DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
 UNDERGROUND REGULATION  
 (Summary Disposition)**

**(Pursuant to Government Code Section 11340.5 and  
 Title 1, section 270, of the California Code of  
 Regulations)**

**DEPARTMENT OF  
 CORRECTIONS AND REHABILITATION**

Date: September 3, 2019  
 To: Ricky H. Hammontree  
 From: Chapter Two Compliance Unit  
 Subject: **2019 OAL DETERMINATION NO. 3 (S)  
 (CTU2019-0705-01)**  
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))  
 Petition challenging as an underground regulation 15 CCR 3190(l)(3) Entertainment Appliance Exception promulgated by the California Department of Corrections and Rehabilitation

On July 5, 2019, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the entertainment appliance exception permitted by California Code of Regulations, title 15, section 3190, subdivision (l)(3), and the Authorized Personal Property Schedule (Rev. 4/1/14), constitutes an underground regulation. The challenged rule is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not, adopted pursuant to the Administrative Procedure Act (APA). Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, title 1, section 250:

(a) “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, *but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA* and is not subject to an express statutory exemption from adoption pursuant to the APA. [Emphasis added.]

California Code of Regulations, title 15, section 3190, including the Authorized Personal Property Schedule (APPS), incorporated by reference, was duly adopted by CDCR in an emergency rulemaking by operational necessity pursuant to Penal Code section 5058.3 (OAL file number 2013-1224-02EON). A document incorporated by reference into a regulation becomes a duly adopted regulation. California Code of Regulations, title 1, section 20, states at subdivision (e):

Where a regulation which incorporates a document by reference is approved by OAL and filed with the Secretary of State, the document so incorporated shall be deemed to be a regulation subject to all provisions of the APA.

The file was reviewed and approved by OAL. The regulations were filed with the Secretary of State on January 8, 2014, and became effective the same day.

A Certificate of Compliance for the emergency rulemaking filed January 8, 2014, was timely submitted by CDCR to OAL on June 16, 2014, (OAL file number 2014-0616-06C). The Certificate of Compliance certified that CDCR complied with Government Code sections 11346.2 to 11347.3, inclusive. The Certificate of Compliance adopted the April 1, 2014, version of the APPS, incorporated by reference into section 3190(b)(2). The entire file was reviewed and approved by OAL on July 22, 2014, and filed with the Secretary

<sup>1</sup> “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

of State that day, effective on filing. Therefore, California Code of Regulations, title 15, section 3190, subdivision (1)(3), including the April 1, 2014, version of the APPS, was duly adopted pursuant to the APA. A regulation that is duly adopted pursuant to the APA is not an underground regulation.

For the reasons discussed above, we find that the rule challenged by your petition is not an underground regulation.<sup>2</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

September 3, 2019

/s/  
Kenneth J. Pogue  
Director

/s/  
Amy R. Gowan  
Attorney

Copy: Ralph M. Diaz, Secretary, CDCR  
Ying Sun, RPMB, CDCR

**DISAPPROVAL DECISION**

**DECISION OF DISAPPROVAL OF REGULATORY ACTION**

Printed below is the summary of an Office of Administrative Law disapproval decision. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250,

<sup>2</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

- (f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.
- (2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:
  - (A) The challenged rule has been superseded.
  - (B) The challenged rule is contained in a California statute.
  - (C) **The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.**
  - (D) The challenged rule has expired by its own terms.
  - (E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**DEPARTMENT OF HUMAN RESOURCES**

**State of California  
Office of Administrative Law**

**In re:  
Department of Human Resources**

**Regulatory Action:  
Title 02, California Code of Regulations  
Adopt sections: 599.894.1, 599.894.2, 599.895.1, 599.899, 599.900, 599.901, 599.902, 599.903, 599.904, 599.905, 599.909**

**Amend sections: 599.894, 599.898, 599.903 (Renumber to 599.896 and amend), 599.904 (Renumber to 599.897 and amend), 599.905 (Renumber to 599.897.1 and amend), 599.906 (Renumber to 599.895 and amend), 599.907, 599.908, 599.910 (Renumber to 599.906 and amend)**

**Repeal sections: 599.895, 599.896, 599.897**

**DECISION OF DISAPPROVAL OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2019-0723-05**

**SUMMARY OF REGULATORY ACTION**

On July 23, 2019, the Department of Human Resources (Department) submitted its regulatory action to the Office of Administrative Law (OAL) by which it proposed to adopt regulations governing statutory appeals with respect to non-disciplinary matters under the Department's jurisdiction.

On August 4, 2019, OAL notified the Department that OAL disapproved the proposed regulations. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action pursuant to the Administrative Procedure Act (APA).

**DECISION**

OAL disapproved the regulatory action because, as discussed below, the proposed regulations failed to comply with the following standards of the APA: (1)

clarity; and (2) necessity. The Department must resolve all APA issues before OAL approves any resubmission.

**CONCLUSION**

For the reasons discussed above, the Department has not complied with the clarity and necessity standards of the APA. Thus OAL disapproved this regulatory action.

The Department must resolve these issues through modified regulatory text and an addendum to the ISOR, making the modified text and addendum available to the public for comment for at least 15 calendar days before resubmitting this regulatory action to OAL for review. (Gov. Code, sections 11346.8, subd. (c), 11347.1; Cal. Code Regs., tit. 1, section 44.) On September 11, 2019, OAL emailed a copy of this decision to the Department.

Date: September 11, 2019

Mark Storm  
Senior Attorney

FOR: Kenneth J. Pogue  
Director

Original: Eraina Ortega, Director  
Copy: Stanley Marubayashi

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**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# 2019-0725-02  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
SRA Fire Safe Regulations, 2020

This action amends and reorganizes regulations which set standards for future design and construction of structures, subdivisions, and developments in State Responsibility Areas to ensure basic emergency access and perimeter wildfire protection, signage, building numbering, private water supply reserves, and vegetation modification. The purposes of the amendments and reorganization include addressing inconsistencies and conflicts within and between codes and regulations, ad-

ressing the needs of fire apparatus and civilian vehicles during wildfire emergencies, and clarifying the applicability, enforcement, and implementation of the regulations for the regulated public.

Title 14  
ADOPT: 1276.04  
AMEND: 1270 amended and renumbered as 1270.00; 1270.01; 1270.03; 1270.04; 1270.05; 1270.06; 1271.00; 1273.00; 1273.01; 1273.02; 1273.03; 1273.04; 1273.05; 1273.06; 1273.07; 1273.08; 1273.09; 1274.00; 1274.01; 1274.02; 1274.03; 1274.04; 1275.00; 1275.01; 1275.10 amended and renumbered as 1275.02; 1275.15 amended and renumbered as 1275.03; 1275.20 amended and renumbered as 1275.04; 1276.00; 1276.01; 1276.02; 1276.03  
REPEAL: 1270.07; 1270.08; 1270.09; 1271.05; 1272.00; 1273.10; 1273.11; 1274.05; 1274.06; 1274.07; 1274.08; 1274.09; 1274.10  
Filed 09/06/2019  
Effective 01/01/2020  
Agency Contact: Edith Hannigan (916) 862-0120

File# 2019-0723-03  
**CALIFORNIA DEPARTMENT OF TAX AND FEE  
ADMINISTRATION**  
Cannabis Excise and Cultivation Taxes

This file and print repeals and adopts cannabis excise and cultivation taxes.

Title 18  
ADOPT: 3700  
REPEAL: 3700  
Filed 09/04/2019  
Effective 09/04/2019  
Agency Contact: Richard Bennion (916) 455-2130

File# 2019-0729-01  
**CALIFORNIA STATE UNIVERSITY**  
Catastrophic Leave Donation Program

This action by the Board of Trustees of the California State University, submitted to OAL for a courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends a regulation concerning the Catastrophic Leave Donation Program. This action is exempt from the Administrative Procedure Act under Education Code section 89030 and takes effect upon filing with the Secretary of State under Education Code section 89030.1.

Title 5  
AMEND: 42930  
Filed 09/04/2019  
Effective 09/04/2019  
Agency Contact: Jason Taylor (562) 951-4500

File# 2019-0729-02  
CALIFORNIA STATE UNIVERSITY  
Application Fees

This action by the Board of Trustees of the California State University, submitted to OAL for a courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends a regulation regarding application fees. This action is exempt from the Administrative Procedure Act under Education Code section 89030 and takes effect upon filing with the Secretary of State under Education Code section 89030.1.

Title 5  
AMEND: 41800.1  
Filed 09/04/2019  
Effective 09/04/2019  
Agency Contact: Jason Taylor (562) 951-4500

File# 2019-0806-01  
CENTRAL VALLEY FLOOD PROTECTION BOARD  
Conflict-of-Interest Code

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Title 2  
ADOPT: 59860  
Filed 09/05/2019  
Effective 10/05/2019  
Agency Contact: Sarah Backus (916) 574-1448

File# 2019-0726-02  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
Minimum Standards for Training

In this resubmittal of OAL Matter Number 2018-0920-01S, the Commission on Peace Officer Standards and Training is amending requirements for obtaining an exemption from the Regular Basic Course or Specialized Investigator Basic Course training requirements. The proposed changes include (1) increasing the Basic Course Waiver (“BCW”) Application evaluation fee from \$75.00 to \$250.00; (2) making the BCW Application evaluation fee non-refundable; (3) allowing the BCW Application evaluation fee to be submitted via electronic payment; (4) updating the Prior General Law Enforcement Basic Course Training Requirements; and (5) increasing the number of hours of instruction for the “Peoples with Disabilities” course from four to 15 hours.

Title 11  
AMEND: 1005  
Filed 09/09/2019  
Effective 01/01/2020  
Agency Contact: Cheryl Smith (916) 227-0544

File# 2019-0821-04  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Reforms to Parole Consideration: Determinately — Sentenced Nonviolent (NV) Offenders

This emergency action, by operational necessity, removes the CDCR public safety pre-screening process with respect to Proposition 57 parole considerations for determinatively-sentenced nonviolent inmates, to align the regulations with the judicial opinion of *In re McGhee* (2019) 34 Cal.App.5th 902. The action also amends related provisions.

Title 15  
AMEND: 2249.3, 2449.4, 2449.5, 2449.6, 2449.7, 3492, 3493  
REPEAL: 2449.2  
Filed 09/10/2019  
Effective 09/10/2019  
Agency Contact: Josh Jugum (916) 445-2266

File# 2019-0806-03  
FAIR POLITICAL PRACTICES COMMISSION  
Materiality Standard

This action by the Fair Political Practices Commission adopts and repeals sections concerning materiality standards. OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on 6/4/1974, when voters adopted the Political Reform Act of 1974. (*Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer* (April 27, 1992, C010924 [nonpub. opn.]).) As such, OAL is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.” (Former Gov. Code, section 11380.2, repealed by Stats. 1979, ch. 467, section 2.)

Title 2  
ADOPT: 18702.3  
REPEAL: 18702.3  
Filed 09/06/2019  
Effective 10/06/2019  
Agency Contact: Amanda Apostol (916) 324-3854

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

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).

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the