



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Napa Valley Community College District
Pacheco Pass Water District
Sacramento Regional County Sanitation District

STATE:

California Highspeed Rail Authority

A written comment period has been established commencing on September 27, 2019 and closing on November 11, 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 per-

son, 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 11, 2019. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING
COSTS AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to 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 re-

spective 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 13. CALIFORNIA
HIGHWAY PATROL**

DIVISION 2, CHAPTER 6, ARTICLE 2.5,
AMEND SECTION 1157.14

**Inhalation Hazards Routes – Map 5
(CHP-R-2019-06204)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations, Division 2, Chapter 6, Article 2.5, Section 1157.14, regarding designated routes for the transportation of inhalation hazards by commercial vehicles on highways in the Mojave and Barstow-Hinkley areas.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Pursuant to Division 14.3, Transportation of Inhalation Hazards, commencing with Section 32100 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying routes to be used in the transportation of inhalation hazards by commercial vehicles. The CVC requires the CHP to keep information current in regulations, with maps clearly indicating designated routes and a list of locations for inspection stops, required inspection stops, and safe stopping places. The CHP's field commands conduct annual surveys on the inhalation hazards routes and stops to determine if changes are necessary. The proposed amendments will keep inhalation hazards routes consistent with the recently constructed Mojave Bypass, Barstow Interchange, and Hinkley Expressway along State Route 58, and enhance public health and safety in these areas. The proposed amendments will also add a map label of a required inspection stop for the newly completed Mountain Pass Joint Point of Entry Commercial Vehicle Enforcement Facility along Interstate 15 near the California/Nevada border.

The proposed amendments have received concurrence from the CHP's Inland Division, Kern County Fire Department, Barstow Fire Protection District, San Bernardino County Fire Department, California State Fire Marshal, and California Department of Transportation.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment. The changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. The proposed changes update and clarify highway routes designated for carriers transporting inhalation hazards, and contribute to transportation safety and public health.

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

PUBLIC COMMENT

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregulations@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Dr. Tian-Ting Shih
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments must be received by November 11, 2019.

PUBLIC HEARINGS

Section 32102(b) CVC requires the CHP to hold public hearings in each field operation Division of the Department in which are located proposed routes. Thus, the CHP will conduct a public hearing on the proposed regulation amendments at:

California Highway Patrol
Inland Division
847 East Brier Drive
San Bernardino, CA 92408-2820

at 9:00 a.m. on November 15, 2019.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, Commercial Vehicle Section (CVS), at (916)

843–3400. All requests for information should include the following: the title of the rulemaking package, the requester’s name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP’s website at <https://www.chp.ca.gov/News–Alerts/Regulatory–Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above–noted address. Copies will also be posted on the CHP website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian–Ting Shih or Sergeant Adam Roha, at (916) 843–3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500–17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) 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; and (5) 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.

Benefits of the Proposed Action: The proposed regulation updating designated routes for carriers transporting inhalation hazards will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the designated routes for commercial vehicles transporting inhalation hazards on highways. As a result, no small business will be affected by the update.

ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 32102 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 32101, 32102, 32103, 32104, and 32105 CVC.

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

California Board of Accountancy
 2450 Venture Oaks Way, Suite 420
 Sacramento, CA 95833
 November 21, 2019
 3:30 p.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office by November 12, 2019 or must be received by the CBA at the hearing. The CBA, upon its own motion or at the insistence of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 5010, 5018, 5027, 5082, 5134, and 5157 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 5018, 5024, 5082, 5134, and 5152 of the BPC, the CBA is considering changes to Division 1 of Title 16, Article 2, Sections 7.1 and 8; Article 10, Section 70; Article 11, Section 75.5; and Article 12, Sections 87.6 and 89.1 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 5010 authorizes the CBA to adopt regulations as may be reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of this chapter. The regulations are in existence to establish the current requirements that must be met for examination, licensing, license renewal, and enforcement. These regulations are referenced by CBA staff, stakeholders, licensees, and consumers, as well as other government organizations to determine various regulatory requirements regarding the accounting profession in California. In reviewing the provisions rele-

vant to the CBA, several sections were identified that are obsolete and outdated.

The regulatory proposal is as follows:

Repeal Title 16, CCR Section 7.1(c)

Section 7.1(c) currently allows first-time applicants who passed the Uniform CPA Examination (CPA Exam) within the six-month period following the commencement of computer-based testing in California in 2004 to retain credit for the section that was passed for a period of 24 months. The CBA is proposing to repeal this section as the 24-month period had elapsed and the language is no longer necessary.

Repeal Title 16, CCR Section 8

Section 8 established the final filing deadlines for applicants to apply for the CPA Exam when it was administered as a paper and pencil examination. In 2004, the CPA Exam transitioned to a computer-based format. Because the CPA Exam is no longer administered as a paper and pencil examination, the CBA is proposing to repeal this section as it is no longer relevant to current applicants.

Amend Title 16, CCR Section 70

Section 70 identifies fees that were in place between July 1, 2014 and June 30, 2016. As these fees were effective only between July 1, 2014 and June 30, 2016, they are no longer relevant. The CBA is proposing to delete the outdated portions of this section and to provide further clarity regarding the fees that are relevant.

Amend Title 16, CCR Section 75.5

Section 75.5 provides references to regulatory and statutory requirements that applicants for an accountancy corporation must meet in order to obtain a Certificate of Registration from the CBA. The regulatory references identified as 75.7 and 75.10 are no longer in existence. To ensure that applicants for an accountancy corporation have accurate information regarding licensing requirements, the language is being amended to reflect existing and relevant requirements. The proposed amendment would delete references to Sections 75.7 and 75.10 and add Sections 75.8 and 75.9. Section 75.8 is being included to require that accountancy corporations maintain adequate security for claims against it by its clients or each be deemed to agree that every shareholder of the corporation be jointly and severally liable for claims against the corporation by its clients arising out of the rendering of, or failure to render, professional services. Section 75.9 is being included to ensure that applicants for an accountancy corporation adhere to the requirements of sections 13406 and 13407 of the Corporations Code and section 5079 of the BPC regarding requirements and restrictions for share certificates. Amending this language will provide clear guidance to applicant corporations.

Repeal Title 16, CCR Section 87.6

Section 87.6 established the Report Quality Monitoring Committee, which is no longer in existence. The purpose of this committee was to monitor and promote compliance with applicable accounting principles and reporting standards by reviewing financial reports. This section allows the Report Quality Monitoring Committee to order licensees to complete continuing education that will contribute to licensees' professional competence. The CBA is proposing to delete this section as the Report Quality Monitoring Committee is no longer in existence.

Repeal Title 16, CCR Section 89.1

Section 89.1 authorizes the Report Quality Monitoring Committee (as established in Section 87.6) to require licensees to supply selected financial reports for the committee's review and establishes what constitutes a "financial report". Because the committee is no longer in existence, the requirement to define what constitutes a "financial report" is no longer necessary. Repealing Section 89.1 will eliminate outdated language that is no longer relevant.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This regulatory proposal would eliminate obsolete and outdated provisions of the CBA's regulations and amend sections to provide added clarity. Amending and repealing the identified regulations will benefit CBA stakeholders, licensees and consumers by providing clear, current, and relevant regulations.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the CBA 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.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement:

None.

Business Impact:

The CBA has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The CBA has determined that the proposed regulations would not affect small businesses. This regulatory proposal would eliminate obsolete and outdated provisions of the CBA's regulations and amend sections to provide added clarity. Amending and repealing the identified regulations will benefit CBA stakeholders, licensees and consumers by providing clear, current, and relevant regulations and have no negative impact to businesses of any type or size.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

The CBA has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The CBA has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

This proposal would provide clarity to the CBA's regulations, ensuring stakeholders, licensees, and consumers can access relevant and current laws.

This regulatory proposal does not affect worker safety because it has nothing to do with worker safety.

This regulatory proposal does not affect the state's environment because it has nothing to do with the environment.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the CBA at 2450 Venture Oaks Way, Ste. 300, Sacramento, California, 95833.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

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

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name:

Aaron Bone

Address:

2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833

Telephone Number:

916-561-1792

Fax Number:

916-263-3675

E-Mail Address:

aaron.bone@cba.ca.gov

The backup contact person is:

Name:

Peter Renevitz

Address:

2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833

Telephone Number:

916-561-1742

Fax Number:

916-263-3678

E-Mail Address:

peter.renevitz@cba.ca.gov

Website Access:

Materials regarding this proposal can be found at <http://www.dca.ca.gov/cba/about-cba/laws-and-rules.shtml>.

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

SUBJECT: Conflict-of-Interest Code Amendment, DHCS-19-006

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (Department), pursuant to the authority vested in it by section 87306 of the Govern-

ment Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The Department proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making, or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code. The Department proposes other changes to reflect its current organizational structure.

Changes to the Conflict-of-Interest Code include: changes to the divisions and branches of the Department and the positions under each, reflecting the Department's current organizational structure; additional positions, and changes to position classifications and duties that have occurred since the last amendment; and other technical changes.

Any person may submit written comments relating to the proposed amendments by submitting them no later than **5:00 p.m. on November 13, 2019**, or at the conclusion of the public hearing, if one is requested, whichever comes later. A public hearing has not been scheduled. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person, or his or her representative, no later than 15 days prior to the close of the written comment period.

The Department has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

The Department has determined that no alternatives considered by the Department would be more effective in carrying out the purpose for which the amendments are proposed, or would be as effective and less burdensome to affected private persons, than the proposed amendments.

The Department has prepared a written explanation of the reasons for the proposed amendments.

Requests for copies of the proposed amendment or explanation of the reasons, any inquiries concerning the

proposed amendment, or any communication related to this notice should be directed to:

Jami Terrell
Senior Staff Attorney
ConflictofInterestInquiry@dhs.ca.gov
(916) 345-8359

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES (CDSS)

ORD #0419-10

Electronic Interview for California Work Opportunities and Responsibility to Kids (CalWORKs)

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 November 12, 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 November 12, 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 at: <https://cdss.ca.gov/>

inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulations-Home-Page/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

CHAPTERS

Manual of Policies and Procedures, Chapter 40-000

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations amend CalWORKs interviewing regulations to comply with Senate Bill (SB) 947 (Chapter 798, Statutes of 2016), which provides County Welfare Departments (CWDs) the option to conduct the personal interviews in the CalWORKs program telephonically or by other electronic means. Current laws such as Welfare and Institutions Code (WIC) section 11052.5 and Manual of Policies and Procedures sections 40-129.412 and 40-131.11 describe the interview requirements of CalWORKs applicants, including face-to-face interviews. These proposed regulation changes will only apply to individuals participating in the CalWORKs program.

Before the enactment of SB 947, CWDs were required to conduct a face-to-face interview prior to granting aid at application and at redetermination. SB 947 provides CWDs the option of conducting telephonic/electronic interviews for the CalWORKs program.

This regulatory action will benefit the health and welfare of California residents. The new electronic interviewing option offers a convenient and efficient way for individuals to apply and complete the eligibility determination process for the CalWORKs program. This regulatory action does not make changes to regulations involving worker safety or the state's environment. The

amended and adopted regulations will increase the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact to the state. In addition, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references, as necessary.

CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. CDSS has found these are the only regulations needing amendments to include the telephonic/electronic interview option for the CalWORKs program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations, but do fulfill the intent of the Legislature in enacting SB 947.

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 on school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

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 based on the fact that these regulations only apply to individuals participating in the CalWORKs program.

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. This determination was made based on the fact that these regulations only apply to individuals participating in the CalWORKs program.

SMALL BUSINESS IMPACT STATEMENT

CDSS has made an initial determination that there is no impact on small businesses because of filing these regulations because these regulations are only applicable to state and county agencies. These regulations are mandated by SB 947 and are only applicable to the CalWORKs program; therefore, they do not have a cost impact on the private sector, including small businesses.

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 amended and adopted regulations will increase the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact to the state, as the new electronic interviewing option offers a convenient and efficient way for individuals to apply and complete the eligibility determination process for the CalWORKs program. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals applying for the CalWORKs program.

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 did not consider alternatives because the department is legally bound to implement WIC section 11052.5, as required by SB 947 (Chapter 798, Statutes of 2016).

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.

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

AUTHORITY AND REFERENCE CITATIONS

WIC sections 10553, 10554, 10604, and 18904 give CDSS the authority to write these regulations and WIC sections 10613, 11052.5, 11209, 11253.5, 11265.8, 11265.8(a), 11280, 11323.3, 11324.8(a), 11495.1, 11500(b), and 11511(a) are being referenced to make these 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

GENERAL PUBLIC INTEREST

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Unified Program Fee Schedule for Trinity County CUPA to increase over a period of two years.

Notice is hereby given that the Secretary for the California Environmental Protection Agency (CalEPA) is adjusting the Unified Program fee schedule for regulated businesses in Trinity County, pursuant to the California Code of Regulations, Title 27, Section 15241(i). The California Department of Toxic Substances Control (DTSC) is the Certified Unified Program Agency (CUPA) for Trinity County and provided CalEPA with information necessary to revise the fee schedule, which will cover the necessary and reasonable costs to implement the Unified Program according to Title 27, Section 15241(b).

In 2005, CalEPA designated DTSC to be the CUPA for Trinity County, as specified by Health and Safety Code Section 25404.3, Subdivision (f)(2)(A). Health and Safety Code Section 25404.5, Subdivision (a)(2)(B) states that if the Secretary of CalEPA has designated a state agency to act as the CUPA, the Secretary will determine the amount to be paid under the single fee system.

CalEPA will increase the Trinity CUPA fees over a period of two years. CalEPA calculated a revised fee schedule with implementation as follows:

- An initial increase in the fee schedule for Fiscal Year (FY) 2019/2020, as detailed in the attached Unified Program Fee Schedule
- A final increase in the fee schedule for FY 2020/2021, as detailed in the attached Unified Program Fee Schedule

On August 9, 2019, CalEPA publicly noticed the proposed increases to the Unified Program Fee Schedules for Trinity CUPA in the California Regulatory Notice Register for a 30-day comment period. CalEPA received no comments during the 30-day period.

The revised Unified Program Fee Schedules for Trinity CUPA are considered effective immediately upon final publication in the California Regulatory Notice Register.

**Unified Program Fee Schedule
For Trinity County
2019/2020**

Fee Type: Flat Fee for All Businesses — Current Rate: \$80 — Increase Amount: \$153 — New Rate: \$233

Fee Type: Hazardous Materials Business Plan (HMBP) — Current Rate: \$155 — Increase Amount: \$136 — New Rate: \$291

Fee Type: Hazardous Waste Generators (HWG): All — Current Rate: \$170 base — Increase Amount: n/a — New Rate: n/a

Fee Type: HWG: Less than 1 ton — Current Rate: n/a — Increase Amount: \$164 — New Rate: \$334

Fee Type: HWG: 1 ton to less than 500 tons — Current Rate: n/a — Increase Amount: \$306 — New Rate: \$476

Fee Type: Aboveground Storage Tanks: Less than or equal to 10,000 gallons — Current Rate: \$55 — Increase Amount: \$186 — New Rate: \$241

Fee Type: Aboveground Storage Tanks: Greater than 10,000 to less than 100,000 gallons — Current Rate: \$145 — Increase Amount: \$212 — New Rate: \$357

Fee Type: Underground Storage Tanks: Less Than 19,000 gallons — Current Rate: \$800 — Increase Amount: \$985 — New Rate: \$1,785

Fee Type: Underground Storage Tanks: Between or Equal to 19,000 to 34,000 gallons — Current Rate: \$1,000 — Increase Amount: \$1,205 — New Rate: \$2,205

Fee Type: Underground Storage Tanks: Greater Than 34,000 gallons — Current Rate: \$1,200 — Increase Amount: \$1,318 — New Rate: \$2,518

Fee Type: California Accidental Release Program — Current Rate: \$1,200 — Increase Amount: \$430 — New Rate: \$1,630

Fee Type: Hazardous Waste Recyclers — Current Rate: \$96 — Increase Amount: \$201 — New Rate: \$297

Fee Type: Small Quantity Onsite Hazardous Waste Treatment — Current Rate: \$125 — Increase Amount: — \$125 — New Rate: n/a

Fee Type: Tiered Permitting — Current Rate: n/a — Increase Amount: n/a — New Rate: \$497

Fee Type: Permit by Rule/Conditional Authorization — Current Rate: n/a — Increase Amount: n/a — New Rate: \$497

**Unified Program Fee Schedule
For Trinity County
2020/2021**

Fee Type: Flat Fee for All Businesses — 2019/2020 Rate: \$233 — Increase Amount: \$0 — New Rate: \$233

Fee Type: Hazardous Materials Business Plan (HMBP) — 2019/2020 Rate: \$291 — Increase Amount: \$206 — New Rate: \$497

Fee Type: Hazardous Waste Generators: Less than 1 ton — 2019/2020 Rate: 334 — Increase Amount: \$163 — New Rate: \$497

Fee Type: Hazardous Waste Generators: 1 ton to less than 500 tons — 2019/2020 Rate: \$476 — Increase Amount: \$306 — New Rate: \$782

Fee Type: Aboveground Storage Tanks: Less than or equal to 10,000 gallons — 2019/2020 Rate: \$241 — Increase Amount: \$185 — New Rate: \$426

Fee Type: Aboveground Storage Tanks: Greater than 10,000 to less than 100,000 gallons — 2019/2020 Rate: \$357 — Increase Amount: \$211 — New Rate: \$568

Fee Type: Underground Storage Tanks: Less Than 19,000 gallons — 2019/2020 Rate: \$1,785 — Increase Amount: \$986 — New Rate: \$2,771

Fee Type: Underground Storage Tanks: Between or Equal to 19,000 to 34,000 gallons — 2019/2020 Rate: \$2,205 — Increase Amount: \$1,205 — New Rate: \$3,410

Fee Type: Underground Storage Tanks: Greater Than 34,000 gallons — 2019/2020 Rate: \$2,518 — Increase Amount: \$1,319 — New Rate: \$3,837

Fee Type: California Accidental Release Program — 2019/2020 Rate: \$1,630 — Increase Amount: \$430 — New Rate: \$2,060

Fee Type: Hazardous Waste Recyclers — 2019/2020 Rate: \$297 — Increase Amount: \$200 — New Rate: \$497

Fee Type: Tiered Permitting — 2019/2020 Rate: \$497 — Increase Amount: \$0 — New Rate: \$497

Fee Type: Permit by Rule/Conditional Authorization — 2019/2020 Rate: \$497 — Increase Amount: \$0 — New Rate: \$497

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
Flynn Creek Large Wood
Augmentation Project — Phase II
(Tracking Number: 1653–2019–049–001–R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 17, 2019, that the Mendocino County Resource Conservation District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves placing approximately 40 pieces of large wood in 25 sites. Project goals include reducing density dependent competition among juvenile coho during low–flow periods, improving shelter value, pool frequency, and pool depth, providing refugia during periods of high flow, and sorting spawning channel substrate. The proposed project will be carried out on the lower reach of Flynn Creek, a tributary to the North Fork Navarro River, approximately 35 miles southeast of Fort Bragg, Mendocino County, California. Coordinates of the Project site are approximately latitude 39.2626355, and longitude –123.59107.

On August 1, 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 Flynn Creek Large Wood Augmentation Project — Phase II. 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 1B190109WNME; ECM PIN Number CW–860261) for coverage under the General 401 Order on September 9, 2019.

The Mendocino County Resource Conservation District 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 Mendocino County Resource Conservation District will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
INCONSISTENCY DETERMINATION
(NUMBER 1653–2019–043–001–R1)**

Project: Van Duzen Pool/Bank

Location: Humboldt County

Applicant: Darleene Sampson

Background

Project Description: The Applicant, Darleene Sampson, proposes to enhance or restore habitat within the Van Duzen River to provide a net conservation benefit for California Coastal Chinook (*Oncorhynchus tshawytscha*) and northern California Steelhead (*O. mykiss*). The Van Duzen Pool/Bank Project (Project) includes non–native plant removal, installation of a rip–rap groin (current deflector), and rip–rap protection along 100 feet of bank. The rip–rap will be backed by geo–textile fabric and native shrub and tree species will be interplanted.

The Project has been developed without engineered plans for the rip–rap groin or bank armor and has not been reviewed by CDFW engineering staff. During an August 21, 2019 site visit, California Department of Fish and Wildlife (CDFW) and Water Board staff recommended the applicant further consider bioengineered bank stability solutions and suggested that the rip–rap groin not be installed. The Project plan, discussion of proposed work, species protection measures, site photos, and maps are on file with CDFW’s Habitat Conservation Planning Branch (HCPB).

Project Size: The total area of ground disturbance associated with the Project is approximately 0.89 acres and 100 linear feet. 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 materials into Waters of the State, as defined by Water Code sec-

tion 13050(e), resulting from the Project include those associated with the following: (1) installation of a rip-rap groin, and (2) 100 lineal feet of rip-rap bank armor.

Project Timeframes:

Start date: September 2019
 Completion date: September 2019
 Work window: September 1 to September 30

Water Quality Certification Background: The North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1B190074WNHU, Electronic Content Management Identification (ECM PIN) Number CW-859169 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 Chinook and coho salmon, and steelhead.

Receiving Water: Van Duzen River, tributary to the Eel River.

Filled or Excavated Area:

Permanent area impacted: 0.89 acres maximum
 Temporary area impacted: None
 Length temporarily impacted: 0 linear feet
 Length permanently impacted: 100 linear feet

Discharge Volume: 388 cubic yards of rip-rap (3,000–4,000 square feet) inter-planted with native vegetation (1,500 square feet), approximately 600 square feet of erosion control materials, and 2 cubic yards of soil.

Project Location: Latitude 40.528245 N. and Longitude 124.035711 W. (NAD 83); APN: 206301008.

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 July 16, 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(c), CDFW filed an initial notice with the Office of Administrative Law on July 18, 2019, for publishing in the

General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-0718-02) on August 2, 2019.

Because the Project may result in direct or indirect impacts to species protected by state and federal law, Fish and Game Code section 1653(b)(4) requires a description of species protection measures incorporated into the Project design to avoid and minimize impacts to those species. The request did not include species protection measures for Western Pond Turtle as required by section 1653(b)(4).

Determination

After review and consideration of the NOI, NOA, and attachments, including the additional species protection measures, CDFW has determined that there is substantial evidence to conclude the Project is **not consistent** with the Habitat Restoration and Enhancement Act because species protection measures have not been included for all species that will be impacted by this Project and therefore do not meet the conditions set forth in Fish and Game Code section 1653(b)(4). This determination is based on the following considerations:

1. The NOI, NOA, and attachments did not include species protection measures for western pond turtle and does not comply with Fish and Game Code section 1653(b)(4).
2. As mentioned above, the Project was developed without engineered plans and CDFW has determined that it has a high probability of failure. The failure of this Project may result in impacts to potentially present species protected by state and federal law and therefore does not comply with Fish and Game Code section 1653(b)(4).
3. The Project does not meet the intent of the HREA. Fish and Game Code 1651(b) defines a Habitat Restoration or Enhancement Project as “a Project with the primary purpose of improving fish and wildlife habitat.” The Primary Purpose of the proposed Project is bank stabilization.

For the reasons described above, CDFW has determined there is substantial evidence that the NOI, NOA, and attachments, including the additional species protection measures, are **not consistent** with the Habitat Restoration and Enhancement Act because the species protection measures were not incorporated into the Project design to avoid and minimize impact to potentially present species protected by state and federal law as required by Fish and Game Code section 1653(b)(4). Pursuant to Fish and Game Code section 1653(e), the Project may only be authorized under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NUMBER 1653-2019-046-001-R3**

Project: Old Hill Ranch Sediment Reduction Project

Location: Sonoma County

Applicant: Will Bucklin

Notifier: Sonoma Resource Conservation District

Background

Project Location: The Old Hill Sediment Reduction Project (Project) is located at 14900 Highway 12, Glen Ellen, California at a property owned by Will Bucklin, Assessor Parcel Number (APN) 054-150-003, and affects an unnamed tributary to Sonoma Creek. The unnamed tributary to Sonoma Creek supports populations of common aquatic organisms but does not appear to support any federally or state listed threatened, endangered, or candidate species.

Project Description: Will Bucklin (Applicant) proposes to enhance or restore habitat within an unnamed tributary to Sonoma Creek to provide a net conservation benefit for steelhead (*Onchorhynchus mykiss*) and California freshwater shrimp (*Syncaris pacifica*). Conservation benefits are proposed by reducing sediment input into Sonoma Creek, which is listed as impaired with high levels of sediment on California's Clean Water Act Section 303(d) list and has a Total Maximum Daily Load established. The Project includes decommissioning of an existing culvert crossing, realignment of the creek channel, bank stabilization, and restoration plantings.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.05 acres and 100 linear feet. 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., title 14, section 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) rock riprap, (2) permeable gravel, and (3) compost amendment.

Project Timeframes:

Start date: September 2019

Completion date: October 2019

Work window: September 1 – October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and reduce sediment input into Sonoma Creek, 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) (CIWQS Reg. Meas. 430867, CIWQS PLACE ID858632) 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 common aquatic species.

Receiving Water: Unnamed tributary to Sonoma Creek.

Filled or Excavated Area:

Permanent area impacted: 0.04 acres

Temporary area impacted: 0.01 acres maximum

Length temporarily impacted: 50 linear feet

Length permanently impacted: 57 linear feet

Dredge Volume: None.

Discharge Volume: 23 cubic yards (cy) of rock riprap, 6 cy of permeable gravel, 20 cy compost amendment, and native vegetation (approximately 25 native riparian plants, 8 willow posts, and multiple willows).

Project Location:

Latitude 38.348994 N. and Longitude 122.507075 W. (NAD 83); APN: 054-150-003.

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 (Public Resources Code, section 21000 et seq.).

On August 20, 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 27, 2019, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-0827-05) on September 9, 2019. Up-

on approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

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

Avoidance and Minimization Measures

The avoidance and minimization measures for 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) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Post-construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Environmental Protection Measures for LandSmart Program Projects Covered by the Sonoma RCD LandSmart Program Mitigated Negative Declaration Document*.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan LandSmart On-the-Ground for Old Hill Ranch Sediment Reduction Project, Glen Ellen, California*, prepared by the Sonoma RCD.

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 Reg. Meas. and CIWQS PLACE ID 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 Reg. Meas., and CIWQS PLACE ID 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: james.hansen@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 Division 2 and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, the 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 and Game Code, section 1654, subd. (c).)

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NUMBER 1653-2019-047-001-R3**

Project: Geib Ranch Sediment Reduction

Location: Sonoma County

Applicant: Jim Geib

Notifier: Sonoma Resource Conservation District

Background

Project Location: The Geib Ranch Sediment Reduction Project (Project) is located at 660 Kenilworth Avenue, Kenwood, CA 95452, at a property owned by Jim Geib, Assessor Parcel Number (APN) 050-140-005,

and affects an unnamed tributary to Sonoma Creek. The unnamed tributary to Sonoma Creek supports populations of common aquatic organisms but does not appear to support any federally or state listed threatened, endangered, or candidate species.

Project Description: Jim Geib (Applicant) proposes to enhance or restore habitat within an unnamed tributary to Sonoma Creek to provide a net conservation benefit for steelhead (*Onchorhynchus mykiss*) and California freshwater shrimp (*Syncaris pacifica*). Conservation benefits are proposed by reducing sediment input into Sonoma Creek, which is listed as impaired with high levels of sediment on California's Clean Water Act Section 303(d) list and has a Total Maximum Daily Load established. The Project includes decommissioning of two culvert stream crossings, a bank stabilization, an armored crossing, and native riparian plantings.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.16 acres and 330 linear feet. 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., title 14, section 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) rock riprap, (2) permeable gravel, and (3) compost amendment.

Project Timeframes:

Start date: September 2019
 Completion date: October 2019
 Work window: September 1 – October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and reduce sediment input into Sonoma Creek, 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) (CIWQS Reg. Meas. 431776, CIWQS PLACE ID 859294) 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 common aquatic species.

Receiving Water: Unnamed tributary to Sonoma Creek.

Filled or Excavated Area:

Permanent area impacted: 0.16 acres
 Length permanently impacted: 330 linear feet

Dredge Volume: None.

Discharge Volume: 115 cubic yards (cy) of rock riprap, 16 cy of permeable gravel, 19 cy compost amendment, and native vegetation (approximately 25 native riparian plants).

Project Location:

Latitude 38.412369 N. and Longitude 122.561759 W. (NAD 83); APN: 054-150-003.

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 (Public Resources Code, section 21000 et seq.).

On August 20, 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 27, 2019, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-0827-06) on September 9, 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 meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

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

Avoidance and Minimization Measures

The avoidance and minimization measures for 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) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures;

(2) Post-construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Environmental Protection Measures for LandSmart Program Projects Covered by the Sonoma RCD LandSmart Program Mitigated Negative Declaration Document*.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan LandSmart On-the-Ground for Geib Ranch Sediment Reduction Project, Kenwood, California*, prepared by the Sonoma RCD.

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 Reg. Meas. and CIWQS PLACE ID 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 Reg. Meas., and CIWQS PLACE ID 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: james.hansen@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 (com-

mencing with section 1600) and Chapter 10 (commencing with section 1900) of Division 2 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 and Game Code, section 1654, subd. (c).)

DECISION NOT TO PROCEED

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Pursuant to Government Code Section 11347

WITHDRAWAL OF NOTICE OF PROPOSED RULEMAKING PROPOSITION 65, TITLE 27, CAL CODE OF REGS, SECTION 25821 (a) AND (c)

Level of Exposure to Chemicals Causing Reproductive Toxicity: Calculating Intake by the Average Consumer of a Product

On October 5, 2018, the Office of Environmental Health Hazard Assessment (OEHHA) issued a notice of proposed rulemaking to adopt amendments to Title 27, California Code of Regulations, section 25821. The amendments clarified when and how a person could average concentrations of a listed chemical in a food, and that the use of the arithmetic mean was the default method of calculation of individual exposure. OEHHA amended the proposal on July 5, 2019, based on the public comments received and provided an additional comment period. **OEHHA is withdrawing the regulatory proposal at this time.** If OEHHA decides to initiate a rulemaking on these topics later, we will provide the public with notice and an opportunity to comment.

Inquiries concerning the rulemaking should be directed to Monet Vela at (916) 323-2517, or by e-mail at monet.vela@oehha.ca.gov, or by mail to OEHHA, P.O. Box 4010, Sacramento, California 95812-4010. Ryan Mahoney is a back-up contact person for inquiries concerning this action and is available at (916) 445-4693 or ryan.mahoney@oehha.ca.gov.

**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# 2019-0903-02
CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY
Commercial Energy Efficiency Financing Program

This action readopts emergency regulations which authorize the California Alternative Energy and Advanced Transportation Financing Authority (Authority) to administer the "Commercial Energy Efficiency Financing Program" which enables the Authority to continue to promote energy savings and the reduction of greenhouse gases through more affordable small business energy efficiency upgrades.

Title 4
ADOPT: 10092.1, 10092.2, 10092.3, 10092.4,
10092.5, 10092.6, 10092.7, 10092.8, 10092.9,
10092.10, 10092.11, 10092.12, 10092.13, 10092.14
Filed 09/12/2019
Effective 09/16/2019
Agency Contact: David Gibbs (916) 653-2212

File# 2019-0806-04
CALIFORNIA DEPARTMENT OF TAX AND FEE
ADMINISTRATION
Calculation of Estimated Use Tax — Use Tax Table

This action amends a component of the use tax liability factor calculation formula beginning June 1, 2019. The use tax liability factor is used in calculating a tax payer's use tax liability. This action is exempt from the Administrative Procedure Act pursuant to Government Code sections 11340.9(g) and 15570.40(b).

Title 18
AMEND: 1685.5
Filed 09/12/2019
Effective 09/12/2019
Agency Contact: Richard Bennion (916) 445-2130

File# 2019-0731-02
DEPARTMENT OF PUBLIC HEALTH
Reportable Disease Changes

This action by the Department of Public Health amends the list of reportable diseases and conditions and reporting methodology applicable to health care providers and laboratories. This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 120130.

Title 17
AMEND: 2500, 2505
Filed 09/12/2019
Effective 10/01/2019
Agency Contact: Veronica Rollin (916) 445-2529

File# 2019-0802-02
EDUCATION AUDIT APPEALS PANEL
Supplement to Audits of K-12 LOCAL EDUCATION
AGENCIES — FISCAL YEAR 2018-19

This certificate of compliance makes permanent the supplemental 2018-19 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting (Audit Guide Supplement). (See OAL Matter Number 2019-0212-03E.)

Title 5
AMEND: 19810
Filed 09/16/2019
Effective 09/16/2019
Agency Contact: Mary Kelly (916) 445-7745

File# 2019-0802-01
FAIR EMPLOYMENT AND HOUSING COUNCIL
Fair Housing

In this resubmitted regulatory action, the Council adopts regulations related to the protection against discrimination in the context of fair housing. The regulations provide definitions. They also deal with liability for discriminatory housing practices, discriminatory effects and the burden of proof in establishing discriminatory effects, legally sufficient justifications for practices that have discriminatory effects, harassment, retaliation, real estate transactions practices, discrimination in land use practices, reasonable accommodations, assistance animals, and consideration of criminal history information in housing.

Title 2
ADOPT: 12005, 12010, 12060, 12061, 12062,
12063, 12100, 12120, 12130, 12155, 12161, 12162,
12176, 12177, 12178, 12179, 12180, 12185, 12264,
12265, 12266, 12267, 12268, 12269, 12270, 12271
Filed 09/16/2019
Effective 01/01/2020
Agency Contact: Brian Sperber (213) 337-4495

File# 2019-0903-03
STATE COMPENSATION INSURANCE FUND
Conflict-of-Interest Code

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

Title 2
AMEND: 52400
Filed 09/18/2019
Effective 10/18/2019
Agency Contact: Susan Davey (916) 924-6342

**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.