



California Regulatory Notice Register

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Multi-County:

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Bay Area Clean Air Foundation

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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 CODE

AMENDMENT

STATE AGENCY:

California High Speed Rail Authority

MULTI-COUNTY:

Capitol Valley Regional Services Authority for Freeways and Expressways
Bay Area Clean Air Foundation

A written comment period has been established commencing on November 8, 2019 and closing on December 23, 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 her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested 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 December 23, 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) 324-3854.

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) 322-5660.

**TITLE 19. CALIFORNIA
UNDERGROUND FACILITIES SAFE
EXCAVATION BOARD**

DIVISION 4.
SECTIONS 4003(a)(1), 4305, 4310, 4345, 4401,
4501

CONTACT INFORMATION, CONTINUAL
EXCAVATION TICKET, USE OF POWER TOOLS
NEAR SUBSURFACE INSTALLATIONS

NOTICE IS HEREBY GIVEN that the California Underground Facilities Safe Excavation Board (Board) of the Department of Forestry and Fire Protection proposes to take the regulatory action described below and in the Informative Digest after considering public comments, objections, or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments will be accepted for 45 days beginning **November 8, 2019** and ending **December 23, 2019**. The written comment period **closes at 12:00 a.m. (PT) on December 24, 2019**. All written comments received by that time and date will be considered and responded to as part of the compilation of the rulemaking file and are subject to disclosure under the Public Records Act. Written comments should be directed to:

- **Email:** digsaferegs@fire.ca.gov (include in the subject line of the email “Comments: Dig Safe Regulations ACE and Tools”).
- **Mail to:**
Cal Fire/Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Attn: Diane Arend, Code Development and Analysis

- **Hand delivered between 8:00 a.m. and 5:00 p.m. (PT) to:**
Cal Fire/Office of the State Fire Marshal
2251 Harvard Street, Fourth Floor
Sacramento, California 95815
Attn: Diane Arend, Code Development and Analysis

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a public hearing to accept comments if a written request is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period pursuant to Government Code section 11346.8. Submit requests to the contact person. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with the Board.

AUTHORITY AND REFERENCE

The Board has authority to enforce the requirements of Article 2 (commencing with Section 4216) of Division 5 of Title 1 of the Government Code pursuant to Government Code sections 4216.6 and 4216.12.

Section 4216.4(a)(2)(C) of the Government Code authorizes the Board to adopt regulations governing the use of power equipment to expose subsurface installations.

Section 4216.10(e) of the Government Code authorizes the Board to adopt regulations specifying a process for renewing area of continual excavation tickets for areas in which no subsurface installations are present.

Section 4216.11 of the Government Code authorizes the Board to adopt regulations specifying the nature of a plan for managing an area of continual excavation.

Section 4216.18 of the Government Code authorizes the Board to develop standards for safely excavating near subsurface installations, including the manner in which excavators and operators demonstrate compliance with certain requirements.

Section 4216.22 of the Government Code authorizes the Board to adopt regulations as are necessary and proper to exercise the duties conferred upon it by the Dig Safe Act of 2016. (Stats. 2016, ch. 809.)

These regulations implement, interpret, and make specific Government Code sections 4216.2, 4216.3, 4216.4, 4216.10, 4216.11, 4216.12, and 4216.18.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The regulations proposed in this rulemaking action relate to management of excavation in areas of continual excavation, the way excavators expose subsurface installations, and require both operators of subsurface installations and excavators to maintain current contact information with regional notification centers.

Specifically, this action establishes requirements for obtaining certain excavation tickets, establishes requirements for work performed under an area of continual excavation ticket, and establishes guidelines and requirements for excavators working near, or attempting to locate, underground facilities, and establishes conditions permitting the use of power tools to conduct excavation in certain instances.

This rulemaking action proposes the addition of Chapters 4 and 5 to Division 4 of Title 19 of the California Code of Regulations, and the amendment of section 4003 in Chapter 1, Article 1 of Title 19.

SUMMARY OF EXISTING LAWS:

Current law requires the use of hand tools when excavating within the tolerance zone of a subsurface installation until the installation is located. Government Code section 4216.4(a)(2)(C) requires the Board to implement regulations that permit the use of power tools or boring equipment as an exception to the current rule. The Board must implement those regulations by July 1, 2020.

Government Code section 4216.10(e) requires the Board to develop a process through which the renewal requirement for a ticket for an area of continual excavation can be modified or eliminated when no subsurface installation is present in the area being excavated.

When a high priority subsurface installation is located within an area of continual excavation, current law requires the operator of the facility to meet with the excavator at the site to determine how to protect the facility from the excavation work. (Gov. Code section 4216.10(c)(1).) Government Code section 4216.11 requires the Board to specify “minimum elements” for that meeting through regulation before January 1, 2020.

Government Code section 4216.22 authorizes the Board to prescribe rules and regulations as are necessary or proper to carry out the purposes and intent of the Dig Safe Act of 2016 (Stats. 661, Ch. 809) and to exercise the powers and duties conferred upon the Board by the Act.

SUMMARY OF EXISTING REGULATIONS:

The Board is proposing to add sections 4003(a)(1), 4305, 4310, 4345, 4401, and 4501 under California Code of Regulations Title 19, Division 4, Chapters 2

and 5, prescribing the rules and regulations pursuant to Government Code section 4216.22. The regulations proposed in this rulemaking action would facilitate communications between excavators and facility operators, facilitate the renewal of tickets for areas of continual excavation, and establish requirements for use of power equipment in a facility tolerance zone before the facility is located.

SUMMARY OF EFFECT:

The proposed regulations will require excavators and utility operators to provide contact information to regional call centers; require regional notification centers to remind holders of annual tickets for areas of continual excavation to renew tickets before they expire; permit excavators to perform planned, recurring work in areas of continual excavation during a certain time period following renewal of the ticket; require persons working under tickets for areas of continual excavation to have knowledge of the information on the ticket; and permit excavators to use certain power tools in the tolerance zones in specified circumstances.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS:

The broad objective of the proposed changes proposed in this rulemaking action are intended to reduce the risk of injury to workers performing excavation work and to protect subsurface installations. Additionally, this regulatory proposal provides a direct benefit to the protection of public health and safety of Californians by maintaining current contact information with regional notification centers to facilitate communication between excavators and operators. Requiring excavators to provide detailed information about work to be performed in areas of continual excavation, and requiring operators to meet with excavators to discuss that work, should also reduce the frequency with which installations are damaged and reduce likelihood of injuries to workers, and environmental and property damage.

CONSISTENCY EVALUATION:

The Board has conducted a review for any related state regulation and found that there exists no related regulations addressing the subject matter within the scope of these proposed regulations or relating to Government Code sections 4216.4(a)(2)(C), 4216.10(e), or 4261.11. Therefore, the Board has determined that the proposed regulations are not incompatible or inconsistent with existing regulations.

FORMS OR DOCUMENTS INCORPORATED BY REFERENCE:

There are no documents incorporated by reference.

COMPARABLE FEDERAL REGULATIONS OR STATUTES:

No comparable federal regulations or statutes exist.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

There are no other matters prescribed by statute applicable to the Board, or to any specific regulation. There are no other matters to identify.

DISCLOSURES REGARDING THE
PROPOSED RULEMAKING

The Board has made the following initial determinations:

1. Mandate on local agencies and school districts: **None.**
2. Cost Savings to Any State Agency: The proposed action will affect the operations of a state agency that either conducts excavation or that owns, operates, or maintains subsurface installation. However, the nature of the effect on operations will not cause the agency to incur any significant expense.
3. Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: **None.**
4. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: **None.**
5. Costs or Savings in Federal Funding to the State: **None.**
6. Significant Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Although the proposed action may have an impact on businesses statewide that are excavators or operators, including such small businesses, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

DECLARATION OF EVIDENCE:

The Board has not relied on any other facts, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

7. Significant effect on housing costs: **None.**
8. Cost Impacts on a Representative Private Person or Business: The Board is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action. The proposed rulemaking will permit excavators and operators to reduce certain operational costs relating to work

in areas of continuing excavation, in more efficiently locating subsurface utilities, and in avoiding damage to subsurface utilities.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses that conduct excavation work or that own, operate, or maintain subsurface installations. The impact will likely be to make certain communications more efficient because contact information will be readily available, and to minimize delays to excavation work performed near subsurface installation or under a continuing excavation ticket.

BUSINESS REPORT

The proposed regulations do not create any reporting requirements.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The Board concludes that it is (1) unlikely that the proposed regulations will eliminate any jobs, (2) unlikely that the proposed regulations will create jobs, (3) unlikely that the proposed regulations will create new businesses, (4) unlikely that the proposed regulations will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

BENEFITS TO HEALTH AND WELFARE, WORKER SAFETY AND THE ENVIRONMENT:

The Board anticipates that these regulations will have a positive impact on worker safety and on the health and welfare of California residents. Damaging a subsurface installation, particularly one containing a flammable chemical or conducting electricity, endangers workers, emergency responders, and residents. These regulations are intended to enable excavators to more readily coordinate work with utility operators and to better protect utility installations when excavating.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(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;
- 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries or specific questions concerning the proposed rulemaking action may be directed to the following contact persons:

General inquiries:

Diane Arend, Regulations Coordinator
CAL FIRE/Office of the State Fire Marshal
2251 Harvard Street, Suite 400
Sacramento, CA 95815
digsaferegs@fire.ca.gov
(916) 568-2917

Substantive or technical questions:

Tony Marino, Executive Officer
California Underground Facilities Safe Excavation Board
2251 Harvard Street, Suite 400
Sacramento, CA 95815
digsaferegs@fire.ca.gov
(916) 767-3370

or

Jeff Brooks, Legal
Jeffrey.brooks@fire.ca.gov
(916) 568-2969

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the contact person(s).

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the

initial statement of reasons. Copies may be obtained by contacting the contact person.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of the Proposed Rulemaking, Initial Statement of Reasons, the text of the regulations, and any other materials or documents concerning this rulemaking can be accessed on the Office of the State Fire Marshal Website at: <http://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/>.

GENERAL PUBLIC INTEREST

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Unified Program Fee Schedule Supplemental Revision for Trinity County CUPA.

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 Califor-

nia 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 published the original notice approving the DTSC proposal to increase annual fees for the Trinity County CUPA, pursuant to the California Code of Regulations, Title 27, Section 15241(i), in the California Notice Register, Register 2019, Number 32-Z on August 9, 2019. DTSC provided CalEPA with a proposal to revise the fee schedule, which covered the necessary and reasonable costs needed to implement the Unified Program according to Title 27, Section 15241(b). The proposal included non-recurring fees, but these fees were not included in the August 9, 2019, public notice. CalEPA received no comments during the 30-day period and the revised schedule became effective on August 27, 2019.

On August 15, 2019, CalEPA publicly noticed the Unified Program Fee Schedule Supplemental Revision for Trinity County CUPA, which detailed the requested rate change for non-recurring fees for the following permit-related activities for the Underground Storage Tank Program:

- Tank installations at a flat rate time of 30 hours for an initial fee of \$3,210.00
- Repairs and updates at a flat rate time of 6 hours for \$642.00
- Tank removals for a flat rate time of 20 hours for \$2,140.00
- Additional hours beyond the initial fee are charged at a rate of \$107.00 per hour

The public comment period for the Supplemental Notice Publication ended on October 14, 2019, and CalEPA received no comments.

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

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION NUMBER
1653-2019-050-001-R1**

Project: Antelope Creek Fish Passage Improvement Project

Location: Tehama County

Applicant: Jon Barrett, Resource Conservation District of Tehama County

Background

Project Location: The Antelope Creek Fish Passage Improvement Project (Project) is located at 13038 Highway 99E, Red Bluff, California, 96080, at a property owned by Edwards Ranch, Assessor Parcel Numbers (APN) 049-150-002 and 049-150-001, and affects Antelope Creek, a tributary to the Sacramento River and New Creek a tributary to Antelope Creek. Antelope Creek supports populations of Chinook Salmon (*Oncorhynchus tshawytscha*), Central Valley steelhead (*Oncorhynchus mykiss*), Pacific lamprey, other native fishes, western pond turtle, foothill yellow-legged frog, valley elderberry longhorn beetle, nesting raptors, migratory birds and special status plant species.

Project Description: Jon Barrett (Applicant) proposes to improve habitat within Antelope Creek and New Creek to provide a net conservation benefit for Chinook Salmon and Central Valley steelhead. The primary objectives of the Project are to improve conditions for adult and juvenile passage between the Sacramento River and Edwards diversion dam (EDD); reduce juvenile entrainment at EDD; and, improve the accuracy and precision of existing irrigation diversion facilities. The Project does not include operation or long-term maintenance of the new diversion facilities.

Below is a bulleted list of the design features, followed by a more detailed description of each aspect of the Project:

Los Molinos Mutual Water Company Ditch:

- Install new fish screen
- Install fish bypass return pipe to Antelope Creek
- Install inverted siphon from the Los Molinos Mutual Water Company (LMMWC) ditch to the Edwards ditch under New Creek
- Install headgates to split flows between the siphon and the LMMWC ditch

- Install flow measurement devices
Edwards Ditch:
 - Install siphon discharge structure
Edwards Diversion Dam:
 - Repair rock scour hole upstream of the LMMWC ditch headgate
 - Monitor the area in front of the LMMWC ditch headgate for holding fish; if fish are found to be holding, the fish ladder may be modified.
- Other Project Items:
- Site access
 - Flow diversions during construction, dewatering and rewatering
 - Fish relocation operations
 - Revegetation

Los Molinos Mutual Water Company Ditch

The Edwards Ranch and LMMWC diversions will be combined into the LMMWC ditch through the existing concrete headgate and wooden gate, which will be retained; however, the gate would remain fully open during normal operating conditions. Therefore, at zero diversion flow, the water surface elevation upstream of the Edwards dam and the water surface elevation in the upper reach of the diversion channel will be equal, and nearly equal when diversions occur. A new trash rack will be installed upstream of the headgate. The ditch will be modified in shape, alignment and/or size to provide the design flow capacity and most efficiently accommodate a new larger fish screen. A new chevron-style (v-screen) fish screen will be installed to accommodate the combined diversion flows. A new fish bypass return pipe, constructed to meet applicable California Department of Fish and Wildlife (CDFW) and National Marine Fisheries Service (NMFS) criteria, will be installed to return juvenile fish back to Antelope Creek from the LMMWC ditch fish screen. The bypass return pipe will also improve debris management within the ditch near the fish screen and allow for fish entrained in the ditch to be returned to Antelope Creek. A siphon will be installed under New Creek to convey water from the LMMWC ditch to the Edwards ditch. After crossing under New Creek, the inverted siphon will discharge into a short section of concrete-lined intertie ditch that connects to the existing Edwards ditch. Downstream of the new fish screen, new flow control structures will be installed including a new headwall downstream of the fish screen, and three headgates will be installed to regulate flow to either the LMMWC ditch or into the inverted siphon leading to the Edwards ditch. The three new headgates will be operated to control the diversion rates with improved operational efficiency and hydraulic control and will allow for flows to be split between diverters. An acoustic Doppler flow

measurement device will be installed in the siphon and in the LMMWC ditch, to enable accurate measurements and management of diverted flows.

Edwards Ditch

The existing Edwards ditch headgate and existing fish screen will be abandoned in place. A concrete siphon discharge structure will be constructed to transition the siphon flow into the Edwards ditch.

Edwards Diversion Dam

An approximately 1,600-square-foot scour zone pool exists upstream of the LMMWC ditch headgate, the New Creek apron and the EDD fish ladder. The depth of the pool ranges from four to ten feet. The scour zone will be filled with 1-ton rock to an elevation of approximately two feet below the invert elevation of the LMMWC ditch. It is anticipated that the interstitial spaces in the rock will fill over time with sands and gravels. This will enhance the effectiveness of the existing fish ladder during periods when fish are out-migrating.

Other Project Items

Site Access — Access to the site is from Hogsback Road, in Red Bluff. Several alternative Project staging areas are also proposed for the Project site. Some clearing of woody vegetation within riparian areas along New Creek and Antelope Creek will be required to construct the siphon and fish bypass pipe. Additional riparian vegetation will be disturbed to widen the LMMWC ditch. The contractor will be responsible for restoring the access haul road from Hogsback Road and the staging areas to the condition that existed prior to construction.

Flow Diversions during Construction, Dewatering and Rewatering — Construction of the new fish screen, headgates, siphon and bypass return pipe will require isolation of the construction areas from water in Antelope Creek, New Creek and the two ditches. Work has been scheduled in two phases to allow construction work within streams and ditches to occur at times of low, or no flows. Where necessary, isolation structures would likely consist of a water-filled bladder or gravel bags, or other suitable materials and would be placed so that flows will be directed around the Project sites. The sites would be dewatered to accommodate construction activities and then rewatered following the completion of construction. The scour hole repair work will be done in-water and will not include dewatering activities.

Fish Rescue Operations — CDFW biologists will conduct fish rescue operations during dewatering of Antelope Creek, New Creek and the two ditches for salmonids and other species of concern. The construction contractor will be responsible for coordinating dewatering activities with CDFW fish rescue activities and will be required to dewater the creek slowly.

Revegetation — Vegetation that has been removed will be restored upon completion of the Project, as required. A revegetation plan will be prepared to replace impacted vegetation by a measure of quantity and quality equal to or exceeding impacts of the Project using appropriate native plant species. Following construction, disturbed vegetated areas will be revegetated in accordance with the revegetation plan. Revegetation would occur between November and April and include the use of a crew of three to four workers and may include the use of a small excavator or backhoe. Following revegetation, additional maintenance activities will be required to care for the trees and shrubs planted as a part of the revegetation plan. Work will include irrigation, re-planting and non-native plant removal, as needed. Only minimal wading in water would occur for revegetation and maintenance activities. Personnel would be trained to avoid any impacts to salmonid and Pacific lamprey redds during these activities.

Project Size: The total Project area is approximately four acres. The total area that will be permanently impacted by Project activities is 0.14 acres. 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 section 13050 subdivision (e), resulting from the Project include those associated with the following: native soil backfill, crushed aggregate base, cement sand slurry, 48-inch HDPE pipe, 1-ton class rock scour protection, reinforced concrete, 1/4-ton class rock riprap, backing class 1 rock riprap, geotextile fabric, 24-inch PVC pipe, unreinforced concrete, and 3- to 12-inch gravel.

Project Timeframes:

Start date: November 2019

Completion date: November 2020

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and to improve conditions for adult and juvenile salmonids passage, reduce juvenile entrainment, and improve the accuracy, precision, and timing of irrigation diversions, the Central Valley 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 5A52CR00191. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided information that sets forth

measures to avoid and minimize impacts to Chinook Salmon, Central Valley steelhead, Pacific lamprey, other native fishes, western pond turtle, foothill yellow-legged frog, valley elderberry longhorn beetle, nesting raptors, migratory birds and special status plant species

Receiving Water: Antelope Creek and New Creek

Filled or Excavated Area:

Permanent area impacted: 0.14 acres

Temporary area impacted: 0.18 acres

Dredge Volume: None.

Discharge Volume: Approximately 30 cubic yards (CY) of native soil backfill (23 CY — temporary impact and 7 CY permanent impact), 93 CY of crushed aggregate base, 43 CY of cement sand slurry, 60 linear feet of 48-inch HDPE pipe, 90 CY 1-ton class rock scour protection, 307 CY reinforced concrete, 10 CY 1/4-ton class rock riprap, 90 CY backing class 1 rock riprap, 800 square feet geotextile fabric, 30 linear feet of 24-inch PVC pipe, 700 square feet of unreinforced concrete, and 23 CY of 3- to 12-inch gravel (temporary impact).

Project Location: Latitude 40.187088 N and Longitude -122.134789 W

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 September 26, 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 October 1, 2019, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-1001-02) on October 11, 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 settle-

ment, 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 the NOI as two tables. The first table is entitled “*Species Protection Measures Incorporated into Project Design*” and includes protection measures for specific species of plants, animals, birds, bats, and fish. The second table is entitled “*Supplemental Avoidance and/or Minimization Measures to Protect Fish, Wildlife, and Plant Resources*” and includes general protection measures relating to vegetation, fish, wildlife, wetlands, hazardous materials, water quality, soil and geology.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included information on monitoring that will be conducted for the Project. Pre- and post-monitoring activities may include pre-construction biological surveys, as-built surveys, initial post-construction monitoring of hydraulic structures, biological monitoring for salmonid passage success by CDFW, and post-construction site inspection and maintenance. Monitoring will be conducted throughout construction, and post-Project as-built drawings as well as paired pre- and post-construction photos will be provided within 90 days of completion of construction. Additional details regarding monitoring and reporting can be found in Section VIII of the NOI.

Notice of Completion

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

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above; and
- 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, WDID number, with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW

as required by the General Order. Applicant shall submit documents electronically to: suzanne.turek@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 and G. Code, section 1654, subd. (c).)

DEPARTMENT OF FISH AND WILDLIFE

Research on the Salt-Marsh Harvest Mouse

The Department of Fish and Wildlife (Department) received a proposal from Erika Walther, Environmental Science Associates, requesting authorization to take the salt-marsh harvest mouse (*Reithrodontomys raviventris*) (mouse), a Fully Protected mammal, for scientific research purposes consistent with conservation and recovery of the species. The mouse is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Ms. Walther is planning to conduct surveys throughout the historical range of the mouse in California, in accordance with a standard protocol approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research and population monitoring activities include capture using baited cage traps, handling, measuring and weighing, temporary marking via non-toxic ink or fur clipping, ear tagging and release at the site of capture. Genetic samples will be collected (e.g., fur) to help determine population status. If any mice are found dead, they will be salvaged (including any parts thereof) and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual mice or mouse populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife re-

searchers, with Ms. Walther as the Principal Investigator, to carry out the proposed activities. The applicant is also required to have a valid federal recovery permit for the mouse and a Scientific Collecting Permit (SCP) to incidentally take other mammal species in California.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of Fully Protected mammal species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 4700 for take of Fully Protected mammals, it would issue the authorization on or after December 8, 2019, for an initial and renewable term of up to, but not to exceed five years. Contact: Dr. Scott Osborn, Scott.Osborn@wildlife.ca.gov, (916) 324-3564.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**ANNOUNCEMENT OF AVAILABILITY
OF A SECOND
PUBLIC REVIEW DRAFT
TECHNICAL SUPPORT
DOCUMENT FOR PROPOSED
PUBLIC HEALTH
GOALS FOR TRIHALOMETHANES IN
DRINKING WATER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the release of a draft document for a second public review describing proposed Public Health Goals (PHGs) for four trihalomethanes (THMs) found in drinking water as a result of disinfection methods: chloroform, bromodichloromethane (BDCM), dibromochloromethane (DBCM), and bromoform. A PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the State Water Resources Control Board in setting drinking water standards (Maximum Contaminant Levels, or MCLs) for California.³

The technical support document, posted on the OEHHA website (<https://oehha.ca.gov/water>), presents the scientific information available on the

toxicity of the THMs and the calculation of the proposed PHGs. The proposed PHGs of 0.4 parts per billion (ppb) for chloroform, 0.06 ppb for BDCM, 0.1 ppb for DBCM, and 0.5 ppb for bromoform are based on carcinogenicity and are set at a level of risk of one additional cancer case per one million persons exposed over a 70-year lifetime. OEHHA also presents health-protective drinking water concentrations for noncancer health effects for the THMs.

The draft technical support document was released for a 90-day public comment period in October 2018, and underwent an external scientific peer review in May 2019. The draft technical support document has been revised per public and peer review comments and is being released for a second public comment that begins November 8, 2019 and ends December 9, 2019.

The public is encouraged to submit written comments via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below. Any written comments concerning this draft PHG document, regardless of the form or method of transmission, must be received by the PHG program by December 9, 2019 to be considered.

Following the second public comment period, OEHHA will evaluate all the comments received, and revise the document as appropriate. After any subsequent revisions, the final document will be posted on the OEHHA website along with responses to the external peer review comments and to major comments received during the two public comment periods.

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at PHG.Program@oehha.ca.gov or at (916) 324-7572. Written inquiries can also be addressed to:

Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
P.O. Box 4010, MS-12B
Sacramento, California 95812-4010
Attention: PHG Program

**RULEMAKING PETITION
DECISIONS**

DEPARTMENT OF JUSTICE

Agency: Department of Justice, Division of Law Enforcement, Bureau of Gambling Control

¹ Codified at Health and Safety Code, section 116270 *et seq.*

² Health and Safety Code, section 116365(c).

³ Health and Safety Code, section 116365(a) and (b).

Petitioner: Jarhett Blonien, J. Blonien APLC

Authority: California Business and Professions Code sections 19826 and 19827

Issue: On October 3, 2019, the Department of Justice, Division of Law Enforcement, Bureau of Gambling Control received a request to repeal or amend regulations concerning “Adequate Financing” (California Code of Regulations, Title 11, Division 3, Chapter 1, Article 5, Section 2053.)

Determination:

The Department of Justice (Department) reviewed the request to repeal or amend California Code of Regulations, Title 11, Division 3, Chapter 1, Article 5, Section 2053 (Section 2053) and denies the request for the following reasons:

Request Claim: “The enactment of regulation 2053 appears to have occurred prior to official implementation of the Commission and appears to infringe on the Commission’s rulemaking authority.”

When Section 2053 was enacted in 1999, the California Gambling Control Commission (Commission) did not exist. Though a quorum of Commissioners was appointed on August 29, 2000, it was not until Governor Gray Davis in 2001 issued Executive Order D–29–01 on March 8, 2001, that the Commission was declared to be prepared to assume the responsibilities and exercise the powers conferred by the Gambling Control Act. Even so, the regulation topic does not infringe upon the Commission’s rulemaking authority because the topic of adequate financing is not one of the dozens listed in the section of code pertaining to regulations adopted by the Commission.

Business and Professions Code section 19841 covers approximately 25 topics or subject areas that the Legislature identified as matters or issues which the Commission is to address in regulations. Not included in that extensive list is the matter of adequate financing. It should be noted that in the eighteen years since March 2001, the Commission has initiated over 60 rulemaking packages, none of which remotely address adequate financing, nor has the Commission expressed concern that Section 2053 infringes upon its rulemaking authority.

The authority sections cited in Section 2053 still authorize the Department’s regulation in this area. Business and Professions Code section 19826, subdivision (f), charges the Department with the responsibility “to adopt regulations reasonably related to its functions and duties as specified” in the Gambling Control Act. Adequate financing is directly related to the Department’s responsibility “[t]o monitor the conduct of all licensees and other persons having a material involvement, directly or indirectly, with a gambling operation or its holding company, for the purpose of ensuring that li-

censes are not issued or held by, and that there is no direct or indirect material involvement with, a gambling operation or holding company by ineligible, unqualified, disqualified, or unsuitable persons, or persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.” (Bus. and Prof. Code, section 19826, subd. (b).)

Monitoring the conduct of licensees and other persons involved in a gambling operation includes ongoing and regular review of the adequate financing of a gambling operation. A licensee’s ability to maintain adequate financing of its gambling operation is a factor in determining a licensee’s continued suitability for licensure. Failure to maintain adequate financing of a gambling operation contravenes the public trust, and is inimical to the health, safety, and welfare of the public, because, absent those financial protections, the public, in particular the licensee’s patrons, would be left without the assurance that the money they exchange for chips will be honored, or that any money they have on deposit with the gambling establishment will ultimately be returned to them.

Business and Professions Code section 19827 outlines the powers that the Department has to effectuate its duties and responsibilities. The authority to inspect, examine, and audit all papers, books, and records is directly related to ensuring that “licenses are not issued or held by, and that there is no direct or indirect material involvement with, a gambling operation or holding company by ineligible, unqualified, disqualified, or unsuitable persons, or persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.”

Business and Professions Code section 19841, subdivision (h) provides that the Commission shall adopt regulations prescribing the “minimum *procedures* for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs, which shall include, but not be limited to, provisions for all of the following:

- (1) The safeguarding of assets and revenues, including the recording of cash and evidences of indebtedness.
- (2) Prescribing the manner in which compensation from games and gross revenue shall be computed and reported by an owner licensee.
- (3) The provision of reliable records, accounts, and reports of transactions, operations, and events, including reports to the department.”

(*Emphasis added*)

Business and Professions Code section 19841, subdivision (h) merely requires that gambling enterprises establish certain *procedural* controls. However, the *substantive* requirement that gambling enterprises main-

tain adequate financing falls within the Bureau's authority under Business and Professions Code section 19826, subdivision (b) as the adequate financing requirement directly relates to the gambling operation, and whether that operation is being "conducted in a manner that is inimical to the public health, safety, or welfare."

Based upon the foregoing, the Bureau's promulgation and continued enforcement of Section 2053 is not outside the scope of regulatory authority granted to it under the Gambling Control Act.

Request Claim: The current language is inadequate and creat[es] disparate treatment of licensees.

The claim that the current text of Section 2053 is inadequate and creates disparate treatment of licensees is not supported with any specific facts. Bureau staff is available to provide assistance to any licensee who inquires about how to present satisfactory evidence that it has adequate financing available to protect the public's health, safety, and welfare. However, without specific instances of "disparate treatment of licensees," the Bureau is unable to evaluate this claim. The Bureau will investigate any specific complaints made regarding any alleged disparate treatment of licensees if provided with specific information.

Request Claim: The advisory issued on November 16, 2018 offered little to no clarity and created new interpretations of the regulation which could be considered an underground regulation.

The Bureau issued an advisory on November 16, 2018 for gambling establishments in advance of financial evaluation and adequate financing reviews because the Bureau noted some recurring, or commonly occurring, violations and/or misunderstandings which required corrective actions by gambling establishments during inspections in recent years. The advisory is a restatement of the provisions of Section 2053 concerning separate accounts and the use of funds from these accounts, and provisions concerning advance Bureau approval of some other form of security. The advisory neither redefines, expands, nor creates new interpretations of the scope of Section 2053. The advisory does not supersede Section 2053 because it does not provide direction, requirements, or expectations that are not already outlined in the existing regulation. As such, the claim that the advisory is an underground regulation is without support.

Contact Person and Availability of Petition

Pursuant to Government Code section 11340.7, subsection (d), any interested party, or his or her duly authorized representative, may obtain a copy of the petition related to this determination by contacting:

Susanne George, Regulations Coordinator
California Department of Justice
Bureau of Gambling Control
P.O. Box 168024
Sacramento, CA 95816-8024
E-mail: Susanne.George@doj.ca.gov
916-830-9032

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# 2019-0919-01
BOARD OF EDUCATION
Government Code Definitions, Incorporation by Reference

This action updates a cross-reference to renumbered regulations as a change without regulatory effect.

Title 5
AMEND: 4911
Filed 10/29/2019
Agency Contact: Hillary Wirick (916) 319-0860

File# 2019-0919-04
BOARD OF OPTOMETRY
Optometry Board — Section 100 Changes

This change without regulatory effect by the California State Board of Optometry (CSBO) repeals all existing regulations and incorporated forms regarding Sponsored Free Health Care Events because section 901 of the Business and Professions Code, which authorized the CSBO to adopt these regulations and forms, was repealed on January 1, 2018, by AB 512 (Stats. 2013, ch. 111). This change without regulatory effect also amends existing regulations regarding registered dispensing opticians to align with AB 684 (Stats. 2015, ch. 405), which transferred the program and all regulations from the Medical Board of California to the CSBO.

Title 16
 AMEND: 1399.201, 1399.203, 1399.204, 1399.274
 REPEAL: 1508, 1508.2, 1508.3
 Filed 10/23/2019
 Agency Contact: Marc Johnson (916) 575-5216

File# 2019-0913-01
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Supplemental Reforms to Credit Earning

The Department of Corrections and Rehabilitation submitted this certificate of compliance action to make permanent emergency amendments to four regulations that allow inmates to earn credits to advance release dates and parole dates. The amendments increase the amount of credits inmates may earn in several categories, as specified.

Title 15
 AMEND: 3043, 3043.3, 3043.4, 3043.5
 Filed 10/24/2019
 Effective 10/24/2019
 Agency Contact: Anthony Carter (916) 445-2220

File# 2019-1016-01
 DEPARTMENT OF FISH AND WILDLIFE
 Standardized Commercial Trap Marking Program

The Department of Fish and Wildlife is creating standardized marking of commercial fishing gear in order to aid with the identification of the commercial fishery responsible for marine life entanglements. These new requirements impact six commercial trap fisheries: Spiny Lobster, Rock Crab, Tanner Crab, Spot Prawn, Coon-stripe Shrimp, and Nearshore Finfish.

Title 14
 AMEND: 122.1, 125, 126.1, 180.1, 180.5
 Filed 10/28/2019
 Effective 10/28/2019
 Agency Contact: Michelle Selmon (916) 653-4674

File# 2019-0912-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 Equine Medication Monitoring Program Fees

This rulemaking action by the Department of Food and Agriculture increases the assessment fee for horses entered into public equine events and public horse sales.

Title 3
 AMEND: 1280.1, 1280.2, 1280.8
 Filed 10/24/2019
 Effective 01/01/2020
 Agency Contact: Thami Rodgers (916) 698-3276

File# 2019-0927-06
 DEPARTMENT OF HUMAN RESOURCES
 Annual Leave Program

From July 1, 2019, to August 29, 2019, the Department of Human Resources (the "Department") allowed excluded employees the option to switch from the vacation/sick leave program to the annual leave program. In this request for filing and printing, the Department is specifying that any excluded employee that chose not to participate in this open enrollment option must remain in the vacation/sick leave is not eligible to switch leave program until the employee meets the 24-month requirement.

Title 2
 AMEND: 599.752
 Filed 10/29/2019
 Effective 10/29/2019
 Agency Contact: Katie Narvaez (916) 324-9724

File# 2019-0917-03
 DEPARTMENT OF JUSTICE
 Major League Sports Raffle Program

The Major League Sports Raffle Program (the "Program") authorizes a major league sports raffle at a home game conducted by an eligible organization for the purpose of directly supporting specified beneficial or charitable purposes in California, or financially supporting another private, nonprofit, eligible organization that performs those purposes. This Certificate of Compliance rulemaking by the Department of Justice (the "Department") makes permanent (1) an increase in the non-refundable annual registration fee an eligible organization must pay to participate in the Program; (2) an increase in the non-refundable annual registration fee a person affiliated with an eligible organization must pay in order to conduct the manual draw; and (3) an increase in the non-refundable annual registration fee a manufacturer must pay prior to selling, renting, or distributing raffle-related products. Additionally, this action amends Program compliance and reporting requirements.

Title 11
 AMEND: 2084, 2086, 2088, 2089, 2090, 2092, 2095, 2097, 2107
 Filed 10/28/2019
 Effective 10/28/2019
 Agency Contact: Susanne George (916) 830-9032

File# 2019-1004-01
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
 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.

Title 14
AMEND: 18419
Filed 10/28/2019
Effective 11/27/2019
Agency Contact: Kris Chisholm (916) 322-2404

File# 2019-0924-01
FAIR POLITICAL PRACTICES COMMISSION
Multipurpose Organization

This action updates existing rules regarding multipurpose organization political activity transparency and adds a new section establishing recordkeeping requirements for multipurpose organizations.

Title 2
ADOPT: 18422.1
AMEND: 18422
Filed 10/23/2019
Effective 11/22/2019
Agency Contact: Amanda Apostol (916) 324-3854

File# 2019-0919-05
STATE WATER RESOURCES CONTROL BOARD
Lahontan RWQCB Basin Plan Update

On March 13, 2019, the California Water Quality Control Board, Lahontan Region, adopted Resolution Number R6T-2019-0010, which amends the Water Quality Control Plan for the Lahontan Region (Basin Plan) to remove a prohibition on new pier construction in sensitive areas along the California side of Lake Tahoe. The amendment allows lakefront property owners in El Dorado and Placer counties to construct new piers in areas determined to be within significant spawning habitat. On June 18, 2019, the State Water Resources Control Board (SWRCB) approved this amendment under Resolution Number 2019-0028.

Title 23
ADOPT: 3959.8
Filed 10/29/2019
Effective 10/29/2019
Agency Contact: Daniel Sussman (916) 542-5466

File# 2019-1017-03
STATE WATER RESOURCES CONTROL BOARD
Emergency Regulation Amending FY 2019-20 Water Rights Fee Schedule

The State Water Resources Control Board submitted this emergency rulemaking action to adjust fee sched-

ules for FY 2019-20 in six regulations pertaining to water rights appropriations and diversions and in one regulation pertaining to water quality certifications required by federal law for Federal Energy Regulatory Commission licensed hydroelectric projects.

Title 23
AMEND: 1062, 1063, 1064, 1065, 1066, 1068, 3833.1
Filed 10/28/2019
Effective 10/28/2019
Agency Contact: John Weir (916) 341-5135

File# 2019-1017-04
STATE WATER RESOURCES CONTROL BOARD
Emergency Regulation Amending FY 2019-20 Drinking Water Fees

In this action, the State Water Resources Control Board (Board) amends the fee amounts paid by public water systems into the Safe Drinking Water Account to conform to the revenue levels set forth for that account in the Budget Act for fiscal year 2019-20 to support drinking water program activities. This emergency action is exempt from review by the Office of Administrative Law and remains in effect until revised by the Board.

Title 22
AMEND: 64305
Filed 10/24/2019
Effective 10/24/2019
Agency Contact: John Weir (916) 341-5135

File# 2019-1017-05
STATE WATER RESOURCES CONTROL BOARD
Emergency Regulation Amending FY 2019-20 Water Rights Fee Schedule

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge permits. These fees are adjusted each fiscal year to conform to the revenue levels set forth in the Budget Act. Pursuant to Water Code section 13260(f)(2), this action is a statutorily deemed emergency, is not subject to review by the Office of Administrative Law, and shall remain in effect until revised by the state board.

Title 23
AMEND: 2200, 2200.6, 2200.7
Filed 10/23/2019
Effective 10/23/2019
Agency Contact: Glen Osterhage (916) 341-5032

**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.

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