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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. STATE LANDS COMMISSION

**DIVISION 3. STATE PROPERTY OPERATIONS
CHAPTER 1. STATE LANDS COMMISSION
ARTICLE 4.8. BIOFOULING MANAGEMENT TO MINIMIZE THE TRANSFER OF NONINDIGENOUS SPECIES FROM VESSELS ARRIVING AT CALIFORNIA PORTS
§ 2298.5. MARINE INVASIVE SPECIES PROGRAM ANNUAL VESSEL REPORTING FORM**

The California State Lands Commission (Commission) will decide whether to adopt the regulatory actions described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to amend section 2298.5 in Article 4.8 of Title 2, Division 3, Chapter 1 of the California Code of Regulations. The Commission currently requires submission of the *Marine Invasive Species Program Annual Vessel Reporting Form* (AVRF) to the Commission in written or electronic form at least twenty-four hours in advance of the first vessel arrival of each calendar year at a California port of call. The regulated community for this requirement includes masters, owners, operators, and persons in charge of vessels 300 gross registered tons and above that are capable of carrying ballast water.

Specifically, the proposed regulatory action would:

- Amend the submission method requirement for the *Marine Invasive Species Program Annual Vessel Reporting Form*.
- Amend section 2298.5 to incorporate by reference the revised annual reporting form.

The Commission proposes these amendments pursuant to Public Resources Code section 71201.7.

WRITTEN COMMENT PERIOD

Any interested person or authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes on June 23, 2020. The Commission must receive all written comments by that time. Submit written comments to:

Nicole Dobroski
Assistant Chief
Marine Environmental Protection Division
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Written comments may also be submitted by facsimile at (916) 574-1950 or by email to CSLC.MEPDRregulations@slc.ca.gov. Please include "[Article 4.8 Comments](#)" in the subject line of the email.

PUBLIC HEARING

Commission staff has not scheduled a public hearing on this proposed action. However, the Commission will hold a public hearing, pursuant to Government Code section 11346.8, if it receives a written request for a public hearing from any interested person, or authorized representative, no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Public Resources Code sections 71201.7 and 71204.6 authorize the Commission to adopt regulations necessary to implement the provisions of the Marine Invasive Species Act.

Reference: The proposed amendments would implement or make specific Public Resources Code sections 71201.7, 71204, and 71205.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of this proposed regulatory action is to amend the submittal method for the *Marine Invasive Species Program Annual Vessel Reporting Form* and incorporate by reference the revised annual reporting form.

Public Resources Code section 71201, subdivision (d) declares that the purpose of the Marine Invasive Species Act is to move the state expeditiously toward elimination of the discharge of nonindigenous species (NIS) into the waters of the State or into waters that may impact the waters of the State. Public Resources Code sections 71201.7 and 71204.6 provide authority for the

Commission to adopt regulations. To that end, the Commission adopted Article 4.8 “Biofouling Management to Minimize the Transfer of Nonindigenous Species from Vessels Arriving at California Ports (2 CCR sections 2298.1 et seq.), which took effect on October 1, 2017. These regulations impose both operational (i.e., biofouling management) and administrative (i.e., reporting and recordkeeping) requirements on vessels in order to reduce the risk of NIS introduction into state waters.

The proposed amendment would require the submittal of the *Marine Invasive Species Program Annual Vessel Reporting Form* to the Commission through the web-based user interface <https://misp.io> and amend section 2298.5 to incorporate by reference the revised annual reporting form. This proposed action is promulgated pursuant to Public Resources Code section 71201.7.

The proposed amendment would reduce the administrative burden placed on the Commission. Commission staff would manually process significantly fewer reporting forms, reduce paper use and storage requirements, and redirect resources to focus on other high priority projects within the Marine Invasive Species Program.

The federal government does not have a comparable reporting requirement. Thus, there are no comparable federal regulations, nor is duplication or conflict with federal regulations expected. Similarly, there is no other comparable state reporting requirement, so the proposed amendment is neither inconsistent nor incompatible with any state regulations.

The Commission staff evaluated whether the proposed regulations are inconsistent or incompatible with existing State regulations and has found that there are no other State regulations concerning comparable reporting requirements or forms. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following document is incorporated by reference within the proposed regulatory text:

- *Marine Invasive Species Program Annual Vessel Reporting Form (SLC 600.12, Revised 08/17 04/20)*

DETERMINATION ON MAJOR REGULATION DESIGNATION

The Commission staff has determined that this proposed regulatory action is not a major regulation as defined by Government Code section 11342.548.

LOCAL MANDATE

Commission staff has determined that the proposed regulatory action does not impose any mandates on local agencies or school districts.

FISCAL IMPACTS

Commission staff has determined that this proposed regulatory action:

- imposes no mandates or costs requiring state reimbursement to any local agency or school district pursuant to Government Code sections 17500 et seq.
- will have no impact on costs to any state agency
- will result in a savings to the Commission of approximately \$57,390 annually
- will have no other non-discretionary costs or savings imposed on local agencies
- will have no impact on costs or savings in federal funding to the State

HOUSING COSTS

Commission staff has determined that this proposed action will have no impact on housing costs.

STATEMENT REGARDING ADVERSE ECONOMIC IMPACTS DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE

Commission staff has determined that the proposed regulations will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Through the Economic Impact Assessment, Commission staff has determined that the proposed regulations:

- (1) will have no impact upon the creation or elimination of jobs within the State of California;
- (2) will have no impact upon the creation or elimination of existing businesses within the State of California; and
- (3) will have no impact upon the expansion of businesses currently doing business within the State of California.

Commission staff has determined that the proposed regulations will benefit California by reducing the need for staff time processing forms. Commission staff estimates the existing annual costs of staff time to process AVRFs that are submitted by email to be \$66,547.58. The proposed regulation would reduce the need for this staff time to a value of approximately \$9,157.16, thereby allowing the Commission to redirect approximately \$57,390 of staff time annually to other program needs.

COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

There are no new costs imposed on persons or businesses by the proposed amendments. Any costs associated with the proposed regulation stem from existing law. The regulated community has been obligated to comply with the statutes and regulations of the Marine Invasive Species Act since 2000. This proposed amendment simply defines a specific method for the submittal of the *Marine Invasive Species Program Annual Vessel Reporting Form*. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT

The proposed regulation would not impose a new reporting requirement. However, it would require businesses to comply with an existing reporting requirement by submitting a form through a web-based user interface. Commission staff finds that this proposed amendment is necessary for the health, safety, or welfare of the people of the state to ensure that the Commission can better manage fiscal resources to protect the waters of the State.

SMALL BUSINESS DETERMINATION

The Commission staff finds that the adoption of this proposed action may affect small businesses. The Com-

mission is not aware of any small businesses that would be subject to the proposed amendment, but there may be some. However, continued compliance with the Marine Invasive Species Act and regulations will add no economic burden to small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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 Commission invites interested persons to submit comments on potential alternatives to the proposed regulation during the written comment period.

CONTACT PERSONS

Direct inquiries concerning the substance of the proposed regulations to:

Nicole Dobroski
 Assistant Chief
 Marine Environmental Protection Division
 California State Lands Commission
 100 Howe Ave, Suite 100 South
 Sacramento, CA 95825-8202
 Telephone: (916) 574-0742
 Facsimile: (916) 574-1950
 Email: Nicole.Dobroski@slc.ca.gov

or:

Patrick Huber
 Staff Attorney
 California State Lands Commission
 100 Howe Avenue, Suite 100 South
 Sacramento, CA 95825-8202
 Telephone: (916) 574-0728
 Facsimile: (916) 574-1855
 Email: Patrick.Huber@slc.ca.gov

Requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Nicole Dobroski
Assistant Chief
Marine Environmental Protection Division
California State Lands Commission
100 Howe Ave, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-0742
Facsimile: (916) 574-1950
Email: Nicole.Dobroski@slc.ca.gov

**AVAILABILITY OF
DOCUMENTS ON THE INTERNET**

Copies of the notice of proposed rulemaking, the initial statement of reasons, the proposed text of regulations, the economic impact assessment, relevant documents, and any future changes or modifications to the proposed text can be accessed through our website at: <http://www.slc.ca.gov>

AVAILABILITY STATEMENTS

Commission staff will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the Sacramento office listed above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, including the economic impact assessment, and relevant sources of information upon which the proposed rulemaking is based. Interested parties may obtain copies of any of the aforementioned files by contacting Nicole Dobroski as listed above, or by visiting the website listed below.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT OF ORIGINALLY
PROPOSED REGULATIONS**

After considering all timely and relevant comments, the Commission may adopt the proposed regulation as described in this notice. If Commission staff makes any substantial and sufficiently related modifications to the proposed text, the modified text with changes clearly indicated will be made available to the public for at least fifteen days prior to the date that the Commission adopts the regulation. Interested parties shall send requests for copies of the modified regulation, if applicable, to the attention of Nicole Dobroski at the address indicated above. The Commission will accept written comments on the modified regulation for at least fifteen days after the date that it is available.

**AVAILABILITY OF THE
FINAL STATEMENT OF REASONS**

Upon its completion, interested parties may obtain a copy of the Final Statement of Reasons by contacting Nicole Dobroski at the address, telephone number, or email address listed above or by accessing the website listed below.

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended CCR Sections 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 in the regulations in Title 3 of the California Code of Regulations pertaining to establishment of sampling procedures for laboratory testing of Industrial Hemp as an emergency action, which was effective on June 10, 2019, and readopted on March 24, 2020. The Department proposes to continue the regulation, as amended, to complete the amendment process by submission of a Certificate of Compliance no later than June 22, 2020.

This notice is being provided to comply with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulation to the Department. Comments may be submitted by USPS, FAX, or email. The written comments must be received by the board at its office by June 22, 2020. The Department will consider only comments received at the Department office by that time or postmarked no later than June 22, 2020. Submit comments to:

Dean Kelch Environmental Program Manager
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Drive, Suite #200
Sacramento, CA 95833
Dean.Kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

Unless there are substantial changes to the proposed regulations, the Department of Food and Agriculture may amend the proposal as set forth in this notice without further notice to the public.

INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW

Existing law requires the Secretary to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling laboratory testing, harvest, and destruction as required (Food and Agricultural Code (FAC) Section 81006(e)(3)).

The proposed amendment of CCR Sections 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 will establish timeframes, procedures, methods, and confirmation for industrial hemp sampling laboratory testing, harvest, and destruction as required in FAC Section 81006.

The Department considered any other possible related regulations in this area and finds that these are the only regulations dealing in this subject area, and the Department is the only State agency that can implement this proposed regulation. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this proposed regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

Anticipated Benefits from This Regulatory Action

Establishment of timeframes, procedures, methods, and confirmation for industrial hemp sampling laboratory testing, harvest, and destruction will allow commercial cultivation of industrial hemp to be harvested in California and allow the growth of the industrial hemp industry in California. According to Vote Hemp, the United States has seen significant growth in acreage of industrial hemp cultivation: 9,770 acres of industrial hemp were grown in 2016; 25,713 acres were grown in 2017 and 78,176 acres were grown in 2018. Currently, most hemp products processed and manufactured in the United States heavily rely on imported material, according to the Congressional Research Service. Without this regulation, California citizens are unable to participate in this emerging industry.

Amended Text

This amended regulatory action establishes timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, harvest, and destruction. For the purpose of promoting and protecting the agricultural industry in California, existing law provides that before the harvest of each crop, except when industrial hemp is grown by an established agricultural research institution, a registrant that grows industrial hemp shall obtain a laboratory test report indi-

cating the THC levels of a random sampling of the industrial hemp grown.

Disclosures Regarding the Proposed Action

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Non-discretionary costs or savings to local agencies or school districts: None.

Cost or savings to any state agency: The hourly rate of the state at an average of \$84.36. These costs will more than likely be offset by the revenue collected by the registrant over one year.

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

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

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

Cost impacts on a representative private person or business: The proposed regulation will require the payment of testing for THC by industrial hemp growers, as required in statute. In cases in which the crop fails to meet the THC content ceiling for industrial hemp, there will be a cost of crop destruction and loss of crop. The cost to test as a grower, approximately \$63 a sample, is reasonable and should be exceeded by revenue collected by the grower or seed breeder over the registration period of one year. Any potential crop destruction and loss costs due to state and federal compliance could be recouped in the next growing season. The agency is not aware of any additional cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Small Business Determination: The proposed regulation may affect small business.

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

Significant effect on housing costs: None.

Results of the Economic Impact Assessment

The Department has made an assessment that the proposed regulation would not likely eliminate jobs or existing businesses within California. The Department has made an assessment that the proposed regulation will allow the growth of the industrial hemp industry in California, with an increase in the number of businesses dedicated to producing hemp and the concomitant increase in jobs.

The proposed regulation will establish sampling procedures, testing laboratories, and testing methods for registered growers and seed breeders. Without sampling procedures, registered growers and seed breeders will not be able to obtain test results. This would limit

the amount of domestic hemp available to producers and manufacturers and result in higher prices to California consumers due to California not contributing to the domestic hemp supply. The proposed regulation will also allow the growth of the industrial hemp industry in California. This will create jobs and lead to the expansion of California businesses.

Alternatives Considered

The Department must determine that no reasonable alternative considered to the proposed regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or 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 than the proposal described in this notice.

The Department considered taking no action. If no action is taken then sampling procedures, testing laboratories, and testing methods for registered growers and seed breeders of industrial hemp would not be available; and this would encourage illegal cultivation of this in demand crop. The Department and counties will not have the resources for regulatory enforcement activities to address illegal cultivation.

AUTHORITY

The Department proposes to amend CCR Section 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 pursuant to the authority vested by Sections 407 and 81006 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific Section 81006 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is:

Dean Kelch Environmental Program Manager
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Drive, Suite #200
Sacramento, CA 95833
Dean.Kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

In his absence, you may contact Karen Olmstead at (916) 403-6879 or karen.olmstead@cdfa.ca.gov. Questions regarding the substance of the proposed regulations should be directed to Karen Olmstead.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<https://www.cdfa.ca.gov/plant/Regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of amendment by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to revise section 3162 Title 3 of the California Code of Regulations (CCR) pertaining to Pest Ratings and Official Control Actions.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or

her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulation to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on June 22, 2020. The Department will consider only comments received at the Department offices by that date or postmarked no later than June 22, 2020. Submit comments to:

Dean Kelch
 Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 2800 Gateway Oaks Dr, Suite #200
 Sacramento, CA 95833
dean.kelch@cdfa.ca.gov
 916.403.6650
 916.651.2900 (FAX)

Unless there are substantial changes to the proposed regulation prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing if one is requested or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Purpose

This amendment to CCR 3162 will clarify the procedures for assigning pest ratings and determining official control measures.

Current Laws & Regulations

Existing law, FAC Section 403, directs that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5006, defines “pest” to mean any of the following things that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state:

- (a) Any infectious, transmissible, or contagious disease of any plant, or any disorder of any plant which manifests symptoms or behavior which the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.
- (b) Any form of animal life.
- (c) Any form of vegetable life.

Existing law, FAC section 5260.5, defines “invasive pests” as animals, plants, insects, and plant and animal diseases or groups of those animals, plants, insects, and plant and animal diseases, including seeds, eggs, spores, or other matter capable of propagation, where introduction into California would or would likely cause economic or environmental harm. “Invasive pests” does not include agricultural crops, livestock, or poultry generally recognized by the department or the United States Department of Agriculture as suitable to be grown or raised in the state.

Existing law, FAC section 5261, provides that the Department shall develop and maintain a list of invasive pests that have a reasonable likelihood of entering California for which a detection, exclusion, eradication, control, or management action by the state might be appropriate. In developing the list, the department shall consider any invasive pests identified by the federal or state government for which a detection, exclusion, eradication, control, or management action might be undertaken.

Existing law, FAC section 5262, provides that the Department shall develop and maintain a written plan on the most appropriate options for detection, exclusion, eradication, control, or management of the higher priority invasive pests on the list prepared pursuant to FAC section 5261. The law requires holding public hearings and making the plan available to the public, including making it available on the department’s Internet website.

Amended Text

The specific purpose of section 3162 is to establish a pest rating process for various organisms that impact agriculture and the environment and to determine the appropriate Department–authorized statewide official control actions based upon the assigned pest rating. The purpose of this amendment is to clarify and make consistent the procedures outlined in section 3162.

Section 3162(a):

This section establishes the definitions for terms used in the regulation. The Department is amending this section as follows:

- “Endangered Area” has been removed. This term will no longer be used in the regulation. It will be replaced with “Vulnerable Area” defined in subsection (a)(11). This amendment is necessary to eliminate the potential connotation to endangered and threatened species that may arise with the use of the existing term.
- “General Distribution” was modified to allow for a more general definition with the emphasis on the pest’s potential distribution. The factors which influence potential distribution can go beyond the host range and suitable climatic range specified in the original definition.
- “Identifying Scientist” has been added. This is to specify the personnel responsible for identifying the pests to which this regulation will be applied.
- “Limited Distribution” has wording changes to clarify the definition. The emphasis in this definition as in the modified definition for “General Distribution” has been changed to reflect potential distribution.
- In subsection (a)(7), the word “endangered” has been changed to “vulnerable” for consistency.
- “Pest Rating” has been reworded for clarity.
- Remove Subsection (a)(9), “Pest Mitigation Measure”. The existing regulation defines both “Pest Mitigation Measure” and “Official Control” identically. The Department proposes to remove the term “Pest Mitigation Measure” to eliminate this duplication and rely solely on the term “Official Control Measure” as defined in subsection (a)(7).
- “Potential Distribution” has been added to refer to areas of the State where the pest might feasibly be expected to establish.
- “Quarantine” has a slight wording change for clarity.
- “Vulnerable Area” has been added to refer to areas of the State where the pest might feasibly be expected to establish and cause economical loss or ecological harm.

Section 3162(b):

This section describes the form used for the “California Pest Rating Proposal”. The Department proposes the following amendments to Section 3162(b):

- Add a temporary rating “Z” to the list of possible Current Ratings. The “Z” — rating is described in Section 3162(j).
- Remove rating “Q” from the list of Proposed Ratings list. The “Q” — rating is intended as a temporary rating prior to the publication of the

Pest Rating Proposal and is not appropriate as a Proposed Rating.

- Replace Common Name with [taxon name] as the primary name for the pest. This allows the person completing the Pest Rating Proposal to use either common name or scientific name as the primary name throughout the document.
- Add “Taking into account other, established pests,” and “additional” to item (5) environmental impact. If another pest, one with very similar or identical impacts on California agriculture and environment as those impacts expected from the evaluated pest, is already established in the state, then the introduction and establishment of the pest being evaluated may have few, if any, additional economic or environmental impacts.
- Replace the word “endangered” with the word “vulnerable” in items (5) and (6) for consistency with the terminology used throughout this section.
- There is minor rewording to replace “total” score with score “for the above five consequences”. This is a more appropriate wording; the score at this point is a subtotal until item (6) has been included. This change is necessary to specify that the total score is the sum of the five factors described above this section.
- Add “official Pest Damage Record” to the information allowed to determine the California distribution of the pest. The Pest Damage Records are samples collected by the Department from border stations, county agricultural commissioners and CDFA personnel and analyzed in the CDFA laboratory. This addition is necessary to specify one of the two record types that may be relied upon to evaluate Post Entry Distribution and Survey Information.
- There is minor rewording in the description of the References. Replace the word “here” with the phrase “in the above assessment.” This change is necessary to specify that the references listed in a Pest Rating Proposal are references used throughout the assessment.

Section 3162(c):

This section provides the process by which a pest is rated. It establishes that any interested party may use the “California Pest Rating Proposal (Form)” and that it is available from a website link with instructions for submission. Other than a minor wording change to Subsection 3162(c)(2), the Department does not propose amending this section.

Section 3162(d):

This section defines the process to review existing pest ratings. The Department is amending this section to change the time frame from assignment of a “Q rating to

proposal of a permanent rating from one year to two years. The Department is removing the requirement to review permanent ratings on a two-year schedule.

Section 3162(e):

This section establishes the “A” rating for pests which score high as a pest of agriculture or the environment and are not known to occur or are under official control. The section also describes the authorized official control actions for pests of this rating. The Department proposes the following amendments:

- Rewording the definition of the “A” rating for consistency and clarity.
- Subsection 3162(e)(1) replace the “conveyances” with “shipments”. Add the possibility of “held for inspection” as a potential control action.
- Subsection 3162(e)(3)(H) replace “Received” with “Transported” on the Notice of Rejection.
- Subsection 3162(e)(3)(R) correct the spelling of the word “Commissioner’s” on the Notice of Rejection.

Section 3162(f):

This section establishes the “B” rating for pests which have a medium score as a pest of agriculture or the environment and which are of limited distribution. The Department proposes to amend this section to specify and clarify the types of control actions taken for this pest.

Section 3162(g):

This section establishes the “C” rating for pests. The Department proposes to amend this section to change the “C” –rating to pests that score low as a pest and / or are of common occurrence and generally distributed in California.

Section 3162(h):

This section establishes the “D” rating for pests which score low as a pest of agriculture or the environment and are beneficial or are expected to cause no harm. The Department has amended this section to clarify and expand the definition of the “D”–rated pest.

Section 3162(i):

This section establishes the “Q” rating for pests which the Department expects to score high as a pest of agriculture or the environment and which are not known to occur in California, or the distribution is unknown. This rating may also be used for pests which are suspected as potentially harmful, but for which there may be inadequate scientific information to complete a Pest Rating Proposal. The Department is amending this section to clarify the definition of the “Q” –rated pest and the control actions which are authorized.

Section 3162(j)

The Department proposes adding a new section for “Z” –rated pests.

This section establishes the “Z” rating for pests which may be expected to score low as a pest of agriculture or the environment and and/or which are of common occurrence and generally distributed in California. This is a temporary pest rating assigned by the Identifying Scientist which is used until the Pest Rating Process described in Section 3162(b) has been completed. There are no authorized official control actions associated with this rating.

Section 3162(k):

This section establishes that the pest ratings shall be used in the enforcement of the nursery stock standards of cleanliness under Title, 3, California Code of Regulations, section 3060.2. The Department does not propose amending this section.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The implementation of these amendments will ensure:

- A uniform and efficient process for determining pest rating
- Uniform rating criteria
- Ability to regularly update the list

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3162 and has determined that it is not inconsistent or incompatible with existing state regulations.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The proposed amendments are designed to clarify existing pest rating procedures and are not expected to create or eliminate jobs or businesses in California, nor expand existing businesses in California.

The proposed amendments are not expected to have a direct effect on the health and welfare if California residents. The amendments are expected to be beneficial to the state’s environment by improving the pest rating system, which, in turn, serves a protective function for the environment.

DISCLOSURES REGARDING THE PROPOSED ACTION

A. Fiscal Effect on Local Government

The amendments to Section 3162 do not impose any new mandates on local agencies or school districts and

no reimbursement is required under Section 17561 of the Government Code.

There are no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts and no nondiscretionary costs or savings to local agencies or school districts anticipated from the adoption the Section 3162 amendments.

B. Fiscal Effect on State Government

The adoption of this regulation would have no fiscal impact on the Department. The processes for assigning pest ratings and the methods of official control under Section 3162 have been well established and the amendments are to clarify existing procedures. The Department is not aware of any specific economic impacts associated with the proposed amendments to these processes.

C. Fiscal Effect on Funding of State Programs

There are no expected savings or increased costs to any state agency, and no costs or savings in federal funding to the State will result from the adoption of the Section 3162 amendments.

D. Significant, Statewide Adverse Economic Impact Directly Affecting Business

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

E. Cost Impacts on Representative Private Person or Business

The adoption of these amendments to Section 3162 would have no economic impact on the agricultural industry, businesses, or the general public. The processes for assigning pest ratings and the methods of official control under Section 3162 have been well established and the amendments are to clarify existing procedures. The Department is not aware of any specific economic impacts associated with the proposed amendments to these processes.

F. Effect on Small Business

The Department does not anticipate that these amendments will affect small businesses. The amendments are clarifications of well-established procedures.

G. Housing Costs

The Department does not anticipate that these amendments will affect housing costs.

AUTHORITY

The Department proposes to amend CCR section 3162 pursuant to the authority vested by sections 403, 407, 5261 and 5262 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific section 407 of the Food and Agricultural Code.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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 Department of Food and Agriculture has determined that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is:

Dean Kelch
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Dr, Suite #200
Sacramento, CA 95833
dean.kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

In his absence, you may contact Karen Olmstead at (916) 403-6879. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 10. DEPARTMENT OF INSURANCE

JULY 1, 2020 WORKERS' COMPENSATION INSURANCE RATING RULES FILING

April 21, 2020

File No. REG-2020-00007

SUBJECT OF PROPOSED RULEMAKING

Notice is given that a public hearing will be held in response to a filing by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB"), submitted on April 20, 2020. The WCIRB proposes amendments to the Insurance Commissioner's Regulations pertaining to the Classification of Risks, Recording and Reporting of Data, Statistical Reporting and Experience Rating to be effective July 1, 2020, as follows:

- Approval of proposed amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.

- Approval of proposed amendments to the *California Workers' Compensation Experience Rating Plan — 1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.

HEARING

Public Hearing Date and Location

A public hearing will be conducted to permit all interested persons the opportunity to present statements or arguments, verbally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

May 18, 2020 — 10:00 a.m.

California Department of Insurance

TELEPHONIC PARTICIPATION ONLY

Toll-Free Telephone Number: 844-767-5679

Access Code: 927364

Participants will be given instructions on how to provide testimony once they have accessed the hearing. The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

Access to Telephonic Conference Call

This hearing will be open to the public. To make it possible for the Department to advise attendees of future rulemaking activity, as well as to aid the Department of Insurance in managing attendance, we request that you voluntarily RSVP as soon as possible, preferably by Thursday, May 14, 2020, by providing your name(s), the name of the organization you represent, and your contact information, including email address of each attendee to brentley.yim@insurance.ca.gov. An RSVP is not required to attend the telephonic conference and all attendees are invited to participate regardless of whether there was an RSVP.

The telephonic conference to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make specific arrangements, if necessary.

WRITTEN COMMENT PERIOD

Presentation of Written or Oral Comments; Contact Persons

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00**

p.m. on Monday, May 18, 2020. Please direct all written comments to the following contact person:

Brentley Yim, Attorney
California Department of Insurance
1901 Harrison St., 4th Floor
Oakland, CA 94612
Telephone: (415) 538-4113
brentley.yim@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Patricia Hein, Attorney
California Department of Insurance
1901 Harrison St., 6th Floor
Oakland, CA 94612
Telephone: (415) 538-4430
patricia.hein@insurance.ca.gov

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), your written and oral comments, and associated contact information (e.g., your address, phone number, e-mail, etc.) become part of the public record and can be released to the public upon request.

Deadline for Written Comments

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **5:00 p.m. on Monday, May 18, 2020.** Any written materials received after that time may not be considered.

Comments Transmitted by E-Mail or Facsimile

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: brentley.yim@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Brentley Yim and sent to the following facsimile number: (415) 904-5490. **Comments sent to e-mail addresses or facsimile numbers other than those designated in this notice will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

**PROCEEDINGS NOT SUBJECT TO
ADMINISTRATIVE PROCEDURE ACT**

The regulations contained in the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, and the *California Workers' Compensation Experience Rating Plan — 1995* pertain to the establishment

of workers' compensation insurance rates. Government Code Section 11340.9(g) states that the Administrative Procedure Act [Chapter 3.5 of the Government Code] shall not apply to regulations that establish or fix rates, prices, or tariffs, and the Office of Administrative Law has determined that these regulations are excluded from the requirements of the Administrative Procedure Act.

This Notice and any accompanying documents are being offered by the Commissioner to obtain written public comment before the Commissioner determines whether to approve the amendments to these regulations. The Commissioner shall issue an Order regarding his determination pursuant to Insurance Code Section 11734.

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation classification of risks and statistical reporting rules are set forth in Title 10, California Code of Regulations, Section 2318.6. The workers' compensation experience rating regulations are set forth in Title 10, California Code of Regulations, Section 2353.1. These regulations are promulgated by the Insurance Commissioner pursuant to the authority granted by Insurance Code Section 11734.

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734 and 11751.5, the Insurance Commissioner has designated the WCIRB as his statistical agent. As the designated statistical agent, the WCIRB collects insurer data and recommends revisions to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* and the *California Workers' Compensation Experience Rating Plan — 1995* for approval. Adherence to the regulations contained in the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* and the *California Workers' Compensation Experience Rating Plan — 1995* is mandatory for insurers. However, Insurance Code Section 11734 provides that an insurer may develop its own classification system if it is filed with the Insurance Commissioner 30 days prior to its use and is not disapproved by the Insurance Commissioner for failure to demonstrate that the data produced by the insurer's classification system can be reported consistently with the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* or the standard classification system developed by the WCIRB and approved by the Insurance Commissioner.

The amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, and the *California Workers' Compensation Experience Rating Plan — 1995* are summarized below.

Amendments to the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, Title 10, California Code of Regulations, Section 2318.6, Effective July 1, 2020

1. Amend Part 1, *General Provisions*, Section I, *Introduction*, Rule 3, *Effective Date*, to show that the effective date of the amended USRP is 12:01 a.m., July 1, 2020.
2. Amend Section III, *General Classification Procedures*, to add Rule 7, *Coronavirus Disease 2019 (COVID-19)*, to permit during a statewide California COVID-19 stay-at-home order, and until sometime thereafter (1) the division of an employee's payroll between Classification 8810, *Clerical Office Employees*, and a non-standard exception classification when the employee's work is exclusively clerical in nature, and (2) payments made to an employee while the employee is performing no duties of any kind in service of the employer to be excluded from payroll when the payments are equal to or less than the employee's regular rate of pay.
3. Amend Section IV, *Exposure Information*, Rule 1, *Classification Code*, and Rule 4, *Exposure Amount*, to report payments excluded from remuneration pursuant to Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 7, *Coronavirus Disease 2019 (COVID-19)*.
4. Amend Section V, *Loss Information*, Rule B, *Loss Data Elements*, Subrule 4, *Catastrophe Number*, to (1) add Catastrophe Number 12 for the reporting of COVID-19 claims, and (2) eliminate the reference to claims arising from the commercial airline hijackings of September 11, 2001 since these rules are now obsolete.
5. Amend Appendix II, *Payroll/Remuneration Table*, for consistency with other proposed changes.
6. Amend Appendix III, *Injury Description Codes*, Section B, *Nature of Injury (Positions 3-4)*, and Section C, *Cause of Injury (Positions 5-6)*, to add a Nature of Injury code and a Cause of Injury Code for COVID-19 claims.

Amendments to the California Workers' Compensation Experience Rating Plan — 1995, Title 10, California Code of Regulations, Section 2318.6, Effective July 1, 2020

1. Amend Section I, *General Provisions*, Rule 2, *Effective Date*, to show that the effective date of the amended Experience Rating Plan is 12:01 a.m., July 1, 2020.

2. Amend Section VI, *Rating Procedure*, Rule 2, *Actual Losses and Actual Primary (Ap) Losses*, to (1) specify that all claims directly arising from a diagnosis of Coronavirus disease 2019 (COVID-19) shall not be reflected in the computation of an experience modification and (2) eliminate the reference to claims arising from the Terrorism Risk Insurance Act of 2002, as amended, since these rules are now obsolete.

CONTACT PERSON

The name and telephone number of the agency representative and designated contact person are listed above under "WRITTEN COMMENT PERIOD."

AVAILABILITY STATEMENTS

The Commissioner has prepared an Informative Digest included in this Notice that sets forth a summary and the reasons for the proposed regulations. Upon request to the contact persons above, the text of the proposed regulations shall be made available for inspection and copying.

The file for this action, which includes a copy of the proposed regulations, the WCIRB's filing, and any supplemental information, is contained in the Rulemaking File: REG-2020-00007 and is available for inspection by requesting an electronic copy or by requesting an in-person review and copy by prior appointment at 1901 Harrison Street, 4th Floor, Oakland, California 94612, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

The express terms of the proposed regulations as contained in the WCIRB's filing may also be viewed or downloaded from the Regulatory Filings section of the WCIRB website: www.wcirb.com.

INTERNET ACCESS

Documents concerning these proposed regulations are available on the Department's website at the following link: www.insurance.ca.gov/0250-insurers/0500-legal-info/0200-regulations/proposed-regulations.cfm.

APPROVAL OF REGULATIONS

Following the time period to receive written comment, the Insurance Commissioner may approve regulations substantially as described in this Notice and Informative Digest, or he may approve modified regulations or refuse to approve the regulations. Notice of the Insurance Commissioner's action will be sent to all per-

sons who have requested notice of the Commissioner's action.

**TITLE 14. DEPARTMENT OF
PARKS AND RECREATION**

**NATURAL RESOURCES
GRANTS AND COOPERATIVE AGREEMENTS
PROGRAM REGULATIONS**

NOTICE IS HEREBY GIVEN the California Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend the regulations in the California Code of Regulations, Title 14, Division 3, Chapter 15, Articles 1 through 5 (CCR), Sections 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.07.1, 4970.07.2, 4970.08, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.12, 4970.13, 4970.14, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.15.4, 4970.17, 4970.17.1, 4970.18, 4970.19, 4970.19.1, 4970.19.2, 4970.19.3, 4970.19.4, 4970.19.5, 4970.19.6, 4970.20, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2, Grants and Cooperative Agreements Program — Appendix (Appendix) and adopt CCR Sections 4970.05.2, 4970.08.1, 4970.08.2 pertaining to the Off-Highway Motor Vehicle Recreation Division (OHMVR Division) Grants and Cooperative Agreements Program (Program).

PUBLIC HEARING

The Department has scheduled a telephonic public hearing on the proposed rulemaking. The hearing will be held on June 23, 2020 and can be accessed through the conference line number below. The meeting will commence at 3:00 p.m.

Conference Line: 1 (877) 952-2063
Participant Code: 31875622

The Department may consider scheduling two in-person public hearings on the proposed rulemaking, in lieu of the telephonic public hearing, if current State emergency restrictions are lifted.

The first in-person public hearing will be held in Bakersfield on June 23, 2020. The meeting will commence at 3:00 p.m.

The location of the first hearing, if available, is:

Kern County Public Services Building
2700 M Street
Bakersfield, California

The second in-person public hearing will be held in Sacramento on June 25, 2020. The meeting will commence at 3:00 p.m.

The location of the second hearing, if available, is:

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
1725 23rd Street, Suite 200
Sacramento, CA

If in-person public hearings are held, the Department will provide reasonable notice of the hearings and hearing locations through its interested parties email list and the OHMVR Division webpage at ohv.parks.ca.gov.

Any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the subject matter open to discussion or consideration becomes part of the public record. Such information shall be retained by the Department and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends on June 22, 2020. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
Attn: Sixto Fernandez, Grants Manager
Grants and Cooperative Agreements
1725 23rd Street, Suite 200
Sacramento, California 95816-7100

Written comments delivered by email or facsimile will also be accepted by the Department. Written comments may be submitted by email to OHV.Grants@

parks.ca.gov or via facsimile at (916) 324–1610. Electronic mail or facsimile transmission must be completed by the deadline given above.

AUTHORITY AND REFERENCE

Authority Citation: The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5024.1, 5090.01 through 5090.65 and 21000 et seq.; Vehicle Code Sections 38001 and 38006; Education Code Sections 210.3 and 66010.4; 25 CFR Section 83.5(a); 40 CFR part 1500.1 et seq.; U. S. IRC Section 501(c)(3); USC Title 42, Section 4371.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

PRC Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003, as amended, governs the OHMVR Division’s Grants and Cooperative Agreements with cities, counties, Districts, U.S. Forest Service, U.S. Bureau of Land Management, other Federal Agencies, State and Federally Recognized Native American Tribes, Nonprofit organizations, Educational Institutions, Certified Community Conservation Corps, and State agencies.

The Program is administered by the Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality OHV Recreation areas, roads, trails, and other facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV Recreation. Assistance is provided in the form of Project-specific Grant funding. Grants are awarded through a competitive process where Applicants and their Projects are evaluated using objective criteria.

Effect of the Proposed Rulemaking

Generally, the proposed regulatory revisions will eliminate inconsistencies of terms within the regulations and make the regulatory language more concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

Specifically, the proposed regulatory revisions would:

Article 1. General Provisions Amend CCR Section 4970.00

The proposal clarifies that the Program regulations pertain to Grant Applications received on or after the first day of the year for each new Grants cycle and updates the PRC reference section citation.

Amend CCR Section 4970.01

The proposal makes the section language consistent with all sections of the CCR and makes other grammatical changes; clarifies the meaning of statements within the regulatory language, provides more clear definition of terms used throughout the CCR, and/or makes statements more specific; and repeals reference to specific auditing standards requirement; adopts a motorized requirement in the Equipment definition.

Amend CCR Section 4970.02

The proposal makes grammatical changes to the section language and updates the Public Resources Code Reference section citation.

Amend CCR Section 4970.03

The proposal amends the Section title and makes the section language consistent with all other sections of the CCR.

Amend CCR Section 4970.04

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by updating the section table.

Amend CCR Section 4970.05

The proposal amends the section numbering due to proposed adoption of new Section 4970.05.2; makes the section language consistent with all sections of the CCR, including reference to documents in the Appendix, and makes other grammatical changes; removes redundant language, clarifies the meaning of statements within the regulatory language, and/or makes statements more specific; update the Grants and Cooperative Agreements Program Regulations — Appendix version date; clarifies an Applicant’s required public notification of Application cannot be any sooner than the start of the current Grant cycle; amends reference to the Grants and Cooperative Agreements Program Regulations — Appendix, as incorporated by reference; specifies cash value for volunteer time shall be determined using the Independent Sector California hourly rate instead of the Grantee’s paid classification rate; moves and consolidates nonprofit organization Application requirements to new proposed Section 4970.05.2; repeals land management goal description as part of the Land Manager letter requirement; and specifies Application limits of an Applicant who may be under investigation, commits unsound business practices, or are alleged to have committed fraud.

Adopt CCR Section 4970.05.2

The proposal moves and consolidates nonprofit organization Application requirements from Section 4970.05, incorporates by reference the new Grants and Cooperative Agreements Program Nonprofit Certification form as an Application requirement, and adds Authority and Reference section citations.

Subarticle 1. Environmental Requirements Administration Procedures

Amend CCR Section 4970.06.1

The proposal amends the Section title, makes statements more specific, and makes the section language consistent with all other sections of the CCR.

Amend CCR Section 4970.07

The proposal moves the On-line Grant Application definition and guidance to Section 4970.01, removes redundant reference to nonprofit status and updates CCR reference, makes the section language consistent with all sections of the CCR, including reference to documents in the Appendix, and makes other grammatical changes.

Amend CCR Section 4970.07.1

The proposal clarifies the Division's referenced webpage.

Amend CCR Section 4970.07.2

The proposal makes the section language consistent with all sections of the CCR.

Amend CCR Section 4970.08

The proposal makes the section language consistent with all sections of the CCR, including reference to documents in the Appendix, and makes other grammatical changes; clarifies the meaning of statements within the regulatory language, and/or makes statements more specific; corrects reference to the California Department of Human Resources website; separates eligible transportation costs into nonprofit Grantees and other Grantee subsections; eliminates a nonprofit organization's allowance for transportation costs, in excess of 100 miles, to be used as matching Grant funds; clarifies reimbursement for transportation costs for other Grantees is allowed from base of operations to the Project site; and repeals and moves eligible Equipment cost requirements for nonprofit Grantees in Section 4970.08(b)(12), and other Grantees in Section 4970.08(b)(13), to new Sections 4970.08.1 and 4970.08.2 respectively.

Adopt CCR Section 4970.08.1

The proposal restructures and adopts language from repealed Section 4970.08(b)(12) into new Section 4970.08.1 regarding eligible equipment costs for nonprofit Grantees; clarifies the meaning of statements within the regulatory language, and/or makes state-

ments more specific; repeals requirement that all equipment lists the Division as the lien holder; adopts an equipment use fee reimbursement limit for Equipment acquired with funds outside the Program; adopts a provision allowing reimbursement of Equipment maintenance costs and repairs (with specific limitations) on Equipment acquired with Grant funds from the Program; adopts provisions allowing reimbursement of Heavy Equipment fuel costs on equipment acquired with funds outside the Program and equipment acquired with Grant funds from the Program; adopts a provision allowing reimbursement of Heavy Equipment maintenance costs (with specific limitations) on Heavy Equipment acquired with Grant funds from the Program; and adds Authority and Reference section citations.

Adopt CCR Section 4970.08.2

The proposal adopts language regarding eligible equipment costs for Grantees excluding nonprofit Grantees; adopts a provision allowing reimbursement of equipment use fees for equipment acquired with funds outside the Program; adopts a provision allowing reimbursement of equipment fuel costs used on Project activities; adopts a provision allowing reimbursement of regular maintenance on equipment acquired with Grant funds from the Program; adopts a provision allowing reimbursement of equipment transportation costs from its normal storage location to the Project site; adopts a provision allowing reimbursement of equipment repair due to normal wear and tear of equipment provided the Grantee justifies and is approved by the Division for repairs; adopts a requirement that the cost of equipment shall not exceed the minimum requirements for completion of the Project; and adds Authority and Reference section citations.

Amend CCR Section 4970.09

The proposal makes the section language consistent with all sections of the CCR; clarifies the meaning of statements within the regulatory language, and/or makes statements more specific; adds language stating purchases made and not used on the Project may be ineligible for reimbursement; and adds Project recognition activities are ineligible for reimbursement.

Article 2. Types of Projects and Specific Application Requirements

The proposal amends the Section title.

Amend CCR Section 4970.10

The proposal adds an Acquisition Project type exception for a \$1,500,000 maximum funding request for that project type.

Amend CCR Section 4970.10.1

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, removes redundant language, updates CCR

reference, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.10.2

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, reorders subsections to be consistent with Sections 4970.10.1 and 4970.10.2, removes redundant language, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.10.3

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, removes redundant language, reorders subsection language to be consistent with similar subsections, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.10.4

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, makes the section language consistent across all sections of the CCR, and divides subsection (e)(1) into four separated subsections.

Amend CCR Section 4970.11

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, removes redundant language, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.12

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, reorders subsection language to be consistent with similar subsections, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.13

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, makes the section language consistent across all sections of the CCR, and adds additional Application requirements for education curriculum standards.

Article 3. Application Evaluation System and Funding

Amend CCR Section 4970.14

The proposal clarifies the meaning of statements within the regulatory language and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.14.1

The proposal clarifies the meaning of statements within the regulatory language and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.14.3

The proposal clarifies the meaning of statements within the regulatory language, makes statements more

specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.15.1

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.15.2

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.15.3

The proposal clarifies the Division's determination of proportional funding for law enforcement Grants.

Amend CCR Section 4970.15.4

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.17

The proposal makes the section language consistent.

Amend CCR Section 4970.17.1

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.18

The proposal makes the section language consistent across all sections of the CCR.

Article 4. Project Administration Procedures

Amend CCR Section 4970.19

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, makes the section language consistent across all sections of the CCR, removes redundant section of subsection (a), and clarifies an OHV Grant Agreement cannot be executed if any State grant refund is due to the State.

Amend CCR Section 4970.19.1

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.19.2

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, makes the section language consistent across all sections of the CCR, and specifies a Project Cost Estimate adjustment may be denied if the adjustment does not have prior approval by the Division.

Amend CCR Section 4970.19.3

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and divides subsection (b) into two separated subsections.

Amend CCR Section 4970.19.4

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.19.5

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.19.6

The proposal clarifies the meaning of statements within the regulatory language and makes statements more specific.

Amend CCR Section 4970.20

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR; requires equipment acquired with Grant funds from the Program is kept in Grantee's inventory for its useful life; adopts exceptions to the provision that equipment is only used on Projects for which it was purchased, including where equipment was partially acquired with funds outside the Program the equipment may be used for non-Project activities and where equipment is used for other OHV purposes the Grantee is required to obtain Division approval for the equipment use; and repeals language pertaining to disposition of equipment no longer in usable condition and the transfer of surplus equipment and instead requires a Grantee to obtain written Division approval prior to the disposition of any equipment, deletes reference to Section 4870.08(13)(B) as that subsection has been repealed.

Amend CCR Section 4970.22

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR; repeals specific record keeping requirements and replaces with a general statement of record keeping requirements and clarifies the requirements apply to associated Project contractors and subcontractors; adopts transportation record keeping requirements; specifies additional Equipment use record keeping requirements; specifies additional record keeping requirements for matching funds expenditures specific to volunteer logs and specifies cash val-

ue for volunteer time shall be determined using the Independent Sector California hourly rate instead of the Grantee's paid classification rate.

Amend CCR Section 4970.23

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.23.1

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend CCR Section 4970.23.2

The proposal amends the Section title, clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent with all sections of the CCR, including reference to documents in the Appendix, and makes other grammatical changes.

Amend CCR Section 4970.24.1

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, makes the section language consistent across all sections of the CCR, and specifies required Equipment photographs include the OHV sticker and Vehicle Identification Number.

Amend CCR Section 4970.24.2

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Subarticle 1. Audits

Amend CCR Section 4970.25.1

The proposal amends the Section title, clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR; repeals subsection (b) requirements and relocates and further specifies these requirements in amended renumbered subsection (c), including additionally requiring auditor access to all Project records and interview Project staff during normal business hours; and repeals provision requiring the Department Audit Office to coordinate with the Division to confirm completion of Project deliverables.

Amend CCR Section 4970.25.2

The proposal clarifies the meaning of statements within the regulatory language, makes statements more specific, and makes the section language consistent across all sections of the CCR.

Amend Grants and Cooperative Agreements Program — Appendix (Rev. 1/19)

The proposal updates the Appendix version, Table of Contents, Public Review Process form, Project Accomplishment Report — Law Enforcement form, and adopts a new Nonprofit Certification form.

Comparable Federal Regulations

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

Policy Statement Overview and Anticipated Benefits of the Proposed Rulemaking

The overall objective of the proposed action is to improve the Program’s regulatory language, documents incorporated by reference, and ensure public funds are being spent wisely and within the State’s best interest in supporting motorized recreation. These proposals, based on Division experience implementing the Program, will also reduce confusion for Applicants and Grantees and make the regulatory language concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

Determination of Inconsistency/Incompatibility with Existing Regulations

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning grants that support the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

Grants and Cooperative Agreements Program — Appendix (Rev. 1/19)

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Cost to any Local Agency or School District: None.

Cost or Savings to any State Agency: None.

Other Non-Discretionary Cost or Savings Imposed of Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Significant Effects on Housing Costs: None.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department finds that jobs, at worst would not be affected, but, most likely may see an increase in the creation of jobs. Additionally, the Department finds that at worst, no new business will be created and no business will be eliminated; however, the Department finds that it is likely that private businesses may be created and/or expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that assists Land Managers and partners to provide recreational opportunities within the State. This regulatory action also benefits the State’s environment by improving the funding method that supports resource protection and Restoration activities related to OHV Recreation.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

BUSINESS REPORTING

None.

SMALL BUSINESS DETERMINATION

The Department has determined there are no cost impacts on small businesses. Program history has shown that small businesses benefit by the Program. Many of the Grant funds go to entities that utilize small business-

es when they purchase goods and services. The proposed changes will provide a more streamline and efficient program that should boost the ability of small business to capture revenue from the various Grantees.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or 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 Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period or at the public hearing.

CONTACT PERSON(S)

Inquiries concerning the proposed action may be directed to:

Sixto Fernandez, Grants Manager
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
1725 23rd Street, Suite 200
Sacramento, CA 95816
(916) 324-1572
sixto.fernandez@parks.ca.gov.

The back-up contact person regarding the proposed action is:

Ethan Mathes, Compliance Officer
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
1725 23rd Street, Suite 200
Sacramento, CA 95816
(916) 323-0157
ethan.mathes@parks.ca.gov.

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

The Department will make the entire rulemaking available for inspection and copying throughout the rulemaking process at its office located at California Department of Parks and Recreation, Off-Highway

Motor Vehicle Recreation Division, 1725 23rd Street, Suite 200, Sacramento, CA 95816.

As of the date this Notice of Proposed Rulemaking is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, the express terms of the regulation, the Initial Statement of Reasons, any information upon which the proposed rulemaking is based, and an economic impact assessment contained in the Initial Statement of Reasons. Copies may be obtained by contacting the above contact person at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice of Proposed Rulemaking. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Sixto Fernandez, Grants Manager, at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout are available through the Division Website at www.ohv.parks.ca.gov, under the Grants link.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 7071 and 7078 of the Fish and Game Code and to implement, interpret or make specific Section 7071 of said Code, proposes to amend sections 163 and 164, Title 14, California Code of Regulations, relating to commercial Pacific Herring eggs on kelp regulations that implement the California Pacific Herring Fishery Management Plan (Herring FMP).

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

At its October 10, 2019 meeting, the Commission adopted the Herring FMP and implementing regulations, which included sections 163 and 164, Title 14, California Code of Regulations (CCR). Under those regulations, Pacific Herring (Herring) and Herring eggs on kelp (HEOK) may be taken for commercial purposes under a revocable permit, subject to such regulations as the Commission shall prescribe. Current regulations in sections 163 and 164, Title 14, CCR specify the number of permits that may be held by an individual, fishing areas, seasons, gear restrictions, and notification requirements for the HEOK fishery.

In response to permittee feedback on the HEOK regulations set forth in sections 163 and 164, Title 14, CCR, the Department of Fish and Wildlife (Department) is proposing several regulatory changes with the intent of providing for the efficient harvest and orderly conduct of the HEOK fishery. These proposed regulatory changes include 1) permittee on board requirements, 2) adding rinsing in the definition of processing, 3) gear marking requirements, 4) noise reduction measures, 5) marine mammal deterrent devices, and 6) weekend landings requirements. No changes are proposed to the Herring FMP itself, and of the Herring FMP implementing regulations adopted by the Commission in October 2019, only sections 163 and 164, Title 14, CCR are proposed for amendment.

The following is a summary of the changes proposed for sections 163 and 164, Title 14, CCR:

1. Amend subsection 163(e)(3)(B) to modify language regarding the requirement of a permittee or authorized agent to be aboard any vessel engaged in fishing HEOK by changing the requirement to ‘immediately present during’ while harvesting, processing or transporting HEOK.
2. Amend subsection 164(a) to modify language to clarify that the definitions in this section apply only to the HEOK fishery.
3. Amend subsection 164(a)(1) to add “the period during which kelp is suspended in anticipation of harvesting” to the definition of fishing, as well as itemize subsections of the definition for clarity.
4. Amend subsection 164(a)(3) to add “rinsing” to the definition of processing.
5. Amend subsection 164(d)(1)(E) to modify light marking requirements so they only apply while lines are fishing, exclusive of suspending and harvesting kelp.
6. Amend subsection 164(d)(1)(F) to add language to clarify the buoy marking requirement and that

the Department registration number of the designated vessel is listed on the HEOK permit.

7. Amend subsection 164(f) to modify language regarding the noise reduction rule by eliminating language that applies to gill net gear.
8. Amend subsection 164(g) to remove “marine mammal deterrent devices”, thus allowing for reasonable action by HEOK permittees to protect marketable product.
9. Amend subsection 164(h)(4) to reinstate weekend landings of HEOK product.

Editorial changes are also proposed to sections 163 and 164, Title 14, CCR, to remove the dates associated with forms DFW 1322–2, DFW 1377, and DFW 1406, as the current date of each form is already indicated in Section 705, Title 14 CCR.

Additionally, the authority and reference citations in sections 163 and 164, Title 14, CCR will be updated to remove Fish and Game Code sections 8389 and 8550, which became inoperative following the Commission’s adoption in October 2019 of the Herring FMP (per Fish and Game Code Section 7071).

Benefits of the Proposed Regulations

It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California’s marine living resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, recognizing the importance to the economy and the culture of California of sustainable sport and commercial fisheries and the development of commercial aquaculture consistent with marine living resource conservation policies, managing marine living resources on the basis of the best available scientific information and other relevant information that the Commission or Department possesses or receives, and involving all interested parties, including, but not limited to, individuals from the sport and commercial fishing industries, aquaculture industries, coastal and ocean tourism and recreation industries, marine conservation organizations, local governments, marine scientists, and the public in marine living resource management decisions.

In consideration of the above policy, the proposed regulatory action will benefit fishermen, processors, and the State’s economy in the form of a healthy sustainable fishery, future harvestable Herring populations, and the removal of burdensome or unnecessary regulations that are not applicable to the HEOK fishing sector.

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that

the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial take of Herring (Fish and Game Code Section 8550), and the power to adopt fishery management plan implementing regulations (Fish and Game Code sections 7071 and 7078). No other State agency has the authority to promulgate regulations concerning commercial take of Herring and fishery management plan implementation. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has searched the California Code of Regulations and finds no other State agency regulations pertaining to the commercial take of Herring and fishery management plan implementation.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Holiday Inn Orange County Airport, 2726 S. Grand Avenue, Santa Ana, California 92705, on June 24, 2020 at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 11, 2020 at 5:00 p.m. at the address given below, or by email to FGC@fgc.ca.gov. All comments must be received no later than June 24, 2020 at the hearing in Santa Ana, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or David Thesell at the preceding address or phone number. **Thomas Greiner, Environmental Scientist, Department of Fish and Wildlife, (707) 576-2876 or Tom.Greiner@wildlife.ca.gov has been designated to respond to questions on the substance of the proposed regulations.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action/Results of the Economic Impact Assessment

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, as the proposed regulatory changes are intended to simply provide clarification to accommodate HEOK permittee requests. The proposed regulations will support the viability of the fishery, help improve the quality of the product, and remove or update burdensome or unnecessary regulations that are not applicable to the HEOK fishing sector.

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

The Commission does not anticipate any impact on the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California. The Commission also does not anticipate any benefits to the health and welfare of California residents or worker safety. The proposed regulatory changes are intended to simply provide clarification to accommodate HEOK permittee requests. The proposed regulations will support the viability of the fishery, help improve the quality of the product, and

remove or update burdensome or unnecessary regulations that are not applicable to the HEOK fishing sector.

The Commission anticipates some benefit to the state’s environment through the sustainable management of herring egg harvest and of kelp forest habitats to foster and support a diverse balance of species.

- (c) Cost Impacts on a Representative Private Person or Business:

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 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
June 26, 2020
9:00 a.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 **June 23, 2020** or must be received by the CBA at the hearing. The CBA, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference:

Pursuant to the authority vested by Sections 5010, 5018 and 5116 of the Business and Professions Code¹ (BPC); and Section 11400.20 of the Government Code (GC), and to implement, interpret, or make specific Sections 480, 481, 482, 486, 493, 5018, 5100, 5106, 5112, 5115, 5116, 5116.1, 5116.2, 5116.3, 5116.4, 5116.5 and 5116.6 of the BPC; Section 11425.50(e) of the Government Code, and Section 1203.4 of the Penal Code, the CBA is considering changes to Division 1 of Title 16 of the California Code of Regulations² (CCR), as described herein.

INFORMATIVE DIGEST

A. Informative Digest

The CBA is a board within the Department of Consumer Affairs (DCA) responsible for regulation of the public accounting practice in California. The CBA pro-

¹ Unless otherwise specified, all sections refer to the Business and Professions Code.

² Unless otherwise specified, all California Code of Regulations sections refer to title 16.

poses to amend sections 98, 99, 99.1, and 99.2 of title 16 of the CCR relating to the denial, suspension, and revocation of a certificate, permit or license (collectively, license³) issued by the CBA and the assessment of administrative penalties for violations of the Accountancy Act.

Existing law, BPC 5112, authorizes the CBA to deny a license based on the grounds described in Section 5100.

Existing law, BPC 5100, authorizes the CBA to revoke, suspend, censure or refuse to renew a license issued by the CBA.

Existing law, BPC section 5116, requires the CBA to establish criteria for assessing administrative penalties for violations of the Accountancy Act. This proposal would revise CBA regulations to update the disciplinary guidelines that establish criteria for assessing administrative penalties. GC section 11425.50(e) specifies that a penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application or other rule unless it has been adopted as a regulation. Current CBA regulation, CCR section 98, incorporates by reference the CBA’s “A Manual of Disciplinary Guidelines and Model Disciplinary Orders, 9th edition, 2013” (Disciplinary Guidelines). The CBA is proposing to amend CCR section 98 to update its Disciplinary Guidelines.

As a result of updated statutory provisions in Assembly Bill No. 2138 (Chiu and Low, Chapter 995, Statutes of 2018) (AB 2318), the CBA is proposing to amend CCR sections 99 and 99.1, and adopt CCR section 99.2. On September 30, 2018, AB 2138 was enacted, amending provisions of the BPC relating to DCA boards’ authority to deny, revoke, or suspend a license, effective July 1, 2020. AB 2138 requires boards to amend existing criteria regarding crimes substantially related to the regulated profession and rehabilitation criteria.

Currently, the CBA may deny an application for licensure based on a conviction of a crime or act that is substantially related to the qualifications, functions or duties of a certified public accountant or public accountant, with certain limitations, and suspend or revoke a license on the basis that the licensee was convicted of a substantially related crime. CCR section 99 of the CBA’s regulations includes criteria relating to the identification of substantially related crimes, and CCR section 99.1 establishes criteria to evaluate a person’s rehabilitation when considering the denial, suspension or revocation of a license.

In addition, AB 2138 authorizes certain specified boards, including the CBA, to deny a license if the ap-

plicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the regulated profession. The CBA is proposing the addition of CCR section 99.2 to address the criteria for such financial crimes.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This regulatory proposal incorporates the changes necessary to be compliant with AB 2138 and amends the Disciplinary Guidelines to provide a reference for the consistent enforcement of the laws under the CBA’s jurisdiction. The anticipated benefits of this proposal include providing clearer and updated guidance for the CBA’s licensing and disciplinary functions for protection of the public.

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.

INCORPORATION BY REFERENCE

- Disciplinary Guidelines and Model Orders (10th edition, 2019)

FISCAL IMPACT ESTIMATES

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

The cost is insignificant as electronic distribution via the CBA’s website and email are the predominant forms of dissemination of the CBA’s regulations and Disciplinary Guidelines. A paper copy of the Disciplinary Guidelines is available only by request. In addition, the CBA may be reimbursed costs for probation monitoring if included as a condition of probation. The amount reimbursed would vary based on the number of probationers with this condition of probation and the actual conditions of probation being monitored by board staff.

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 Cali-

³ Unless otherwise expressly provided, “license” means license, certificate, registration, or other means to engage in a business or profession. (Bus. & Prof. Code, § 23.7.)

fornia businesses to compete with businesses in other states.

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

The CBA currently regulates approximately 108,000 licensees, including certified public accountants, public accountants, and accounting firms. This regulatory proposal updates the Disciplinary Guidelines, which are referenced by the CBA and Administrative Law Judges (ALJs) when imposing discipline on licensees. Therefore, any “adverse economic impact” would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the CBA’s laws or regulations. Any potential “adverse economic impact” may be avoided simply by complying with the law.

There are several amendments to the Disciplinary Guidelines that will have minimal economic costs, specifically, the inclusion of the ethics continuing education requirement and regulatory review course that will become standard conditions of probation. These terms are presently incorporated in the Disciplinary Guidelines as optional conditions of probation; however, as these provisions are being utilized in a majority of the CBA’s disciplinary matters, the economic costs will impact only a limited number of licensees.

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 only affects individuals with a criminal history and individuals and/or businesses (accounting firms and sole proprietors) that are disciplined for violations of the Accountancy Act and CBA Regulations.

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 ex-

isting 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 regulatory proposal would allow the CBA to provide clear guidance in its licensing and enforcement processes. The proposed regulations also ensure consumer protection by providing the CBA and ALJs with updated guidelines to reference when imposing disciplinary action on licensees and providing standards for the consistent and appropriate enforcement of the laws under the CBA’s jurisdiction.

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, 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, Suite 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 rulemaking action may be addressed to:

Name:

Melissa Winchell

Address:

2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833

Telephone No.:

916-561-1726

Fax No.:

916-263-3673

E-Mail Address:

melissa.winchell@cba.ca.gov

The backup contact person is:

Name:

Dominic Franzella

Address:

2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833

Telephone No.:

916-561-4310

Fax No.:

916-263-3673

E-Mail Address:

dominic.franzella@cba.ca.gov

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

TITLE 20. CALIFORNIA ENERGY
COMMISSION

MODIFICATION OF REGULATIONS
SPECIFYING ENFORCEMENT PROCEDURES
FOR THE RENEWABLES PORTFOLIO
STANDARD FOR LOCAL PUBLICLY OWNED
ELECTRIC UTILITIES

California Energy Commission
Docket No. 16-RPS-03
May 2020

INTRODUCTION

The California Energy Commission (CEC) proposes to modify existing regulations establishing enforcement rules and procedures for the Renewables Portfolio Standard (RPS) for local publicly owned electric utilities (POUs) under Article 16 (commencing with section 399.11) of Chapter 2.3 of Part 1 of the Public Utilities Code. The proposed action is taken under the authority of sections 25213 and 25218 (e) of the Public Resources Code and section 399.30 of the Public Utilities Code. The proposed regulations will implement, interpret, and make specific several provisions of Public Utilities Code sections 399.13, 399.15, 399.16, 399.18, 399.30, and 399.33.

This rulemaking will update the RPS program for POUs to implement changes to RPS procurement requirements, optional compliance measures, reporting requirements, and special exemptions and exclusions. The rulemaking also updates other aspects of the program to facilitate implementation and improve clarity.

PUBLIC HEARINGS

Lead Commissioner Workshop/Hearing

The CEC's Lead Commissioner for Renewable Energy, Karen Douglas, will hold a workshop/hearing on the proposed regulations. At this time, the workshop/hearing is expected to be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. Unless the order is lifted, the public is able to participate and observe the workshop/hearing consistent with the direction in these Executive Orders. If anything changes and in-person attendance is allowed, an update to the meeting instructions will be

provided. Instructions for remote participation are below.

June 8, 2020

10:00 a.m.

Anticipated Remote Access Only

Remote access is available by computer or phone via [WebEx](https://energy.webex.com/).(tm) For details, go to <https://energy.webex.com/>.

At this workshop/hearing, any person may present oral and written comments on the proposed regulations. Persons may submit written comments as specified below. If possible, please submit written comments to be considered at the workshop/hearing by June 1, 2020. The CEC appreciates receiving written comments at the earliest possible date.

WebEx is the CEC’s online meeting service. When attending remotely, presentations will appear on your computer/laptop/mobile device screen, and audio may be heard via the device or telephone. Please be aware that the WebEx meeting will be recorded. WebEx technical support is available at 1-866-229-3239, or you may contact the CEC’s Public Advisor’s Office at publicadvisor@energy.ca.gov, or 800-822-6228.

Participation Via Computer:

Go to the [CEC WebEx page](https://energy.webex.com/ec) at <https://energy.webex.com/ec>. If this event is listed, click “Join.” If not, click “Unlisted Events” on the left of the screen and enter event number **927 788 433**. When prompted, enter your name and email address. A password has been added to this event. The password is: **RPSregs@10**.

The “Join Conference” menu will offer you a choice of audio connections:

1. To call into the meeting, select “I will call in” and follow the on-screen directions.
2. International attendees, select “Global call-in number.”
3. To have WebEx call you, enter your phone number and click “Call Me.”
4. For Internet audio: If you have a broadband connection, a headset, or a computer microphone and speakers, you may use VoIP (Internet audio). Go to the audio menu and click “Use Computer Headset,” then “Call Using Computer.”

Participation Via Telephone Only:

Dial **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted, enter event number **927 788 433**. International callers may select a number from the [WebEx International Call Number List](https://energy.webex.com/energy/globalcallin.php) at <https://energy.webex.com/energy/globalcallin.php>.

Participation Via Mobile Device:

Download the application from the [WebEx Mobile site](http://www.webex.com/products/web-conferencing/mobile.html), www.webex.com/products/web-conferencing/mobile.html.

Adoption Hearing

The CEC will hold a public hearing for consideration and possible adoption of the proposed regulations on the following date and time unless the CEC decides to consider changes to the Express Terms of the proposed regulations.

CEC Business Meeting

August 12, 2020

10:00 a.m.

Warren-Alquist State Energy Building

1516 Ninth Street

Art Rosenfeld Hearing Room

Sacramento, California 95814

(Wheelchair Accessible)

At this adoption hearing, any person may present oral or written comments on the proposed regulations. Persons may submit written comments as specified below.

Audio for the August 12, 2020, adoption hearing will be available by telephone and will be broadcast over the internet via WebEx. The adoption hearing may be held entirely remotely, consistent with Executives Orders N-25-20 and N-29-20, and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19, if the orders are not yet lifted. Further information regarding telephone and WebEx participation for the adoption hearing will be included in the agenda for the [CEC Business Meeting](#), which will be available at the link below on or about July 31, 2020: <https://www.energy.ca.gov/proceedings/business-meetings>.

Public Advisor:

The CEC’s Public Advisor’s Office provides the public with assistance in participating in CEC proceedings. For information on how to participate in this proceeding, or to request language services or other reasonable accommodations, please contact the CEC’s Public Advisor Noemí O. Gallardo, at publicadvisor@energy.ca.gov, by phone at (916) 654-4489 or toll free at (800) 822-6228. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate late requests.

WebEx: If you experience difficulties with the WebEx system, please contact the Public Advisor’s Office via email or phone. See contact information above.

News Media Inquiries:

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

ORAL STATEMENTS AND WRITTEN
COMMENT PERIOD
(Government Code section 11346.5(a)(15))

The public comment period for the proposed regulations as written in the 45-day language Express Terms is May 8, 2020, through and including June 22, 2020. Any person may present oral and written statements, arguments, or contentions regarding the proposed regulations at the Lead Commissioner Workshop/Hearing or the CEC adoption hearing. Both oral and written comments will be accepted at the August 12, 2020, adoption hearing. The CEC appreciates receiving written comments at the earliest possible date.

Please submit written comments to the CEC using the CEC's e-commenting feature by going to the CEC's RPS Rulemaking webpage at https://www.energy.ca.gov/portfolio/pou_rulemaking/, then select the link for "Submit e-Comments for 16-RPS-03." A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the CEC's Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All written comments submitted prior to the hearing must be submitted to the Docket Unit. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 16-RPS-03
1516 9th Street, MS-4
Sacramento, CA 95814
Telephone: (916) 654-5076

Or by e-mail to: DOCKET@energy.ca.gov
Or faxing them to Dockets at (916) 654-4354

STATUTORY AUTHORITY AND REFERENCE
(Government Code section 11346.5(a)(2) and
California Code of Regulations, title 1, section 14)

Public Resources Code sections 25213 and 25218 (e) and Public Utilities Code section 399.30 authorize the

CEC to adopt the proposed regulations. The proposed regulations would implement, interpret, and make specific several provisions of Public Utilities Code sections 399.13, 399.15, 399.16, 399.18, 399.30, and 399.33.

The proposed regulations will be codified in the California Code of Regulations, Title 20, Division 2, Chapter 13, sections 3201, 3202, 3204, 3205, 3206, 3207, and 3208, and in Title 20, Division 2, Chapter 2, Article 5, section 1240.

INFORMATIVE DIGEST
(Government Code section 11346.5(a)(3))

A. Existing laws and regulations related directly to the proposed action and effect of the proposed action. (Government Code section 11346.5(a)(3)(A))

Established in 2002, California's RPS establishes increasingly progressive renewable energy procurement requirements for the state's electricity load-serving entities, which include retail sellers of electricity and POU's. To meet the RPS procurement requirements, load-serving entities must generally demonstrate that they procured specified types and quantities of electricity products from eligible renewable energy resources. The requirement on the quantity of electricity products to be procured is referred to as the procurement target and is set as a percentage of the load-serving entity's retail sales of electricity as specified in the RPS. The requirement on the type of electricity products to be procured is referred to as the portfolio balance requirement and is based on the percentage of specified types of electricity products, which are differentiated based on product content, electricity delivery characteristics, and contractual arrangements as specified in the law. Compliance with the RPS procurement requirements is evaluated over multiyear compliance periods, where the procurement in each of the intervening years of the compliance period reflects reasonable progress in meeting the specified procurement target by the end of the compliance period. The RPS includes specific exemptions and exclusions for certain types of procurement, and also establishes optional measures through which a load-serving entity's procurement deficits may be excused.

The CEC's responsibilities under the RPS include adopting regulations specifying enforcement procedures (enforcement regulations) for the RPS for POU's.

The CEC's enforcement regulations for the RPS for POU's were adopted in 2013 pursuant to Public Utilities Code section 399.30, as enacted by Senate Bill (SB) X1-2 (Stats. 2011, 1st Ex Sess., ch. 1). Public Utilities

Code section 399.30 (n)¹ directs the CEC to adopt regulations specifying procedures for the enforcement of the RPS for POU's and requires that the regulations include a public process under which the CEC may issue a notice of violation and correction against a POU for failure to comply with the RPS, and for referral of violations to the California Air Resources Board (CARB) for penalties. The regulations establish the rules and procedures the CEC will use to assess a POU's procurement actions and determine whether those actions meet the RPS procurement requirements. The regulations require POU's to submit various information and reports to the CEC so the CEC may verify and determine compliance with the RPS, and, if appropriate, issue a notice of violation and correction for a POU's failure to comply and refer the violation to the CARB for potential penalties.

In 2015, the CEC adopted amendments to the enforcement regulations to implement statutory changes required by SB 591 (Stats. 2013, ch. 520) and to make clarifications to existing provisions in the regulations. Since the adoption of these amendments in 2015, four separate bills have been enacted that make statutory changes to the RPS affecting POU's. These bills are SB 350 (Stats. 2015, ch. 547), SB 1393 (Stats. 2016, ch. 677), SB 100 (Stats. 2018, ch. 312), and SB 1110 (Stats. 2018, ch. 605). The proposed regulations implement the statutory changes required by these bills.

The statutory changes from each of these bills affecting the RPS program for POU's are summarized below:

- *SB 350*: Establishes new multiyear compliance periods beginning on and after January 1, 2021, and new procurement targets for the final year of each compliance period, culminating in 50 percent of retail sales by 2030; establishes a new RPS procurement requirement, referred to as the long-term procurement requirement, which requires at least 65 percent of procurement counted toward the RPS requirements to come from contracts of 10 years or more in duration, ownership, or ownership agreements, beginning January 1, 2021; revises requirements for accruing and applying excess procurement beginning in 2021; establishes requirements through which POU's with voluntary green pricing programs or shared renewable generation programs may reduce their RPS retail sales by the amount of qualifying generation served to participating customers; revises requirements for establishing

cost limitations and conditions for delaying timely compliance; establishes partial procurement target exemptions for POU's with qualifying large hydroelectric generation and unavoidable coal-fired contracts, respectively, by allowing a qualifying POU to reduce its RPS procurement requirements by a specified amount under certain conditions; and modifies existing criteria in Public Utilities Code section 399.18 by which an electrical corporation or its successor may be exempt from an RPS procurement requirement.

- *SB 1393*: Modifies requirements for the partial procurement target exemption established for large hydroelectric generation by SB 591 and revises POU reporting requirements related to the public goods charge and to RPS procurement plans.
- *SB 100*: Accelerates and increases the final-year RPS procurement requirements to 60 percent of retail sales by 2030, and requires no less than an average of 60 percent for each subsequent multiyear compliance period; modifies the requirements for the partial procurement target exemption established by SB 350 for qualifying large hydroelectric generation; and repeals the partial procurement target exemption for hydroelectric generation established by SB 591 and amended by SB 1393.
- *SB 1110*: Establishes a special exemption for generation from a qualifying gas-fired power plant that is owned by and serves only one POU, is associated with the POU's outstanding public indebtedness, and satisfies other specified requirements and conditions.

The proposed regulations would implement the new RPS procurement targets for the compliance periods between 2021 and 2030, establish the soft targets for the intervening years of the compliance periods to demonstrate reasonable progress in meeting the RPS procurement target for the compliance periods, and establish three-year compliance periods beginning after 2030. The proposed regulations would also define requirements for 10-year contracts for purposes of satisfying the long-term procurement requirement and specify how the CEC will enforce compliance with the long-term procurement requirement. In addition, the proposed regulations would implement the statutory changes to requirements for excess procurement, the retail sales reduction for qualifying generation from voluntary green pricing or shared renewable generation programs, cost limitation and delay of timely compliance optional compliance measures, the special exemptions for large hydroelectric generation, coal-fired gen-

¹ This subdivision was enacted as (l) under SB X1-2, subsequently renumbered to (m) under SB 591 (Stats. 2013, ch. 520, sec. 1), amended and renumbered to (o) under SB 350 (Stats. 2015, ch. 547, sec. 24), and again renumbered to (n) under SB 100 (Stats. 2018, ch. 312, sec. 4).

eration, and gas-fired generation, respectively, and reporting requirements.

In addition to implementing these statutory changes, the proposed regulations would include revisions to clarify existing regulatory provisions based on implementation experience and to streamline reporting. These clarifications would address: (i) the calculations of the RPS procurement target and portfolio balance requirement; (ii) the reporting requirements and reporting process; (iii) the definitions of procurement contract and ownership agreement execution, start, and end dates; (iv) how additional procurement resulting from amendments to certain contracts is classified for purposes of the portfolio balance requirement; (v) the requirements for a POU to determine that specific conditions delayed timely compliance; and (vi) the service of any Notice of Violation to CARB and the affected POU.

DIFFERENCE FROM EXISTING COMPARABLE
FEDERAL REGULATION OR STATUTE
(Government Code section 11346.5(a)(3)(B))

There are no comparable federal regulations or statutes.

POLICY STATEMENT OVERVIEW REGARDING
BROAD OBJECTIVES OF THE REGULATIONS
AND THE SPECIFIC BENEFITS ANTICIPATED
BY THE PROPOSED AMENDMENTS
(Government Code section 11346.5(a)(3)(C))

The broad objective of this rulemaking is to amend modify the regulations to implement new and revised statutory requirements under SB 350, SB 1393, SB 100, and SB 1110, which made changes to RPS procurement requirements, excess procurement, optional compliance measures, special exemptions and exclusions, and reporting, as described previously, and to revise references to Public Utilities Code sections that were renumbered by SB 350, SB 1393, and SB 100. The rulemaking also will clarify existing regulatory provisions and reporting requirements to ensure clarity and streamline the reporting process. Finally, the CEC proposes non-substantive grammatical and numbering changes for clarity.

The benefits anticipated from this regulatory action are improved direction and guidance on how the CEC will interpret, apply and enforce the RPS, so the POUs can plan accordingly in procuring renewable electricity to meet their RPS procurement requirements.

Specifically, POUs will now better understand how compliance with the new RPS requirements in the law will be enforced. This includes the new requirements for: long-term procurement; the accrual and use of ex-

cess procurement; the option for offsetting retail sales using a qualifying green pricing or shared renewable generation program; and the requirements for optional compliance measures to delay timely compliance and establish cost limitations for RPS procurement expenditures. In addition, POUs that meet the requirements to qualify for the new RPS procurement exemptions based their large hydroelectric generation, unavoidable long-term coal contracts, or qualifying gas-fired generation, will better understand how to qualify and apply these exemptions to their RPS procurement requirements.

Clarifying the requirements in the regulations will also result in a more uniform and consistent application of the RPS, which in turn will help promote the underlying benefits of the RPS enumerated in Public Utilities Code section 399.11(b), including reducing air pollution associated with fossil fuel-based electrical generation and helping the state meet its climate change goals by reducing greenhouse gas emissions associated with electrical generation.

CONSISTENCY OR COMPATIBILITY WITH
EXISTING STATE REGULATIONS
(Government Code section 11346.5(a)(3)(D))

During the process of developing the proposed regulations, the CEC conducted a search of similar regulations on the topic and concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Consistency with RPS Requirements for Retail Sellers

The CEC and the California Public Utilities Commission (CPUC) work collaboratively to implement the RPS; however, the CEC and the CPUC maintain separate roles in administering their respective responsibilities under the RPS. The CPUC is responsible for establishing the RPS procurement requirements for retail sellers, determining compliance for retail sellers, and imposing penalties for non-compliance of retail sellers.

In implementing the RPS requirements for POUs, the CEC generally seeks to maintain consistency between the requirements for retail sellers and POUs. The RPS is a statewide program, and the CEC supports a uniform implementation for POUs and retail sellers to the extent appropriate and practicable. However, the RPS recognizes the local authority of POU governing boards and does not subject POUs to the oversight of the CPUC, although the statutory provisions applicable to POUs often require consistency with the statutory provisions applicable to retail sellers.

To the extent that there are differences between the CPUC's implementation of RPS requirements for retail sellers and the CEC's proposed Implementation of requirements for POUs, these differences are generally based on the differences in the statutory treatment of

POUs and retail sellers and/or the difference in operations of POUs as utilities owned or operated by local governments.

Consistency with Renewables Portfolio Standard Eligibility Guidebook

The CEC’s statutory responsibilities under the RPS also include certifying eligible renewable energy resources that may be used to satisfy the RPS procurement requirements of retail sellers and POUs and with developing an accounting system to verify the RPS compliance of retail sellers and POUs. (Public Utilities Code section 399.25.)

The CEC implements its responsibilities for certifying eligible renewable energy resources and verifying RPS compliance through guidelines that were originally adopted in April 2004, with subsequent revisions adopted, including, most recently, the revised ninth edition in 2017. The adoption of these guidelines is expressly exempt from the formal rulemaking requirements of the Administrative Procedures Act pursuant to Public Resources Code section 25747(a). These guidelines are set forth in the CEC’s *Renewables Portfolio Standard Eligibility Guidebook*, which explains the requirements and process for certifying eligible renewable energy resources for the RPS. The *Renewables Portfolio Standard Eligibility Guidebook* also describes how the CEC tracks and verifies RPS-eligible generation for the RPS.

The CEC recognizes the need to revise the guidebook periodically to reflect changes in the law and market and regulatory developments, and to incorporate the lessons learned from experience implementing the RPS. The guidebook works in tandem with the CEC’s enforcement regulations for the RPS for POUs.

The proposed regulations are consistent with the *Renewables Portfolio Standard Eligibility Guidebook*. In developing the proposed regulations, the CEC considered the effects of the proposed regulations on the *Renewables Portfolio Standard Eligibility Guidebook* to ensure the two were consistent and will be used in tandem to implement the RPS.

Consistency with Cap-and-Trade Voluntary Renewable Energy Program

CARB’s Voluntary Renewable Electricity (VRE) Program allows purchasers of eligible voluntary renewable electricity to request retirement of allowances on their behalf under the Cap-and-Trade Program. The voluntary renewable energy is separate from any eligible renewable energy generation used by a POU for RPS compliance. CEC staff has confirmed with VRE Program staff at CARB that there are no conflicts between the proposed regulations and the VRE regula-

tions, as they currently exist, with regard to the treatment of voluntary green pricing or shared renewable generation programs.

Consistency with Low Carbon Fuel Standard

CARB’s Low Carbon Fuel Standard (LCFS) is designed to decrease the carbon intensity of California’s transportation fuels and provide an increasing range of low-carbon and renewable alternatives. Options for demonstrating low-carbon electricity as a transportation fuel include participation in a green pricing program offered by a POU or retail seller. CEC staff has confirmed with LCFS program staff at CARB that there are no conflicts between the proposed regulations and the LCFS regulations, as they currently exist, with regard to the treatment of voluntary green pricing programs.

DOCUMENTS INCORPORATED
BY REFERENCE
(California Code of Regulations, title 1,
section 20(c)(3))

The proposed regulations do not incorporate any documents by reference.

MANDATED BY FEDERAL
LAW OR REGULATIONS
(Government Code section 11346.2(c))

The proposed regulations are not mandated by federal law or regulations.

OTHER STATUTORY REQUIREMENTS
(Government Code section 11346.5(a)(4))

Not applicable.

LOCAL MANDATE DETERMINATION
(Government Code section 11346.5(a)(5))

If adopted, the proposed regulations would impose a mandate on local agencies. POUs are local agencies. Pursuant to Government Code section 17556 (d), the costs would not be required to be reimbursed because the POUs, as local agencies, have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service. Public Utilities Code sections 10001, et seq., 11501, et seq., and 15501 et seq., and Water Code section 20500, et seq. provide revenue sources for the affected POUs to recoup any costs incurred through compliance with the proposed regulations.

FISCAL IMPACTS

(Government Code section 11346.5(a)(6))

A. Costs or Savings for State Agencies

Implementation of the proposed regulations would result in minor costs to the CEC associated with activities conducted to verify procurement filings and determine RPS compliance for POU. Implementing the proposed regulatory changes are estimated to result in an additional cost of \$136,707 for fiscal year 2024/25.

B. Costs or Savings for Local Agencies or School Districts Requiring Reimbursement Pursuant to Government Code section 17500, et seq.

Implementation of the proposed regulations would result in minor costs to POU, which are local agencies. Costs for local agencies are estimated to be \$20,364 in fiscal year 2024/25. These costs primarily include new and amended reporting requirements. None of these costs would be reimbursable because POU, as local agencies, have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

Additionally, local agencies are estimated to save \$1,760,596 in fiscal year 2024/25 due to the impact on obligations from proposed modifications to soft targets and opportunities for some agencies to use large hydroelectric exemptions.

C. Other Non-Discretionary Costs or Savings on Local Agencies

Implementation of the proposed regulations would not result in other non-discretionary costs or savings on local agencies.

D. Costs or Savings in Federal Funding to the State

Implementation of the proposed regulations would not result in any costs or savings in federal funding to the state. The proposed regulations are not associated with or do not influence any source of funding or contribute to any savings for any federally funded state activities.

HOUSING COSTS

(Government Code section 11346.5(a)(12))

The proposed regulations will not have an impact on housing costs.

INITIAL DETERMINATION RE:
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE
(Government Code sections 11346.3(a),
11346.5(a)(7), and 11346.5(a)(8))

The CEC finds that the proposed regulations will not have a significant statewide adverse economic, fiscal, or environmental impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination also applies to small businesses, which, as defined in Government Code section 11342.610, are limited to business activities that are “independently owned and operated” and “not dominant in its field of operation.” (Government Code section 11342.610(a)(1) and (2).)

The proposed regulations would apply to a POU, which is a local agency and not an independently owned and operated business. The CEC is unaware of any cause and effect relationship between the proposed regulations and a significant statewide adverse economic impact directly affecting businesses. No business, including a small business, is legally required to comply with or enforce the proposed regulations. Nor will any business derive a direct benefit or detriment from the implementation of the proposed regulations.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT
(Government Code section 11346.5(a)(10))

The overall estimated costs of implementing the proposed regulations, over the fiscal year 2024/25–2026/27 evaluation period, is \$157,071 in the first fiscal year evaluated, \$163,785 in the second fiscal year, and \$1,795,285 in the third fiscal year. The largest costs occur in fiscal year 2026/27 and result from the requirement to procure additional resources to meet the 50 percent soft target in 2026. Nearly all of the remaining estimated costs are attributed to the state, reflecting the need to implement the proposed regulatory changes including additional compliance and verification activities. Reporting of new data and clarification of existing data required to implement the POU regulations will be needed to ensure RPS objectives are met.

There are significant savings to POU from utilization of the large hydroelectric exemption defined in Section 3204(b)(8) and discretionary implementation of statutory requirements including soft targets. These

savings are estimated to be \$1,760,596 in fiscal year 2024/25 and are primarily caused by modifying the 2025 and 2026 soft targets which reduces the soft target obligation in 2025.

None of the proposed regulations will result in the creation or elimination of any jobs within California as all obligated parties are performing state reporting already required under current and proposed RPS program regulations. CEC updated forms and reporting systems will provide the structure for reporting new data identified in the proposed regulations. No new businesses will be created, and neither will any existing business be eliminated by the proposed regulations. There will be no expansion of business currently doing business within the state. If existing consulting businesses provide services to POU's for compliance reporting, such businesses may have additional work associated with increased POU reporting requirements as a result of the proposed regulations. Because the proposed regulations impose only minimal new reporting requirements, the CEC does not anticipate existing consulting businesses will need to hire new staff. There will be no direct benefits from the discretionary portions of the proposed regulations to the health and welfare of California residents, to worker safety, or to the state's environment. However, the proposed regulations will promote the procurement of lower carbon emitting resources, potentially influencing some local communities in positive ways depending on the operation of the electrical system. Broadly, the objectives of the RPS include reducing climate impacts of the electricity sources serving California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS
(Government Code section 11346.5(a)(9))

The CEC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations. The proposed regulations would not directly apply to private individuals or businesses. The proposed regulations apply only to POU's, which are local agencies and not independently owned and operated businesses.

BUSINESS REPORT
(Government Code sections 11346.5(a)(11) and 11346.3(d))

The proposed regulations would not require businesses, including small businesses, to submit any new reports.

EFFECT ON SMALL BUSINESS
(California Code of Regulations, title 1, section 4(a) and (b))

The CEC finds that the proposed regulations will not negatively impact small businesses. As discussed above, the proposed regulations apply only to POU's, which are local agencies and not independently owned and operated small businesses. No small business is legally required to comply with or enforce the proposed regulations, nor has the CEC identified any direct benefit or detriment to a small business from the implementation of the proposed regulations.

ALTERNATIVES STATEMENT
(Government Code section 11346.5(a)(13))

The CEC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the CEC 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 CEC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled Lead Commissioner Workshop/Hearing, the adoption hearing at the CEC Business Meeting, or during the written comment period.

CONTACT PERSON
(Government Code section 11346.5(a)(14))

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or any other information upon which the rulemaking is based, should be directed to Katharine Larson at katharine.larson@energy.ca.gov or (916) 651-1231. The designated backup contact person is Gina Barkalow, who can be reached at gina.barkalow@energy.ca.gov or (916) 654-4765.

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE
(Government Code section 11346.5(a)(16))

The CEC has prepared an Initial Statement of Reasons for the proposed regulations and Express Terms, which identify the text of the proposed regulations and show this text in an underline and strike-out format relative to the CEC's existing regulations. To obtain a copy

of the Initial Statement of Reasons, the Express Terms of the proposed regulations, and all the information upon which the proposed rulemaking is based, please visit the [CEC's RPS program website](https://www.energy.ca.gov/portfolio/pou_rulemaking/) at: https://www.energy.ca.gov/portfolio/pou_rulemaking/ or contact the contact person listed above.

AVAILABILITY OF SUBSTANTIAL
CHANGES TO ORIGINAL PROPOSAL FOR AT
LEAST 15 DAYS PRIOR TO AGENCY
ADOPTION/REPEAL/AMENDMENT OF
RESULTING REGULATIONS
(Government Code section 11346.5(a)(18))

The CEC may adopt the proposed regulations as described in this notice and shown in the Express Terms. The proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from the CEC commissioners. Moreover, changes to the proposed regulations not indicated in the Express Terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

COPY OF THE FINAL
STATEMENT OF REASONS
(Government Code section 11346.5(a)(19))

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons once it has been prepared by visiting the [CEC's website](https://www.energy.ca.gov/portfolio/pou_rulemaking/) at: https://www.energy.ca.gov/portfolio/pou_rulemaking/ or contacting the contact person listed above.

AVAILABILITY OF
DOCUMENTS ON THE INTERNET
(Government Code sections 11346.4(a)(6) and
11346.5(a)(20))

The CEC maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking, including this Notice of Proposed Action, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, as well as many other documents in the [rulemaking file](#) have been posted at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-RPS-03>

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Bald Eagle Research

The Department of Fish and Wildlife (Department) received a study proposal from Jeff Smith, H.T. Harvey and Associates, requesting authorization to take the bald eagle (*Haliaeetus leucocephalus*), a Fully Protected bird, for scientific research purposes, consistent with conservation and recovery of the species. The bald eagle is also listed as Endangered under the California Endangered Species Act.

Mr. Smith is planning to conduct studies throughout the range of the bald eagle in California, in accordance with standardized methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The purpose of the research is to study population dynamics through inventories, monitoring, and radio-tracking, with detailed investigations on home range and flight dynamics. The proposed activities include surveys with the use of helicopters; nest monitoring; capturing, banding, auxiliary marking (including telemetry); and taking tissue samples such as blood and feathers. If any bald eagles are found dead, they will be salvaged and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual bald eagles or bald eagle populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Mr. Smith as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have valid federal permits for the bald eagle, and a scientific collecting permit (SCP) to incidentally take other bird species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after June 7 2020, for an initial and renewable term of up to, but not to exceed three years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916-373-6622.

DEPARTMENT OF
FISH AND WILDLIFE

OFFICE OF ADMINISTRATIVE LAW

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Peregrine Falcon Research

Request for Information Regarding Publication of the
Official California Code of Regulations and the
California Regulatory Notice Register

The Department of Fish and Wildlife (Department) received a study proposal from John N. Todd, requesting authorization to take Peregrine Falcon (*Falco peregrinus*), a Fully Protected bird, for scientific research purposes, consistent with conservation and recovery of the species.

The Office of Administrative Law (OAL) is responsible for compiling and publishing the Official California Code of Regulations (CCR) and the California Regulatory Notice Register (Notice Register), both in hard-copy and online. The current contract for publication of the CCR and Notice Register ends on December 31, 2020, and OAL intends to issue one or more Request(s) for Proposal(s) in 2020 for the future publication of the CCR and Notice Register.

Mr. Todd is planning to conduct studies using standardized methods throughout the range of the species in California, in accordance with methods approved by the Department. The research activities include surveying, capturing, taking measurements, banding and marking peregrine falcons. If any peregrine falcons are found dead, they will be salvaged and donated to a scientific institution open to the public, as designated by the Department and federal permits. No adverse effects on individuals or populations are expected.

The CCR currently consists of 28 Titles published on 8 1/2 by 11 inch paper in 40 three-ring binders. The CCR, which includes a Master Table of Contents and Master Index, contains more than 28,000 pages. The CCR is updated weekly. The CCR publisher is responsible for producing the hardcopy and online versions of the CCR, updating the CCR weekly, and publishing the Notice Register once each week. Under the current contract, the state of California does not pay the CCR publisher for services: the publisher pays the state compensation for the exclusive right to publish the Official CCR. You may request a copy of the existing contract by emailing the contact person listed below.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Mr. Todd as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have valid federal permits for the peregrine, and a scientific collecting permit (SCP) to incidentally take other bird species in California.

OAL invites any interested person to provide information or suggestions that may assist OAL in contracting for the future publication of the CCR and Notice Register. **OAL is seeking the broadest possible information concerning the CCR and Notice Register (both the print and online versions).** OAL welcomes suggestions or comments of relevance to the publication of the CCR or Notice Register. OAL invites the submission of information relating to the publication of other states' administrative codes or other official documents, or to the development or maintenance of online searchable reference material. OAL also wishes to compile a list of potential contractors for publishing the CCR. (Please note that all letters, emails, records of phone messages or other documents that OAL receives in response to this request will be public records subject to disclosure under the Public Records Act.)

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after June 7, 2020, for an initial and renewable term of up to, but not to exceed three years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916-373-6622.

Any interested person may respond to this request for information or ask to be added to the CCR Contract Dis-

tribution List for future communications on this topic. Responses to this request for information, or requests to be added to the CCR distribution list, should be sent no later than June 15, 2020 to the contact person listed below.

Office of Administrative Law
ATTN: Kevin D. Hull
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
Phone: (916) 323-8916
FAX: (916) 445-9515
Email: CCRcontract@oal.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# 2020-0420-03
BOARD OF FORESTRY AND FIRE PROTECTION
Emergency Fuel Hazard Reduction Amendments, 2019

This is the second readoption of emergency rulemaking action no. 2019-0731-01E (first readoption number 2020-0123-03EE), which amended emergency timber harvesting practices to reduce wildfire threat and hazardous fuel conditions.

Title 14
AMEND: 913, 933, 953, 1052, 1052.4
Filed 04/29/2020
Effective 05/11/2020
Agency Contact: Eric Hedge (916) 653-9633

File# 2020-0318-05
CALIFORNIA HIGHWAY PATROL
Inhalation Hazards Routes — Map 7

This action by the California Highway Patrol amends Map 7 regarding designated routes for highway trans-

portation of inhalation hazards by commercial vehicles in the Brawley-El Centro area.

Title 13
AMEND: 1157.18
Filed 04/27/2020
Effective 07/01/2020
Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2020-0317-02
CALIFORNIA HORSE RACING BOARD
Use of Bisphosphonates Prohibited

In this resubmitted rulemaking action the California Horse Racing Board adopts one new section prohibiting the use of bisphosphonates.

Title 4
ADOPT: 1867.1
Filed 04/28/2020
Effective 07/01/2020
Agency Contact: Zachary Voss (916) 263-6036

File# 2020-0403-03
CALIFORNIA STATE UNIVERSITY
Occupational Therapy Doctorate Degree

This action by the Board of Trustees of the California State University, submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations, adopts regulations regarding occupational therapy doctorate degree requirements. This action is exempt from the Administrative Procedure Act under Education Code section 89030 and takes effect upon filing with the Secretary of State under Education Code section 89030.1.

Title 5
ADOPT: 40050.5, 40519, 40519.1, 41024
Filed 04/22/2020
Effective 04/22/2020
Agency Contact: Jason Taylor (562) 951-4500

File# 2020-0312-02
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Code of Ethics

This action adopts an affirmation administered to peace officer trainees to adhere to certain standards of conduct.

Title 11
AMEND: 1013
Filed 04/22/2020
Effective 07/01/2020
Agency Contact: Scott Loggins (916) 227-2807

File# 2020-0408-04
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Education Assignments

This emergency rulemaking action by the Department of Corrections and Rehabilitation adopts requirements regarding the placement of inmates into educational assignments. This action was certified as an operational necessity by the Undersecretary of Administration on December 26, 2019.

Title 15
 ADOPT: 3040.3
 Filed 04/28/2020
 Effective 04/28/2020
 Agency Contact: Sarah Pollock (916) 445-2308

File# 2020-0318-02
 DEPARTMENT OF JUSTICE
 ID Requirements for Firearm/Ammo Eligibility Checks

In this Certificate of Compliance, which makes permanent the changes made in OAL Matter No. 2020-0318-03EE, the Department of Justice (“DOJ”) is adopting additional documentation requirements for eligibility checks on any application or report for which an applicant is required to submit a driver license or identification card, or the number from a driver license or identification card, so that DOJ may determine the applicant’s eligibility to possess a firearm or ammunition under state or federal law.

Title 11
 ADOPT: 4045.1
 AMEND: 4002, 4142, 5478
 Filed 04/27/2020
 Effective 04/27/2020
 Agency Contact: Julia Zuffelato (916) 210-6040

File# 2020-0413-02
 DEPARTMENT OF STATE HOSPITALS
 Contraband Search and Confiscation

In this emergency action the Department of State Hospitals is establishing procedures for safety and security searches of patients and living areas, common areas, staff areas and grounds.

Title 9
 ADOPT: 4351, 4352, 4353
 Filed 04/23/2020
 Effective 04/23/2020
 Agency Contact: Tarik Allen (916) 573-1056

File# 2020-0413-03
 DEPARTMENT OF STATE HOSPITALS
 Enhanced Treatment Program

The Department of State Hospitals submitted this emergency action to establish criteria and procedures for treating patients who are at high risk of most dangerous behavior in a pilot enhanced treatment program when safe treatment is not possible in a standard treatment environment, pursuant to Welfare and Institutions Code section 4144.

Title 9
 ADOPT: 4800, 4900, 4901, 4902, 4903, 4904, 4905, 5000, 5101, 5200
 Filed 04/23/2020
 Effective 04/23/2020
 Agency Contact: Tarik Allen (916) 573-1056

File# 2020-0415-02
 SECRETARY OF STATE
 Digital Signatures

This emergency action replaces the existing Approved List of Digital Signature Certification Authorities with the requirement that public entities only accept certificates from authorities recognized by at least one of the three certificate programs identified in the proposed regulations.

Title 2
 AMEND: 22000, 22002, 22003, 22005
 REPEAL: 22004
 Filed 04/22/2020
 Effective 04/22/2020
 Agency Contact: Taylor Kayatta (916) 695-1530

File# 2020-0415-01
 STATE ALLOCATION BOARD
 Emergency Powers of the Executive Officer;
 COVID-19

This emergency action by the State Allocation Board authorizes the extension of deadlines for programs under the authority of the board.

Title 2
 ADOPT: 1580
 Filed 04/22/2020
 Effective 04/22/2020
 Agency Contact: Lisa Jones (916) 376-1753

**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