



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** Yucaipa Valley Water District  
**STATE:** CA Workforce Development Board

A written comment period has been established commencing on September 4, 2020 and closing on October 19, 2020. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive

Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than October 19, 2020. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite

3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 8. STATE LABOR  
COMMISSION/DIVISION OF LABOR  
STANDARDS ENFORCEMENT**

**Subject Matter of Regulations: Public List  
of Certain Port Drayage Motor Carriers and  
Customer Sharing of Liability Under Labor  
Code Section 2810.4  
New Sections 13875–13888**

NOTICE IS HEREBY GIVEN that the Labor Commissioner, Chief of the Division of Labor Standards Enforcement, Department of Industrial Relations, pursuant to the authority vested in the her by Labor Code section 2810.4(k), proposes to adopt sections 13875 through 13888 in proposed Subchapter 15 of existing Chapter 6, of Division 1, of Title 8, California Code of Regulations, relating to the Public List of Certain Port Drayage Motor Carriers and Customer Sharing of Liability Under Labor Code Section 2810.4.

**PROPOSED REGULATORY ACTION**

The Labor Commissioner proposes to adopt regulations under new Subchapter 15 of Chapter 6 of Division 1 consisting of the following:

- Article 1. Definitions Used in Subchapter
  - Section 13875 Definitions
- Article 2. Compilation and Maintenance of Public List of Port Drayage Motor Carriers
  - Section 13876 Sources of Information for Internet Website Posting
  - Section 13877 Notice to Port Drayage Motor Carriers
  - Section 13878 Response to Notice
  - Section 13879 Labor Commissioner Disposition of Responses Timely Received
  - Section 13880 Labor Commissioner Disposition Where No Timely Response or No Response Received
  - Section 13881 Removal from Public List
  - Section 13822 Notice to Port Drayage Motor Carrier Successors
- Article 3. Hearing Procedures, Judicial Review
  - Section 13883 Hearing Regarding Determination of Port Drayage Motor Carrier Successor
  - Section 13884 Rights of Parties at Hearing; Taking of Evidence; Rules of Procedure

- Section 13885 Conduct of Hearing; Rules of Evidence; Role of Hearing Officer
- Section 13886 Hearing Officer Decision
- Section 13887 Judicial Review
- Article 4. Enforcement
  - Section 13888 Determining Customer Liability

**TIME AND PLACE OF PUBLIC HEARING**

The Labor Commissioner's Office has not scheduled a public hearing on this proposed action. However, the Labor Commissioner's Office will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period. A written request for a hearing must be sent to the same email address or mailing address listed below for the Contact Person for nonsubstantive inquiries.

**WRITTEN COMMENT PERIOD**

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Labor Standards Enforcement. The written comment period closes at midnight on October 20, 2020. The Labor Commissioner will consider only comments received at the Division by that time. Equal weight will be accorded to comments presented at the hearing and to other written comments received by midnight on that date by the Division.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Jennifer Stevens, Legislative Analyst and  
Regulations Coordinator  
Department of Industrial Relations  
Division of Labor Standards Enforcement, Legal  
Unit  
2031 Howe Avenue, Suite 100  
Sacramento, CA 95825

Written comments may also be sent electronically (via e-mail) using the following e-mail address: [DLSERegulations@dir.ca.gov](mailto:DLSERegulations@dir.ca.gov). Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (916) 263-2920.

**AUTHORITY AND REFERENCE**

Labor Code section 2810.4(k) authorizes the Labor Commissioner, Chief of the Division of Labor Standards Enforcement (also known as the Labor Com-

missioner’s Office) to adopt regulations as necessary to administer and enforce the provisions of Labor Code section 2810.4 that are within the Labor Commissioner’s jurisdiction. The proposed regulations implement, interpret, and make specific provisions of Labor Code section 2810.4 that pertain to the Internet website posting and shared customer liability requirements of the law.

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

In 2017, USA Today published an investigative series “Rigged,” which documented labor violations experienced by drivers in the port trucking industry and the fact that more than \$40 million in unpaid wage judgments remained outstanding while customers continued to hire such companies or their successors to haul goods.<sup>1</sup> In September 2018, Senate Bill (“SB”) 1402, introduced by Senator Lara, was enacted to bring about greater accountability in the port trucking industry by requiring the Labor Commissioner to create a public list of trucking companies with outstanding judgments and imposing shared liability on customers that continue to use these companies if there are future labor violations.<sup>2</sup> This law, codified at Labor Code section 2810.4, went into effect on January 1, 2019. (SB 1402, Chapter 702, Statutes of 2018.)

The Labor Commissioner has maintained a public list of port trucking companies with outstanding judgments on its website since the law went into effect.<sup>3</sup> This rulemaking action further implements and clarifies the procedures used to compile the public list and to be removed from the public list, the procedures for contesting the Labor Commissioner’s determinations, and the manner in which customer liability will be enforced. The relevant provisions of the existing law are described below.

Existing law defines a “port drayage motor carrier” in part as an individual or entity that hires or engages commercial drivers in the port drayage industry, and it includes entities or individuals who succeed in the interest and operation of a port drayage motor carrier consistent with the successorship provisions of Labor Code section 2684.

Existing law defines a “commercial driver” as a person who “holds a valid commercial driver’s license who is hired or contracted to provide port drayage ser-

vices either as an independent contractor or an employee driver.”

Existing law defines “port drayage services” as “the movement within California of cargo or intermodal equipment by a commercial motor vehicle whose point-to-point movement has either its origin or destination at a port, including any interchange of power units, chassis, or intermodal containers, or the switching of port drayage drivers that occurs during the movement of that freight.”

Existing law requires the Labor Commissioner to post on its website the names, addresses, and essential information for any port drayage motor carrier with any unsatisfied final court judgment, tax assessment, or tax lien that may be released to the public under federal and state disclosure laws. This includes any order, decision, or award obtained by a public or private person or entity pursuant to Labor Code section 98.1 finding that a port drayage motor carrier engaged in illegal conduct including failure to pay wages, imposing unlawful expenses on employees, failure to remit payroll taxes, failure to provide workers’ compensation insurance, or misclassification of employees as independent contractors with regard to a port drayage commercial driver.

Existing law requires that at least 15 business days prior to posting on its website the names, addresses, and essential information for any port drayage motor carrier, the Labor Commissioner’s Office must notify the port drayage motor carrier by certified mail regarding the alleged conduct and must provide the name, email address, and telephone number of a contact person at the Labor Commissioner’s Office, a copy of the unsatisfied court judgment, assessment, order, decision or award, and a copy of the regulations or rules of practice or procedure for removal of the posting.

Existing law requires that a website posting must be removed within 15 business days after the Labor Commissioner determines there has been full payment of the unsatisfied judgment or that the port drayage motor carrier has entered into an approved settlement dispensing of the judgment.

Existing law requires the Labor Commissioner’s Office to update the Internet website monthly by the fifth day of each month.

Existing law establishes that a “customer” (specifically defined with exemptions) that engages or uses a port drayage motor carrier that is on the list will be jointly and severally liable with the motor carrier, or the motor carrier’s successor, for all civil legal responsibility and civil liability owed to a port truck driver. A customer’s shared liability will be for services a customer obtained after the date the motor carrier appeared on the list, and includes liability with the motor carrier for the full amount of unpaid wages, unreim-

<sup>1</sup> Brett Murphy, *Rigged* (USA Today June 16, 2017; June 29, 2017; Oct. 26, 2017; and Dec. 28, 2017).

<sup>2</sup>Brett Murphy, California lawmakers pass bill to try to end trucker labor abuse by putting onus on stores (USA Today Sept. 5, 2018).

<sup>3</sup> See [https://www.dir.ca.gov/DLSE/List\\_Port\\_Trucking\\_Companies\\_Outstanding\\_Judgments.html](https://www.dir.ca.gov/DLSE/List_Port_Trucking_Companies_Outstanding_Judgments.html).

bursed expenses, damages and penalties, including applicable interest.

Existing law provides that a customer shall be jointly and severally liable from the time the driver is dispatched to begin work on behalf of the customer until all tasks are completed incidental to that work.

Existing law authorizes the Labor Commissioner to adopt regulations and rules of practice and procedure necessary to administer and enforce the Internet website posting and shared customer liability requirements of the law. These proposed regulations implement, interpret, and make specific these statutory provisions that are within the Labor Commissioner's jurisdiction under Labor Code section 2810.4. First, the regulations provide definitions that further interpret the law. Additionally, the proposed regulations set forth standards for compiling the public list, notifying motor carriers that they have been identified for inclusion on the list, providing a means for motor carriers to respond to the notice and contest their inclusion on the list should they wish to do so (using incorporated form WCA 128 PORT Proof of Payment or Settlement 12/2019), and providing information about how to be removed from the list. The proposed regulations also provide standards for determining whether a motor carrier's successor should be included on the public list, for notifying such a successor, and for allowing the purported successor to request a hearing should it wish to contest the Labor Commissioner's determination. Finally, the regulations standardize how customer liability will be determined by further clarifying the statutory terms regarding such liability.

#### **OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS**

The proposed regulations are intended to establish standards for creating and maintaining the public list mandated by SB 1402, including formal implementation of notice procedures the Labor Commissioner is required to carry out. Further, the proposed regulations are intended to provide clarity regarding enforcement of customers' joint and several liability under the law.

The primary benefit of the regulatory proposal is that it will incentivize and facilitate payment of unpaid wages, damages, and penalties due to workers and the state. In order to avoid losing business with customers who are concerned about having joint and several liability for future violations, motor carriers with outstanding judgments will pay off these outstanding debts. As a result, port truck drivers who have obtained judgments for unpaid wages and unreimbursed expenses but never actually received their back wages will finally receive what is owed to them, allowing them to support their families and their communi-

ties. The Labor Commissioner's Office had awarded in excess of \$45 million in unlawful deductions from wages and out-of-pocket expenses to more than 400 drivers at the time this law went into effect, but drivers had actually received little of those awards due to non-payment by the motor carriers. The potential benefit to workers is therefore millions of dollars in wages owed. Since the law went into effect on January 1, 2019, approximately \$1.2 million has been paid, and adoption of the regulatory proposal will further encourage payment of unpaid wages to drivers.

In addition to the enormous benefits to the welfare of workers, the state (and all taxpayers) will benefit by receiving overdue tax payments from port trucking companies that have outstanding tax assessments and tax liens. Further, port trucking companies will be aided by clear rules regarding how motor carriers are placed on the list and how they can be removed from the list. Finally, customers who do business with port trucking companies will benefit from the transparency of the list on the Labor Commissioner's website, so that they can avoid potentially being held jointly and severally liable for future wage violations incurred by a port trucking company that appears on the list. Thus, the regulatory action furthers the mission of the Labor Commissioner's Office, which is to ensure a just day's pay to every worker and promote economic justice. In addition, the proposed regulation increases transparency in business and government by setting forth rules for compiling and maintaining the list and for customers to avoid liability. Finally, the proposed action indirectly prevents discrimination, and promotes fairness and social equity.

#### **DETERMINATION OF INCONSISTENCY AND/OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS**

The Labor Commissioner has determined that these proposed regulations are not inconsistent or incompatible with existing state statutes or other regulations. After conducting a review for any regulations that would relate to or affect this area, the Labor Commissioner has concluded that these regulations are not inconsistent with proposed regulations that pertain to enforcement of shared liability between labor contractors and client employers under Labor Code section 2810.3.

#### **DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

The Labor Commissioner has made the following initial determinations:

Mandate on local agencies and school districts:

None.

Cost or savings to any state agency: None.

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

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

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

Direct cost impacts on housing: None.

Cost impacts on a representative private person or business: The Labor Commissioner's Office estimates a cost of \$206.20 for a representative business affected by this proposal.

Effect on small business: The Labor Commissioner's Office estimates a cost of \$206.20 for a small business affected by this proposal.

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

*Summary Results of the Economic Impact Analysis/Assessment*

The Labor Commissioner's Office concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; (2) unlikely that the proposal will eliminate any jobs within the State of California; (3) unlikely that the proposal will create any new businesses within the State of California; (4) unlikely that the proposal will eliminate any existing businesses within the State of California; (5) unlikely that the proposal would cause the expansion of businesses currently doing business within the State of California; and (6) likely that the proposal will provide clarity to businesses that face statutory shared liability under Labor Code section 2810.4. Accordingly, the Labor Commissioner has determined that the proposed regulatory action will not have a significant impact on business.

*Benefits of the Proposed Action:* By incentivizing payment of unpaid wages to port truck drivers and settlement of tax debts owed to the state, the proposed regulation will benefit California residents. The regulatory action furthers the mission of the Labor Commissioner's Office, which is to ensure a just day's pay to every worker and promote economic justice. In addition, the proposed regulation increases transparency in business and government by setting forth clear procedures for the public listing and removal from the list, and for avoiding customer liability. Finally, the proposed action indirectly prevents discrimination, and promotes fairness and social equity.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Labor Commissioner must deter-

mine that no reasonable alternative considered or that has otherwise been identified and brought to the Labor Commissioner's attention would be more effective in carrying out the purpose for which the actions are proposed, or would be as effective and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Labor Commissioner has initially determined that no alternatives would be more effective in carrying out the purpose that underlies the proposed regulatory action, or would be at least as effective or less burdensome on the regulated public (port trucking companies and the customers who use them to haul freight).

The Labor Commissioner invites interested persons to present reasonable alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

Prior to proposing to adopt these regulations, as part of the legislative process, the regulated community expressed a need for the Labor Commissioner to issue regulations establishing standards for inclusion on and removal from the public website list.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, an incorporated form (WCA 128 PORT Proof of Payment or Settlement), and the Economic and Fiscal Impact Statement (Form STD 399).

In addition, the Notice, Initial Statement of Reasons, proposed text of regulations, and form may be accessed and downloaded from the Department of Industrial Relations' website at <https://www.dir.ca.gov/Rulemaking/DIRProposed.html>. To access them, please scroll to Division of Labor Standards Enforcement (DLSE), and click on the link for Public List of Certain Port Drayage Motor Carriers and Customer

Sharing of Liability Under Labor Code Section 2810.4.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Division of Labor Standards Enforcement, 2031 Howe Avenue, Suite 100, Sacramento, California, between 9:00 a.m. and 4:30 p.m., Monday through Friday, unless the state office is closed for a state holiday. Copies of the proposed regulations, initial statement of reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

**CONTACT PERSON**

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Jennifer Stevens, Legislative Analyst and  
Regulations Coordinator  
Department of Industrial Relations  
Division of Labor Standards Enforcement, Legal  
Unit  
2031 Howe Avenue, Suite 100  
Sacramento, CA 95825  
E-mail: [jstevens@dir.ca.gov](mailto:jstevens@dir.ca.gov)

The telephone number of the contact person is (916) 263-1563.

**CONTACT PERSON FOR  
SUBSTANTIVE QUESTIONS**

In the event the contact person is unavailable, or to obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact person:

Patricia Salazar, Staff Attorney  
Department of Industrial Relations  
Division of Labor Standards Enforcement, Legal  
Unit  
320 W. 4<sup>th</sup> Street, Suite 600, Los Angeles, CA  
90013-2350  
E-mail: [psalazar@dir.ca.gov](mailto:psalazar@dir.ca.gov)

The telephone number of the backup contact person is (213) 897-1511.

**AVAILABILITY OF CHANGES  
FOLLOWING PUBLIC HEARING**

If the Labor Commissioner makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Department of Industrial Relations' website at [www.dir.ca.gov/Rulemaking/DIRProposed.html](http://www.dir.ca.gov/Rulemaking/DIRProposed.html).

**AUTOMATIC MAILING**

A copy of this Notice, the Initial Statement of Reasons, proposed text of regulations, and the incorporated form will automatically be sent to those interested persons on the DLSE's mailing list.

If adopted, the regulations as amended will appear in Title 8, California Code of Regulations, commencing with section 13875. The text of the final regulations will also be available through the website of the Office of Administrative Law at [www.oal.ca.gov](http://www.oal.ca.gov).

**TITLE 13. DEPARTMENT OF  
MOTOR VEHICLES**

The Department of Motor Vehicles (Department) proposes to adopt Section 225.73 and amend Sections 225.15, 225.24, 225.66, 225.69, and 225.72 in Article 3.6, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to the Business Partner Automation (BPA) Program.

**PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the Department no later than midnight, **October 19, 2020**, the final day of the written comment period, in order for them to be considered by the Department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The Department proposes to adopt these regulations under the authority granted by Vehicle Code Sections 1651 and 1685, in order to implement Vehicle Code Section 1685.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 1685 authorizes the Department of Motor Vehicles (Department) to enter into contracts with private industry business partners to facilitate electronic registration and titling transactions required for vehicles under the Vehicle Code. The Department created the Business Partner Automation (BPA) program pursuant to the authority granted in Vehicle Code Section 1685. The contracts are governed by the Public Contracting Code and regulations implementing that code adopted by the Department of General Services. The Department regulates non-contract aspects of the program to ensure departmental records remain accurate and to ensure the vehicle owning public experiences the convenience of electronic registration and titling transactions being completed without the need to visit a department field office. Upon completion of an application process, payment of fees, and meeting specified financial responsibility requirements, the Department issues a permit to business partners. The program has grown to accommodate millions of registration and titling transactions per year securely and accurately.

Vehicle Code Section 1685 creates three types of business partners (1) a first-line business partner is an industry partner that receives data directly from the Department and uses it to complete registration and titling transactions for that partner's own business purposes, (2) a first-line service provider is an industry partner that receives information from the Department and then transmits it to another authorized industry partner, and (3) a second-line business partners is a partner that receives information from a first-line service provider.

The Department relies on contracts and permits to

regulate these business partners as authorized by Vehicle Code Section 1685. Regulations governing the contracting and permitting procedures have been in place for many years and periodically the department need to update the regulations.

**Problem the Department Intends to Remedy Through These Proposals:**

The Department has identified one main area in which a problem exists. The current BPA regulations do not adequately include a due process (appeals and hearing) section. This proposed action will add in an appeals and hearing section and make necessary amendments to the other relevant sections of the existing regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

This action will promote fairness and increase openness and transparency in business and government because the proposed action will adopt due process guidelines which include an appeals and hearing section. The due process guidelines will protect the BPA permit holder's customers from any harm that may be caused if the Department was unable to temporarily suspend the permit when action is found to be required. Additionally, an expedient hearing process and appeals decision will also protect the BPA permit holder.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

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

COMPARABLE FEDERAL STATUTES OR REGULATIONS

The Department has conducted a review of federal regulations related to the BPA program and has determined that there are no comparable federal regulations.

**Economic and Fiscal Impact Determinations**

The Department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.

- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Effects on Housing Costs:* None.
- *Impacts Directly Affecting Businesses:* None.
- *Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- *Small Business Impact:* This proposed action will affect small businesses in the same manner it will affect any business.
- *Local Agency/School Districts Mandate:* The proposed regulation action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code.

#### Results of the Economic Impact Statement

The Department has determined that this proposed action will not affect the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state.

This action will promote fairness and increase the openness and transparency in business and government because the proposed action will adopt due process guidelines which include an appeals and hearing section. The due process guidelines will protect the BPA permit holder's customers from any harm that may be caused if the Department was unable to temporarily suspend the permit when action is found to be required. Additionally, an expedient hearing process and appeals decision will also protect the BPA permit holder.

#### PUBLIC DISCUSSION OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

#### ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative considered by the Department or that has

otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

#### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Tracy Brazil, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
PO Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8919  
Facsimile: (916) 657-6243  
E-Mail: [LADRegulations@dmv.ca.gov](mailto:LADRegulations@dmv.ca.gov)

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

Shelly Johnson Marker, Chief of Staff  
Department of Motor Vehicles  
Telephone: (916) 657-6469

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strike-out to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the Department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the Department contact person identified in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

California Relay Telephone Service for the deaf or hard of hearing from TDD Phones: 1-800-735-2929; from Voice Phones: 1-800-735-2922

**TITLE 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 260, 265, 399, 5520, 5521, and 7149.8 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 275, 5520, 5521, 7145, and 7149.8 of said Code, proposes to amend Section 29.15, Title 14, California Code of Regulations, relating to recreational abalone closure.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Current recreational abalone fishing regulations in Section 29.15, Title 14, California Code of Regulations (CCR), specify open areas, season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and the minimum size limit. Subsection 29.15(i) closes all ocean waters to the take of abalone beginning on April 1, 2018. The closure is currently set to expire on April 1, 2021.

The Commission is proposing to extend the sunset date of the closure to April 1, 2026. A five-year extension of the sunset is expected to allow sufficient time for completion of the Red Abalone Fishery Management Plan and associated implementing regulations. In addition, the proposal will reorganize the subsections of Section 29.15 and update cross references to reflect that reorganization. The proposed regulation will also repeal the requirement in subsection (d) that states all legal size abalone detached must be retained.

BENEFITS OF THE REGULATIONS

The proposed regulation will benefit the state's environment by helping to ensure sustainable populations of red abalone for fishery and ecosystem management.

**CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS**

The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code, sections 200, 205, and 265); no other state agency has the authority to promulgate such regulations. The Commission has conducted a search of Title 14, CCR, and determined that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR, and therefore has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

**PUBLIC PARTICIPATION**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on **Wednesday, October 14, 2020**, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on **Wednesday, December 9, 2020** at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

It is requested, but not required, that written comments be submitted on or before November 30, 2020 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 4, 2020.** All comments must be received no later than December 9, 2020, during the webinar/teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

**AVAILABILITY OF DOCUMENTS**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, 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 Jenn Greaves at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Ian Taniguchi, Senior Environmental Scientist Specialist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Taniguchi can be reached at (562) 342–7182 or [Ian.Taniguchi@wildlife.ca.gov](mailto:Ian.Taniguchi@wildlife.ca.gov).**

**AVAILABILITY OF MODIFIED TEXT**

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

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

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

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following

initial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulatory action will not impact compliance costs or fishery activity due to the existing closure and applies to a fishery that is unique to the State of California.

- (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 impacts on the creation or elimination of jobs within the state, the creation of new businesses, the elimination of existing businesses or worker safety. The Commission anticipates generalized benefits to the health and welfare of California residents and benefits to the state’s environment. The proposed action continues an existing closure designed to ensure the long–term sustainability and quality of the fishery, promoting future participation, fishing activity, and economic activity.

- (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 are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

**TITLE 18. BOARD OF EQUALIZATION**

*Title 18, Section 202, Allocation of Aircraft of Certificated Air Carriers and Scheduled Air Taxi Operators*

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606, proposes to adopt amendments to California Code of Regulations, title 18, section (Property Tax Rule) 202, Allocation of Aircraft of Certificated Air Carriers and Scheduled Air Taxi Operators. Property Tax Rule 202 implements, interprets, and makes specific the following: Revenue and Taxation Code sections 1150, 1151, 1154, 1155, 1156, as well as sections 441, 1152, 1153.5, and 1157, as amended and added, and section 1153 as repealed, by Senate Bill No. 791 (SB 791) (Stats. 2019, ch. 333).

PUBLIC HEARING

The Board will conduct a meeting on October 20–21, 2020, and is planning on conducting the meeting via teleconference, consistent with the Governor’s Executive Order N–29–20 (issued March 17, 2020). The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board’s website at [www.boe.ca.gov](http://www.boe.ca.gov) at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 10:00 a.m. or as soon thereaf-

ter as the matter may be heard on October 20 or 21, 2020. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Property Tax Rule 202.

AUTHORITY

Government Code section 15606.

REFERENCE

Revenue and Taxation Code sections 441, 1150, 1151, 1152, 1153.5, 1154, 1155, 1156, and 1157.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

*Current Law*

Under article XIII, section 1 of the California Constitution, all property is taxable and assessed at fair market value, unless otherwise provided by the California Constitution or the laws of the United States. Section 2 of article XIII of the California Constitution authorizes the Legislature to provide for property taxation of tangible personal property. Certificated aircraft used by air carriers are tangible personal property, subject to taxation when in revenue service in the state of California.

Until December 31, 2016, the law specified an aircraft valuation methodology required to be used by assessors, which was based on the lowest of trended acquisition cost less depreciation; the wholesale price listed in the Airliner Price Guide, a commercially published value guide, less ten percent; or the original price paid. In addition, assessors and commercial air carriers used a “lead county” system of assessment, which streamlined the administrative procedures involved. This allowed commercial air carriers operating in multiple California counties to file a single consolidated property statement with a designated lead county assessor’s office. The lead county’s assessor’s office calculated the total unallocated fleet value of the air carrier’s certificated aircraft for each make, model, and series and transmitted the calculated fleet value to the other counties. To assess the aircraft, each county assessor’s office determined its allocated portion of the calculated fleet value based on the flight data for its particular county. The allocation process limited each county’s assessment to reflect the aircraft’s physical presence in that county. However, this valuation methodology and the lead county system expired statutorily on December 31, 2016.

Due to the expiration of the mandatory valuation methodology and lead county system, county asses-

sors were able to use any valid method (cost, income, comparable sales, published market value guides) to determine the fair market value of aircraft.

As related to the value allocation process, the law prior to approval of SB 791 required the Board to designate a representative period of time to measure aircraft presence in California after consulting with assessors annually. Since 1997, the Board has selected various weeks in the month of January to be the representative period. (See Rev. & Tax. Code, § 441, subd. (m)).

To best consolidate information and guidelines for county assessors regarding the valuation of certificated aircraft, the Board promulgated Property Tax Rule 202, which implements, interprets, and makes specific Revenue and Taxation Code sections 1150 to 1156.

*Effect, Objective, and Benefits of the Proposed Amendments*

The Legislature’s adoption of SB 791 amended Revenue and Taxation Code section<sup>1</sup> 441, amended and added section 1152, added sections 1153.5 and 1157, and repealed section 1153.

Since SB 791 newly enacts section 1157, which directs the Board to, by emergency regulation, promulgate regulations and produce forms and instructions to implement the new allocation formula, Board staff initiated a project to review Property Tax Rule 202 and determine what portions, if any, needed to be amended after examining the changes made to sections 441 and 1152, the addition of section 1153.5, and the repeal of section 1153.

Section 441 provides guidelines for the submission of property statements for taxable personal property (other than manufactured homes) having an aggregate cost of \$100,000. Subdivision (m) of section 441 provides for property statements and the schedule of certificated aircraft filed with a lead county assessor’s office. Subdivision (m) of section 441 previously expired on December 31, 2016. SB 791 removes this term of expiration as well as the requirement of a commercial air carrier to file a property statement electronically via the California Assessor’s Standard Data Record network. Board staff reasonably believed that including a subdivision within the emergency rule to provide guidelines for the “lead county” system would best address the change made to section 441, subdivision (m), as the original Property Tax Rule 202 did not mention a lead county assessor’s office. As a result, subdivision (f) within emergency Rule 202 provides guidelines in regard to the lead county assessor’s office. Included

within new subdivision (f) are provisions related to the electronic transmittal of the property statement.

Section 1152 provides the allocation formula that each assessor would use in assessing the certificated aircraft. SB 791 limited the use of this allocation formula to fiscal years prior to 2020–21 and provides a new allocation formula for use for fiscal years 2020–21 and after. To address this change, Board staff replaced previous subdivision (c) entitled “Allocation Formula” with the new allocation formula as detailed in section 1152, as applicable to the 2020–21 fiscal year and for each fiscal year thereafter. Staff rearranged the text of section 1152 to provide a clearer format that focuses more on the computation of time allocable to each airport from time in the air and time on the ground, rather than focus on the “proportionate amount of time” paragraph, which was moved to the caption of subdivision (c) and is better framed as a representative time period for the formula. The staff reasonably believed that duplicating section 1152 in this manner in Property Tax Rule 202 would provide clarity to the relevant county assessors that would have to calculate values for certificated aircraft. Since the new allocation formula no longer needs to distinguish between scheduled operations and nonscheduled operations, staff removed this distinction from subdivision (e). Also, staff reasonably believed that the term “type” of aircraft was too broad and clarified in subdivision (g) that the “subfleet type” was sought; staff also removed text and examples that were no longer applicable to Property Tax Rule 202.

Section 1153 provides for the aforementioned representative periods. This section has been repealed by SB 791, thus removing the Board’s requirement to annually choose a representative period. For emergency Rule 202, Board staff removed mention of such representative periods and replaced it with the 12-month period in subdivision (a) and deleted the previous Property Tax Rule 202’s subdivision (f) titled “Representative Period.”

SB 791 newly enacts section 1153.5, which re-establishes a lead county assessor’s office and provides for its designation, responsibilities, and audit. Board staff, in the emergency rule, replaced existing subdivision (f) with one entitled “Lead County Assessor’s Office.” Board staff rearranged the text of section 1153.5 for the purpose of clarity, such that subdivision (f)(1) would provide guidelines for the designation of lead county assessor’s offices. Board staff amended some of the language regarding when the designation of the lead county assessor’s office would take place in order to provide clarity. Subdivision (f)(2) was organized to include the responsibilities of the lead county assessor’s office. Subdivision (f)(3) was drafted to emphasize the remaining responsibility of affected county assessor’s offices regarding certificated aircraft

<sup>1</sup> Hereinafter, all references to “section” refer to the California Revenue and Taxation Code.

valuation. Subdivision (f)(4) was drafted to emphasize the audit of commercial air carriers every four years.

Pursuant to section 1157, Board staff presented the emergency rule to the California Assessors' Association and representatives of commercial air carriers on October 11, 2019 and sought feedback. Staff only received comments from the Sacramento County Assessor's Office and incorporated the appropriate changes. On staff's recommendation, the Board adopted emergency rule 202 on November 19, 2019.

OAL approved emergency Rule 202 and the emergency rule was effective on January 1, 2020.

To make the amendments to emergency Rule 202 permanent, Board staff initiated a project to amend Rule 202 through the certificate of compliance rulemaking process. Staff incorporated ongoing feedback of the emergency rule and prepared a draft of the proposed amendments to Rule 202 accordingly.

These amendments include changes to Property Tax Rule 202, subdivision (c) to provide for better implementation of section 1152, by stating that absence of a flight from the "California Standard Flight Times" table does not preclude that flights inclusion in the allocation formula, as well as that commercial air carriers that discover missing flights are required to notify, in writing, the designated lead county assessor's office of its absence. Other amendments also clarify that references to section 441 are to the Revenue and Taxation Code, and references to subdivisions (c)(1) and (c)(2) are internal references to subdivisions of Property Tax Rule 202.

Upon further feedback, Board staff changed subdivision (f)(1) to better clarify when the Aircraft Advisory Subcommittee of the California Assessors' Association would designate the lead county assessor's office. In addition, further clarifications to subdivision (f) were made such that references to "paragraph (1)" were replaced with references to "subdivisions (f)(1) of this rule" to clarify the internal reference. Similarly, clarifications were added to show that references to sections 441 and 469 were references to sections of the Revenue and Taxation Code. Finally, a change to subdivision (f) was made to parallel the aforementioned changes made to subdivision (c), which added responsibility of the lead county assessor's office to notify the Board of any missing flights in the "California Standard Flight Times" table.

Board staff then provided interested parties with the latest draft of the proposed amendments to Property Tax Rule 202 on February 7, 2020 (see Letter to Assessors 2020/006 available at <https://boe.ca.gov/proptaxes/pdf/lta20006.pdf> as of July 22, 2020), and invited interested parties to participate in the rulemaking effort. No comments were received.

Board staff subsequently prepared a Chief Counsel Memorandum dated July 6, 2020 and submitted it to

the Board Members for consideration at the Board's July 22, 2020 Board meeting. In the Chief Counsel Memorandum, Board staff recommended that the proposed amendments to Property Tax Rule 202 be authorized for publication.

At the July 22, 2020 meeting, the Board Members voted to adopt staff's recommended amendments to Property Tax Rule 202. The Board determined that the proposed amendments and language for the new rule are reasonably necessary for the specific purpose of providing for the implementation of the lead county assessor's office system, the new valuation formula, the audit, and the issue of "California Standard Flight Times".

The adoption of the proposed amendments to Property Tax Rule 202 is not mandated by federal law or regulations. There are no previously adopted or amended federal regulations that are identical to Property Tax Rule 202 or the proposed amendments to Property Tax Rule 202.

The Board has performed an evaluation of whether the proposed amendments to Property Tax Rule 202 are inconsistent or incompatible with existing state regulations. The Board has determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because there are no other Property Tax Rules applicable to the property taxation of certificated aircraft.

#### NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

Section 7 of SB 791 states that if the "Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code." Since SB 791 and its amendments, enactments, and repeals designate a lead county assessor and allocate new responsibilities, county assessor offices may be impacted and thus, the emergency regulation imposes a mandate on a local agency that is reimbursable.

#### ONE-TIME COST TO THE BOARD, BUT NO OTHER COST OR SAVINGS TO ANY STATE AGENCY, LOCAL AGENCY, OR SCHOOL DISTRICT

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 202 will result in an absorbable \$420 one-time cost for the Board to update its website after the amendments are completed. The Board has determined that the adoption of the proposed amendment to Property Tax Rule 202 will result in no other direct or indirect cost or

savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

**NO SIGNIFICANT STATEWIDE  
ADVERSE ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS**

The Board has made an initial determination that the adoption of the proposed amendments to Property Tax Rule 202 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.

**NO COST IMPACTS TO PRIVATE  
PERSONS OR BUSINESSES**

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

**RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT REQUIRED BY  
GOVERNMENT CODE SECTION 11346.3,  
SUBDIVISION (b)**

The Board assessed the economic impact of the proposed amendments to Property Tax Rule 202 on California businesses and individuals and determined that the proposed amendments to Property Tax Rule 202 are not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment (EIA) required by Government Code section 11346.3, subdivision (b)(1), for the proposed amendments and included it in the initial statement of reasons. In the EIA, the Board has determined that the adoption of the proposed amendments to Property Tax Rule 202 will neither create nor eliminate jobs in the State of California nor create new businesses or eliminate existing businesses within the state nor expand businesses currently doing business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Property Tax Rule 202 will not affect the benefits of the rule to the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT ON  
HOUSING COSTS**

Adoption of the proposed amendments to Property Tax Rule 202 will not have a significant effect on housing costs.

**DETERMINATION REGARDING  
ALTERNATIVES**

The Board must determine that no reasonable alternative considered by it or that has been otherwise 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 than the proposed action.

**CONTACT PERSONS**

Questions regarding the substance of the proposed amendments and new rule should be directed to Henry Nanjo, Chief Counsel, by telephone at (916) 323-1094, by e-mail at [henry.nanjo@boe.ca.gov](mailto:henry.nanjo@boe.ca.gov), or by mail at State Board of Equalization, Attn: Henry Nanjo, MIC:121, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0073.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Lawrence Lin, Regulations Coordinator, by telephone at (916) 322-1982, by e-mail at [lawrence.lin@boe.ca.gov](mailto:lawrence.lin@boe.ca.gov), or by mail at State Board of Equalization, Attn: Lawrence Lin, MIC: 121, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080. Mr. Lin is the designated backup contact person to Mr. Nanjo.

**WRITTEN COMMENT PERIOD**

The written comment period ends at 10:00 a.m. on October 20, 2020, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Property Tax Rule 202 during the October 20-21, 2020, Board meeting. Written comments received by Mr. Lawrence Lin at the postal address or email address provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Property Tax Rule 202.

AVAILABILITY OF INITIAL  
STATEMENT OF REASONS AND TEXT OF  
PROPOSED REGULATION

The Board has prepared an underline and strikethrough version of the text of Property Tax Rule 202 illustrating the express terms of the proposed amendments and an initial statement of reasons for the adoption of the proposed amendments, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's website at [www.boe.ca.gov](http://www.boe.ca.gov).

SUBSTANTIALLY RELATED CHANGES  
PURSUANT TO GOVERNMENT CODE  
SECTION 11346.8

The Board may adopt the proposed amendments to Property Tax Rule 202 with changes that are nonsubstantive or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the resulting regulation, with the change clearly indicated, available to the public for at least 15 days prior to adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Lin. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL  
STATEMENT OF REASONS

If the Board adopts the proposed amendments to Property Tax Rule 202, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's website at [www.boe.ca.gov](http://www.boe.ca.gov).

TITLE MPP. DEPARTMENT OF  
SOCIAL SERVICES

ORD #0120-01

ITEM #1 CalWorks Overpayment Threshold

The California Department of Social Services (hereafter known as the Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on October 21, 2020, at the following address:

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

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

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by October 21, 2020.

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

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

copies of the Final Statement of Reasons will also be available at the following address:

**CONTACT**

California Department of Social Services  
Office of Regulations Development  
744 P Street, MS 8-4-192  
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**CHAPTERS**

Manual of Policies and Procedures (MPP) 42-700 and 44-300

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Senate Bill (SB) 726 (Chapter 930, Statutes of 2018) increased the California Work Opportunity and Responsibility to Kids (CalWorks) overpayment threshold for collection from \$35 to \$250, introduced a new discharge policy for nonfraudulent CalWorks overpayments, required County Welfare Departments (CWDs) to report a mass overpayment resulting from a major systemic error or negligence to the California Department of Social Services (CDSS) for possible discharge, and prohibited CWDs from commencing civil or criminal action against any individual based on alleged unlawful application for or receipt of public social services if the case record was not made available to the individual.

The effective date of the discharge provision in SB 726 has been delayed until the single California State-wide Automated Welfare System (CalSAWS) is able to perform the automation necessary for implementation in accordance with SB 80 (Chapter 27, Statutes of 2019).

**Benefits:**

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: the proposed regulations will benefit the health and welfare of California residents who formerly participated in the CalWorks program. By increasing the CalWorks overpayment threshold for collection to \$250, former participants will be able to keep more of their income to support their families, which will keep them on the path to sustainability. Worker safety is not affected by this regulatory action. The state's environment is not affected by this regulatory action.

**Consistency:**

The CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incapability. The CDSS has found that these are the only regulations concerning the provisions of SB 726. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations but do fulfill the intent of the Legislature in enacting SB 726.

**Incorporation by Reference:**

This regulatory action does not incorporate documents by reference.

**COST ESTIMATE**

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

**LOCAL MANDATE STATEMENT**

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

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

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that this regulatory action is only applicable to county governments and only affects current and former recipients of the CalWorks program.

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

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

**SMALL BUSINESS IMPACT STATEMENT**

The Department must determine there is no impact on small businesses as a result of filing these regulations. There is no impact on small businesses because these regulations are only applicable to state and county agencies and impact California residents who formerly participated in the CalWorks program with less than \$250 of collectible CalWorks overpayment.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed regulatory actions will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**Benefits of the Regulatory Action:**

The adoption of the proposed regulatory actions will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. This regulatory action is implementing the provisions of SB 726 and only impacts current and former recipients of the CalWorks program. SB 726 decreases the administrative burden of tracking old overpayments; reduces the number of overpayments former clients are responsible for repaying; reduces the number of former clients whose taxes are being intercepted; and streamlines CWDs' overpayment collection process. As a result, the proposed action will benefit the health and welfare of California residents that participated in the CalWorks program. Also, the reduction of overpayment will lead to additional income that will help meet the other needs of a family member.

**STATEMENT OF EFFECT ON HOUSING COSTS**

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

**STATEMENT OF ALTERNATIVES CONSIDERED**

In developing the regulatory actions, the CDSS did not consider any other alternatives because no other alternatives were proposed.

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

for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**AUTHORITY AND REFERENCE CITATIONS**

Welfare and Institutions Code sections 10553, 10554, 10604, 11004, 18910(a), and 18927.5; SB 726 (Chapter 930, Statutes of 2018) and SB 80 (Chapter 27, Statutes of 2019).

**DEPARTMENT REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Kenneth Jennings (916) 657-2586  
Backup: Oliver Chu (916) 657-2586

**EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. To allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**CONSISTENCY DETERMINATION  
REQUEST FOR  
Butte Creek Ranch Safe Harbor Agreement  
2089-2020-005-01  
Siskiyou County**

The California Department of Fish and Wildlife (CDFW) received a notice on August 14, 2020 that the Hart Family (Forrest B. Hart, Susan S. Hart, Laura Hart Hyde, Alexandra F. Hart, Pamela Isabel Piemme, Andrew P. Silva and Mary A. Silva, collectively Applicant) proposes to rely on a federal Safe Harbor Agreement to carry out a project that may provide a net conservation benefit to a species protected by the California Endangered Species Act (CESA). The proposed project involves the implementation of beneficial management activities to provide a net

conservation benefit for northern spotted owl (*Strix occidentalis caurina*) and gray wolf (*Canis lupus*). The proposed project will occur on the Butte Creek in Siskiyou County, California.

The August 14, 2020 notice requested a CDFW determination pursuant to California Fish and Game Code Section 2089.22, that the Biological Opinion (08EYRE00–2019–F–0105) issued by the U.S. Fish and Wildlife (Service) on May 15, 2019 and safe harbor agreement (TE38853D) issued by the Service to the Applicants on March 6, 2020, are consistent with CESA for purposes of the proposed Project. If CDFW determines the federal safe harbor agreement is consistent with CESA for the proposed Project, the Applicants will not be required to obtain a California state safe harbor agreement under Fish and Game Code section 2089 for the Project.

**DEPARTMENT OF  
FISH AND WILDLIFE**

FISH AND GAME CODE  
SECTION 1653 CONSISTENCY  
DETERMINATION REQUEST FOR  
Ryan Creek Floodplain and  
Sediment Reduction Project  
(Tracking Number: 1653–2020–059–001–R1)  
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 5, 2020, that the Northwest California Resource Conservation and Development Council proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves laying back several sections of over–steepened and actively eroding streambanks along the left bank to prevent approximately 300 cubic yards of fine sediment discharge from bank erosion. The proposed project will be carried out on Ryan Creek, tributary to Outlet Creek, located north of Willits, between Highway 101 and Ryan Creek Road, Mendocino County, California.

On August 21, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Ryan Creek Floodplain and Sediment Reduction Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for cov-

erage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B190130WNME; ECM PIM No. CW–860701) for coverage under the General 401 Order on June 24, 2020.

The Northwest California Resource Conservation and Development Council is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

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

**DEPARTMENT OF  
FISH AND WILDLIFE**

FISH AND GAME CODE  
SECTION 1653 CONSISTENCY  
DETERMINATION REQUEST FOR  
Squaw Creek North Meadow Enhancement Project  
(Tracking Number: 1653–2020–064–001–R2)  
Placer County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 12, 2020 that Squaw Creek Associates, LLC proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves rehabilitating a heavily degraded portion of the Squaw Creek meadow, stabilizing a section of eroding streambank along Squaw Creek, and create greater floodplain connectivity. The proposed project will be carried out on Squaw Creek at Squaw Creek Golf Course, in Olympic Valley, Placer County, California.

On September 13, 2019, the Lahontan Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Squaw Creek North Meadow Enhancement Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA)

review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 6A311909016) for coverage under the General 401 Order on December 12, 2019. The Regional Water Board issued an amendment to the Notice of Applicability for coverage under the General 401 Order on August 3, 2020.

Squaw Creek Associates, LLC is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

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

**DEPARTMENT OF  
FISH AND WILDLIFE**

**HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION NO.  
1653-2020-062-001-R1**

**Project:** Mill Creek (Navarro River) Large Wood Augmentation Project

**Location:** Mendocino County

**Applicant:** Elizabeth Mackey, Trout Unlimited

**Background**

*Project Location:* Mill Creek (Navarro River) Large Wood Augmentation Project (Project) is located at is located on Mill Creek approximately 4.5 miles north of the town of Philo, CA. The project begins near the confluence with the Navarro River and continues upstream approximately 1.15 miles. Coordinates of the center point of the Project are 39.1006° north latitude, and 123.5032° west longitude at privately owned property, Assessor Parcel Numbers 02628035, 02633022, 02651002, 02633001, 02632001, 02659005, 02659006. Mill Creek supports populations of Coho Salmon, Chinook Salmon, steelhead, Western Pond Turtle, Tailed Frog, Foothill Yellow-legged Frog, and Red-bellied Newts.

*Project Description:* Trout Unlimited (Applicant) proposes to enhance habitat within Mill Creek to pro-

vide a net conservation benefit for Coho Salmon, Chinook Salmon, and steelhead. The Project includes the installation of approximately 27 individual pieces of wood at 24 locations along 1.15 miles to increase and improve the quality and quantity of salmonid habitat in Mill Creek. The placement of large wood will provide complex refugia for juvenile salmonids and help reduce density-dependent competition during the low flow season. The objectives of the Project are to increase and improve the quality and quantity of pool habitats within Mill Creek. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort spawning gravels. This effort will help to maintain the geographic distribution of Coho Salmon in a system with historically strong populations and identified biological refugia.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 2.52 acres and 54 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 141 cubic yards of large woody material (2), 2 cubic yards of soil, and (3) 45 hard anchor points; 110 total feet of rebar; approximately 100 nuts.

*Project Timeframes:*

Start date: August 2020

Completion date: October 2024

Work window: June 15–October 31

*Water Quality Certification Background:* Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B20129WNME, Electronic Content Management Identification (ECM PIM) No. CW-867867 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental documents that set forth

measures to avoid and minimize impacts to Coho Salmon, steelhead, Western Pond Turtle, Tailed Frog, Foothill Yellow-legged Frog, Red-bellied Newts, and Northern Spotted Owl.

*Receiving Water:* Mill Creek, Mendocino Coast Hydrologic Unit 113.50

*Filled/Excavated Area:*

Permanent Area Impacted: None.

Temporary Area Impacted: 2.52 acres of riparian area

Total Linear Impacts: Length Permanently Impacted: None.

Length Temporarily Impacted: 54 Linear feet

*Latitude/Longitude:* 39.10066° N/123.5032° W

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

On August 7, 2020, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on August 11, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2020-0811-06) on August 21, 2020. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

### **Determination**

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

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

### **Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Erosion Control Measures; (2) Measures to Minimize Disturbance from Instream Construction; (3) Measures to Minimize Degradation of Water Quality; (4) Measures to Minimize Loss or Disturbance of Riparian Vegetation; (5) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Attachment A — Mill Creek (Navarro River) Large Wood Augmentation Project Notice of Intent — General 401 Water Quality Certification Order for Small Habitat Restoration Projects (SBI200006GN)*.

### **Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan Mill Creek (Navarro River) Large Wood Augmentation Project*.

### **Notice of Completion**

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

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIM number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIM number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [scott.monday@wildlife.ca.gov](mailto:scott.monday@wildlife.ca.gov).

### **Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall

be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

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

**DEPARTMENT OF  
FISH AND WILDLIFE**

**HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NO. 1653-2020-063-001-R1**

**Project:** North Fork Navarro River Whole Tree Instream Coho Habitat Enhancement Project Phase 1

**Location:** Mendocino County

**Applicant:** Patty Madigan, Mendocino County Resource Conservation District

**Background**

*Project Location:* The North Fork Navarro River Whole Tree Instream Coho Habitat Enhancement Project Phase 1 (Project) is located on the North Fork Navarro River approximately one mile south of the town of Navarro, CA beginning near the confluence with Soda Creek and extending upstream for approximately 1,400 feet. The Project reach extends from 39.1646° degrees north latitude and -123.5685° west longitude upstream to 39.1608° degrees north latitude and -123.5669° west longitude at property owned by Mendocino Redwood Company, LLC, Assessor Parcel Number (APN) 02604007, and affects North Fork Navarro River, tributary to Navarro River. North Fork Navarro River supports populations of Coho Salmon, Chinook Salmon, steelhead, Western Pond Turtle, Tailed Frog, Foothill Yellow-legged Frog, and Red-bellied Newts.

*Project Description:* Mendocino County Resource Conservation District (Applicant) proposes to enhance habitat within North Fork Navarro River to provide a net conservation benefit for Coho Salmon, Chinook Salmon, and steelhead. The Project includes the installation of approximately 14 individual pieces of wood at 12 locations along 1,400 feet to increase and

improve the quality and quantity of salmonid habitat in the North Fork Navarro River. The placement of large wood will provide complex refugia for juvenile salmonids and help reduce density-dependent competition during the low flow season. The objectives of the project are to increase and improve the quality and quantity of pool habitats within North Fork Navarro River. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort spawning gravels. It is anticipated that the habitat created through the placement of this large wood material will be readily utilized by fish following a season of scouring flows. This effort will help to maintain the geographic distribution of Coho Salmon in a system with historically strong populations and identified biological refugia.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 1.73 acres and 91 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 146 cubic yards of large woody material (2), 4 cubic yards of soil, and (3) 28 hard anchor points; 60 total feet of rebar; approximately 56 nuts.

*Project Timeframes:*

Start date: August 2020

Completion date: October 2024

Work window: June 15–October 31

*Water Quality Certification Background:* Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B20130WNME, Electronic Content Management Identification (ECM PIM) No. CW-867870 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental documents that set forth

measures to avoid and minimize impacts to Coho Salmon, steelhead, Western Pond Turtle, Tailed Frog, Foothill Yellow-legged Frog, Red-bellied Newts, and Northern Spotted Owl.

North Fork Navarro River, Mendocino Coast Hydrologic Unit 113.50

*Filled/Excavated Area:*

Permanent Area Impacted: None.

Temporary Area Impacted: 1.46 acres of riparian area

Total Linear Impacts: Length Permanently Impacted: None.

Length Temporarily Impacted: 91 Linear feet

Latitude/Longitude: 39.16496° N, 123.56852° W (downstream)

39.16086° N, 123.56698° W (upstream)

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

On August 7, 2020, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on August 11, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2020-0811-07) on August 21, 2020. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

#### **Determination**

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

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

#### **Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Erosion control measures; (2) Measures to minimize disturbance from instream construction; (3) Measures to minimize degradation of water quality; (4) Measures to minimize loss or disturbance of riparian vegetation; (5) General Measures to avoid impacts on biological resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, Attachment A, Additional Pages — NF Navarro River Whole Tree Instream Coho Habitat Enhancement Project — Phase I Notice of Intent — General 401 Water Quality Certification Order for Small Habitat Restoration Projects (SB120006GN).

#### **Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, Monitoring and Reporting Plan North Fork Navarro River Whole Tree Instream Coho Habitat Enhancement Project Phase 1.

#### **Notice of Completion**

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

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIM number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIM number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [scott.monday@wildlife.ca.gov](mailto:scott.monday@wildlife.ca.gov).

### Project Authorization

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

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

## DEPARTMENT OF FISH AND WILDLIFE

### PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

#### Telemetry Study & Population Estimates of Razorback Sucker in the Lower Colorado River

The Department of Fish and Wildlife (Department) received a project proposal from Mr. Jim Stolberg of the Bureau Of Reclamation (BOR) Lower Colorado River Multi-Species Conservation Program (LCR MSCP) requesting authorization to conduct fishery surveys that involve the capturing, handling and Passive Integrated Transponder (PIT) tagging of Razorback Sucker (*Xyrauchen texanus*), a Fully Protected Fish, to conduct necessary scientific research, consistent with the protection and recovery of the species.

The applicant and the associated parties have a valid United States Fish and Wildlife Service (Service) Section 10 recovery permit (#TE-053085-2) that authorizes research and have applied for a Memorandum of Understanding (MOU) and a Scientific Collecting Permit (SCP) to permit the collection of Razorback Sucker. The proposed research is being conducted by the BOR LCR MSCP in support of the recovery of the State and Federally Endangered Razorback Sucker in San Bernardino, Riverside, and Imperial Counties.

The applicant proposes to conduct ongoing telemetry studies to determine survival and habitat use of Razorback Sucker stocked into the Colorado River. The study on Razorback Sucker also involves population estimates, transportation and stocking of sub-adults, survival rates of stocked Razorback Sucker, recruitment, presence/absence for young of the year,

determination of additional spawning sites, and monitoring surveys to assist in the scientific research to recover Razorback Sucker. The sample area consists of the Colorado River and its associated flood plain from the California and Nevada border to the Southern reach of the Colorado River. Collection methods include: trammel nets, seines, dip nets, and boat electrofishing. All Razorback Sucker will be measured, weighed, scanned for PIT and wire tags, and then released. No voucher specimens will be collected. No adult fish will be removed from the waters. A request to sacrifice a subsample of larvae is being asked to conduct genetic analysis to monitor genetic structure of Razorback Sucker communities within the LCR. Larval fish from each stock will be captured, preserved, and delivered to Wayne State University's Department of Biological Sciences for analyses. Results will be used to determine the genetic health of these communities and to assess effectiveness of the Fish Augmentation Program.

The focus of the study does not involve additional tagging of Razorback Sucker; however, there is a request to tag Razorback Sucker. The applicant requests to tag captured Razorback Sucker that were not previously tagged. Tissue samples from Razorback Sucker may be taken for purposes of aging the fish (fin ray section). Only experienced personnel will implant PIT tags or collect tissues from Razorback Sucker. Detailed prescriptions for handling the Razorback Sucker are included in the applicant's Federal Permit.

If the Department determines that the proposed research is consistent with the requirements of Fish and Game Code section 5515 for take of Fully Protected Fish, it will issue the authorization in the form of an MOU on or after October 16, 2020 for an initial term through December 31, 2021.

Detailed prescriptions for sampling and handling Razorback Sucker will be included in the applicant's Fully Protected Species MOU, if issued. Only experienced personnel will conduct sampling. At its discretion, the Department may authorize additional locations and/or methods upon request by the applicant. Also at its discretion, the Department may renew this MOU upon a request by the applicant.

Pursuant to California Fish and Game Code, section 5515 subdivision (a)(1), the Department may authorize take of Fully Protected Fish for necessary scientific research only after a 45 day notice has been provided to affected and interested parties through publication of this notice, seeking relevant information and comments regarding the proposed authorization.

Relevant information and comments regarding this proposed MOU may be directed to: [Fisheries Branch, P.O. Box 944209, Sacramento, CA 94244-2090, Attn: Carmen Tull] Please reference this Notice in your correspondence.

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL

NOTICE OF PROPOSED PROSPECTIVE  
PURCHASER AGREEMENT AND  
OPPORTUNITY FOR PUBLIC COMMENT

(The Creek at Dominguez Hills, 340 Martin  
Luther King, Jr. Street, Carson, CA)

Plenitude Holdings, LLC (hereinafter referred to as “Plenitude”) is proposing to lease and redevelop a property in the County of Los Angeles referred to as The Creek at Dominguez Hills, which is a portion of the property commonly known as the Victoria Golf Course (hereinafter referred to as the “Site”).

The Site is currently operated as a portion of the Victoria Golf Course and owned by The County of Los Angeles (the “County”). As a condition to its lease, Plenitude is entering into a Prospective Purchaser Agreement (“PPA”) with the California Department of Toxic Substances Control (“DTSC” or the “Department”) relating to existing contamination at the Site. The PPA provides that, in exchange for taking certain actions that provide economic and recreational benefits to the local community and the State, Plenitude would not be subject to liability related to, or arising from, existing contamination at the Site. Under the PPA, the work performed by Plenitude at the Site will be overseen and approved by the Department.

This notice provides a brief summary of the Site’s location, history, background, contamination, the proposed project, and opportunities for public involvement.

**Site Location, History, and Background**

The Site is located at 340 Martin Luther King, Jr. Street in the City of Carson, California. The Site is a portion of the former Ben. K. Kazarian (BKK) Landfill (“Landfill”) and comprises approximately 94 acres. The Site is identified by Los Angeles County Assessor’s Parcel Number 7339017917.

The former 353-acre BKK Landfill, of which the Site is a part, was operated as a permitted cut-and-cover landfill that accepted industrial and municipal waste from 1948 to 1959. Landfilling operations ceased by April 1959. During operations, the Landfill was permitted to accept Class II and III solid and liquid wastes. The operating permit allowed the disposal of solid inert materials, such as natural earth, rock, sand, gravel, paving fragments, plaster and plaster products, steel mill slag, glass, asbestos fiber, and its derivatives at certain elevations. At other elevations, the Landfill accepted ordinary household and commercial refuse, rubbish, garbage, scrap metal, and semi-liquid wastes, such as oil field rotary drilling mud, cleanings from petroleum production tanks, paint sludge, liquid latex

wastes, lime and soda water, printer’s ink containing solvent, and other materials.

From 1962 to 1968, the Victoria Golf Course was planned and constructed on the Landfill (including the Site) by the County of Los Angeles. Since the conclusion of the operation of the Landfill, the Landfill area (including the Site) has been occupied by the Victoria County Golf Course, Victoria County Cricket Fields, a portion of the Victoria Regional County Park, Good-year Airship Flight Operations Center, MB Landscape Nursery, certain public rights-of-way, and the Dominguez Channel.

Beginning in 1980, a methane monitoring program, known as Project 301, was initiated in Carson. On April 12, 2006, a Consent Order was issued by DTSC, requiring the submittal of a compliant Remedial Investigation/Feasibility Study (“RI/FS”) Report for soil and soil gas media and a Remedial Action Plan (“RAP”). The RI/FS Report was completed in 2014 and the RAP in 2016. Further information regarding the Landfill’s history (of which the Site is a part) is available online at: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19490191](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19490191).

**Proposed Use and Benefits of Prospective Purchaser Agreement**

Plenitude proposes to lease the Site from the County in order to develop the Site to provide a variety of recreational facilities and ancillary uses. Plenitude anticipates occupying a total of approximately 94 acres of space, including approximately 509,500 square feet of building area, on a long-term lease with the County. Recreational facilities will include, but are not limited to, a community center, multi-use indoor sports complex (including for basketball and volleyball), community park, youth learning experience, indoor skydiving, enhanced driving range, ropes course, sports wellness, and other recreational space and opportunities (including ancillary commercial use, such as food and beverage, and retail). Plenitude also anticipates accommodating an estimated 733 additional employees, providing necessary community services and amenities, as well as a boost to the local economy. Plenitude will create facilities that will be more accessible to the public, diversify recreational opportunities in a community that is lacking in such amenities, and better serve the surrounding community and the public at-large by increasing recreational opportunities and access for a diverse group of users.

Plenitude will be working with the Department and the County to ensure that the construction process will be consistent with the requirements of the remedy at the Site, including with respect to the development, installation, and monitoring of the Site’s building protection systems and for other investigation, remediation, and monitoring requirements resulting from the development of the Site.

**Public Comment Period (September 7–October 7, 2020)**

The Department is holding a 30–day public comment period on the proposed PPA beginning September 7, 2020 and ending on October 7, 2020. Persons wishing to comment on the proposed PPA and related documents are invited to submit them in writing. All written comments must be received by the Department by no later than 5:00 p.m. on July 31, 2020. Untimely submittal of comments will not be allowed or accepted.

Written comments should be sent to the attention of:

California Department of Toxic Substances  
Control  
Site Mitigation and Environmental Restoration  
Branch  
5769 Corporate Avenue  
Cypress, CA 90630  
ATTN: Mr. Nick Ta, Project Manager

Comments may also be emailed to Mr. Ta at [Nicholas.Ta@dtsc.ca.gov](mailto:Nicholas.Ta@dtsc.ca.gov). Written comments submitted through email are requested to be transmitted in Microsoft Word format.

**Response to Comments**

After the close of the public comment period, the Department will prepare a Response to Comments document. This document will include all of the comments received for the PPA. It will also provide the Department’s response to those comments.

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

**AAD Distribution & Dry Cleaning, Inc. Site  
Proposed Administrative Settlement  
NOTICE OF PUBLIC COMMENT PERIOD:  
September 5, 2020 through October 5, 2020**

The Department of Toxic Substances Control (DTSC) invites you to review and comment on a proposed Administrative Settlement regarding the AAD Distribution & Dry Cleaning, Inc. site located at 2306 East 38th Street, Vernon, California 90058, identified as Los Angeles County Assessor’s Parcel Number 6302–015–014 (Site). Operators at the Site engaged in the management of hazardous waste, including liquid perchloroethylene (“PCE”), PCE and water, and PCE contaminated filter cartridges, carbon, and still oil,

primarily from the dry–cleaning industry, between 1986 and approximately 2000. Investigations conducted at the Site detected the presence of PCE in the soil beneath the Site. This Property has been investigated and/or remediated under the Department’s oversight. Hazardous substances, including PCE, remain at the Site above levels acceptable for unrestricted land use. The proposed Administrative Settlement resolves DTSC’s potential claims against Los Angeles County for its alleged liability for contamination at the Site and includes contribution protection provided by Comprehensive Environmental Response, Compensation, and Liability Act section 113(f)(2), 42 U.S.C. § 9613(f)(2). Under the Administrative Settlement, the County will pay DTSC \$98,000, which is based on the amount of waste DTSC believes the County sent to the Site. The amount DTSC receives under the Administrative Settlement will be used to reimburse DTSC for a portion of its cleanup and oversight costs, subject to certain conditions and reservations.

**You may view documents at the following locations:** The Administrative Settlement and background documents are available for review on the Activities and Summary tabs, respectively, on EnviroStor at: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=19000031](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=19000031) You may also review documents by appointment in the File Room at DTSC’s Chatsworth office at 9211 Oakdale Avenue, Chatsworth, California 91311. Call (818) 717–6500 to make an appointment.

**Where do I submit my comments?**

DTSC will consider comments that are postmarked on or before **October 5, 2020** or received electronically by 11:59 p.m. on that date. Please submit comments with **“AAD Distribution & Dry Cleaning, Inc. AS Comment”** in the subject line to:

Contact information: If you have any questions or concerns, please contact:

Lori Parnass,  
DTSC Project Manager  
9211 Oakdale Avenue  
Chatsworth, California 91311  
(818) 717–6597  
[Lori.Parnass@dtsc.ca.gov](mailto:Lori.Parnass@dtsc.ca.gov)

Elsa Lopez  
Public Participation Specialist  
(818) 717–6566  
[Elsa.Lopez@dtsc.ca.gov](mailto:Elsa.Lopez@dtsc.ca.gov)

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Pacific Leatherback Sea Turtle  
(*Dermochelys coriacea*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its August 19–20, 2020 meeting, accepted for consideration the petition submitted to list the Pacific leatherback sea turtle (*Dermochelys coriacea*) as endangered under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife’s (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the Pacific leatherback sea turtle is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the August 19–20, 2020 Commission meeting, are on file and available for public review from Melissa Miller–Henson, Executive Director, California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, California 95814, phone (916) 653–4899.

Written comments or data related to the petitioned action should be directed to the Department contact via email ([Travis.Buck@wildlife.ca.gov](mailto:Travis.Buck@wildlife.ca.gov)): include “Pacific Leatherback Sea Turtle in the subject line. Comments may also be submitted by mail to California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244–2090, Attn: Travis Buck. Submission of information via email is preferred.

OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT

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

ANNOUNCEMENT OF THE CARCINOGEN  
IDENTIFICATION COMMITTEE MEETING  
SCHEDULED FOR NOVEMBER 17, 2020,  
PRIORITIZATION: CHEMICALS FOR  
CONSULTATION BY THE CARCINOGEN  
IDENTIFICATION COMMITTEE

This notice announces the beginning of a 45–day public comment period on the seven chemicals or chemical groups listed below. These chemicals will be discussed at a public meeting of the Proposition 65 Carcinogen Identification Committee (CIC) scheduled for **Tuesday, November 17, 2020**. The meeting will be held virtually. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting and instructions on how to participate will be provided in a future public notice.

The CIC is the state’s qualified experts on carcinogenicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The CIC will provide the Office of Environmental Health Hazard Assessment (OEHHA) with advice on the prioritization of these chemicals for possible preparation of hazard identification materials. At a later date, OEHHA will select chemicals for preparation of hazard identification materials and announce those decisions in a separate notice. **No listing decisions will be made for these chemicals at the CIC’s next meeting.**

OEHHA is the lead agency for the implementation of Proposition 65. The evidence of hazard used in this current round of prioritization is an epidemiologic data screen and an animal data screen. Chemicals or chemical groups passing either data screen were then subjected to a preliminary toxicological evaluation. This screening follows the procedure described in the 2004 OEHHA document, “*Process for Prioritizing*

*Chemicals for Consideration under Proposition 65 by the State's Qualified Experts*".

The seven chemicals or chemical groups are:

- Bisphenol A
- Chlorpyrifos
- Coal dust
- Decabromodiphenyl ether (DecaBDE)
- Methyl bromide
- Perfluorooctane sulfonate (PFOS) and its salts and transformation and degradation precursors
- Trifluralin

The CIC will consider these chemicals at its November 17, 2020 meeting. OEHHA will send public comments received on the prioritization document for these chemicals to CIC members prior to the meeting.

Copies of the prioritization document for these chemicals are available on OEHHA's website <https://oehha.ca.gov/proposition-65/notices> or may be requested by emailing [Tyler.Saechao@oehha.ca.gov](mailto:Tyler.Saechao@oehha.ca.gov) or calling (916) 445-6900.

Interested parties may provide comment on the potential for exposure in California and the extent of the scientific evidence pertaining to the selection of any of these chemicals for possible preparation of hazard identification materials. OEHHA must receive written comments and any supporting documentation no later than **October 19, 2020**, the designated close of the written comment period.

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that the public submit written information electronically, rather than in paper form. **Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>.** Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below, but delays may occur if staff are unable to timely access them.

All non-electronic submissions should be directed to:

Tyler Saechao  
Office of Environmental Health Hazard  
Assessment  
1001 I Street  
P. O. Box 4010, MS-12B  
Sacramento, California 95812-4010  
Telephone: 916-445-6900  
Fax: 916-323-2265

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and e-mail may be available to third parties.

Comments received during the public comment period will be posted on the OEHHA website after the

close of the comment period.

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

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH THE 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.

Bureau of Real Estate Appraisers  
File Number 2020-0714-02  
Form Updates

This action without regulatory effect by the Bureau of Real Estate Appraisers updates several forms incorporated by reference to update the Governor's name, update the Bureau's mailing address, and remove the criminal conviction question on initial applications for licensure in order to comply with recent changes to Business and Professions Code section 480(f)(2), which precludes the Bureau from requiring an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history, effective July 1, 2020.

Title 10  
Amend: 3527, 3561, 3563, 3567, 3568, 3569, 3570,  
3602, 3603, 3641, 3662, 3681, 3761  
Filed 08/25/2020  
Agency Contact: Kyle Muteff (916) 341-6126

California Gambling Control Commission  
File Number 2020-0811-03  
Emergency Sanitation Plan

This emergency rulemaking action will require gambling enterprises and third-party providers of proposition player services to develop an emergency sanitation plan to be implemented during a state of emergency or other order associated with a virus, including physical distancing and hygiene practices for employees and patrons, routine sanitization practices for common contact areas, shared equipment, and cards and gaming chips, employee training, and other specified minimum standards and requirements.

Title 04  
Adopt: 12292, 12371  
Amend: 12200, 12342, 12364, 12370  
Filed 08/21/2020  
Effective 08/21/2020  
Agency Contact:  
Adrianna Alcalá-Beshara (916) 261-4259

Department of Consumer Affairs  
File Number 2020-0714-03  
Unlawful Detainer Assistant Contract

In this action without regulatory effect the Department of Consumer Affairs is adding requirements to the Unlawful Detainer Assistant Standard Contract to be consistent with a changed statute. The added requirements include listing the county where a Registrant is registered, name of county clerk office for the county of registration, phone number, and website if available.

Title 16  
Amend: 3890  
Filed 08/25/2020  
Agency Contact:  
Grace Arupo Rodriguez (916) 574-8260

Department of Motor Vehicles  
File Number 2020-0715-01  
Vehicle Dealers: Location of Business Records

This action by the Department of Motor Vehicles amends record retention requirements for licensed vehicle dealers to reduce the onsite storage of original business documents from 18 months to 90 days.

Title 13  
Amend: 272.02  
Filed 08/25/2020  
Effective 10/01/2020  
Agency Contact: Randi Calkins (916) 657-8898

Department of Social Services  
File Number 2020-0706-01  
Safe Sleep Regulations

This rulemaking action by the Department of Social Services updates safe sleep requirements for infants in child care centers and family child care homes. This

action includes supervision requirements for sleeping infants, specifies safe sleep equipment, and adopts an individual infant sleeping plan to be maintained in each infant's file.

Title 22, MPP  
Adopt: 102425, 102426  
Amend: 101239, 101416.5, 101419.2, 101429, 101430, 101439.1, 102352, 102417  
Filed 08/19/2020  
Effective 08/19/2020  
Agency Contact: Oliver Chu (916) 657-3588

Superintendent of Public Instruction  
File Number 2020-0720-02  
Staffing Ratios

In this regular rulemaking, the Superintendent of Public Instruction is amending staffing ratios for facilities operating state-subsidized Early Learning and Care programs.

Title 08  
Amend: 18290, 18291, 18292  
Filed 08/26/2020  
Effective 10/01/2020  
Agency Contact: Lorie Adame (916) 319-0860

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

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