



California Regulatory Notice Register

REGISTER 2020, NUMBER 38-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

SEPTEMBER 18, 2020

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File Number Z2020-0908-07 1251

Amendment

State Agency:

University of California Hastings College of the Law

Multi-County:

Solano County Water Agency

Desert Community College District

Adoption

Multi-County:

Propel, A Charter Management Group, Inc.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Equine Medication Monitoring Program — Forms — Notice File Number Z2020-0904-01..... 1252

TITLE 4. CALIFORNIA SCHOOL FINANCE AUTHORITY

Charter School Revolving Loan Fund — Notice File Number Z2020-0908-08..... 1256

TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

Inmate Pay Rates, Schedule and Movement — Notice File Number Z2020-0831-04 1258

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA Consistency Determination Request for Desert Quartzite

Solar Project, 2080-2020-006-06, Riverside County 1262

(Continued on next page)

*Time-
Dated
Material*

DEPARTMENT OF FISH AND WILDLIFE <i>CESA Consistency Determination Request for Laguna County Sanitation District Facilities Construction, Operation, and Maintenance Project, 2080–2020–005–05, Santa Barbara County</i>	1262
DEPARTMENT OF FISH AND WILDLIFE <i>Habitat Restoration and Enhancement Act Consistency Determination Act Number 1653–2020–060–001–R1, Redwood Creek (South Fork Eel River) Large Wood Augmentation Project, Mendocino County</i>	1263
DEPARTMENT OF FISH AND WILDLIFE <i>Habitat Restoration and Enhancement Act Consistency Determination Act Number 1653–2020–061–001–R1, Hayshed Gulch Large Wood Augmentation Project, Mendocino County</i>	1265
DEPARTMENT OF FISH AND WILDLIFE <i>Proposed Research on Fully Protected Species Restoration of Salt–Marsh Harvest Mouse Habitat from Paul Detjens, Contra Costa Flood Control and Water Conservation District</i>	1266
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>15–Day Modification Concerning Proposition 65 Consumer Product Exposure Warnings (Previously Published in Notice Register 2020, Number 5–Z)</i>	1267
OAL REGULATORY DETERMINATION	
DEPARTMENT OF STATE HOSPITALS <i>Administrative Directive 610 Titled “Patient Property”</i>	1268
SUMMARY OF REGULATORY ACTIONS	
Regulations filed with Secretary of State	1268

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328–4880. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

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

STATE AGENCY:

University of California Hastings College of the Law

MULTI-COUNTY:

Solano County Water Agency
Desert Community College District

ADOPTION

MULTI-COUNTY:

Propel, A Charter Management Group, Inc.

A written comment period has been established commencing on September 18, 2020, and closing on November 2, 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 November 2, 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 3. FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning September 18, 2020 and ending on November 2, 2020**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 407, Food and Agricultural Code (FAC), and to implement, interpret, or make specific sections 24011, 24011.6, 24012, and 24015 of said Code, the Department is proposing to make changes to sections 1280.1, 1280.2, 1280.3, 1280.8, and 1280.11 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations (CCR).

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law, Chapter 8 (commencing with section 24000) of Division 11 of the FAC authorizes the Department to ensure the integrity of public horse shows, horse competitions, and horse sales through the control of performance and disposition enhancing medications while limiting their permitted therapeutic usage. The Department's Animal Health Branch, Equine Medication Monitoring Program (EMMP) enforces the requirements of these sections of law.

Existing section 24011 of the FAC makes it illegal to show, compete, or offer for sale a horse that has received a prohibited substance unless specified requirements have been met and facts requested are submitted to the Department, as specified.

Existing section 24011.6 of the FAC authorizes the therapeutic administration of a permissible substance before and during all events except public auctions, provided the dosage does not exceed limits or result in levels exceeding maximum permissible detectable levels as established by regulation.

Existing section 24012 of the FAC requires an event manager to charge, collect, and remit fees to the Department for events registered with the Department and establishes the authority to set the applicable fees by regulation.

Existing section 24015 of the FAC requires every equine event, as defined, to be registered with the Department and requires event managers to register events, as specified, and establishes penalties for failing to register.

Existing section 1280.1 of Title 3 of the CCR requires event and public horse sale managers, as defined, to register equine events and sales, and to assess and remit fees collected to the Department, as specified, on forms incorporated by reference in the regulation text. The section also requires event exhibitors or consignors to complete and file with the event manager, a drug declaration form or compatible document, when any horse has received a prohibited substance for therapeutic reasons, as specified.

Existing section 1280.2 establishes fee amounts event managers assess, collect, and remit to the Department.

Existing section 1280.8 refers to the required use of the drug declaration form when a licensed veterinarian authorizes the administration of a therapeutic drug or medicine, as specified.

Existing section 1280.11 establishes fines and penalties for violations of the chapter.

This proposal amends section 1280.1 to repeal the existing three (3) program forms used for the registration and assessment of equine events and sales, and for the reporting of medications used before and during equine events and sales which are currently incorporated by reference and identified by title, form number, and revision date. The Department is proposing to amend the language to replace the forms incorporated by reference with forms identified by title and form number and describe the substantive requirements and contents of each form in proposed sections 1280.1, 1280.2, and 1280.3. The Department also proposes to amend sections 1280.8 and 1280.11 to update references to forms used and subsection numbering. This proposal is necessary to allow the EMMP to revise forms as necessary to keep program forms up to date and to ensure program forms are Americans with Disabilities Act (ADA) compliant.

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with existing State regulations. The Department is the sole State authority over specified public equine events and sales pursuant to Chapter 8 (commencing with section 24000) of Division 11 of the FAC.

Anticipated Benefits of the Proposal: This proposal benefits the equine industry by promoting the safety of the horse and rider in competition and horses at public sales by preventing any potential misuse of drugs or medications that could fraudulently mask a disease, condition, or injury of the horse which could place the rider and/or the horse in jeopardy. This proposal is necessary to allow the EMMP to revise forms as necessary to keep program forms up to date and to ensure program forms are ADA compliant. Information provided on these forms is used to assist the Department in fulfilling its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with FAC sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Consistency and Compatibility with Existing State Regulations: The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department's existing State regulations regarding public equine events and sales. There are other State regulations dealing with the proper use of drugs and medications in equines under the California Horse Racing Board (Board) [Division 4 (commencing with section 1400) of Title 4 of the CCR] which is separate and distinct from the Department's EMMP. The Department has no jurisdiction over horse racing in the State yet work together with veterinarians of the Board to ensure a consistency of the programs within the State.

Documents Incorporated by Reference: None.

Technical, Theoretical, and Empirical Study, Report, or Similar Documents: No technical, theoreti-

cal, and empirical study, report, or similar documents were used in formulating this proposal.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code section 17500 et seq. Require Reimbursement: None.

Business Impact: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal will impact the equine industry in California which may consist of persons and businesses required to register with the Department for any public horse events and sales held in California and affect persons and businesses choosing to participate in public horse events and sales in accordance with FAC section 24001, 24012, and 24015. The Department's proposal affects small businesses.

This proposal affects individuals and businesses choosing to participate in equine events and public sales throughout the State.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action. The proposed regulations affect individuals and businesses choosing to participate in various equine events held throughout California.

The anticipated compliance requirements as a result of this proposal:

Paperwork/reporting requirement: There are no new reporting requirements as a result of this proposal. This proposal amends section 1280.1 to repeal the existing three (3) program forms used for the registration and assessment of equine events and sales, and for the reporting of medications used before and during equine events and sales which are currently incorporated by reference and identified by title, form number, and revision date. The Department is proposing to

amend the language to replace the forms incorporated by reference with forms identified by title and form number and describe the substantive requirements and contents of each form in proposed sections 1280.1, 1280.2, and 1280.3. The Department also proposes to amend sections 1280.8 and 1280.11 to update references to forms used and subsection numbering. This proposal is necessary to allow the EMMP to revise forms as necessary to keep program forms up to date and to ensure program forms are ADA compliant.

Effect on Housing Costs: None.

Effect on Small Business: The Department's proposal may affect small equine businesses choosing to participate in equine events and public sales throughout California.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Persons/Businesses affected by this proposal:

- Persons required to register for equine events — California hosts approximately 1,300 registered equine events annually, ranging from small backyard schooling (practice) shows to internationally recognized endurance events, as well as other types of competitions and public horse sales. This proposal will impact persons and businesses required to register with the Department for any public horse events and sales held in California in accordance with FAC sections 24001, 24012, and 24015.
- Persons choosing to participate in equine events — Equine events registered with the Department represent approximately 100,000 horse entries into competitions annually. For any equine that has received a permissible or prohibited substance, the owner/trainer/exhibitor must complete and file with an event manager an Official Form for Declaration of Drugs Administered, Form 76-027, as specified. On average, the Department receives 350-400 completed drug declaration forms per year. This proposal will impact persons and businesses choosing to participate in public horse shows and sales in accordance with FAC sections 24001, 24012, and 24015.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment:

The Department is not aware of any specific benefits this proposal will have on the health of California residents, worker safety, or the State's environment.

The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected equine industry. This proposal amends section 1280.1 to repeal the existing three (3) program forms used for the registration and assessment of equine events and sales, and for the reporting of medications used before and during equine events and sales which are currently incorporated by reference and identified by title, form number, and revision date. The Department is proposing to amend the language to replace the forms incorporated by reference with forms identified by title and form number and describe the substantive requirements and contents of each form in proposed sections 1280.1, 1280.2, and 1280.3. The Department also proposes to amend sections 1280.8 and 1280.11 to update references to forms used and subsection numbering. This proposal is necessary to allow the EMMP to revise forms as necessary to keep program forms up to date and to ensure program forms are ADA compliant.

The above determinations are based on the fact that the proposed regulations assist the Department in fulfilling its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with FAC sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Occupations/Businesses Impacted: This proposal will impact the equine industry in California; will impact persons required to register with the Department for any public horse events and sales held in California, and affect persons choosing to participate in public horse events and sales in accordance with FAC sections 24001, 24012, and 24015. The Department's proposal affects small businesses.

Business Reporting Requirement:

Paperwork/reporting requirement: There are no new reporting requirements as a result of this proposal. This proposal amends section 1280.1 to repeal the existing three (3) program forms used for the registration and assessment of equine events and sales, and for the reporting of medications used before and during equine events and sales which are currently incorporated by reference and identified by title, form number, and revision date. The Department is proposing to amend the language to replace the forms incorporated by reference with forms identified by title and form number and describe the substantive requirements and contents of each form in proposed sections 1280.1, 1280.2, and 1280.3. The Department also proposes to

amend sections 1280.8 and 1280.11 to update references to forms used and subsection numbering. This proposal is necessary to allow the EMMP to revise forms as necessary to keep program forms up to date and to ensure program forms are ADA compliant.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations because there are no federal regulations governing public equine events or sales. The Department is the sole State authority over specified public equine events and sales pursuant to Chapter 8 (commencing with section 24000) of Division 11 of the FAC.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought the attention of the Department 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. This proposal is necessary to allow the EMMP to revise forms as necessary to keep program forms up to date and to ensure program forms are ADA compliant. Information provided on these forms is used to assist the Department in fulfilling its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with FAC sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

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

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

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Emily Nietrzeba, DVM, MPH
Staff Veterinarian
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 900-5039 or (916) 508-3302
E-mail: emily.nietrzeba@cdfa.ca.gov

OR

Kent Fowler, DVM
Branch Chief
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 900-5040
E-mail: kent.fowler@cdfa.ca.gov

The backup contact person is:

Thamarah Rodgers, Analyst
Department of Food and Agriculture
Animal Health & Food Safety Services
Division/Administration
1220 N Street, Sacramento, CA 95814
Telephone: (916) 698-3276
E-mail: thamarah.rodgers@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

**TITLE 4. CALIFORNIA SCHOOL
FINANCE AUTHORITY**

**Article 1.6, Sections 10170.17
through 10170.19 & 10170.21**

NOTICE IS HEREBY GIVEN that the California School Finance Authority (Authority), organized and operating pursuant to Sections 17170 through 17199.6 of the Education Code, is proposing to take the action described in the Informative Digest Any person interested may present written statements or arguments relevant to the proposed action. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under **Contact Person** in this Notice, must be received by the Authority no later than Monday, November 2, 2020.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed below no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the California School Finance Authority Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as **Contact Person** and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

Public Comment Period: September 18, 2020 through November 2, 2020.

AUTHORITY AND REFERENCE

Authority & Reference cited: Sections 41365, 41366.5, 47600 et seq., and 47605, Education Code.

INFORMATIVE DIGEST

A. Informative Digest

Under authority established in California Education Code sections 17179 and 17180, the Authority may adopt rules and regulations to carry out its responsibility of assisting school districts and community college districts with financing for school projects that may consist of the following elements; acquire, construct,

enlarge, remodel, renovate, alter, improve, furnish, equip, own, maintain, manage, repair, operate, lease as lessee or lessor

The Authority processes between 28 to 48 applications for loans under the Charter School Revolving Loan Fund Program (Program) each year. Currently, the Authority accepts applications between December and February of each year. These loans are intended to assist new Charter Schools in meeting their short-term cash flow needs when State revenues based on student attendance are not sufficient to cover operating expenses. In recent funding rounds, over 30% of Program applicants have been online charter schools. In light of the passage of AB 1505, which places a two-year moratorium on the establishment of new charter schools offering nonclassroom-based instruction, the Authority anticipates a decrease in the number of applications to the Program. To offset this, the Authority is proposing to transition from one annual application submission process to multiple funding rounds or rolling application process, subject to funding availability. This change will also provide potential funding relief for schools that have been negatively impacted as a result of the worldwide COVID-19 pandemic. On March 4, 2020, Governor Gavin Newsom issued an executive order that declared a State of Emergency in California "as a result of the threat of COVID-19". The impact of COVID-19 has left charter schools throughout California struggling to meet cash flow needs. With the proposed amended regulations, the Authority would be able to provide Program awards year-round in a streamlined process to better assist newer, less established schools in meeting working capital needs during the unforeseen crisis.

All programs administered by the Authority refer to charter schools as established pursuant to Education Code section 4700 et seq., the Charter Schools Act of 1992. With the passage of Assembly Bill (AB) 406, Chapter 291, Statutes of 2018, on and after July 1, 2019, a Charter School may not operate as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. The proposed regulations address this change.

The regulations were enacted prior to current automation efforts. The proposed regulations recognize the Program's current ability to accept applications online, providing efficiency and convenience to applicants and reduced waste of natural resources. The regulations as proposed also serve to ensure Program regulations are consistent with current Program practices, and include revisions to language to provide clarity and promote internal consistency within the regulations as well as consistency between regulations of the programs administered by the Authority.

Pursuant to its authority to promulgate rules and regulations under Section 41365(h) of the Education Code, the Authority proposes to amend sections 10170.17, 10170.18, 10170.19, and 10170.21 of Title 4, Division 15, Article 1.6 to the California Code of Regulations to accomplish the following objectives:

1. To permit additional funding rounds per year.
2. To offset the impact of AB 1505 on demand for the Program.
3. To ensure the Program is in compliance with AB 406.
4. To add a definition of “Good Standing” and set forth the procedure and forms used to determine whether an applicant is in Good Standing.
5. To improve internal consistency of the regulations and make them easier to understand.

B. Policy Statement Overview/Anticipated Benefits or Proposal

The proposed amendments were drafted to transition the Program from a single application period per year to multiple funding rounds each year. The amendments also define “Good Standing” and set forth the procedure used by the Authority in determining whether an applicant is in good standing. The changes are necessary to bring the regulations into compliance with AB 406, and add clarity and internal consistency. The benefits of these proposed regulations are three-fold: 1) increased funding opportunities for schools, especially during a time when many charter schools are struggling to meet operating costs due to the world-wide COVID-19 pandemic, 2) offset potential decreased demand for the Program caused by AB 1505’s two year moratorium on online schools, allowing the Program to better achieve its responsibility of assisting school districts and community college districts with financing, and 3) provide clarity and predictability surrounding the “Good Standing” determination and make this determination consistent across programs administered by the Authority.

C. Consistency/Compatibility with Existing State Regulations

The Authority has conducted an evaluation as to whether there are any related regulations on this matter and has found that these are the only regulations dealing with this type of loan program. Therefore, the proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

D. Documents Incorporated by Reference

In accordance with 1 CCR 20(c)(3) and Government Code Sections 11346.1(b)(2) and 11346.5(a)(3),

the Authority provides a Good Standing Confirmation Form (GSCF) (CSFA 1119, rev. November 2019), incorporated herein by reference.

E. Documents Relied Upon in Preparing the Regulations: Economic Impact Assessment

FISCAL IMPACT ESTIMATES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Mandate on local agencies and school districts: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability to Compete: The Authority has made an initial determination that this regulatory action merely proposes to implement, interpret, or make specific existing requirements and procedures and therefore 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. In fact, by providing additional funding opportunities to charter schools, this regulatory action will make establishing a new charter school in California easier and more attractive.

Impact on Jobs/New Businesses: The Authority has determined that this regulatory proposal will not have any negative impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses of the expansion of businesses in the State of California. However, because of the increased funding opportunities for new Charter Schools, such schools in California may be able to begin operations more quickly and be at less risk of failure.

Cost Impact on Representative Private Person or Business: The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

Effect on Small Business: The Authority has determined that this regulatory proposal may have a positive impact on charter schools and businesses supporting Charter Schools. The creation of additional funding opportunities to provide start-up costs to California Charter Schools may result in a large number of Charter Schools, or in the survival of Charter Schools that would not have survived without funding assistance.

Economic Impact Assessment/Analysis Summary Comments: This proposed regulation is not a “major regulation”, therefore there is no economic impact assessment comment from the Department of Finance and no response.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), CSFA must determine that no reasonable alternative considered by CSFA or that has otherwise been identified and brought to the attention of CSFA would be more effective in carrying out the purpose for which the Regulations are 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.

Any interested persons may present statements or arguments relevant to the above determination during the written comment period.

INITIAL STATEMENT OF REASONS, THE TEXT OF PROPOSAL, AND THE RULEMAKING FILE

The Authority has prepared an Initial Statement of the reasons for the proposed action and has available all of the information upon which the proposal is based. The Initial Statement of Reasons is available on the Authority’s website.

Copies of the express language of the proposed regulations, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained throughout the rulemaking process upon request from the Authority Contact Person or on the website listed below. The file is available for inspection at CSFA’s office at 915 Capitol Mall, Sacramento, California, during normal business hours. Please be aware that due to COVID-19, the office is not fully staffed at all times. If you wish to inspect the documents in person, please call first.

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

A Final Statement of Reasons will be created after the closing of the public comment period. You may obtain a copy of the final statement of reasons once it has been prepared from the Contact Person named below or by accessing the website listed below.

CONTACT PERSON

Written comments, inquiries, and any questions regarding the substance of the Regulations shall be submitted or directed to:

Katrina Johantgen, Executive Director
California School Finance Authority

at:

300 South Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4467

or

915 Capitol Mall
Sacramento, CA 95814
(916) 651-7710
Or to: kjohantgen@treasurer.ca.gov

or

csrlf@treasurer.ca.gov

The following person is designated as a backup Contact Person for inquiries only regarding the Regulations:

Ravinder Kapoor, Senior Attorney
State Treasurer’s Office
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995

Website Access: Materials regarding this proposal can be found at <https://www.treasurer.ca.gov/csfa/csfgp/public-comment.asp>

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CalPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2800, 2802, 2807, 2808, and 2809 in order to implement, interpret and make specific Penal Code 2808, propose to amend Section 8006, Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education, concerning the Recruitment and Appointment Process, providing for inmate overtime pay.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed regulatory action. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than October 19, 2020.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided, including any of the following:

- An interpreter to be available at a hearing.
- Documents made available in an alternate format or another language.
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact Roxanna Leffel at CalPIA at (916) 358-1721 or Roxanna.Leffel@calpia.ca.gov as soon as possible, but no later than 10 business days before a scheduled hearing.

Para solicitar estas adaptaciones especiales o servicios de idioma, puede contactar a CalPIA at (916) 358-1721 or Roxanna.Leffel@calpia.ca.gov lo más pronto posible y a más tardar 10 días hábiles antes de la fecha de la audiencia de la Junta (Board).

PUBLIC COMMENT PERIOD

The public comment period will close on **November 2, 2020**, after the Publication in the Notice Register on **September 18, 2020**. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVER

Regulatory Manager
 CalPIA/Legal Services Unit
 560 East Natoma Street
 Folsom, CA 95630

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

Due to limitations of the email system, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CalPIA. Therefore, emails larger than 15 MB should be submitted in several separate emails or another form of delivery should be used.

CalPIA requests but does not require that reports or articles in excess of 25 pages submitted with any comments include a summary of the reports or articles. This summary should include a concise overview of the report or article, describe the reason for submitting the report and describe the relevance of the reports or articles to the proposed regulation. Please note that under the California Public Records Act (Gov. Code Section 6250, et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

CONTACT PERSONS

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the above-referenced persons to:

M. Doherty, Regulatory Manager
 California Prison Industry Authority
 560 East Natoma Street, Folsom, CA 95630
 Telephone (916) 358-1711

In the event the contact person is unavailable, inquiries should be directed to:

C. Pesce, Executive Assistant
 California Prison Industry Authority
 560 East Natoma Street, Folsom, CA 95630
 Telephone (916) 358-1711

AUTHORITY AND REFERENCE

Penal Code Section 2800: In 1982, the California Legislature restructured the Department of Corrections' industries and vocational training program for inmates, abolishing the Correctional Industries Commission and replacing it with the newly created Prison Industry Authority (PIA) (subsequently renamed CalPIA) under the direction of the Prison Industry Board.

Penal Code Section 2807(a): Section 2807(a) provides that CalPIA is authorized and empowered to operate industrial, agricultural, and service enterprises which will provide products and services needed by the state, or any political subdivision thereof, or by the federal government, or any department, agency, or corporation thereof, or for any other public use. By giving CalPIA these duties and power by statute, rulemaking authority is implicitly delegated to adopt

those rules and regulations necessary for the due and efficient exercise of a duty or power expressly granted.

Penal Code Section 2802: Section 2802 provides for the existence of a Prison Industry Board (PIB).

Penal Code Section 2808: Section 2808 provides the PIB, in the exercise of its duties, all of the powers and authority to do all of the things that the board of directors of a private corporation would do.

State Departments have been given “Quasi-Legislative” powers to adopt rules (regulations) that are consistent with state law so that they can run the programs they that are responsible for. One court opinion described this as the power to “fill in the details” of the state statute(s) that empower a department to operate a program. *Helene Curtis, Inc. v. Assessment Appeals Bd.* (1999) 76 Cal.App.4th 124. By the implied terms of Penal Code Sections 2800, 2802, 2807 and 2808, CalPIA has the authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of these statutes.

INFORMATIVE DIGEST

CalPIA is amending Section 8006 to provide for inmate overtime pay. In order to fully support CalPIA’s purpose to operate like a private, self-sustaining business and to function safely and efficiently, the proposed amended regulation is necessary. Pursuant to Government Code section 11342.2, the proposed amendment is consistent with, and not in conflict with, PC sections 2801 through 2818. The proposed regulatory action is reasonably necessary to effectuate the purposes of PC sections 2801 through 2818.

POLICY STATEMENT OVERVIEW

The proposed amendment is necessary to require overtime pay when the needs of operations are increased to utilize inmate overtime hours for CalPIA assignments. CalPIA provides inmates with work opportunities to develop work skills and experience applicable upon release from custody. It is standard practice and often required for employers to provide overtime pay in the general workforce. This regulatory amendment provides inmates familiarity and experience with a general standard workplace practice of overtime pay they will encounter upon release from custody.

Anticipated Benefits of the Proposed Regulation:

Anticipated benefits of the proposed regulatory action include that the proposed amended regulation will help to ensure that CalPIA operations support transition for inmates upon release to general employment standards and practices. Additional benefits are to:

- Protect and maintain CalPIA’s purpose as an agency.
- Provide and enforce general standard workplace practices.
- Provide inmates familiarity and experience with general standard workplace practices they will encounter upon release from custody and post-custody employment including but not limited to overtime pay. Additionally, inmates getting overtime pay will help them save more money to support themselves and their families upon their release and to pay child support, if any. Thus, the benefits mentioned above will create a positive impact to the health and safety of the inmates and general welfare of California.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

CalPIA evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations and has determined that no other state regulations address the same subject matter and that the proposed regulations are consistent and compatible with other existing state regulations.

During the process of developing this regulation, CalPIA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing laws and regulations. After conducting a review for regulations that would relate to or affect this area, CalPIA has concluded that these are the only CalPIA regulations that concern these exact processes and procedures for the adoption, amendment, and repeal of regulations by California state agencies.

Mandated by Federal Law or Regulations:

The proposed regulations are not federally mandated.

DISCLOSURES REGARDING THE PROPOSED ACTION

Local Mandates:

Mandate on local agencies and school districts: None. This action imposes no mandates on local agencies or school districts, nor a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

Fiscal Impact Statement:

Cost or savings to any state agency: None.

Cost to any local agency or school district that is required to 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.

Cost impact on a representative private person or business: None.

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

Significant Statewide Adverse Economic Impact on Business:

CalPIA has initially determined 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 because they are not affected by the internal management of CalPIA employees.

Effect of Housing Costs:

CalPIA has determined that the proposed action will have no significant effect of housing costs.

Results of the Economic Impact Analysis/Assessment:

CalPIA concludes that it is unlikely that the proposed regulations will: (1) create or eliminate any jobs (2) create or eliminate any businesses; or (3) will result in the expansion of businesses currently doing business within the state.

In accordance with the Government Code Section 11346.3(b), the CalPIA has made the following assessments regarding the proposed regulation.

Benefits of Proposed Action:

As stated above under the Informative Digest and Policy Statement Overview, the benefits of the regulatory action include that the proposed amended regulation will help to ensure that CalPIA operations support transition for inmates upon release to general employment standards and practices. Additional benefits are to:

- Protect and maintain CalPIA’s purpose as an agency.
- Provide and enforce general standard workplace practices.
- Provide inmates familiarity and experience with general standard workplace practices they will encounter upon release from custody and post-custody employment including but not limited to overtime pay.

Thus, this proposed action benefits the public and general welfare.

Creation or Elimination of Jobs within the State of California:

CalPIA has determined that these regulatory changes will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the internal management of CalPIA employees.

Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California:

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because these jobs are not affected by CalPIA’s proposed regulatory changes any differently than exists presently or there is no impact on existing jobs and therefore there is no impact with the adoption of this section.

Reports Relied Upon:

None.

Cost Impacts on Representative Private Persons or Businesses:

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

Effect on Small Businesses:

CalPIA has determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of CalPIA inmate workers.

Consideration of Alternatives:

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

Interested persons may present statements or arguments with respect to alternatives to the proposed regulations to the aforementioned contact persons.

Availability of Statement of Reasons, Text of Proposed Regulations, and Rulemaking Documents, and Other Information Upon Which The Rulemaking Is Based:

CalPIA will have the rulemaking file available for inspection and copying throughout the rulemaking process through its aforementioned contact persons at the office location identified above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and all rulemaking documents (including Form 399 and Form 400, special notice requests.)

As noted above, the Proposed Text, Initial Statement of Reasons, *and all the information upon which this proposal is based* have been placed in the rulemak-

ing record, which is available to the public upon request directed to the CalPIA’s contact person. The documents will also be made available on the CalPIA website: www.calpia.ca.gov.

Availability of Changes to Proposed Text:

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CalPIA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CalPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CalPIA’s website: www.calpia.ca.gov.

Availability of the Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CalPIA’s contact person or by visiting the CalPIA website: www.calpia.ca.gov.

Availability of the Documents on the Internet:

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, other information upon which the rulemaking is based and the text of the regulations in underline and strikethrough can be accessed through the website at www.calpia.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Desert Quartzite Solar Project
2080–2020–006–06
Riverside County**

The California Department of Fish and Wildlife (CDFW) received a notice on September 3, 2020 that EDF Renewables proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the construction, operation, maintenance, and decommissioning of the proposed Desert Quartzite Solar Project. Proposed activities will include, but are not limited to, construction of buildings,

a permanent perimeter fence, and associated infrastructure: vegetation clearing activities; operation and maintenance activities; and eventual decommissioning and reclamation activities. The proposed project will occur in Riverside County south of Interstate 10 approximately 25 mi west of the City of Blythe.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (Service Ref. No. FWS–ERIV–12B0378–19F0134) in a memorandum to the Bureau of Land Management on April 12, 2019, which considered the effects of the proposed project on state and federally threatened desert tortoise (*Gopherus agassizii*).

Pursuant to California Fish and Game Code section 2080.1, EDF Renewables is requesting a determination that the BO and its associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and its associated ITS are consistent with CESA for the proposed project, EDF Renewables will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF FISH AND WILDLIFE

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Laguna County Sanitation District Facilities
Construction, Operation, and Maintenance Project
2080–2020–005–05
Santa Barbara County**

The California Department of Fish and Wildlife (CDFW) received a notice on September 4, 2020 that the Laguna County Sanitation District proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the construction of a 1.19 mile segment of pipeline to connect the existing recycled water distribution system to the Phase 4 recycled water pipeline project to Waller Park located east of this pipeline segment and planned for construction in 2021. The proposed project will occur in an easement on Santa Maria Public Airport District property in the Santa Maria area of northern Santa Barbara County.

The U.S. Fish and Wildlife Service (Service) issued a federal Incidental Take Permit (ITP) (Permit No. TE16913C) to the Laguna County Sanitation District August 22, 2017, which considered the effects of the proposed project on state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, the Laguna County Sanitation District is requesting a determination that the ITP and its associated Habitat Conservation Plan (HCP) are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP and its associated HCP are consistent with CESA for the proposed project, the Laguna County Sanitation District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION NO.
1653-2020-060-001-R1**

Project: Redwood Creek (South Fork (SF) Eel River) Large Wood Augmentation Project

Location: Mendocino County

Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The Redwood Creek (SF Eel River) Large Wood Augmentation Project (Project) is located at is located 3 miles northwest of Branscomb, CA at latitude 39.67102°, and longitude -123.6677°, at property owned by Lyme Redwood Forest Company, LLC, Assessor Parcel Numbers (APN) 01368045, 01368022, 01368064, 01368068, and affects Redwood Creek, tributary to South Fork Eel River. Redwood 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 Redwood Creek to provide a net conservation benefit for Coho Salmon, Chinook Salmon, and steelhead. The Project includes the installation of approximately 85 individual pieces of wood at 42 locations along 1.5 miles to increase and improve the quality and quantity of salmonid habitat in the Redwood 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. 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.

Project Size: The total area of ground disturbance

associated with the Project is approximately 2.29 acres and 85 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) 193 cubic yards of large woody material (2), 3 cubic yards of soil, and (3) 65 hard anchor points; 260 total feet of rebar; approximately 160 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. 1B20145WNME, Electronic Content Management Identification (ECM PIN) No. CW-868121 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: Redwood Creek, Mendocino Coast Hydrologic Unit 111.13

Filled/Excavated Area:

Permanent Area Impacted: None.

Temporary Area Impacted: 2.29 acres of riparian area

Total Linear Impacts: Length Permanently Impacted: None.

Length Temporarily Impacted: 85 Linear feet

Latitude/Longitude: 39.67102°, longitude -123.6677°
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 July 31, 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 4, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2020-0804-06) on August 14, 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, *Additional Pages for the General 401 Water Quality Certification order for Small Habitat Restoration Projects*.

Monitoring and Reporting

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

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.
1653-2020-061-001-R1

Project: Hayshed Gulch Large Wood Augmentation Project

Location: Mendocino County

Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The Hayshed Gulch Large Wood Augmentation Project (Project) is located at is located 2.25 miles east of Fort Bragg, CA at latitude 39.42682°, and longitude -123.73887°, at property owned by Lyme Redwood Forest Company, LLC, Assessor Parcel Numbers (APN) 02042118, 02042102, 02042104, 02042107, and affects Hayshed Gulch, tributary to Noyo River. Hayshed Gulch supports populations of Coho 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 Hayshed Gulch to provide a net conservation benefit for Coho Salmon and steelhead. The Project includes the installation of approximately 63 individual pieces of wood at 30 locations along 0.9 miles to increase and improve the quality and quantity of salmonid habitat in the Hayshed Gulch. 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.

Project Size: The total area of ground disturbance associated with the Project is approximately 1.29 acres and 94.5 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)

123.5 cubic yards of large woody material and (2) 2 cubic yards of soil.

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. 1B20144WNME, Electronic Content Management Identification (ECM PIN) No. CW-868119 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: Hayshed Gulch, Mendocino Coast Hydrologic Unit 113.20

Filled / Excavated Area:

Permanent Area Impacted: None

Temporary Area Impacted: 1.29 acres of riparian area

Total Linear Impacts: Length Permanently Impacted: None

Length Temporarily Impacted: 94.5 Linear feet

Latitude/Longitude: 39.42682°, longitude -123.73887°

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 July 31, 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 4, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg.

Notice File Number Z–2020–0804–07) on August 14, 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, *Additional Pages for the General 401 Water Quality Certification order for Small Habitat Restoration Projects*.

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 Hayshed Gulch 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 PIN 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 PIN 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.

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

Restoration of Salt–Marsh Harvest Mouse Habitat

The Department of Fish and Wildlife (Department) received a proposal from Paul Detjens, Contra Costa Flood Control and Water Conservation District, requesting authorization to take the salt–marsh harvest mouse (*Reithrodontomys raviventris*) (mouse), a Fully Protected mammal, for management purposes consistent with conservation and recovery of the species. The mouse is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. Detjens is planning to restore and enhance tidal and seasonal wetlands, lowland grasslands, upland grasslands, and scrub habitats on approximately 386

acres on the southern shore of Suisun Bay along Walnut Creek and Pacheco Creek, within the historical range of the mouse. The work will be conducted in accordance with the requirements of a Streambed Alteration Agreement issued by the Department and a Biological Opinion for the project issued by the U.S. Fish and Wildlife Service (Service). The proposed project includes invasive plant species control, excavation and grading, revegetation, and monitoring. Specified measures to avoid or minimize the potential for take to protect the mouse during restoration activities are required. These include monitoring and control of restoration activities by qualified biologists, timing and management of vegetation removal, and passive or active dispersal of mouse encountered during vegetation removal activities. Adverse effects on individual mice or mouse populations are expected to be temporary and offset upon completion of the habitat restoration project.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Mr. Detjens as the Principal Investigator, to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of Fully Protected mammal species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 4700 for take of Fully Protected mammals, it would issue the authorization on or after October 19, 2020, for an initial and renewable term of up to, but not to exceed five years. Contact: Dr. Scott Osborn, Scott.Osborn@wildlife.ca.gov, (707) 499-0566.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**PROPOSED AMENDMENTS TO ARTICLE 6
CLEAR AND REASONABLE WARNINGS
SECTIONS 25602, 25607, 25607.1, AND
25607.3**

As required by Government Code section 11346.8(c), and Title 1, section 44 of the California Code of Regulations, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice of changes to the proposed regulatory action to amend Title

27, California Code of Regulations, sections 25602, 25607, 25607.1, and 25607.3, which originally was intended to clarify certain provisions of the regulations addressing consumer product exposure warnings, specific product, chemical and area exposure warnings, food exposure warnings, and alcoholic beverage exposure warnings.¹

The proposed regulation was the subject of a Notice of Proposed Rulemaking published on January 31, 2020, in the California Regulatory Notice Register (Notice File No. Z-2020-0117-01), which initiated a 45-day public comment period. The record was augmented on March 13, 2020 by adding a copy of the Consent Judgment in *People v. 1800Flowers.com et al.*, San Diego County Superior Court case No. 37-2020-00009417-CU-TT-CTL, regarding warnings for exposures to alcoholic beverages, and the comment period was extended. One written comment was received during the extended comment period that closed on March 31, 2020.

After carefully reviewing the comments received, OEHHA is withdrawing certain proposed changes to the regulation at this time. The proposed amendments to Sections 25602 subsections (a)(2), (b), and (c) are withdrawn. The renumbering of existing Section 25607 subsection (b), and the addition of new subsections (b), (c), and (d) are also withdrawn. OEHHA will consider proposing these or other amendments in a future rulemaking. The proposed non-substantive changes to Section 25602 subsection (a), Section 25607 subsections (a) and (b), and Section 25607.1 subsection (a) remain, and the proposed substantive and non-substantive changes in Section 25607.3 remain. OEHHA is also proposing a non-substantive, grammatical change to Section 25602 subsection (b).

The full regulatory text with the additional amendments provided in double underline and double strike-out format is available on request from Monet Vela in the OEHHA Legal Office at monet.vela@oehha.ca.gov or (916) 323-2517.

OEHHA is requesting comments on the modifications to the regulatory text. In order to be considered, **OEHHA must receive comments by October 5, 2020, which is the designated close of the comment period.** All comments will be posted on the OEHHA website at the close of the public comment period.

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that comments be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form may still be mailed but delays may occur if staff are unable to timely access them.

¹ All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

Monet Vela
Office of Environmental Health Hazard
Assessment
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-323-2517

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.

**OAL REGULATORY
DETERMINATION**

DEPARTMENT OF STATE HOSPITALS

OFFICE OF ADMINISTRATIVE LAW

**ACCEPTANCE OF PETITION TO
REVIEW ALLEGED
UNDERGROUND REGULATIONS**

**(Pursuant to title 1, section 270, of the
California Code of Regulations)**

The Office of Administrative Law (“OAL”) has accepted for consideration a petition challenging the Department of State Hospitals’ Administrative Directive No. 610, titled “Patient Property”, issued by the Department of State Hospitals — Atascadero. The challenged rule states the following:

Patients may not give, trade, barter, or sell any personal articles to another patient unless there is a prior recommendation by the treatment team, approved by a Program Director. After approvals are obtained, Patient Property slips (Form AT 2762) will be prepared for both patients, signed by the patients and Unit Supervisor, and forwarded to the Patient Property Department.

If you would like to comment on the issues raised by this petition, please send your comments to:

Steven J. Escobar, Senior Attorney
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent simultaneously to the petitioner and the agency contact person.

Petitioner:

Vadim S. Miesegeaes
#0527333
Unit 3
P.O. Box 7001
Atascadero, CA 93423-7001

Agency contact:

Tarik Allen, Regulations Coordinator
Department of State Hospitals
1600 9th Street
Sacramento, CA 95814

Please note the following timelines:

Publication of Petition in Notice Register:
September 18, 2020

Deadline for Public Comments: October 19, 2020

Deadline for Agency Response: November 2, 2020

Deadline for Petitioner Rebuttal: No later than 15
days after receipt of the agency’s response

Deadline for OAL Decision: January 19, 2021

The petition is not being printed for practical reasons or space consideration. However, if you would like to receive a copy of the petition, please contact Margaret Molina at (916) 324-6044 or Margaret.Molina@oal.ca.gov.

**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.

Air Resources Board
File # 2020-0720-03
Limiting Ozone Emissions from Indoor Air Cleaners

This rulemaking action by the California Air Resources Board amends regulations relating to limiting ozone emissions from indoor air cleaning devices.

Title 17
 Amend: 94800, 94801, 94802, 94803, 94804,
 94805, 94806, 94807, 94808, 94809
 Filed 09/08/2020
 Effective 10/01/2020
 Agency Contact: Chris Hopkins (916) 445-9564

Board of Forestry and Fire Protection
 File # 2020-0724-01
 LTO Education and Limited LTO Amendments

In this regulatory action, the Board amends its regulations to add a new type of timber operation license to two existing timber operation licenses. The three types of licenses are Timber Operator License (A), Limited Timber Operator License (B), and Restricted Timber Operator License (C). The regulatory amendments identify prohibited activities under a Limited Timber Operator License. Further, the amendments establish a new license fee of \$75 and a renewal license fee \$50 for the Restricted Timber Operator License.

Title 14
 Amend: 1022, 1022.1, 1023, 1024, 1025
 Filed 09/03/2020
 Effective 01/01/2021
 Agency Contact: Eric Hedge (916) 653-9633

Commission on Teacher Credentialing
 File # 2020-0728-02
 Changes Without Regulatory Effect

In this Section 100 action, the Commission on Teacher Credentialing (the "Commission") is making various non-substantive changes to both general provisions and regulations pertaining to credential types, authorizations, and requirements. Additionally, the Commission is repealing regulations pertaining to professional growth requirements due to the passage of Senate Bill 1209 (Ch. 517, Stats. 2016).

Title 05
 Amend: 80015.3, 80024.7, 80026, 80070.3
 Repeal: 80040.2.7, 80048.3, 80048.4, 80070.6,
 80550, 80552, 80553, 80554, 80555, 80556,
 80556.1, 80558, 80562, 80565, 80567
 Filed 09/09/2020
 Agency Contact: Joshua Speaks (916) 327-5339

Department of Food and Agriculture
 File # 2020-0505-01
 Direct Marketing

The Department of Food and Agriculture's (the "Department") Certified Farmers' Market Program permits California farmers to market their agricultural products directly to the public with exemptions for minimum size, labeling, standard pack, and container requirements. In this regular rulemaking, the Depart-

ment is adopting, amending, and repealing Certified Farmers' Market Program regulations.

Title 03
 Adopt: 1392.10, 1392.10.1, 1392.10.2
 Amend: 1392, 1392.1, 1392.2, 1392.4, 1392.5,
 1392.6, 1392.8, 1392.8.1, 1392.9, 1392.9.1, 1392.9.2
 Repeal: 1392.4.1, 1392.7, 1392.10, 1392.11
 Filed 09/08/2020
 Effective 01/01/2021
 Agency Contact: Maria Tenorio (916) 900-5022

Division of Boating and Waterways
 File # 2020-0724-03
 Quagga and Zebra (QZ) Mussel Sticker

This action by the Division of Boating and Waterways amends the procedure for collecting quagga and zebra mussel infestation prevention fees to conform to federal law.

Title 14
 Adopt: 5212
 Amend: 5200.5, 5201, 5202, 5207
 Repeal: 5203, 5209
 Filed 09/03/2020
 Effective 01/01/2021
 Agency Contact: Charley Hesse (916) 327-1741

Fish and Game Commission
 File # 2020-0723-01
 Commercial Pacific Herring Eggs on Kelp

This action, among other things, amends the California Pacific Herring Fishery Management Plan (FMP) implementation regulations regarding definitions, buoy markings, noise restrictions, marine mammals, and landing requirements.

Title 14
 Amend: 163, 164
 Filed 09/02/2020
 Effective 11/30/2020
 Agency Contact:
 Sherrie Fonbuena (916) 654-9866

Office of Environmental Health Hazard Assessment
 File # 2020-0731-03
 Safe Drinking Water and Toxic Enforcement Act of 1986

This file and print request by the Office of Environmental Health Hazard Assessment revises the lists of chemicals required to be tested by the California Department of Pesticide Regulation and the United States Environmental Protection Agency, Office of Pesticide Programs. This amendment is exempt from the rulemaking procedures of the Administrative Procedure Act and Office of Administrative Law review pursuant to Health and Safety Code section 25249.8.

Title 27
Amend: 27000
Filed 09/08/2020
Effective 09/08/2020
Agency Contact: Tyler Saechao (916) 327-3015

Office of the State Fire Marshal
File # 2020-0619-05
Firefighter Training and Certification — Fee Increase

In this regular rulemaking action the Office of the State Fire Marshal amends several sections and documents incorporated by reference to increase training fees, update training standards, and make nonsubstantive stylistic changes.

Title 19
Amend: 1990.00, 1990.01, 1990.02, 1990.04,
1990.05, 1990.06, 1990.07, 1990.08, 1990.10,
1990.11, 1990.12
Filed 09/03/2020
Effective 01/01/2021
Agency Contact: Diane Arend (916) 568-2917

**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.