



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

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

TITLE 2. STATE PERSONNEL BOARD

Notice is hereby given that the State Personnel Board (Board) proposes to amend rules 52.4, 243.3, and 243.6 to clarify the appeal procedures applicable to voided appointments and orders for reimbursement of compensation. (Cal. Code Regs., tit. 2, §§52.4, 243.3, and 243.6.)

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be on December 29, 2020, at 10:00 a.m. via WebEx. In order to participate in the public hearing, please see the following options:

- Via Video (Online)

You may click, or copy and paste into your web browser, the following link:<https://spb-meetings.webex.com/webappng/sites/spb-meetings/meeting/download/f85c0d58b9c449b9bc7f3b0132e44f87?siteurl=spb-meetings&MTID=ma0c0fb26327f77830757075c4e151181>

Then enter the following information to gain access to the hearing:

Meeting Number: **126 073 0729**
Meeting password: **3rpRRpgEF72**

- Via Telephone

You may also participate by dialing the phone number first and then the participant code listed below:

Phone Number: **1-408-418-9388**
Participant Code: **1260730729**

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

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant

to the proposed regulatory action to the contact person listed below.

Lori Gillihan, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Email: lori.gillihan@spb.ca.gov

The written comment period closes on December 21, 2020. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

AUTHORITY AND REFERENCE

The Board proposes to amend section 52.4, 243.3, and 243.6 of Title 2, Chapter 1 of the California Code of Regulations pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code section 18701.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is a constitutional body responsible for enforcing California's civil service statutes. (Cal. Const., art. VII, §§1, subd. (b) & 3; Gov. Code, §18660.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§18211, 18215, & 18216.) Regulations concerning Board hearing procedures related to disciplinary and merit matters are not exempt from the APA. (Gov. Code, §18215, subd. (a)(2).)

The purpose of the amendments to sections 52.4, 243.3, and 243.6 is to clarify the process for filing an appeal or petition for reconsideration challenging a voided appointment, including any order for reimbursement.

Section 52.4 is amended to provide that appeals challenging a decision to void an appointment or ordered reimbursement must be filed with the Appeals Division within 30 days from the date the Notice of Voided Appointment is sent to the employee.

Section 243.3 is amended to clarify that the Executive Officer or Board may require an employee who acts in other than good faith in securing an appointment to reimburse the state all, or a portion of, the compensation resulting from the unlawful appointment.

Section 243.6 is amended to clarify that the appeal procedures applicable to decisions by the Executive Officer or the Department of Human Resources to void an appointment and/or orders of reimbursement pursuant to section 243.3 are set forth in section 52.4, subdivision (e)(1)(Q). Additionally, section 243.6 provides that petitions for reconsideration of a Board's order to void the appointment and/or reimburse compensation pursuant to section 243.3, subdivision (c) resulting from an unlawful appointment must be filed with the Board within 30 calendar days of receipt of the Board's final decision.

FISCAL IMPACT ON PUBLIC AGENCIES

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

ECONOMIC IMPACT ON BUSINESS

- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Effect on small business: The proposed regulations set standards only related to the Board's appeals procedures. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

COST IMPACT ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action since the regulatory change only impacts the Board's appeals procedures.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board has initially determined that no reasonable alternatives it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes for which the instant action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Lori Gillihan, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-1043
Email: lori.gillihan@spb.ca.gov

The backup contact person for these inquiries is:

Carlos Gomez, Analyst
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-8350
Email: carlos.gomez@spb.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Policy Division Chief, Lori Gillihan, at the above address.

AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Items 1 through 3 are also available on the Board's website at www.spb.ca.gov under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

AVAILABILITY OF
DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed on the Board's website at www.spb.ca.gov under "What's New?"

TITLE 2. STATE PERSONNEL BOARD

Notice is hereby given that the State Personnel Board (Board) proposes to adopt sections 83.5 and 83.6 to define nepotism and personal relationships, and section 87 to explain what an anti-nepotism policy should include. (Cal. Code Regs., tit. 2, §§83.5, 83.6, and 87.)

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on December 22, 2020, at 10:00 a.m. via WebEx. In order to participate in the public hearing, please see the following options:

- Via Video (Online)

You may click, or copy and paste into your web browser, the following link: <https://spb-meetings.webex.com/webappng/sites/spb-meetings/meeting/download/f85c0d58b9c449b9bc7f3b0132e44f87?siteurl=spb-meetings&MTID=ma0c0fb26327f77830757075c4e151181>

Then enter the following information to gain access to the hearing:

Meeting Number: 126 473 1057
Meeting password: vEeAmNqm528

- Via Telephone

You may also participate by dialing the phone number first and then the participant code listed below:

Phone Number: +1-408-418-9388
Participant Code: 1264731057

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

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below.

Lori Gillihan, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Email: lori.gillihan@spb.ca.gov

The written comment period closes on December 21, 2020. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

AUTHORITY AND REFERENCE

The Board proposes to adopt sections 83.5, 83.6, and 87 of Title 2, Chapter 1 of the California Code of Regulations pursuant to the authority vested in it

by the California Constitution, article 7, section 3, and Government Code section 18701.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Board is a constitutional body responsible for enforcing California’s civil service statutes. (Cal. Const., art. VII, §§1, subd. (b), & 3; Gov. Code, §18660.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.)

Regulations concerning Board hearing procedures related to disciplinary and merit matters are not exempt from the APA. (Gov. Code, § 18215, subd. (a) (2).)

The purpose of adopting sections 83.5, 83.6, and 87 is to define nepotism and personal relationships, and to outline the components of anti-nepotism policies to be used by appointing powers.

Section 83.5 is adopted to define “nepotism” as an employee’s use of influence or power to hire or assign an applicant or employee because of a personal relationship.

Section 83.6 is adopted to define “personal relationship” as an association by blood, adoption, marriage and/or cohabitation.

Section 87 is adopted to outline the components of an anti-nepotism policy in which appointing powers must hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. The section also explains how nepotism is prohibited in the state workplace because it is antithetical to California’s merit based civil service system.

FISCAL IMPACT ON PUBLIC AGENCIES

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

ECONOMIC IMPACT ON BUSINESS

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

**COST IMPACT ON A REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action since the regulatory change only impacts the Board’s appeals procedures.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

The Board has initially determined that no reasonable alternatives it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes for which the instant action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Lori Gillihan, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-1043
Email: lori.gillihan@spb.ca.gov

The backup contact person for these inquiries is:

Carlos Gomez, Analyst
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-8350
Email: carlos.gomez@spb.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Policy Division Chief, Lori Gillihan, at the above address.

AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Items 1 through 3 are also available on the Board's website at www.spb.ca.gov under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and ~~strikeout~~ can be accessed on the Board's website at www.spb.ca.gov under "What's New?"

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:

Golden Gate Bridge, Highway and Transportation District

A written comment period has been established commencing on November 6, 2020 and closing on December 21, 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 December 21, 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 2. FAIR POLITICAL PRACTICES COMMISSION/ DEPARTMENT OF JUSTICE

NOTICE OF INTENTION TO REVIEW PROPOSED AMENDMENTS TO THE CONFLICT-OF-INTEREST CODE OF THE FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Office of the Attorney General (the "Office"), pursuant to Government Code sections 82011, 87303, and 87304 of the Political Reform Act (Gov. Code, §81000 et seq.) will review proposed amendments to the conflict-of-interest code of the Fair Political Practices Commission (the "Commission"). The purpose of the amendments is to implement Government Code sections 87300 through 87302, and 87306.

Government Code sections 87300 and 87302 require each government agency to adopt a conflict-of-interest code designating the agency personnel who must file annual Form 700 Statement of Economic Interests, disclosing certain economic interests. Designated personnel are those who make or participate in making governmental decisions that may foreseeably have a material financial effect on an economic interest. (Gov. Code, § 87302, subd. (a).)

Pursuant to Government Code section 87306 and California Code of Regulations, title 2, section 18750, the Commission proposes to amend its conflict-of-interest code due to changes to its organizational structure. The Office is the code-reviewing body for the Commission. (Gov. Code, §§ 82011, 87303, and 87304.)

Any interested person may submit written statements, arguments, or comments related to the proposed amendments by submitting them no later than December 22, 2020, or at the conclusion of the public hearing, if one is requested, whichever comes later, to the agency contact set forth below. The Office has not scheduled a public hearing on the proposed amendments. However, it will hold a hearing if it receives a written request for a hearing from any

interested person, or his or her representative, 15 days before the close of the written comment period.

The Office has prepared a written explanation (Statement of Reasons) for the proposed amendments and has available information on which the proposed amendments are based. Copies of the proposed amendments and the information on which the amendments are based may be obtained by contacting the persons set forth below.

The Office has determined that the proposed amendments will not impose a cost or savings on any state agency, or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

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

All inquiries concerning this proposal should be directed to: Milad Dalju, at 1300 I Street, Sacramento, California 95814, or (916) 210-7264, or Milad.Dalju@doj.ca.gov. Requests for copies of the proposed conflict-of-interest code amendments may also be obtained from Toren Lewis, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, or (916) 322-5660, or <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED
SPECIES ACT CONSISTENCY
DETERMINATION NO. 2080-2020-007-02**

Project: Sutter Collecting Canals and Culvert Maintenance Project

Location: Sutter County

Applicant: California Department of Water Resources

Background

The California Department of Water Resources (Applicant) proposes to conduct culvert replacement, sediment and aquatic vegetation removal, sediment spoiling, and sediment grading along the collecting canals of the Sutter Bypass. The collecting canals are located within the Sutter Basin, east of the Sutter Bypass, south of the Sutter Buttes, and southwest of Yuba City.

The Sutter Collecting Canals and Culvert Maintenance Project (Project) includes deferred maintenance sediment removal and associated aquatic vegetation removal along 32 miles of collecting canals, routine maintenance sediment removal and associated aquatic vegetation removal along 44 miles of collecting canals, depositing excavated sediment in upland areas adjacent to the collecting canals, grading the deposited sediment piles when sediment piles are dry, and replacing six culverts and installing two culverts along the collecting canals.

Replacing the six culverts will include establishing staging areas, constructing earthen cofferdams upstream and downstream of the existing culverts, excavating the existing culverts, installing new box culverts at each site, placing revetment around inlets and outlets of new culverts, removing any temporary fill in the canals, and planting disturbed upland

areas with native grass seed or a seed mix approved by the landowner. Installing the two new culverts will include establishing staging areas, constructing earthen cofferdams upstream and downstream of the culvert area, installing new box culverts at each site, placing revetment around inlets and outlets of new culverts, removing any temporary fill in the canals, and planting disturbed upland areas with native grass seed or a seed mix approved by the landowner.

The Project activities described above are expected to incidentally take¹ giant garter snake (*Thamnophis gigas*, hereafter GGS). In particular, GGS could be incidentally taken as a result of the excavation, construction, handling and crushing/entombing of individuals on the surface and in burrows by vehicles/equipment and sediment deposition. GGS is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(E).)

GGS individuals are documented as present at the Project site and there is occupied GGS habitat within and adjacent to the Project site. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of suitable GGS habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that GGS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of GGS.

According to the Service, the Project will temporarily impact GGS aquatic and upland habitat during sediment removal and sediment placement as described by year below:

- 2020: 57.20 acres of aquatic habitat; 28.85 acres of upland habitat
- 2021: 44.57 acres of aquatic habitat; 25.65 acres of upland habitat
- Yearly maintenance: 2020–2030: 3.20 to 15.87 acres/year of aquatic habitat; 3.66 to 18.14 acres/year of upland habitat

According to the Service, the Project will additionally temporarily impact 0.11 acres of GGS aquatic habitat, 0.76 acres of GGS upland habitat, and permanently impact 0.037 acres of GGS aquatic habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal

¹ Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

ESA, the United States Army Corps of Engineers (USACE) consulted with the Service as required by the ESA. On August 24, 2020, the Service issued a biological opinion (Service file No. 08ESMF00–2020–F–1907) (BO) to the USACE. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

The BO also requires the Applicant to implement and adhere to measures contained within the Project Biological Assessment (BA).

On September 30, 2020, the Director of the Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and GGS. (Cal. Reg. Notice Register 2020, No. 42–Z, p. 1382.)

Determination

CDFW has determined that the BO, including the ITS, is consistent with CESA as to the Project and GGS because the mitigation measures contained in the BO and ITS as well as the conditions in the BA, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of GGS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO, ITS, and BA will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of GGS. The mitigation measures in the BO, ITS, and BA include, but are not limited to, the following:

Monitoring and Reporting Measures

- In order to monitor whether the amount or extent of incidental take anticipated from implementation of the proposed project is approached or exceeded, the U.S. Army Corps of Engineers (Corps) shall adhere to the following reporting requirements. Should this anticipated amount or extent of incidental take be exceeded, the Corps must immediately reinstate formal consultation, as per 50 CFR § 402.16.

- For those components of the action that will result in habitat degradation or modification whereby incidental take in the form of harm is anticipated, the Corps via DWR shall provide a precise accounting of the total acreage of habitat affected annually to the Service. This report shall also include any information about changes in project

implementation that result in habitat disturbance not described in the Description of the Action and not analyzed in this biological opinion.

- The Corps or DWR shall immediately contact the Service's Sacramento Fish and Wildlife Office (SFWO) at (916) 414-6541 to report direct encounters between listed species, project workers, and their equipment whereby incidental take in the form of harassment, harm, injury, or death occurs. If the encounter occurs after normal working hours, the Corps or DWR shall contact the SFWO at the earliest possible opportunity the next working day. When injured or killed individuals of the listed species are found, the Corps or DWR shall follow the steps outlines in the Salvage and Disposition of Individuals section of the BO.
- Although not a condition of the BO, CDFW requests a copy of construction and monitoring reports. The reports should include dates construction occurred, sightings of species, and the success of revegetation and restoration activities.

Mitigation and Financial Assurances

- Applicant has provided financial assurances consistent with CESA, in the form of a completed purchase of 19.38 acres of conservation credits from Sutter Basin Conservation Bank as documented by a October 22, 2020 Bill of Sale provided to CDFW.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of GGS, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and ITS and the BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS or the BA, the Applicant shall be required to obtain a new consistency determination or a CESA incidental

take permit for the Project from CDFW. (See generally Fish & G. Code, §§2080.1, 2081, subs. (b) and (c)).

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653-2020-066-001-R1**

Project: Lawrence Creek Hydro Reconnection of Critical Off-Channel Salmonid Habitat 3.0

Location: Humboldt County

Applicant: Elise Ferrarese, Trout Unlimited

Background

Project Location: The Lawrence Creek Hydro Reconnection of Critical Off-Channel Salmonid Habitat 3.0 (Project) is located at an off-channel pond which drains to Lawrence Creek approximately 13.8 miles from State Route 36 and is immediately adjacent to Yager-Lawrence Mainline Road in Humboldt County. Coordinates for the Project are 40.5988° N, -123.9785° W, at property owned by Humboldt Redwood Company in the Van Duzen River Watershed, Assessor Parcel Number (APN) 314-292-001-000, and affects Lawrence Creek, tributary to Yager Creek. Lawrence Creek supports populations of Coho Salmon, Chinook Salmon, steelhead trout, and other aquatic species.

Project Description: Trout Unlimited (Applicant) proposes to enhance habitat within Lawrence Creek Watershed to provide a net conservation benefit for Coho Salmon and steelhead trout. The Project will provide off-channel winter flow refugia through the placement of large wood structures to increase the frequency of inundation to an existing side channel and off-channel pond which provide slow water holding areas while high velocities are occurring in the main channel. Construction of the alcove feature will include excavation to achieve design grades, placement of logs at designated site locations, planting of aquatic vegetation, and management of surrounding

vegetation. Additionally, large wood habitat structures will also be added to the alcove habitat.

Pacific Watershed Associates prepared the Project design that was reviewed and approved by NMFS Engineering and CDFW's Fisheries staff. Detailed plans, discussion of proposed work, species protection measures, site photos and maps are on file with CDFW's Habitat Conservation Planning Branch (HCPB).

Project Size: The total area of ground disturbance associated with the Project is approximately 1.1 acres and 500 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) 68 pieces of large wood, (2) 210 cubic yards of native soil, (3) 10 cubic yards of boulders, and (4) various pieces of steel anchoring hardware to anchor large wood elements.

Project Timeframes:

Start date: June 15, 2021
Completion date: October 31, 2025
Work window: August 1 through 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. 1B20165WNHU, Electronic Content Management Identification (ECM PIN) No. CW-868677 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided supplemental documents that set forth measures to avoid and minimize impacts to Coho Salmon, Chinook Salmon, steelhead trout and other aquatic species.

Receiving Water: Lawrence Creek, within the Van Duzen River Hydrologic Unit 111.23

Filled/Excavated Area:

Permanent Area Impacted: None
Temporary Area Impacted: 1.1 acres
Length Permanently Impacted: None
Length Temporarily Impacted: 500 Linear feet

Latitude/Longitude: 40.5988° North latitude, -123.9785° West longitude

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 September 22, 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 September 22, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2020-0929-02) on September 29, 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) Dewatering Plan; (2) Proposed methods of fish capture and relocation; (3) 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 401 401 Permit Application Lawrence Creek Hydrologic Reconnection of Critical Off-Channel Salmonid Habitat (3.0)*.

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, *Trout Unlimited — Lawrence Creek Hydrologic Reconnection of Critical Salmonid Habitat 3.0 Project Monitoring & Reporting Plan*.

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

CESA CONSISTENCY DETERMINATION
REQUEST FOR
West County Transportation Agency Project
2080–2020–010–03

The California Department of Fish and Wildlife (CDFW) received a notice on October 21, 2020 that the West County Transportation Agency 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 conversion of 5.49 acres of undeveloped lot into a 3.5-acre paved parking lot with associated bioretention features on the remainder of the parcel. Proposed activities will include, but are not limited to, grading, placement of fill, and the use of earth moving equipment. The proposed project will occur immediately west of 367 West Robles Avenue in the city of Santa Rosa.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (Service Ref. No. 08ESMF00–2019–F–1552–1) (BO) in a memorandum to the U.S. Army Corps of Engineers on June 28, 2019, which considered the effects of the proposed project on state threatened and federally endangered Sonoma County Distinct Population Segment of California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, the West County Transportation Agency is requesting a determination that the BO

and its associated incidental take statement (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, the West County Transportation Agency 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 TOXIC
SUBSTANCES CONTROL**

Hard Chrome Engineering
Settlement Agreement and
Proposed Consent Decree
750 107th Avenue, Oakland, California 94603

PUBLIC COMMENT PERIOD:
November 6, 2020–December 6, 2020

The Department of Toxic Substances Control (“DTSC”) invites you to review and comment on the Settlement Agreement and Proposed Consent Decree (the “Consent Decree”) with Dee M. McLemore Trust, et al. regarding the former Hard Chrome Engineering site located at 750 107th Avenue, Oakland, Alameda County, California 94603 (the “Site”). The Consent Decree resolves DTSC’s claims against Dee M. McLemore Trust, et al. under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. section 9601, et seq., for the Site. DTSC filed a CERCLA lawsuit against Dee M. McLemore Trust, et al. to recover DTSC’s costs of investigating and cleaning up hazardous substance releases at the Site. Under the Consent Decree, Dee M. McLemore Trust, et al. will pay to DTSC approximately \$1,750,000 and half of the net sale proceeds of the property, less \$300,000, to reimburse DTSC for costs Dee M. McLemore Trust, et al. have incurred responding to the contamination at the Site. Provided the payment is made as required by the Proposed Consent Decree, Dee M. McLemore Trust, et al. will be dismissed from the case without prejudice.

DTSC will consider comments received during the public comment period on the Consent Decree and file with the Court any written comments received and DTSC’s responses thereto. The Court may then enter or approve the Consent Decree. DTSC also reserves the right to withdraw or withhold its consent to entry (approval) of the Consent Decree if comments regarding the Consent Decree disclose facts or considerations that indicate the Consent Decree is inappropriate, improper or inadequate.

WHERE DO I SUBMIT MY COMMENTS?

DTSC will consider comments that are postmarked or received by November 27, 2020. Please submit comments by November 27, 2020 to:

Henry Wong, Project Manager
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710
Henry.Wong@dtsc.ca.gov

You may view documents at the following locations: The Consent Decree and background documents may be examined on the DTSC EnviroStor website at: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=01870003.

You may also review documents in the File Room at DTSC’s Berkeley office (by appointment only) located at:

Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710
Call (510) 540–3800 for an appointment

Contact Information

For site information: Henry Wong, DTSC Project Manager, Henry.Wong@dtsc.ca.gov

For community outreach: Alejandro Vivas, DTSC Public Participation Specialist, Alejandro.Vivas@dtsc.ca.gov

For media inquiries: Russ Edmondson, DTSC Public Information Officer, Russ.Edmondson@dtsc.ca.gov

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**CALIFORNIA STATE
BOARD OF PHARMACY**

**ANNUAL NOTICE OF AVAILABILITY OF
PRECEDENTIAL DECISIONS INDEX**

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board), pursuant to section 11425.60 of the Government Code, maintains an index of precedential decisions, which is annually made available by the Board to the public by email subscription. To join the Board’s email list, go to [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov/enforcement/precedential.shtml). The index and the text of the precedent decisions are continuously available on the Board’s website at <http://www.pharmacy.ca.gov/enforcement/precedential.shtml>.

For additional information, contact:

Lori Martinez
 California State Board of Pharmacy
 2720 Gateway Oaks Drive, Suite 100
 Sacramento, CA 95833
 Telephone: (916) 518-3078
 Fax: (916) 574-8618
 E-mail: Lori.Martinez@dca.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 # 2020-0911-02
 Fuel Cell Net Energy Metering GHG Standards

This rulemaking action by the California Air Resources Board (CARB) establishes a fuel cell net energy monitoring program as required by Public Utilities Code section 2827.10.

Title 17
 Adopt: 95408, 95409, 95410, 95411, 95412
 Filed 10/26/2020
 Effective 10/26/2020
 Agency Contact:
 Bradley Bechtold (916) 322-6533

Board of Parole Hearings
 File # 2020-0922-02
 Term Calculations and Setting a Parole Date

In this action without regulatory effect the Board of Parole Hearings is deleting all regulatory language pertaining to selecting base terms, calculating adjusted base terms, awarding post-conviction credits, and calculating final release dates for inmates because they no longer have authority to establish these pursuant to statutory change (Stats. 2013, c. 312) and In re Butler (2018) 4 Cal.5th 728, 747.

Title 15
 Amend: 2000, 2029, 2043, 2239, 2268, 2269.1, 2270, 2272, 2273, 2280, 2292, 2304, 2306, 2308, 2309, 2310, 2315, 2343, 2369, 2400, 2401, 2420, 2421, 2430, 2431
 Repeal: 2269, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2305, 2317, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2328, 2329, 2342, 2371, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2429.1, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2439.1
 Filed 10/28/2020
 Agency Contact: Tracy Young (916) 322-6729

Bureau for Private Postsecondary Education
 File # 2020-0922-04
 Change of address

This action by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs updates its principal office address as a change without regulatory effect.

Title 05
 Amend: 70020
 Filed 10/26/2020
 Agency Contact: Yvette Johnson (916) 574-8901

California Highway Patrol
 File # 2020-0818-01
 Smoking on School Bus

In this regular rulemaking action the California Highway Patrol amends one section to clarify that smoking of any kind is prohibited on school buses at all times.

Title 13
 Amend: 1222
 Filed 10/27/2020
 Effective 01/01/2021
 Agency Contact: Jantze Bowie (916) 843-3340

California Horse Racing Board
 File # 2020-0916-02
 Jockey's Riding Fee

This change without regulatory effect filing by the California Horse Racing Board adjusts the jockey's riding fees for losing mounts, as required by Business and Professions Code section 19501(b)(1), to reflect the California minimum wage increase effective January 1, 2021.

Title 04
 Amend: 1632
 Filed 10/22/2020
 Agency Contact: Zachary Voss (916) 263-6036

Commission on Peace Officer Standards and Training
File # 2020-0909-01
Minimum Standards for Training

This action without regulatory effect updates the Form 2-267 to conform to prior regulatory amendments.

Title 11
Amend: 1005
Filed 10/21/2020
Agency Contact: Julia Gorwood (916) 227-3915

Commission on Peace Officer Standards and Training
File # 2020-0909-02
Regulation 1070 — Driver Training

This action removes the requirement that vehicle operation instructors who instruct only slow speed driving in the basic courses attend the Driver Training Course.

Title 11
Amend: 1070
Filed 10/21/2020
Effective 01/01/2021
Agency Contact: Cheryl Smith (916) 227-0544

Commission on Peace Officer Standards and Training
File # 2020-0910-01
Regulation 1005 — Minimum Standards Training

The Commission on Peace Officer Standards and Training is ensuring that required Supervisory courses and Management courses must be POST certified.

Title 11
Amend: 1005
Filed 10/22/2020
Effective 01/01/2021
Agency Contact: Jenny Michel (916) 227-4567

Commission on Peace Officer Standards and Training
File # 2020-0910-02
Regulation 1054 — Requirements for Course Budget

This rulemaking action clarifies that existing requirements for creating course budgets pertain to all courses, regardless of whether tuition is charged.

Title 11
Amend: 1054
Filed 10/26/2020
Effective 01/01/2021
Agency Contact: Michelle Weiler (916) 227-4870

Commission on Peace Officer Standards and Training
File # 2020-0914-02
Minimum Standards for Training/Basic Course
Waiver and Requalification

This change without regulatory effect filing by the Commission on Peace Officer Standards and Training proposes to update two references to the Requalification Course to align with the total hourly requirement specified in the Training and Testing Specifications for Peace Officer Basic Courses document.

Title 11
Amend: 1005, 1008
Filed 10/26/2020
Agency Contact: Julia Gorwood (916) 227-3915

Department of Consumer Affairs
File # 2020-0904-04
Legal Document Assistant Registration Form and Contract

In this nonsubstantive action the Department of Consumer affairs amends two sections related to legal document assistant registration and contracts to conform to Business and Professions code sections 6402.2 and 6410, as well as makes stylistic changes.

Title 16
Amend: 3900, 3950
Filed 10/26/2020
Agency Contact:
Katherine Demos (916) 806-7715

Department of Justice
File # 2020-0708-01
Regulations Governing the CalGang Database

Assembly Bill 90 (2017-2018 Reg. Sess.) made the Department of Justice (the "Department") responsible for administering and overseeing any shared gang database in which California law enforcement agencies participate. In this resubmittal of OAL Matter No. 2020-0225-01S, the Department adopted regulations governing the use, operation, and oversight of the CalGang database. The regulations adopted by the Department include, among other things, establishing the requirements for entering and reviewing gang designations, the retention period for listed gangs and gang members or associates, and the criteria for entering a gang and a gang member or associate into the CalGang database.

Title 11

Adopt: 750, 750.2, 750.4, 750.6, 750.8, 751, 751.2, 751.4, 751.6, 751.8, 752, 752.2, 752.4, 752.6, 752.8, 753, 753.2, 753.4, 753.6, 753.8, 754, 754.2, 754.4, 754.6, 754.8, 755, 755.2, 755.3, 755.4, 755.6, 755.8, 756, 756.1, 756.2, 756.4, 756.6, 756.8, 757, 757.2, 757.4

Filed 10/22/2020

Effective 10/22/2020

Agency Contact: Julia Zuffelato (916) 210-6040

Department of Justice

File # 2020-0708-02

Regulations Governing Shared Gang Databases

Assembly Bill 90 (2017-2018 Reg. Sess.) made the Department of Justice (the "Department") responsible for administering and overseeing any shared gang database in which California law enforcement agencies participate. In this resubmittal of OAL Matter No. 2020-0225-02S, the Department adopted regulations governing the use, operation, and oversight of any shared gang database, except both those databases excluded by subdivision (b) of Penal Code section 186.34 and the CalGang database. The regulations adopted by the Department include, among other things, establishing the requirements for entering and reviewing gang designations, the retention period for listed gangs and gang members or associates, and the criteria for entering a gang and a gang member or associate into a shared gang database.

Title 11

Adopt: 770, 770.2, 770.4, 770.6, 770.8, 771, 771.2, 771.4, 771.6, 771.8, 772, 772.2, 772.4, 772.6, 772.8, 773, 773.2, 773.4, 773.6, 773.8, 774, 774.2, 774.4, 774.6, 774.7, 774.8, 775, 775.2, 775.4, 775.5, 775.6, 775.8, 776, 776.2, 776.4, 776.6

Filed 10/22/2020

Effective 10/22/2020

Agency Contact: Julia Zuffelato (916) 210-6040

Department of Justice

File # 2020-1015-01

Data Broker Registration Fee

This is the first re-adoption of emergency rulemaking action no. 2019-1210-04E, which established the initial fee that must be paid in order to register with the Office of the Attorney General as a data broker.

Title 11

Adopt: 999.400

Filed 10/26/2020

Effective 10/28/2020

Agency Contact: Julia Zuffelato (916) 210-6040

Department of Justice

File # 2020-1016-03

Dealer Record of Sale (DROS) Fee

This emergency re-adopt action amends the Dealer Record of Sale (DROS) fee pursuant to Penal Code section 28233.

Title 11

Amend: 4001

Filed 10/26/2020

Effective 10/26/2020

Agency Contact: Kevin Sabo (916) 210-7639

Division of Workers' Compensation

File # 2020-0925-01

Medical Treatment Utilization Schedule (MTUS) –
Antiemetics Guideline

This file and print action by the Division of Workers' Compensation (Division) within the Department of Industrial Relations makes evidence-based updates to the Division's Medical Treatment Utilization Schedule, which is exempt from the Administrative Procedure Act pursuant to Labor Code section 5307.27(a). This action incorporates by reference the American College of Occupational and Environmental Medicine's Antiemetics Guideline (March 27, 2020) into new section 9792.24.6.

Title 08

Adopt: 9792.24.6

Filed 10/26/2020

Effective 10/26/2020

Agency Contact: John Cortes (510) 286-0519

State Water Resources Control Board

File # 2020-0916-01

Total Maximum Daily Load for Bacteria in Petaluma River Watershed

On November 13, 2019, the San Francisco Bay Regional Water Quality Control Board adopted Resolution No. R2-2019-0030 to amend the Water Quality Control Plan for the San Francisco Bay Region to establish total maximum daily loads for bacteria in the Petaluma River Watershed (Basin Plan Amendment). The Basin Plan Amendment was approved by the State Water Resources Control Board under Resolution No. 2020-0018 on June 2, 2020.

Title 23

Adopt: 3919.20

Filed 10/26/2020

Effective 10/26/2020

Agency Contact: Farhad Ghodrati

**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.