



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

MULTI-COUNTY:      Beta Healthcare Group Risk  
                                 Management Authority  
                                 Monterey Bay Air Resources  
                                 District

A written comment period has been established commencing on September 21, 2018, and closing on November 5, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested 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 5, 2018. 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 Brianne Kilbane, 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 Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

## TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

### Toxic Air Contaminants DPR Regulation No. 18-002

The Department of Pesticide Regulation (DPR) proposes to amend section 6860 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action designates the pesticide chemical chlorpyrifos as a toxic air contaminant (TAC) in subsection (a) pursuant to Food and Agricultural Code (FAC) section 14023.

### SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on November 9, 2018. Comments regarding this proposed action may also be transmitted via e-mail <dpr18002@cdpr.ca.gov> or by facsimile transmission at (916) 324-1491.

A public hearing has been scheduled for the time and place stated below to receive oral comments regarding the proposed regulatory changes.<sup>1</sup>

DATE: Thursday, November 8, 2018  
TIME: 2:00 p.m.  
PLACE: California Environmental Protection  
Agency Headquarters Building  
Sierra Hearing Room  
1001 I Street  
Sacramento, California 95814

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 1:00 p.m. to 2:00 p.m. Generally, registered persons will be heard in

the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

### EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small businesses. The regulatory action adds chlorpyrifos to the TAC List in 3 CCR section 6860(a). Pursuant to FAC section 14023(e), the need for, and appropriate degree of, control measures for a pesticide listed as a TAC pursuant to FAC section 14023(d) shall be determined by DPR in consultation with the Office of Environmental Health Hazard Assessment (OEHHA), the Air Resources Board (ARB), and the air pollution control districts or air quality management districts in the affected counties.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

FAC section 14021 defines a TAC as “an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” As mandated by FAC section 14022, DPR, in consultation with OEHHA and ARB, evaluates the health effects of pesticides which may be, or are, emitted into the ambient air of California. FAC sections 14021-14022 describe this evaluation process. Upon completion of this evaluation, DPR prepares a report on the health effects of the pesticide in question. Pursuant to FAC section 14023, the independent Scientific Review Panel (SRP) reviews this report and submits its written findings to DPR. Following receipt of the SRP’s findings, FAC section 14023(d) requires DPR to “prepare a hearing notice and a proposed regulation which shall include the proposed determination as to whether a pesticide is a toxic air contaminant.”

DPR evaluated chlorpyrifos and the SRP has reviewed DPR’s reports *Draft Evaluation of Chlorpyrifos as a Toxic Air Contaminant*, December 2017, and *Final Toxic Air Contaminant Evaluation of Chlorpyrifos*, July 2018. The SRP found that chlorpyrifos should be classified as a TAC.

Based upon the results of the evaluation of chlorpyrifos and the criteria in 3 CCR section 6864 for identifying pesticides as a TAC, the Director has declared chlorpyrifos to be a TAC. The proposed regulatory action adds chlorpyrifos to section 6860(a).

<sup>1</sup> If you have special accommodation or language needs, please provide notice at least 10 business days before the public hearing by contacting the person named below. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

The adoption of this regulation listing chlorpyrifos as a TAC will require DPR to further evaluate the need for additional protections to California residents pursuant to FAC section 14023.

During the process of developing this proposed regulation, DPR conducted a search of any similar regulations on this topic and has concluded that this proposed regulation is neither inconsistent nor incompatible with existing state regulations. DPR is the only agency that has the authority to regulate the sale and use of pesticides.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. There are no nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulatory action.

#### COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

#### EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation 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.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California because the proposed regulation adds chlorpyrifos to the TAC list in section 6860(a).

The adoption of this regulation listing chlorpyrifos as a TAC will require DPR to further evaluate the need for additional protections to California residents pursuant to FAC section 14023.

#### CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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 or businesses than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

#### AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 14023.

#### REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 14021 and 14023.

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

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation



may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

#### **AGENCY CONTACT**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
(916) 445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted above:

Edgar Vidrio, Environmental Program Manager  
Environmental Monitoring Branch  
(916) 323-2778

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in another language, or an alternate form as a disability-related accommodation.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact per-

son named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

### **TITLE 5. BOARD OF EDUCATION**

#### **AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING NUTRITION GUIDELINES FOR SCHOOL BREAKFAST AND LUNCH**

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### **PUBLIC HEARING**

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 8:30 a.m. on November 5, 2018, at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Patricia Alverson, Regulations Coordinator  
Administrative Support and Regulations  
Adoption Unit  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, CA 95814

Comments may also be submitted by FAX at 916-319-0155 or by email to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on November 5, 2018. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

## AUTHORITY AND REFERENCE

Authority: California *Education Code (EC)* sections 33031, 49531, and 49531.1.

References: Title 7 *Code of Federal Regulations (7 CFR)* sections 210.10, 220.8, and 220.9.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 1976, the SBE adopted Article 4 found in the California *Code of Regulations*, Title 5, Division 1, Chapter 15, Subchapter 1. Article 4 created sections 15550–15565. Specifically, sections 15551, 15558, 15559, and 15560 provided definitions, nutrition guidelines, and meal pattern requirements for school lunches and breakfasts. Since 1976 and the adoption of Article 4, the following changes have occurred that affect Article 4 sections 15550–15565.

- 1) In 1976, Section 49531 was added to the California *EC*. This *EC* section requires a child nutrition entity that receives federal and state funds to provide a nutritionally adequate breakfast or lunch, or both, in accordance with state and federal requirements. In addition, this *EC* section specified that lunch should meet one third of the Recommended Dietary Allowances established by the National Research Council. This *EC* section was last amended in 1997 to include the clarification that a breakfast meal should provide, at a minimum, one fourth of the current Recommended Dietary Allowances and for both breakfast and lunch, to incorporate the current *U.S. Dietary Guidelines for Americans*.
- 2) In 1989, Section 49531.1 was added to the *EC*. This *EC* section required the CDE to develop and maintain nutrition guidelines for school lunches

and breakfasts, and for all food and beverages sold on public school campuses. *EC* Section 33031 provides that the SBE shall adopt rules and regulations that are not inconsistent with the laws of this state. Additionally these guidelines shall include guidelines for fat, saturated fat, and cholesterol, and specify that where comparable food products of equal nutritional value are available, the food product lower in fat, saturated fat, or cholesterol shall be used. This *EC* section also specified that these nutrition guidelines shall consider current recommendations for children from the *California Food Guide: Fulfilling the Dietary Guidelines for Americans* (previously known as the *California Daily Food Guide*) published by the State Department of Health Services. Note that the *California Food Guide* was last revised in 2006 and does not reflect the most current *U.S. Dietary Guidelines for Americans*. The most current *U.S. Dietary Guideline for Americans* is the 2015–2020 version. When reviewing and amending the regulations, the CDE considered the *California Food Guide: Fulfilling the Dietary Guidelines for Americans* as required by *EC* Section 49531.1. The CDE did not adopt any recommendations from it because it is outdated.

- 3) In developing nutrition guidelines for school lunches and breakfasts, the CDE followed the most current U.S. Department of Agriculture (USDA) meal pattern requirements under 7 *CFR* sections 210.10 and 220.8. In 2010 the Healthy, Hunger-Free Kids Act (HHFKA) was signed into federal law. This bill was part of the reauthorization of funding for Child Nutrition Programs and requires USDA to set new nutrition standards for schools. The HHFKA allowed USDA, for the first time in 30 years, the opportunity to reform the school lunch and breakfast programs. The new law requires updates to the meal patterns and nutrition standards for the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) and aligns them with the most current *U.S. Dietary Guidelines for Americans*. The nutrition standards in the NSLP and SBP final rule went into effect July 2012. The final rule requires most schools to increase the availability of fruits, vegetables, whole grains, and fat-free and low-fat fluid milk; reduce the levels of sodium, saturated fat and trans fat in meals; and to meet the nutrition needs of school children within a specified calorie range. The improvements to the school meal programs were largely based on recommendations made by the

Institute of Medicine of the National Academies, and are to enhance the diet and health of school children, and help mitigate the childhood obesity trend. As stated above, in item 2, the CDE considered but did not adopt any recommendations from the *California Food Guide: Fulfilling the Dietary Guidelines for Americans* because it is outdated.

In summary, the regulations found in Article 4 were created prior to the requirement of *EC* sections 49531 and 49531.1. The proposed regulations implement changes consistent with the objectives of *EC* sections 49531 and 49531.1 and with the Nutrition Standards in the National School Lunch and School Breakfast Programs Final Rule. (The final rule is located on the Federal Register web page at <https://www.federalregister.gov/documents/2012/01/26/2012-1010/nutrition-standards-in-the-national-school-lunch-and-school-breakfast-programs>.)

#### ***Anticipated Benefits of the Proposed Regulation***

The anticipated benefits of the regulations are the effective and consistent implementation of statewide school nutrition standards. This impacts the nutrition and health of students that consume school meals. Research shows that low-income students who eat school meals have a significantly better overall diet quality than low-income students who do not eat school meals. Research also shows strong evidence linking healthy eating and well-nourished students with improved student academic achievement.

Updating the regulations regarding revised nutrition guidelines for foods and beverages served through school breakfast and lunch will:

- Provide balanced, healthy meals for school-age children that include updated nutrition guidance, such as the inclusion of fruits, vegetables, whole grains, plant-based protein foods, lean meats and low-fat dairy products.
- Create alignment with the USDA NSLP and SBP nutrition standards.
- Create alignment with the *2015–2020 U.S. Dietary Guidelines for Americans* nutrition standards.
- Create alignment with the Institute of Medicine's nutrition standards.

#### ***Determination of Inconsistency/Incompatibility with Existing State Regulations***

The CDE reviewed all state regulations relating to the school lunch and breakfast nutrition guidelines and meal pattern requirements and found that none exist that are inconsistent or incompatible with these regulations.

#### **INCORPORATION BY REFERENCE**

The USDA NSLP requirements (revised November 2017) are hereby incorporated by reference and can be found on the Electronic Code of Federal Regulations web page at [https://www.ecfr.gov/cgi-bin/text-idx?SID=a63a8f22070e3fd5abd5613752669627&mc=true&node=se7.4.210\\_110&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=a63a8f22070e3fd5abd5613752669627&mc=true&node=se7.4.210_110&rgn=div8).

The USDA SBP requirements (revised November 2017) are hereby incorporated by reference and can be found on the Electronic Code of Federal Regulations web page at [https://www.ecfr.gov/cgi-bin/text-idx?SID=74c67a371cd1c7c6a6cd56fe56f4c5f3&mc=true&node=se7.4.220\\_18&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=74c67a371cd1c7c6a6cd56fe56f4c5f3&mc=true&node=se7.4.220_18&rgn=div8).

The *2015–2020 U.S. Dietary Guidelines for Americans* (revised 2015) are hereby incorporated by reference and can be found on the Office of Disease Prevention and Health Promotion Dietary Guidelines web page at <https://health.gov/dietaryguidelines/2015/guidelines>.

The *USDA Food Buying Guide* (revised May 2017) is hereby incorporated by reference and can be found on the USDA Food Buying Guide web page at <https://foodbuyingguide.fns.usda.gov>.

The *California Food Guide* (revised 2008) is hereby incorporated by reference can be found on the California Department of Health Care Services publications web page at <http://www.dhcs.ca.gov/formsandpubs/publications/Pages/CaliforniaFoodGuide.aspx>.

#### **DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT**

*The SBE has made the following initial determinations:*

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: None.

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

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

Cost impacts on a representative private person or businesses: The SBE 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 businesses: The proposed regulations may have a positive effect on small businesses because the possible expansion of products has the potential to create new products and food-related businesses that focus on providing items that meet the updated nutrition standards and meal pattern requirements. The required offerings of fruits and vegetables could provide increased economic benefits to small and local farmers.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes there is potential that these proposed regulations may: 1) create jobs within California; 2) create new businesses within California; or 3) expand businesses currently doing business within California.

Benefits of the Proposed Action: The proposed amended regulations will provide current meal patterns. The updated meal pattern expands the number and types of food items served to students. This may allow for additional jobs and businesses that provide foods and beverages meeting the standards for school meals. The SBE concludes that it is unlikely that these proposed regulations will: 1) eliminate jobs within California; or 2) eliminate existing businesses within California.

#### CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Michael Danzik, Nutrition Education Consultant  
Nutrition Services Division  
California Department of Education  
1430 N Street, Suite 4503  
Sacramento, CA 95814  
Phone: 916-445-7346  
Email: [mdanzik@cde.ca.gov](mailto:mdanzik@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, by phone at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Proposed Rulemaking and Regulations web page at <http://www.cde.ca.gov/re/lr/rr/>.

#### 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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Michael Danzik, Nutrition Services Division, 1430 N Street, Suite 4503, Sacramento, CA, 95814 by phone at 916-445-7346 or by email at [mdanzik@cde.ca.gov](mailto:mdanzik@cde.ca.gov). It is recommended that assistance be requested at least two weeks prior to the hearing.

## TITLE 11. DEPARTMENT OF JUSTICE

### NOTICE OF PROPOSED RULEMAKING

The Department of Justice (Department) proposes to adopt sections 4350 through 4353, of Title 11, Division 5, Chapter 13, of the California Code of Regulations. Chapter 13 is titled “Automated Firearms System Information Updates.” Commencing on or before July 1, 2019, this new chapter establishes the process whereby an individual may update an Automated Firearms System (AFS) record with the Department.

### PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on November 7th, 2018. Only comments received by that time will be considered. Written comments must be submitted to:

Jessie Romine  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: 916-227-4217  
Email: [AFSregs@doj.ca.gov](mailto:AFSregs@doj.ca.gov)

### AUTHORITY AND REFERENCE

Authority: Sections 11106, and 30370, Penal Code.  
Reference: Sections 11106, and 30370, Penal Code; 1798.17, Civil Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys, the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General is

charged with keeping and properly filing and managing complete records pertaining to certain firearm related data. (See Pen. Code, § 11106.) The Department has determined that maintenance of this data will be facilitated by the creation of a process allowing an individual to access certain portions of this data to keep it current. The recent passage of laws concerning the purchase of ammunition underscore the need for, and the benefits of, such a system.

The California Code of Regulations, Title 11, Division 5, Chapter 13, adds the following provisions:

Section 4350 specifies the title and scope of the new Chapter, the regulation for how an individual may update his or her AFS record with the Department.

Section 4351 specifies that a California resident can electronically update one or more AFS records through the California Firearms Application Reporting System (CFARS) to match his or her current personal information.

Section 4352 informs the individual of the Department’s Privacy Notice and requires the individual to agree to the release of the individual’s personal information to representatives of the Department in order for the Department to process an AFS record update.

Section 4353 specifies the information that an individual shall enter into the CFARS in order to update an AFS record with the Department.

### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The anticipated benefit of the proposed regulations is that they will provide a convenient, inexpensive, and secure way for an individual to keep his or her firearms-related information current with the Department. That, in turn, will facilitate the purchase of ammunition and the management of firearm ownership information.

### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California Code of Regulations (“CCR”) Title 11, Division 5, and determined that these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that there are no regulations currently existing which address the same process.

## COMPARABLE FEDERAL REGULATIONS

The proposed regulations are not mandated by federal statute or regulation.

## DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: There will be a cost for the Department to hire additional personnel to verify each AFS record update and additional cost to maintain the AFS. The Department projects there will be approximately one million (1,000,000) AFS record updates completed in the first year that these regulations are in effect.

Cost to any local agency or school district which shall 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.

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

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

Business report requirement: None.

Significant effect on housing costs: None.

Small business determination: The Department has determined that the proposed regulation will not affect the creation or elimination of businesses because the new AFS update system only pertains to individuals with firearm-related information — not to businesses.

## RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Assessment regarding effect on jobs/businesses. Adoption of the proposed regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department's determination on items (1) through (3) is based on the fact that the new AFS update

system only pertains to individuals with firearm-related information — not to businesses.

- (4) Benefits of the Proposed Regulation: The anticipated benefits of the proposed regulations are that they will help provide a convenient, inexpensive, and secure way for an individual to keep his or her firearms-related information current with the Department. That, in turn, will facilitate the purchase of ammunition and the management of firearm ownership information.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Jessie Romine  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: (916) 227-4217  
Email: [AFSregs@doj.ca.gov](mailto:AFSregs@doj.ca.gov)

The back-up contact person for these inquiries is:

Jacqueline Dosch  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: (916) 227-7614  
Email: [AFSregs@doj.ca.gov](mailto:AFSregs@doj.ca.gov)

AVAILABILITY OF RULEMAKING FILE  
INCLUDING THE INITIAL STATEMENT  
OF REASONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the Department’s website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Jessie Romine.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department adopts the regulations. Copies of any modified text will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Jessie Romine.

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

Upon completion, the final statement of reasons will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Jessie Romine.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department’s website at <http://oag.ca.gov/firearms/regs>.

TITLE 11. DEPARTMENT OF JUSTICE

TITLE 11. LAW  
DIVISION 1. ATTORNEY GENERAL

Notice is hereby given that the Department of Justice (DOJ) proposes to amend the California Code of Regulations in order to administer the requirements of the California Pawn and Secondhand Dealer System (CAPSS) set forth in Business and Professions Code (B&PC) section 21625, et seq., by adopting Chapter 20, of Division 1, of Title 11. Chapter 20 contains articles 1, 2, and 3, and sections 2000, 2001, 2002, 2003, 2004, 2005 and 2006.

PUBLIC HEARING

The DOJ will conduct a public hearing at the time and place noted below to consider a proposed adoption of a regulation to administer the requirements of the California Pawn and Secondhand Dealer System.

DATE: November 9, 2018

TIME: 10:00 a.m.

PLACE: Ziggurat Building — Auditorium  
707 3rd St.  
West Sacramento, CA 95605

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may present comments orally or in writing at the hearing and may submit written comments relevant to the proposed regulatory action to the contact persons listed below before the hearing. Comments may also be submitted by facsimile (FAX) to (916) 227-3774 or by e-mail to [CAPSSpublichearing@doj.ca.gov](mailto:CAPSSpublichearing@doj.ca.gov). The public comment period for this regulatory action will begin on September 21, 2018. To be considered by the DOJ, written comments not physically submitted at the hearing must be submitted on or after September 21, 2018, and received **no later than 5:00 p.m.** on November 6, 2018, and addressed to the following:

Michelle Land, Associate Governmental Program  
Analyst  
California Department of Justice  
Bureau of Criminal Identification and Investigative  
Services  
4949 Broadway  
Sacramento, CA 95820  
Email: [CAPSSpublichearing@doj.ca.gov](mailto:CAPSSpublichearing@doj.ca.gov)



Or

Darcee Jouganatos, Associate Governmental  
Program Analyst  
California Department of Justice  
Bureau of Criminal Identification and  
Investigative Services  
4949 Broadway  
Sacramento, CA 95820  
Email: [CAPSSpublichearing@doj.ca.gov](mailto:CAPSSpublichearing@doj.ca.gov)

Please note that under the California Public Records Act (Government Code (GC), 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.

#### AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in B&PC sections 21628, 21628.2, 21630, 21636, 21641, 21642, and 21647, and Financial Code (FC) sections 21300, 21301, and 21303. This action is proposed to implement, interpret, and make specific B&PC sections 21628, 21628.2, 21630, 21636, 21641, 21642, and 21647, and FC sections 21300, 21301, and 21303.

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

#### Background and Effect of the Proposed Rulemaking:

B&PC section 21628 directed the DOJ to develop the CAPSS, a new single, statewide, uniform electronic reporting system that receives secondhand dealer reports (AB 391, Chapter 172, Statutes of 2012). The CAPSS is part of a program aimed at protecting the public from the dissemination of stolen property and assisting criminal investigations in tracing and recovering stolen property. There are no existing regulations regarding the CAPSS that outline specific and unambiguous reporting requirements.

This rulemaking action makes specific the aspects of the CAPSS enabling statutes, ensuring pawnbrokers and secondhand dealers can comply with legislated reporting mandates.

#### Objectives and Benefits of the Proposed Regulation:

The objective of the proposed rulemaking action is to ensure uniformity of the reports being submitted and the mechanisms through which they are submitted, thus furthering the intent of the CAPSS and protecting the safety of the property of the citizens of California.

#### Comparable Federal Regulations

There are no existing federal regulations or statutes comparable to the proposed regulations.

#### Determination of Inconsistency and Incompatibility with Existing State Regulations

The DOJ has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the DOJ has concluded that these are the only regulations that concern the CAPSS.

#### DOCUMENTS INCORPORATED BY REFERENCE

None.

#### MANDATED BY FEDERAL LAW OR REGULATIONS

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

#### OTHER STATUTORY REQUIREMENTS

None.

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

The DOJ has made the following initial determinations:

#### LOCAL MANDATE/FISCAL IMPACT

The DOJ has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandates to any local agency or school district, whether or not reimbursable by the State pursuant to GC, Title 2, Division 4, Part 7 (commencing with section 17500), or other nondiscretionary costs or savings to State or local agencies.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The DOJ has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

STATEMENT OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT (EIA)

SMALL BUSINESS

**Effect on Jobs/Businesses:**

The DOJ has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, or the creation of new business or elimination of existing businesses, or the expansion of businesses currently doing business within the State of California. This determination is based on the fact that this proposed action will not impose any significant cost or other adverse economic impact on pawnbrokers and secondhand dealers not already imposed by the statute. Furthermore, this proposed action would have no impact on any other businesses or jobs.

**Benefits of the Proposed Regulation:**

By clarifying and making specific aspects of the single, statewide, uniform electronic reporting system known as CAPSS and corresponding reporting mandates, these proposed regulations further the objectives of the authorizing legislation, which includes protecting the public from the dissemination of stolen property and assisting criminal investigations in tracing and recovering stolen property, thus protecting the safety of the property of the citizens of California.

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

B&PC section 21642.5(a) mandates that the DOJ impose a fee not to exceed three hundred dollars (\$300) to recover its actual costs. These regulations set the initial license fee and license renewal fee both at three hundred dollars (\$300), as determined by a budgetary analysis. The initial license fee will not be applicable to those existing licensed pawnbrokers and secondhand dealers because they are already licensed. The renewal license fee is due every other year. Apportioned annually (for purposes of this assessment), this constitutes a one hundred and fifty dollar (\$150) fee.

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

BUSINESS REPORT

The proposed regulations will not require the submission of reports from a business.

The proposed regulations will have no significant economic impact on small businesses and private persons. The proposed regulations affect only those individuals currently subject to the provisions of B&PC section 21628, et seq. The DOJ is not aware of any cost impacts, other than the statutorily mandated fees for pawnbrokers and secondhand dealers, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Even if the statutorily mandated fees are construed to be an economic impact attributable to these regulations, the fee will not have a significant economic impact on small businesses.

HOUSING COSTS

There will be no significant effect on housing costs.

ALTERNATIVES INFORMATION

Before taking final action on the amendments, the DOJ 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 persons and equally effective in implementing the statutory policy or other provision of law.

The DOJ invites interested persons to present statements or arguments, with respect to alternatives, to the proposed regulations during the 45-day written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the designated agency contact persons: Michelle Land, Associate Governmental Program Analyst, Bureau of Criminal Identification & Investigative Services, at (916) 210-3191. The back-up contact for these inquiries is Darcee Jouganatos, Associate Governmental Program Analyst, Bureau of Criminal Identification & Investigative Services, at (916) 210-3192.

AVAILABILITY OF DOCUMENTS

The DOJ has prepared an Initial Statement of Reasons (ISOR) for the proposed rulemaking action and a listing of the exact regulations proposed.

Copies of the ISOR and the full text of the proposed regulatory language, or other information upon which

the rulemaking is based may be obtained from the DOJ contact persons in this notice, or may be accessed through the Attorney General's website below.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

This regulatory proceeding will be conducted in accordance with the California Administrative Procedure Act, GC, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340).

After the DOJ analyzes all timely and relevant comments received during the 45-day public comment period, the DOJ will either adopt the regulations as described in this notice, or make modifications based on the comments. If the DOJ makes modifications which are sufficiently related to the original text of the proposed regulations, the amended text, with the changes clearly indicated, will be made available for an additional 15-day public comment period, before the DOJ adopts the regulations. The DOJ will accept written comments on the modifications to the regulations during the 15-day public comment period.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the Attorney General's website listed below.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice, the ISOR, and all subsequent regulatory documents for this rulemaking are available on the Attorney General's website at <http://oag.ca.gov/meetings/public-participation>.

### TITLE 14. FISH AND GAME COMMISSION

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 7857, 7892, 8026, 8394, 8681 and 8682 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 1700, 7852.2, 7857, 7892, 8026, 8394, 8394.5, 8568, 8573, 8577, 8680, 8681, 8682, 8683 and 8841 of said Code, proposes to amend sections 107, 174 and 176, Title 14, California Code of Regulations, relating to commercial logbooks.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

It is necessary to amend sections 107, 174 and 176, Title 14, California Code of Regulations (CCR) in order to eliminate the use of California forms by the affected fisheries in favor of federal forms. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) either has or is in process of developing federal logs that will more accurately reflect the catch and discard in federally managed fisheries for highly migratory species (HMS) and groundfish under the federal Trawl Individual Quota (TIQ) program.

Under current regulations (subsection 107(c), Title 14, CCR) all State swordfish harpoon permittees are required to complete a State Swordfish Harpoon Log (DFG 107). The information required on this log is specifically related to fish behavior and catch success and does not include bycatch information. The log does not provide location information beyond fishing block that is included on landing receipts. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal HMS fishing activity.

Additionally, under current regulations (subsection 174(f), Title 14, CCR) all state general gill/trammel net permittees are required to complete a State Gill and Trammel Net Fishing Log (DFG 174). This includes State large mesh drift gill net permittees, as described in Fish and Game Code Section 8573, who are also required to have a general gill/trammel net permit. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal highly migratory species (HMS) fishing activity, including drift gill net. These permittees are required to carry a federal observer upon request to accurately document the incidental take of sea turtles, marine mammals, and seabirds. The State's General Gill/Trammel Net Fishing Log (DFG 174) does not record discard information for federal Endangered Species Act (ESA)-listed species needed for managing the federal HMS large mesh drift gill net fishery.

Current regulations (Section 176, Title 14, CCR) require that all trawl vessel operators fill out a State Trawl Trip Log (DFG 176). Additionally, current federal regulation (CFR 660.13) requires that federal groundfish TIQ permittees complete a state trawl log. The Pacific Fishery Management Council is adopting electronic monitoring for the groundfish TIQ fishery. Additionally, there is a need for real time data collection of catch as well as discards so that TIQ quota accounts can be updated within 48 hours. Waiting for a paper log to be submitted and entered into a database could result in TIQ vessels exceeding their individual quotas, given that the timing of logbook submission varies by state (Califor-

nia requires that they be submitted monthly). The State's Trawl Trip Log (DFG 176) does not record needed discard information of federal groundfish species necessary for catch accounting under the federal Trawl Individual Quota (TIQ) program.

#### AMEND SECTION 107

Subsection 107(c) would be deleted eliminating the need for State logs recording swordfishing activities, and subsections (d)–(h) would be renumbered and Form Swordfish Harpoon Log, DFG 107 (10/90) is deleted from Appendix A.

#### AMEND SECTION 174

Subsection 174(f) would be amended to exempt fishermen from the State log requirement: (1) targeting highly migratory species, and (2) using large mesh (greater than 14 inch) drift gill nets.

#### AMEND SECTION 176

Section 176, Title 14, CCR, requires all trawl fishermen to fill out a Trawl Trip Log (DFG 176), but does not specify which fisheries, thus some fishermen targeting invertebrates fill out the Trawl Trip Log (DFG 176) while other fill out the Shrimp/Prawn Trawl Log (DFG 120). To clarify the logbook requirement for each State managed fishery and to eliminate any potential redundancy between State and federal regulations for the groundfish trawl fishery, Section 176, Title 14, CCR, would be amended as follows:

- The first paragraph of Section 176 is deleted and rewritten as Subsection 176(a) and would require completion of the Trawl Trip Log (DFG 176) by these fisheries:
  - subsection (a)(1) all California halibut bottom trawl permittees.
  - subsection (a)(2) any finfish trawl fisheries without a specific permit to complete the Trawl Trip Log (DFG 176).
- Subsection (b) exempts federal TIQ permittees targeting federal groundfish from the state trawl log requirement.
- Subsection 176(c) would require completion of the Shrimp/Prawn Trawl Log (DFG 120) by these fisheries:
  - subsection (c)(1) all golden/ridgeback prawn trawl, northern pink shrimp trawl, and southern pink shrimp permittees.
  - subsection (c)(2) all sea cucumber trawl permittees.
  - subsection (c)(3) any invertebrate trawl fishery without a specific permit.

#### BENEFIT OF THE REGULATIONS

Currently, the permittees in these fisheries complete multiple forms for both the State and federal governments. The State forms do not provide additional information that is necessary for managing the fisheries and, in some cases, will be replaced by more comprehensive electronic monitoring and logbooks. By eliminating the need for State forms and relying on the improved reporting on federal forms, and potentially the electronic forms, the fishery benefits from less paperwork and the State benefits from a better and more useful format for information gathering. The State also benefits from a reduction in staff time and expenses surrounding printing, processing, and maintaining these unnecessary forms.

#### CONSISTENCY WITH STATE REGULATIONS

Department staff has conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the logbooks used by these fisheries.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Wednesday, December 12, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 29, 2018, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed (to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244–2090), or emailed to the Commission office, must be received before 12:00 noon on December 7, 2018. All comments must be received no later than December 12, 2018, at the hearing in Oceanside, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

#### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and



Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Traci Larinto, Sr. Environmental Specialist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Larinto can be reached at (562) 355-7061 or by email at [Traci.Larinto@wildlife.ca.gov](mailto:Traci.Larinto@wildlife.ca.gov).**

#### AVAILABILITY OF MODIFIED TEXT

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

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

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

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:  
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because this rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.

As stated under the Informative Digest/Policy Statement Overview above, these proposed regulations will provide for more improved and comprehensive monitoring systems, which will benefit fishermen and the state in terms of more streamlined submission requirements and administering processing and ultimately benefit the management of California fisheries.

- (c) Cost Impacts 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.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:  
The Department would realize a savings of about \$30,000 annually in printing and mailing costs as well as time-savings for existing personnel.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

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

#### CONSIDERATION OF ALTERNATIVES

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

cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## TITLE 14. FISH AND GAME COMMISSION

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 275, 702, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 240, 265, 275, 1802, 7071 and 8585.5 of said Code and Title 50, Code of Federal Regulations, Part 660, Subpart G, proposes to amend 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10 and 150.16, Title 14, California Code of Regulations, relating to Recreational and Commercial Fishing Regulations for Federal Groundfish and Associated Species for Consistency with Federal Rules for 2019 and 2020.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (FGFMP).

These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as federal fishing regulations by the National Oceanic and Atmospheric Administration National Marine Fisheries Service NOAA Fisheries.

Regulatory authority for most nearshore stocks is shared jointly between State and federal governments. For consistency, the California Fish and Game Commission (Commission) routinely adopts regulations to bring State law into conformance with federal law for groundfish and other federally managed species. Nearshore stocks are managed based on both PFMC-established federal annual catch limits (ACL), and Commission-established total allowable catch (TAC) values. ACLs and TACs serve the same purpose of setting a limit on catch.

Current regulations establish recreational season lengths, depth constraints, methods of take, and size, bag and possession limits within the five groundfish

management areas for all federal groundfish and associated species.

Current State regulations also provide for a statewide TAC for cabezon and greenlings of the genus *Hexagrammos* along with allocation of these TACs between the recreational and commercial fishery sectors, and commercial trip limits for cabezon and greenling. Until recently, TACs specified in Title 14 have been lower than the ACLs established in federal regulations. Starting in 2019, the federal ACL for cabezon will be lower than the State TAC.

Modest increases to trip limits can be accommodated under federal ACLs since commercial cabezon and greenling landings have fallen below ACLs in recent years.

### Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2019 and 2020. This approach will allow the Commission to adopt State recreational groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2019.

The proposed regulatory changes will implement the following changes:

1. Increase the allowable depth for the recreational groundfish fishery from 60 to 75 fathoms in the Southern Management Area and from 20 to 40 fathoms in the Cowcod Conservation Area;
2. Increase the recreational season length for groundfish in the San Francisco Management Area by two weeks;
3. Increase the recreational season length for California scorpionfish by removing the September 1 to December 31 closure in the Mendocino, San Francisco, Central and Southern Management Areas;
4. Increase the recreational bag limit for canary rockfish from one to two fish statewide;
5. Decrease the recreational bag limit for lingcod from two to one fish in Mendocino, San Francisco, Central, and Southern Management Areas;
6. Replace language referencing numerical values for cabezon and greenling total allowable catch limits with references to federal annual catch limits in federal regulation;
7. Eliminate language referencing allocation limits for cabezon and greenling from Section 52.10; and
8. Increase commercial trip limits to 500 pounds for cabezon and 250 pounds for greenling.

The benefits of the proposed regulations are consistency with federal law, sustainable management of

groundfish resources and promotion of businesses that rely on recreational and commercial groundfish fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt fishing regulations (Fish and Game Code, sections 200, 205 and 265). The proposed regulations are consistent with regulations for fishing in marine protected areas (Section 632, Title 14, CCR), with Nearshore Fishery Management Plan regulations (Sections 52.00 through 52.10, Title 14, CCR) and with general fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the take of groundfish.

#### Update to Authority and Reference Citations Based on Recent Legislation

Senate Bill 1473 (Stats. 2016, Ch. 546) made organizational changes to the Fish and Game Code that became effective January 1, 2017. The changes included moving the Commission's exemptions from specified Administrative Procedure Act time frames from Section 202 to Section 265 of the Fish and Game Code, and moving the Commission's effective period procedures from Section 220 to Section 275 of the Fish and Game Code. In accordance with these changes to the Fish and Game Code, sections 202 and 220 are removed from, and sections 265 and 275 are added to, the authority and reference citations for this rulemaking.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Fresno Conference Center, 1055 Van Ness Avenue, Fresno, California, on Wednesday, October 17, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Wednesday, December 12, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 29, 2018, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

Written comments mailed (to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on December 7, 2018. All comments must be received no later than December 12, 2018, at the hearing in Oceanside, Califor-

nia. If you would like copies of any modifications to this proposal, please include your name and mailing address.

#### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Laura Ryley, Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Ryley can be reached at (831) 649-7142 or by email or at [Laura.Ryley@wildlife.ca.gov](mailto:Laura.Ryley@wildlife.ca.gov).**

#### AVAILABILITY OF MODIFIED TEXT

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

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

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

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

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



The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department anticipates increased opportunities for the recreational and commercial groundfish fishery in 2019–2020 compared to 2018.

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

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Department anticipates increased opportunities for the recreational and commercial groundfish fishery in 2019–2020 compared to 2018.

The Commission anticipates benefits to the health and welfare of California residents. Participation in sport fisheries opportunities fosters conservation through education and appreciation of California’s wildlife.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California’s sport and commercial fishing resources.

- (c) **Cost Impacts on a Representative Private Person or Business:**  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None.
- (e) **Nondiscretionary Costs/Savings to Local Agencies:** None.
- (f) **Programs Mandated on Local Agencies or School Districts:** None.
- (g) **Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:** None.
- (h) **Effect on Housing Costs:** None.

## EFFECT ON SMALL BUSINESS

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

## CONSIDERATION OF ALTERNATIVES

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

## TITLE 14. FISH AND GAME COMMISSION

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

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Red abalone is a resource currently managed by the California Department of Fish and Wildlife (Department) under the Abalone Recovery and Management Plan (ARMP). The Fish and Game Commission (Commission) is the decision-making body that regulates the recreational take of abalone (sections 200 and 205, Fish and Game Code).

In September 2017, the Department identified wide-sweeping changes in density, occurrence, depth distribution, size and health of red abalone as well as the kelp upon which it depends for food. In addition, the Department found that the average density of red abalone populations has declined below the ARMP fishery closure trigger (0.30 abalone/m<sup>2</sup>), indicating that the stock could no longer support a fishery. In December 2017, the Commission adopted regulations to close the abalone fishery consistent with the ARMP and Department findings. The Commission also adopted a sunset



provision for the closure; the fishery would re-open on April 1, 2019, or upon adoption of a Red Abalone Fishery Management Plan (FMP) and the guidance it provides for fishery reopening, whichever comes first. The regulations closing the recreational abalone fishery became effective on March 29, 2018.

Current recreational abalone fishing regulations in Section 29.15, Title 14, California Code of Regulations (CCR) specify: open areas, season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and minimum size limit. Subsection 29.15(i) closes all ocean waters to the take of abalone beginning on April 1, 2018. This regulation is only in effect until April 1, 2019; if the regulations are not amended to delete or extend that date (subsection 29.15(j)), the fishery will re-open on April 1, 2019, which will allow for the recreational take of abalone in open fishing areas during the open season (subsections 29.15(a), (b), and (c)).

Since the closure of the recreational fishery, the Department has found no meaningful changes in the abalone resource conditions. The limited data the Department has from public reports of dead or dying abalone washing ashore during this past winter and spring corroborates the findings of no meaningful positive changes. Department concludes that re-opening the fishery at this time would be inconsistent with the ARMP and detrimental to the recovery of the fishery. The Commission is proposing to amend subsection 29.15(j) to extend the closure of the abalone fishery for another two years, until April 1, 2021. Effective dates for take and possession contained in subsections 29.15(a), (b) and (c) of the abalone fishing regulations would be updated as well to reflect the proposed change. The action is necessary to facilitate recovery of the red abalone population while the preparation of the Red Abalone FMP is currently underway.

#### BENEFITS OF THE REGULATIONS

The proposed extension of the red abalone fishery closure will benefit the valuable red abalone resource by protecting it from fishing mortality during the current poor environmental conditions. Further conserving the red abalone resource now will allow it the opportunity to rebuild and be sustainable for the future.

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code, sections 200, 205, and 265); no

other state agency has the authority to promulgate such regulations. The Commission has conducted a search of Title 14, CCR and determined that the proposed regulation is neither inconsistent nor incompatible with existing State regulations and that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Fresno Conference Center, 1055 Van Ness Avenue, Fresno, California, on Wednesday, October 17, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Wednesday, December 12, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 29, 2018, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed (to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on December 7, 2018. All comments must be received no later than December 12, 2018, at the hearing in Oceanside, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

#### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Tom Mason, Sr. Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Mason can be reached at (562) 342-7107 or by email at [Tom.Mason@wildlife.ca.gov](mailto:Tom.Mason@wildlife.ca.gov).**

## AVAILABILITY OF MODIFIED TEXT

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

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

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

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action is not likely to significantly increase compliance costs, may or may not significantly impact fishery activity, and only applies to a fishery that is unique to the state of California.

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

California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates generalized benefits to the health and welfare of California residents through the sustainable management of the red abalone fishery.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the State's environment. The proposed action is designed to ensure the sustainability and quality of the fishery, promoting participation, fishing activity, and economic activity.

- (c) Cost Impacts 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.

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

No new costs or savings to State agencies. However, the proposed abalone fishery closure would result in the continued reduction in abalone report card sales with revenue deficits to the California Department of Fish and Wildlife of about \$533,375 for the 2019–20 and 2020–21 fiscal years based on the typical sales of 25,100 at \$21.25 per card. Federal funding to the state would not be impacted by this proposed change in recreational abalone fishing regulations.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

## EFFECT ON SMALL BUSINESS

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

## CONSIDERATION OF ALTERNATIVES

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

## TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

### Speech-language Pathology

The Department of Developmental Services (Department) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

### WRITTEN COMMENT PERIOD

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

The written comment period closes at 5:00 p.m. on November 9, 2018. The Department will only consider comments received by that time.

### CONTACT

Sharon DeRego, Manager  
Monitoring and Family Services Branch  
Department of Developmental Services  
1600 9th Street, Room 320, MS 3-11  
Sacramento, CA 95814  
FACSIMILE: (916) 654-3681  
EMAIL: [Sharon.DeRego@dds.ca.gov](mailto:Sharon.DeRego@dds.ca.gov)

### PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Copies of the express terms of the proposed regulation and the Initial Statement of Reasons are available from the contact listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations upon which the rulemaking is based, are available from Ms. DeRego at the contact information listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are also available on the Internet at <http://www.dds.ca.gov/ProposedRegs>. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed above once it is prepared.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, speech-language pathology assistants (SLPA) are recognized as licensed paraprofessionals by the California Business and Professions Code, Sections 2530-2537.5; however, California Code of Regulations, Title 17 does not identify a SLPA as an available provider for developmental services. This disparity between the codes and regulations in California limits the number of qualified providers available to provide developmental services. This may lead to services being unavailable on a timely basis as required for California's implementation of Individuals with Disabilities Education Act (IDEA), Part C, (20 United States Code (USC), Section 1431 et seq.).

The Department proposes to amend CCR, Title 17 to more accurately reflect the range of speech-language pathologists' (SLP) responsibilities and supervisory duties as it relates to the SLPAs. Further, the inclusion of speech-language pathology services as a group practice in these particular proposed amendments to Title 17 regulations increases the availability of the number of currently licensed professionals in the field, namely speech-language pathology assistants. As proposed, providing more clarity and consistency between the two set of regulations will increase the number of providers of services for speech-language pathology.

As these are the only regulations dealing with this subject matter for people with developmental disabilities, the Department finds that the proposed regulations are compatible and consistent with the intent of the Lanterman Act and other existing state statute and regulations.

Section 54342 (75)(A): Describes the service code used for a vendor providing speech-language pathology services for developmental services. Corrections and additions are included in the proposed regulation. These changes correct the Title 17 language to align with the scope of practice for SLPs.

Section 54342 (75)(B): To add SLPAs as provider of services for developmental services when supervised

by a SLP, as authorized in the California Business and Professions Code, Sections 2538–2538.7.

Section 54319 (a) Group Practices: To add speech pathology services as an authorized category to vendor a group practice for developmental services. This is a necessary business model in order to provide SLP supervision of the SLPAs.

#### *Anticipated Benefits*

The proposed amendment will indirectly impact the health and welfare of the infants and toddlers in the Early Start program as the proposed amendments provide for the more readily available speech–language pathology services through the inclusion of speech–language pathology assistance in these services.

After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern these service providers in relation to the early intervention services for infants and toddlers in California. As these are the only regulations dealing with this subject matter for infants and toddlers with developmental disabilities in the Early Start program, the Department finds that the proposed regulations are compatible and consistent with existing state statute and regulations.

#### LOCAL MANDATE STATEMENT

These regulations do not constitute a mandate on local agencies or school districts.

#### FISCAL IMPACT

Cost or savings to any state agency: Zero.

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

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

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

Cost impacts on a representative private person or business: None. The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposed regulations 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.

#### SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there may be an impact on small businesses as a result of filing of these regulations. Businesses that employ SLPs and SLPAs may be impacted by this regulation. These regulations do not create a burden on businesses and it is not required that any business must employ a SLPA.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed amendments to the regulations may create new opportunities for SLP businesses and the employment of SLPAs. These regulations are expected to improve the health and welfare of infant and toddlers with disabilities in California who are in the Early Start program through increased accessibility and timely services provided by the regional centers.

The proposed amendments do not represent any policy shift in administering the Early Start program for the state. Therefore, the Department forecasts no economic impact and concludes that it is: (1) unlikely that the proposal will eliminate any jobs for the Early Start program service providers, (2) likely that the proposal will create an unknown number of jobs for service providers, (3) unlikely that the proposal will create an unknown number of new businesses providing services in the Early Start program, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in expansion of businesses currently doing business within the state.

#### STATEMENT OF EFFECT ON HOUSING COSTS

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

#### STATEMENT OF ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department has determined that there is no reasonable alternative to be considered or that has otherwise been identified and brought to the attention of the Department that 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.



## AUTHORITY AND REFERENCE

Authority: Welfare and Institutions Code sections 4405, 4686.3; and Government Code Section 11152.

Reference: Welfare and Institutions Code sections 4631, 4648(a) and 4691; and Business and Professions Code sections 2530–2537.5 and 2538–2538.7.

## CONTACT PERSON REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATIONS

Contact Person:

Sharon DeRego  
(916) 654–1605

Backup:

Emily Woolford  
(916) 654–2048

## TITLE 23. CENTRAL VALLEY FLOOD PROTECTION BOARD

### TITLE 23, DIVISION 1

### PERMIT AND INSPECTION FEES

**NOTICE IS HEREBY GIVEN** that the Central Valley Flood Protection Board (CVFPB) proposes to adopt regulations pertaining to permit and inspection fees by amending the California Code of Regulations, Title 23, Division 1, Section 8.

## PUBLIC HEARING

A public hearing on the proposed regulations will be held during the CVFPB's regular business meeting described below:

DATE: November 16, 2018

TIME: 9:00 a.m.

PLACE: Sacramento City Hall, 1st Flood  
Council Chambers  
915 I Street  
Sacramento, CA 95814

The hearing will be an item on the regular business meeting agenda, and can take place any time after the meeting commences at 9:00 a.m.

## SPECIAL ACCOMMODATION REQUEST

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

- An interpreter to be available at the 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 CVFPB at (916) 574–0609 as soon as possible, but no later than 10 business days before the scheduled hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 574–0609 lo más pronto posible, pero no menos 2 de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

## WRITTEN COMMENT PERIOD

Interested parties wishing to submit written comments regarding the proposed regulations **must submit comments to CVFPB by 5:00 p.m. on Monday, November 5, 2018**, the designated close of the written comment period. Written comments and oral statements will be accepted at the hearing. CVFPB requests that comments be submitted by the November 5th deadline to allow staff to adequately address those comments prior to the hearing. Comments may be submitted by mail or email to the contact person listed below.

## AUTHORITY AND REFERENCE

### *Codes and Regulations*

California Water Code Section 8502, 8535, 8534.

California Code of Regulations, Title 23, Division 1 (Title 23), Section 8: Applications.

### *Forms*

Economic and Fiscal Impact Statement (STD. 399), May 2018.

## POLICY STATEMENT OVERVIEW

CVFPB is the State of California’s agency responsible for flood risk reduction in the Central Valley. As one of its core functions, CVFPB issues permits and oversees any alteration to the State–Federal flood control system within its jurisdictional authority. Permit application review, approval, issuance, and verification of compliance with Title 23 are funded through General Fund authorizations. Future authorizations of General Fund are contingent upon CVFPB developing a long-term funding plan and reporting on progress to the Legislature. Charging applicants for the review of permit applications and subsequent inspections of approved projects are a part of the long-term funding plan. In the 2018–19 Budget: Resources and Environmental Protection, the Legislative Analyst’s Office recommended that the legislature grant temporary augmentation of General Funds to replace expended funding from general obligation bonds from Proposition 1E, contingent upon CVFPB developing revenue streams to begin offsetting those costs. CVFPB has never before charged a direct fee to applicants wishing to build encroachments or otherwise alter the State–Federal flood control system.

CVFPB has the authority to collect fees for permits and inspections by California Water Code §8535. It states:

“Consistent with Section 3 of Article XIII A of the California Constitution, the board, after holding at least one public hearing, may set and charge fees sufficient to cover the reasonable cost for the services it provides in carrying out its duties set forth in Sections 8502 and 8534, including, but not limited to, the issuance of and modifications to encroachment permits, inspections and enforcement of encroachments, and management and control of Sacramento and San Joaquin Drainage District property.” (*Added by Stats. 2017, Ch. 26, Sec. 95. (SB 92) Effective June 27, 2017.*)

Additionally, California Code of Regulations, Title 23 Division 1 (Title 23) describes collection of reasonable fees for inspections under §16(b): “The board may charge and collect a reasonable fee from an applicant to recover inspection costs, including staff or consultant time and expenses.”

The proposed fee schedule is the result of multiple internal and external stakeholder meetings and logistical considerations, and is attached to this Notice. The proposed fees include initial permit fees, project authorization fees, construction inspection fees, and periodic inspection fees. For encroachment permits and authorizations for physical objects, obstructions, or activities that

may negatively affect the flood control system within the CVFPB’s jurisdiction, the proposed fee is based on the type of encroachment or authorization, and ranges from \$300–\$8,000. Construction inspection of these encroachments range from \$500 to \$1,000. Similarly, periodic inspections of permitted encroachments range from \$150 to \$1,000 and are performed on a schedule according the encroachment type. These fees are required directly from permit applicants.

## ANTICIPATED BENEFITS

Implementing fees for permitting and inspection activities will help ensure CVFPB can continue to perform its regulatory obligations of flood risk reduction in the Central Valley. These activities help protect and maintain a well-functioning flood control system which benefits residents, businesses, and environmental habitat located directly behind levees by reducing the risk of catastrophic failures of the flood control system; and the entire state who gain from a thriving agriculture industry and wildlife habitat. The positions authorized in the *2017–18 Budget Act* provide field inspections, permitting, enforcement, and additional real estate support. These positions are all crucial to ensure the State is upholding its obligations to the federal government in managing the State–federal flood protection system in the Central Valley.

Adoption and implementation of this proposed action would begin to generate revenues to cover a portion of the costs for two of CVFPB’s core functions, permitting and inspections, to reduce the burden on the State’s General Fund. An analysis of permitting and inspection costs will be conducted approximately every two years and updates to the fee schedule will be made if they are warranted, in consideration with future budgets.

## CONSISTENCY AND COMPATIBILITY WITH EXISTING FEDERAL REGULATIONS

There are no comparable regulations in the federal Code of Regulations that address funding of state permitting agencies for flood control permits.

## EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

CVFPB evaluated whether the implementation of fees for permitting and inspection activities is and found the proposed regulation is not inconsistent or incompatible with existing state regulations.

MANDATED BY FEDERAL LAW  
OR REGULATIONS

This regulation is not mandated by federal law or regulations, nor is it identical to previously adopted or amended federal regulations.

OTHER APPLICABLE MATTERS PRESCRIBED  
BY STATUTE SPECIFIC TO CVFPB OR OTHER  
STATE REGULATIONS

There are no other applicable matters prescribed in state statutes or regulations specific to CVFPB that affect or would be affected by the proposed regulations.

MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

The regulation does not impose mandates on local agencies or school districts. Fees are assessed on the project type, not the type of applicant.

FISCAL IMPACT

In accordance with Government Code Section 11346.5 (a)(6), CVFPB is providing an estimate of:

- the cost or savings to any state agency,
- the cost to local agencies or school districts that are required to be reimbursed,
- other nondiscretionary costs or savings imposed on local agencies, and
- the costs or savings in federal funding to the state.

For encroachment permitting costs, CVFPB analyzed existing data associated with permitting and authorization requests for encroachments within its jurisdiction. All staff that review and process permits and authorizations record their time spent in a centralized database. Though it is impossible to predict the exact number and types of encroachment applications that will be received in the future, CVFPB analyzed data of applications received from July 1, 2015 to June 30, 2017 as an approximation of future permit requests. Additionally, an analysis of the different staff classifications with different billing rates who contribute to permit processing was completed. A summary of this data is summarized in Tables A & B. CVFPB will continue to record staff time to better approximate the costs on which to base future fee updates.

For encroachment inspection costs, CVFPB used estimations of staff time to conduct required inspections, including travel, reporting, and coordination. An analysis of the staff classifications used to complete these ac-

tivities was used to approximate the cost of a typical inspection.

*Costs or Savings to Any State Agency*

The proposed fees for permitting and inspections of encroachments are shown in Appendix B — Exhibit 1. The permitting and project authorization fees range from \$300 to \$8,000, depending on the type of encroachment. The permitting fee amounts follow general trends of CVFPB's costs for review and processing the different types of encroachments. Inspection fees range from \$500 to \$1,000 per permit. The fees are the same for any type of applicant, whether it is a private individual, business, local agency, state agency, or federal agency. These fees would result in a cost to a State agency seeking a permit to encroach upon CVFPB's jurisdiction. As shown in STD 399 Table 2: Applicant Analysis Summary, based on the dataset CVFPB reviewed, of the 108 applications for permits or project authorizations each year, 30 were State agencies. Assuming an average permit fee of \$1,000 and inspection fee of \$500, state agency applicants could cumulatively incur costs of approximately \$45,000 each year.

*Costs to Local Agencies or School Districts that are Required to be Reimbursed*

Although fees are required regardless of the type of applicant, there are no costs to local agencies or school districts that are required to be reimbursed. Based on the dataset CVFPB reviewed, of the 108 applications for permits or other project authorization each year, 74 were local agencies. Assuming an average permit fee of \$1,000 and inspection fee of \$500, state agency applicants could incur costs of approximately \$110,000 each year across all local agencies. There were no school districts within the pool of applicants over this period.

*Other Nondiscretionary Costs or Savings Imposed on Local Agencies*

There are no nondiscretionary costs or savings imposed on local agencies.

*Costs or Savings in Federal Funding to the State*

Permit and inspection services provided by CVFPB contribute toward the agency's mission of reducing the risk of catastrophic flooding to people and property within the California Central Valley. Additionally, the State of California has an interest in leveraging federal funding for flood system improvement projects, ongoing operation and maintenance activities, and flood control emergency management response. CVFPB works to ensure that the State Plan of Flood Control facilities are eligible for Public Law 84-99 Disaster Assistance funding and emergency response activities from the U.S. Army Corps of Engineers (USACE). Permitting and inspection services are part of CVFPB's efforts to maintain that eligibility and ultimately reduce the State's financial burden for emergency response to



flood control emergency response. In the 2017 flood event, the State received PL 84–99 funding for flood emergency rehabilitation efforts. Future flood emergencies may yield a similar amount of funding through the PL 84–99 program for eligible portions of the flood control system.

#### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The proposed fee regulations are only imposed within the geographic area of CVFPB’s jurisdiction in the Central Valley, and will not be an adverse economic impact statewide. CVFPB determined that the proposed fee regulations will not have a significant statewide adverse economic impact.

#### **RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)**

CVFPB determined that the proposed regulations would not significantly affect the following:

- The creation or elimination of jobs within the State of California. The proposed fees are a fraction of the typical construction costs of the encroachments being permitted and inspected.
- The creation of new business or elimination of existing business within California. No new businesses are anticipated to be created nor are any existing businesses anticipated to be eliminated due to the fees imposed by this regulation.
- The expansion of businesses currently doing business within the state. The fees affect those seeking new permits for encroachments. The individuals and businesses that are seeking to build a project encroaching upon the State–federal flood control system are already prepared to pay for and construct their projects, and will incur a fee to have their project permitted and inspected by CVFPB.

The benefits of the proposed regulation to the health and welfare of California residents, worker safety, and the state’s environment are numerous. It allows CVFPB to continue carrying out its mission to reduce the risk of catastrophic flooding to people and property within the California Central Valley. By imposing fees for encroachment permitting and inspections, CVFPB can continue to regulate and inspect over 20,000 encroachments within its jurisdiction. Routine inspections can spot issues before they become emergencies, and permit conditions give CVFPB the authority to enforce its regulations under Title 23. Permitted projects must be compliant with the California Environmental Quality

Act (CEQA) to ensure the project’s impact to environment has been considered, which the Board acts as a responsible agency. CVFPB also has a worker safety program in conjunction with the Department of Water resources, to ensure a safe work environment for employees and contractors in the field and office.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The proposed fee regulations are for any entity (including private individuals, businesses, public agencies) conducting activities or seeking to encroach on the flood control facilities under CVFPB’s jurisdiction. The fees are required for new applications for permits, as well as existing encroachments that need updated permits. The fees would be due at three potential times for a given encroachment. First, permit fees would be due with the permit application or project authorization request. Next, the construction inspection fee would be due at permit issuance. And finally, routine inspections would be due prior to a scheduled routine inspection. The routine inspection frequency is listed on the fee schedule for each type of encroachment. The fees range from \$300 up to \$8,000 for each permit or project authorization. The construction and routine inspection fees range from \$500 to \$1,000. The total costs on a private person or business depends on the type of activity or encroachment they propose to build, and the overall number of permits needed. If multiple encroachments are proposed on one permit, only the encroachment with the highest fee will be charged. There are no proposed exemptions from these fees.

#### **BUSINESS REPORT**

The proposed fee regulation does not require a report from the businesses it impacts.

#### **EFFECTS ON SMALL BUSINESSES**

Per Government Code 11346.3(b)(4)(B), the definition of small business is considered to be independently owned and operated, not dominant in its field of operation, and has fewer than 100 employees. While the proportion of applicants that fit this definition who apply for permits in the future is unknown, of the permits within the scope of our analysis, approximately twenty-one percent of all the businesses seeking permits were estimated to be small businesses. It is anticipated that this trend will continue, and so CVFPB has determined that the proposed regulation will affect small businesses.

#### **EFFECTS ON HOUSING COSTS**

CVFPB determined that the proposed fee regulations would not have a significant effect on housing costs.



The proposed permit and inspection fees imposed on dwellings which require a permit from CVFPB are a small fraction of the overall housing costs.

Code Section 8535 to collect reasonable fees for these services.

#### ALTERNATIVES STATEMENT

Although there are several alternatives that CVFPB initially considered to implement the regulation, CVFPB determined that there are no reasonable alternatives considered or brought to our attention which:

- *Would be more effective in carrying out the purpose for which the action is proposed,*
  - The proposed alternative of a flat fee basis for encroachments is the most efficient and reasonable choice for implementing fees for permit and inspection services.
- *Would be as effective and less burdensome to affected private persons than the proposed action,*
  - CVFPB considered an alternative to recover 100% of the costs associated with providing permitting and inspection services. This would require a final accounting of staff time and a billing to applicants after the service is provided. This would be a burden on applicants who need to construct their projects soon after a permit is issued. Applicants would not be able to effectively plan for the anticipated costs as no two projects are exactly alike.
- *Would be more cost-effective to affected private persons and equally effective in implementing the proposed regulation.*
  - A more cost-effective alternative for private persons would be to not implement a permit and inspection fee regulation, however CVFPB is required to develop funding mechanisms to sustain these critical services for flood risk reduction. The proposed fees are within CVFPB's authority under Water

#### AVAILABILITY OF STATEMENTS & DOCUMENTATION

CVFPB has made available the following documents which can be accessed online at <http://cvfpb.ca.gov/>.

- Express Terms
- Initial Statement of Reasons
- Other information upon which the proposed rulemaking is based
- Full text of the regulation subject to substantial changes to the original proposal for at least 15 days prior to agency adoption/repeal/amendment of the resulting regulation
- Final Statement of Reasons

Inquiries regarding the proposed action should be directed to the Contact Person listed below. This agency representative will, upon request, make the express terms, documentation, and public records related to the proposed action available.

#### CONTACT PERSON

Written comments and questions concerning the proposed regulations may be sent to:

Name: Preston Shopbell  
 Address: 3310 El Camino Avenue, Suite 170  
 Sacramento, California, 95821  
 Phone: (916) 574-1437  
 Email: [preston.shopbell@cvflood.ca.gov](mailto:preston.shopbell@cvflood.ca.gov)

#### Backup Contract Person:

Name: Kelly Soule  
 Address: 3310 El Camino Avenue, Suite 170  
 Sacramento, California, 95821  
 Phone: (916) 480-5390  
 Email: [kelly.soule@cvflood.ca.gov](mailto:kelly.soule@cvflood.ca.gov)

Table A  
CVFPB EP Entry Time Recording Summary  
Time Period: Date Received  
July 1, 2015 to June 30, 2017 (FY 15/16 — FY 16/17)  
Permit Issuance Date Captured to January 18, 2018  
Total # of Permits Recorded = 96

DATE_RECV														
Q3 2015 - Q2 2017														QUARTERS ▾
2014		2015		2016				2017				2018		
Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1

Permits Issued not listed as category type "Other" or "Levee Works" or "XXX"

Category	Number Received	Total Hours	Average Per Permit (hrs)
BIKE TRAIL	1	59.1	59.1
Boating Facilities	7	159.2	22.7
Borings	2	9.3	4.6
Bridges - Pedestrian	2	52.0	26.0
Bridges - Vehicle	25	844.5	33.8
Dams/Structures	2	103.3	51.6
Dwellings	7	116.0	16.6
Erosion Control	1	23.1	23.1
Fences	2	49.1	24.6
Overhead Utility	3	53.1	17.7
Pipelines/Conduits	35	629.1	18.0
Poles	3	59.0	19.7
Ramp	1	4.5	4.5
Retaining Wall	1	19.0	19.0
Solar Array	1	17.8	17.8
Stairs	1	12.1	12.1
Structures	2	31.2	15.6
Grand Total	96	2240.85	23.3

Table B  
CVFPB EP Entry Time Entry Per Classifications  
Time Period: Date Received  
July 1, 2015 to June 30, 2017 (FY 15/16 — FY 16/17)  
Permit Issuance Date Captured to January 18, 2018  
Total # of Permits = 96

**DATE\_RECV**

Q3 2015 - Q2 2017 QUARTERS ▾

2014			2015		2016				2017				2018						
Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	

◀  ▶

Classifications	% of Application Review Time	Max Loaded Hourly Billing Rate	Interim Calc for Weighted Avg Billing Rate
WRE Engineer, Water Resources	81.9%	\$ 164	\$ 134
AGPA Associate Governmental Program Analyst	4.3%	\$ 100	\$ 4
SWRE Senior Engineer, Water Resources	3.2%	\$ 201	\$ 6
SES Senior Environmental Scientist	6.3%	\$ 126	\$ 8
LC Legal Counsel	1.1%	\$ 210	\$ 2
EPM Environmental Program Manager I	1.1%	\$ 180	\$ 2
SPE Supervising Engineer	2.1%	\$ 220	\$ 5
Total	100%		

Weighted Average Billing Rate: \$ 162

## GENERAL PUBLIC INTEREST

### BUILDING STANDARDS COMMISSION

#### NOTICE OF CORRECTION

The following California Building Standards Commission (CBSC) Notice was originally published in the September 7, 2018 Notice Register 2018, 36-Z, p. 1428 (OAL Notice File No. Z2018-0828-02). CBSC is re-publishing the Notice to correct the closing date for the 45-day public comment period for the Division of State Architects (DSA-AC) 01/18 Part 2, Title 24.

Please refer to the contact information in the Notice, if you have any questions.

#### NOTICE OF PROPOSED ACTION

#### TO PROPOSED BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT (DSA-AC)

#### REGARDING PROPOSED CHANGES TO THE CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

(01/18)

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve,

codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The DSA-AC is proposing building standards related to the accessibility provisions of the 2019 California Building Code.

## PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 7, 2018; until 5:00 p.m. on October 22, 2018.**

Please address your comments to:

### California Building Standards Commission

Attention: Mia Marvelli, Executive Director

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

## POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

## AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928. The purpose of these building standards is to implement, interpret, or make specific the provisions of Government Code Sections 4450 through 4461, 12955.1 and 14679; Health and Safety Code Sections 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8.

The Division of the State Architect is proposing this regulatory action based on Government Code Section 4450.

## INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

### Summary of Existing Laws

Government Code Section 4450 authorizes the State Architect to develop regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

### Summary of Existing Regulations

Existing regulations promulgated by the DSA-AC are contained in the California Building Code (Title 24, Part 2). These regulations are applicable to:

- 1) Publicly funded buildings, structures, sidewalks, curbs and related facilities;
- 2) Privately funded public accommodations and commercial facilities;
- 3) Public housing and private housing available for public use;
- 4) Any portable buildings leased or owned by a school district; and
- 5) Temporary and emergency buildings and facilities.

### Summary of Effect

The proposed action would update the California Code of Regulations, Title 24, Part 2 by:

- Adoption of new accessibility requirements for adult changing facilities.
- Amendments to clarify existing accessibility requirements.

### Comparable Federal Statute or Regulations

Comparable federal statutes and regulations include:

- Regulations for Title II and Title III of the Americans with Disabilities Act of 1990, as adopted by the US Department of Justice. The regulations provide enforceable standards for



accessible design, known as the 2010 ADA Standards for Accessible Design, in three parts:

- 1) 2010 Standards for State and Local Government Facilities: Title II Regulations at 28 CFR Part 35.151;
- 2) 2010 Standards for Public Accommodations and Commercial Facilities: Title III Regulations at 28 CFR Part 36, Subpart D; and
- 3) 2010 Standards for Title II and III Facilities: 2004 ADAAG.

- Fair Housing Amendments Act of 1988.

#### Policy Statement Overview

The proposed building standards are intended to implement new accessibility provisions and clarify existing accessibility provisions contained in the 2016 California Building Code to ensure that publicly funded buildings, structures, sidewalks, curbs, and related facilities shall be accessible to and usable by persons with disabilities; privately funded public accommodations and commercial facilities shall be accessible to and usable by persons with disabilities; and public housing and private housing available for public use shall be accessible to and usable by persons with disabilities.

#### Evaluation of Consistency

There are no inconsistent or incompatible regulations proposed.

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

Reference: Government Code Section 11346.5(a)(4).

There are no other matters prescribed by statute applicable to the DSA-AC, or to any specific regulation or class of regulations.

#### MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

DSA-AC has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

#### ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**.
  - B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
  - C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
  - D. Other nondiscretionary cost or savings imposed on local agencies: **NO**.
  - E. Cost or savings in federal funding to the state: **NO**.
- Estimate: N/A

#### INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

DSA-AC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

#### DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

#### FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

# ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Reference: Government Code Section  
11346.5(a)(10).

The DSA-AC has assessed whether or not and to what extent this proposal will affect the following:

## A. The creation or elimination of jobs within the State of California.

DSA-AC has determined that the proposed action has no effect.

## B. The creation of new businesses or the elimination of existing businesses within the State of California.

DSA-AC has determined that the proposed action has no effect.

## C. The expansion of businesses currently doing business within the State of California.

DSA-AC has determined that the proposed action has no effect.

## D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

DSA-AC has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

# ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section  
11346.5(a)(12).

The DSA-AC has made an initial determination that this proposal would not have a significant effect on housing costs. DSA-AC is coordinating the 2018 California Building Code Triennial Code Cycle with the Department of Housing and Community Development.

# CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section  
11346.5(a)(13).

DSA-AC has determined that no reasonable alternative considered by DSA-AC or that has otherwise been identified and brought to the attention of DSA-AC 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 provisions of law.

# AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections  
11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(21).

DSA-AC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

# CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section  
11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Brandon Estes  
Associate Construction Analyst  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT  
PERSON FOR SUBSTANTIVE AND/OR  
TECHNICAL QUESTIONS ON THE PROPOSED  
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Ida A. Clair, Principal Architect  
Ph. (916) 322-2490  
[Ida.Claire@dgs.ca.gov](mailto:Ida.Claire@dgs.ca.gov)

Derek M. Shaw, Senior Architect  
Ph. (916) 324-7178  
[Derek.Shaw@dgs.ca.gov](mailto:Derek.Shaw@dgs.ca.gov)

Division of the State Architect — Headquarters  
1102 Q Street, Suite 5100  
Sacramento, CA 95811

DEPARTMENT OF FISH AND  
WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION NO.  
2080-2018-010-02

**Project:** Cottonwood Check and North  
Drainage Canal Lift Pump  
Station Projects  
**Location:** Sacramento and Sutter Counties  
**Applicant:** Natomas Mutual Water Company  
**Notifier:** CH2M Hill

**Background**

The Natomas Mutual Water Company's (Applicant) Cottonwood Check Automation Project and North Drainage Canal Lift Pump Station Project (hereinafter cumulatively referred to as 'Project') includes the replacement of the existing check structure at Cottonwood Creek, and the new construction of a tailwater recovery lift pump station at the North Drainage Canal (NDC). The Cottonwood Check structure is located east of Powerline Road, north of West Elverta Road, and approximately 2.5 miles northeast of the Sacramento International Airport in Sacramento County. The NDC Lift Pump Station is located west of Powerline Road and north of Sankey Road, approximately 2.2 miles east of Verona, in Sutter County.

The Cottonwood Check Automation Project

The Cottonwood Check Automation Project includes the removal of the existing Cottonwood Check struc-

ture in the Lateral 3 canal and replacement of the structure with a self-regulating vertical leaf gate that automatically opens and closes to maintain a constant upstream water level. The Applicant will install new polyvinyl chloride (PVC) conduit for instrumentation and control equipment cables along the canal bank. The Applicant will install flow meters, water level sensors, and a solar-powered Supervisory Control and Data Acquisition (SCADA) remote terminal unit to expand the coverage and features of the applicants SCADA system. The Applicant will remove the existing broken concrete lining immediately downstream of the check structure and replace the structure with riprap. The Cottonwood Check Automation Project includes the following components:

- A new cast-in-place concrete structure for mounting the automated vertical leaf gate. After demolition of the existing structure, the Applicant will prepare the location of the structure using an excavator and/or backhoe to provide a clean surface for placement of concrete forms and reinforcing steel.
- The Applicant will install approximately 275 feet of new PVC conduit for instrumentation and control equipment (level sensors and flow meters) cables along the canal bank in a 2- to 3-foot deep, 8-inch to 12-inch wide trench. The Applicant will excavate the conduit trenches concurrently with or after placement of the new concrete structure using a backhoe or skid steer. The Applicant will place trench spoils adjacent to the trench excavation, place conduit in the trench, and backfill the trench with the spoils from the trench excavation. The conduit will transition from below grade to above grade at required termination locations such as the flow meters, level transducers, and the SCADA remote terminal unit's new concrete structure.
- The Applicant will install two flow meters and three water level sensors upstream and downstream of the new check structure and in the adjacent Lateral 3A Canal. The flow meters are surface mount type units and the Applicant will place the meters at grade. The Applicant will place level transducers in surface mounted stilling wells (vertical sections of PVC pipe with holes in them).
- The Applicant will mount a solar-powered SCADA remote terminal unit to the concrete structure.
- The Applicant will install 0.13 acres of riprap immediately downstream of the check structure.

The Applicant will conduct the demolition of the existing check structure and removal of the existing broken concrete lining using hand tools for the initial re-

removal of surface broken gunite and concrete to a depth of approximately 1 to 2 feet. Afterwards, the Applicant will use an excavator and/or backhoe to complete the removal.

#### North Drainage Canal Lift Pump Station

The North Drainage Canal Lift Pump Station Project includes the construction of a new tailwater recovery lift pump station with 120 cubic-foot-per-second (cfs) capacity on the Sankey Canal near the NDC. The Applicant will construct the NDC Lift Pump Station on the southern side of the Sankey Canal currently owned and operated by the applicant. Construction of the proposed 120-cfs tailwater recovery lift pump station includes the following:

- Cast-in-place (or precast) reinforced concrete wet well and pump base slab, including pumps and motors, control cabinet, and electrical transformer;
- Cast-in-place reinforced concrete intake and trash rake with four intake pipes to the lift pump station wet well;
- Approximately 270 linear feet of buried electrical conduit; and
- Discharge pipes from the pumps through the Sankey Canal bank with cast-in-place concrete discharge structure and riprap slope protection.

The Applicant will conduct the activities associated with the intake, intake piping, and pump structure with an excavator to a depth of approximately 14 feet, but limited to an area of approximately 0.11 acres (approximately 90 feet long by 55 feet wide). The Applicant will confine the remaining earthwork activities for installation for the discharge piping to a depth of 8 feet and an area of 0.07 acre. Once excavated, crews will begin forming the structures for concrete, placing reinforced steel, and placing the intake pipe. After placing concrete and stripping forms, the crews will backfill the structures and intake pipe. Concurrent with or subsequent to placing concrete forms, the contractor will excavate through the canal bank for the discharge pipe and may place the discharge pipe while the structure concrete cures.

The Project activities may also include the handling, capture, and relocation of giant garter snake (*Thamnophis gigas*; hereafter GGS). Construction equipment may include, but is not limited to, pickup trucks, dump trucks, excavator, concrete saw, crane, dozer, cement truck, backhoe, and hand tools. For the proposed projects, the Applicant will use existing roads for transporting construction equipment. The Applicant will complete construction over 4 months, within the active and inactive season for GGS.

The California Department of Fish and Wildlife (CDFW) expects the Project activities described above

to incidentally take<sup>1</sup> GGS where those activities take place within the Project areas. In particular, the Applicant could incidentally take GGS as a result of the activities such as clearing and grubbing, grading, excavating, capture and relocation, crushing by vehicles or heavy equipment, and entombment in burrows through the installation of Project components. 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 adjacent to the Project areas. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of GGS habitat within the Project areas, the United States Fish & Wildlife Service (Service) determined that GGS are reasonably certain to occur within the Project areas and that Project activities are expected to result in the incidental take of GGS.

Because the Project is expected to result in take of a species designated as threatened under the ESA, the United States Bureau of Reclamation (Bureau) consulted with the Service as required by the ESA. On August 1, 2018, the Service issued a biological opinion (Service file No. 08ESMF00-2018-F-2667-1) (BO) to the Bureau. 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 Cottonwood Check Automation Project will result in the temporary loss of 0.51 acres of suitable upland and aquatic habitat. Construction of the Project will also result in the permanent loss of 0.013 acres of upland and aquatic habitat.

The North Drainage Canal Lift Pump Station Project will result in the temporary loss of 0.86 acres of suitable upland and aquatic habitat and the permanent loss of 0.12 acres of upland and aquatic habitat.

On August 10, 2018, the Director of CDFW received a notice requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, including the ITS, are consistent with CESA for purposes of the Project and GGS. (Cal. Reg. Notice Register 2018, No. 34-Z, p. 1332.)

#### **Determination**

<sup>1</sup> 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”).



CDFW has determined that the ITS and associated BO are 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 Biological Assessment (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, are roughly proportional in extent to the impact of the authorized taking, and are capable of successful implementation; (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:

Avoidance, Minimization, and Mitigation Measures

- For the Cottonwood Check Automation Project, the Applicant shall compensate for the temporary loss of 0.51 acres (at a ratio of 1:1 = 0.51 acres), and the permanent loss of 0.013 acres (at a ratio of 5:1 = 0.065 acres), of suitable GGS habitat. The Applicant shall purchase GGS habitat preservation credits equal to 0.575 acres of GGS habitat from a Service- and CDFW-approved mitigation bank and provide proof of purchase to the Service and CDFW.
- For the North Drainage Canal Lift Pump Station Project, the Applicant shall compensate for the temporary loss of 0.86 acres (at a ratio of 1:1 = 0.86 acres) and the permanent loss of 0.12 acres (at a ratio of 5:1 = .602 acres) of suitable GGS habitat. The Applicant shall purchase GGS habitat preservation credits equal to 1.46 acres of GGS habitat from a Service and CDFW approved mitigation bank and provide proof of purchase to the Service and CDFW.
- Prior to construction activities, the Applicant will prepare a GGS relocation plan for use in the event that a GGS is injured or trapped during construction. The relocation plan will identify the names and contact information for one or more Service- and CDFW-approved biologists responsible for handling GGS.
- Prior to construction activities, construction personnel will receive worker awareness training conducted by a Service- and CDFW-approved biologist. The education program will briefly cover GGS and their habitat that construction

personnel may encounter during the proposed projects, and will cover all restrictions and guidelines that crews must follow to avoid or minimize effects.

- A Service- and CDFW-approved biologist will perform pre-construction surveys for GGS, oversee implementation of best management practices, and oversee installation of exclusion fencing. The approved biologist will be present during any earthmoving activities, including riprap placement and trenching.
- Before construction activities begin, the Service- and CDFW-approved biologist will identify and flag flooded rice fields and other potential GGS habitat adjacent to the Project action area, and erect high-visibility fencing to protect the Project areas from encroachment of personnel and equipment. The Service- and CDFW-approved biologist will inspect fencing before the start of each workday and will maintain the fencing until completion of the Project. Fencing shall be comprised of tightly woven fiber netting (mesh size 0.25 inch or smaller) or similar material will be used to ensure that GGS are not trapped or become entangled by the erosion control material. The Applicant shall not use monofilament wattles or erosion blankets.
- The Applicant will install exclusion fencing using a modified ripper capable of deliberately and accurately ripping along the fence line to minimize disturbance and effects to GGS. The Applicant will bury the edge of the material in the ground to prevent GGS from crawling underneath the material. The Applicant will monitor exclusion fencing each day prior to and during construction to ensure that openings do not develop that will allow the entry of GGS into the construction area. Prior to construction activity, a Service- and CDFW-approved biologist will inspect the area for GGS. If at any time any personnel discover GGS, a Service- and CDFW-approved biologist will notify the Service and CDFW immediately.
- Construction within canals may require dewatering using a screened sump pump. The dewatered area will remain dry for 15 consecutive days prior to construction activities. If complete dewatering is not possible, the Applicant will remove potential GGS prey (e.g. fish and tadpoles) so that GGS and other wildlife are not attracted to the construction area.
- The Applicant will complete initial excavation and removal of the broken gunite and concrete from the surface of the canal channel with hand

tools under the supervision of the Service– and CDFW–approved biologist.

- During construction, the Applicant will inspect all pipes, culverts, or similar structures that are stored at the Project site overnight for trapped GGS before the Applicant buries, caps, or otherwise uses or moves the structure. The Applicant will cap pipes laid in trenches overnight.

#### Monitoring and Reporting Measures

- The Applicant shall submit a final monitoring report to the Service and CDFW upon completion of the Project, including a precise accounting of the total acreage of GGS habitat affected. Although not a condition of the BO, CDFW requests the Applicant submit the final monitoring report within 45 days of Project completion.
- As stated in the ITS, the Service requires the Applicant to immediately reinstate consultation if 1 GGS are found dead or injured during Project activities. Although not a condition of the BO, CDFW requests to be included in this consultation.

#### Financial Assurances

The Applicant will provide proof of financial assurances consistent with CESA in the form of a completed purchase of 2.04 acres of conservation credits from the Natomas Basin Conservancy, prior to beginning work.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of giant garter snake, provided the Applicant implements the Project as authorized in the ITS and 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. 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/or ITS, 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, subds. (b) and (c)).

## DEPARTMENT OF FISH AND WILDLIFE

### HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NO. 1653–2018–024–001–R1

**Project:** South Fork Trinity River Instream Salmon Habitat Enhancement Project

**Location:** Trinity County

**Applicant:** Watershed Research and Training Center

#### **Background**

Project Location: The South Fork Trinity River Instream Salmon Habitat Enhancement Project (Project) is located along a 5.2–mile reach of the Middle South Fork Trinity River. The downstream boundary is located approximately four miles upstream of the confluence of Hayfork Creek and the South Fork Trinity River (SFTR) near the town of Hyampom, and occurs on six private parcels and six public parcels managed by the USDA Forest Service and Shasta–Trinity National Forest, Assessor’s Parcel Numbers (APN) 016–010–06, –11, –14, –21, –22, –23, –24, –25, 016–040–02, –05, –06, –09, and affects the SFTR. The SFTR supports populations of Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), Pacific lamprey (*Entosphenus tridentatus*), and foothill yellow–legged frog (*Rana boylei*).

Project Description: The Watershed Research and Training Center (Applicant) proposes to increase habitat and ecological conditions within the SFTR by providing a net conservation benefit for spring–run Chinook salmon and coho salmon through the placement of large wood structures. The Project includes the placement of 286 whole conifer trees, with canopy and root structures intact, in 18 discrete locations within a 5.2–mile long reach of the active SFTR.

Project Size: The total area of ground disturbance associated with the Project is approximately 3.589 acres and 429 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) whole

conifer trees with root wads, and (2) approximately three cubic yards of bank sediment.

**Project Timeframes:**

Start date: September 2018

Completion date: September 2022

Work window: June 15 – November 1

**Water Quality Certification Background:** Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish habitat within 5.2 miles of the SFTR, 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. 1A170535WNTR, Electronic Content Management Identification (ECM PIN) No. CW-835381 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided documentation that sets forth measures to avoid and minimize impacts to Chinook salmon, coho salmon, steelhead trout, Pacific lamprey, and foothill yellow-legged frog.

The receiving water is the SFTR, tributary to the Trinity River. There are no permanent impacts associated with this Project. Temporary impacts include 429 linear feet and 3.589 acres of streambank and channel. No dredge volume is proposed. Discharge includes approximately three (3) cubic yards of native streambank sediment along with 286 whole conifer trees. The Project is located at the following Latitude/Longitude:

Downstream Latitude: 40.581055°

Downstream Longitude: -123.440665°

Upstream Latitude: 40.531562°

Upstream Longitude: -123.448185°

The Project is located on the following Assessor's Parcel Numbers: 016-010-06, 016-010-11, 016-010-14, 016-010-21, 016-010-22, 016-010-23, 016-010-24, 016-010-25, 016-040-02, 016-040-05, 016-040-06, and 016-040-09.

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

On August 8, 2018, 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 9, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2018-0809-01) on August 24, 2018. 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 the 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) Measures to Prevent Accidental Discharges/Other Minimization Measures; (2) General Protection Measures; (3) Measures to Minimize Degradation of Water Quality; (4) Minimizing Disturbance to Riparian Areas; (5) Measures to Minimize Disturbance from In-stream Construction; and (6) Measures to Minimize Impacts to Roads. The specific avoidance and minimization requirements are found in an attachment to the NOI.

**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.

Following the completion of the project, the Applicant will submit annual reports to all of the appropriate agencies (National Marine Fisheries Service, U.S. Army Corps of Engineers, Regional Water Board, and CDFW) in March 2019, 2020, 2021, and 2022. The an-



nual reports will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

- 1 Summary of findings;
2. Identification and discussion of problems with achieving performance standards;
3. Proposed corrective measures (requires Regional Water Board approval); and
- 4 Monitoring data.

#### **Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) be submitted by the applicant 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 Project has been carried out in accordance with the Project description as provided in the applicants 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. Document submittals shall be made electronically to [amy.henderson@wildlife.ca.gov](mailto:amy.henderson@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 Regional Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consis-

tency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

### **DECISION NOT TO PROCEED**

#### **CALIFORNIA HORSE RACING BOARD**

TITLE 4, DIVISION 4, CALIFORNIA CODE  
OF REGULATIONS  
NOTICE FILE NUMBER Z-2018-0306-5

Pursuant to Government Code section 11347, the California Horse Racing Board (Board) has decided not to proceed with its rulemaking action described in the notice published in the California Regulatory Notice Register on March 23, 2018, Office of Administrative Law Notice File Number Z-2018-0306-05. The proposed rulemaking concerned Out of Competition Testing Procedures. The Board intends to submit new proposed regulations regarding this subject to the Office of Administrative Law within 60 days.

Any interested person with questions concerning this rulemaking should contact Robert Brodnik by email at [Rjbrodnik@chrb.ca.gov](mailto:Rjbrodnik@chrb.ca.gov), or by telephone at (916) 263-6025.

The Board will also publish the Notice of Decision Not to Proceed on its website.

#### **DEPARTMENT OF FOOD AND AGRICULTURE**

ANIMAL HEALTH AND FOOD  
SAFETY SERVICES

NOTICE OF DECISION NOT TO PROCEED  
WITH RULEMAKING ACTION

**NOTICE IS HEREBY GIVEN** that pursuant to Government Code section 11347, the Department of Food and Agriculture (Department), Animal Health and Food Safety Services, will not proceed with the rulemaking action published in the California Regulatory Notice Register on September 22, 2017 [Notice File No. Z2017-0912-11, Register 2017, No. 38-Z], relating to the Department's informal hearing process.

The Department may proceed with a similar or new subject matter relating to the informal hearing process at a future date, at which time a new Notice of Proposed Action will be published in the California Regulatory Notice Register and noticed to interested persons at least 45 days in advance of any new proposing rulemak-



ing action, in accordance with the Administrative Procedure Act.

**Contact Person:** Questions concerning this notice may be directed to the following:

Nancy Grillo, Legislation & Regulation  
Coordinator  
Department of Food and Agriculture  
Animal Health & Food Safety Services Division/  
Administration  
1220 N Street, Sacramento, CA 95814  
E-mail: [nancy.grillo@cdfa.ca.gov](mailto:nancy.grillo@cdfa.ca.gov)

**Website access:** This notice will be published on the Department's Internet website at:  
<http://www.cdfa.ca.gov/ahfss/regulations.html>

## RULEMAKING PETITION DECISION

### BOARD OF PAROLE HEARINGS

#### RESPONSE TO PETITION TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO GOVERNMENT CODE SECTIONS 11340.6 AND 11340.7

#### BPH PETITION RESPONSE 2018-03

The Board of Parole Hearings (board) Legal Division received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner Kirk Williams on August 13, 2018. In accordance with subdivision (a) of section 11340.7, this document serves as the board's response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. **NAME OF AGENCY:** Board of Parole Hearings
2. **PARTY SUBMITTING THE PETITION:** Kirk Williams (F44523)
3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED:** Petitioner requested the board to repeal or amend California Code of Regulations, title 15, section 2574.
4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cited generally to his

federally protected rights under the United States Constitution.

5. **REASONS SUPPORTING THE AGENCY'S DECISION:** Petitioner states that California Code of Regulations, title 15, section 2574 is overbroad and vague. Petitioner further asserts that section 2574: (1) fails to inform the prisoner where a certification hearing will be held; (2) creates an objective expectation that requires a finding of a prisoner's mental health fitness at the place of incarceration; and (3) has a prejudicial effect.

**Petitioner's requests are DENIED:** Petitioner initially claims that section 2574 is vague and overbroad. The Administrative Procedure Act (APA) was enacted by statute in 1979. Section 2574 of title 15 as it currently exists was filed with the Secretary of State on October 6, 1988, and took immediate effect. It was subsequently published in the California Code of Regulations (Register 1988, No. 42). Since the Community Release Board (predecessor agency to the Board of Parole Hearings) adopted this regulation after the enactment of the APA, the Community Release Board met all APA requirements.

Under the APA, the California Government Code section 11343.6 states:

The filing of a certified copy of a regulation . . . with the Secretary of State raises the rebuttable presumptions that:

- (a) It was duly adopted.
- (b) It was duly filed and made available for public inspection at the day and hour endorsed on it.
- (c) All requirements of this chapter [the APA] and the regulations of the office relative to such regulation have been complied with.
- (d) The text of the certified copy of a regulation or order of repeal is the text of the regulation or order of repeal as adopted.

The courts shall take judicial notice of the contents of the certified copy of each regulation and of each order of repeal duly filed.

Therefore, California Code of Regulations, title 15, section 2574, is presumed to have been duly adopted, to be compliant with all APA requirements including those for clarity, and consistent with the statutory duties it was intended to clarify.

Moreover, although Petitioner claims this section is vague and overbroad because it does not explain the Certification Hearing process, that is not the purpose of this section. Specifically, the criteria for certification as a mentally disordered offender (MDO) and the certification process are fully explained in the California Code of Regulations, title 15, sections 2571 and 2572, respectively. In contrast, the purpose of section 2574 is

to explain the notification process after an inmate has already been “certified” as an MDO under Penal Code section 2962 and the California Code of Regulations, title 15, sections 2571 and 2572. Additionally, this section informs a certified inmate of his or her rights to request a hearing, which includes evaluation by two independent evaluators, to challenge the validity of the certification. Finally, this section informs an inmate that he or she may be transferred to a designated State Department of Mental Health (now Department of State Hospitals) facility if needed to begin necessary treatment prior to when the inmate’s hearing can be scheduled. Therefore, the board finds Petitioner’s claims regarding the clarity of this section to be without merit.

Petitioner also expresses concern that section 2574 creates an “objective expectation” that requires certification be at the inmate’s place of incarceration as opposed to a state hospital. The petitioner’s allegations are again misplaced. The California Code of Regulations describes the initial certification process in sections 2571 and 2572 of title 15, not section 2574.

Finally, petitioner alleges that the process of conducting a “hearing” at the state hospital is prejudicial, as it “removes the presumption of no need for mental health treatment.” Here again, Petitioner appears to misunderstand the MDO certification process. The determination that an inmate requires additional mental health treatment as a special condition of parole occurs during the initial MDO certification process described in the California Code of Regulations, title 15, sections 2571 and 2572. Once an inmate is certified as an MDO, the inmate receives a Certification Hearing to confirm the certification. At that hearing, the inmate’s location at a state hospital has no bearing on the Board hearing officer’s determination at the certification hearing because the hearing officer’s jurisdiction is limited to testing the statutory and regulatory validity of the original certification. That validity is set by law and has no relation to whether the inmate is currently receiving mental health treatment on parole. As such, petitioner’s allegations of an apparent bias are not supported by fact.

6. **BOARD CONTACT PERSON:**

Jim Logsdon  
Staff Attorney  
Board of Parole Hearings  
P. O. Box 4036  
Sacramento, CA 95812-4036  
Office: (916) 322-6729  
Fax: (916) 322-3475  
[BPH.Regulations@cdcr.ca.gov](mailto:BPH.Regulations@cdcr.ca.gov)

7. **NOTICE TO INTERESTED PERSONS:**

Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of

this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2018-03** in the request.

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2018-0726-01

BOARD OF FORESTRY AND FIRE PROTECTION  
Timberland Conversion Exemptions, 2018

This rulemaking action by the Board of Forestry and Fire Protection revises the less than three-acre conversion exemption, which provides relief to landowners from certain portions of the Forest Practice Rules. Landowners utilize the exemption for various purposes, including the construction of residences.

Title 14

AMEND: 1104.1

Filed 09/06/2018

Effective 01/01/2019

Agency Contact: Eric Hedge (916) 653-9633

File# 2018-0724-04

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE  
Intellectual Property Policy

In this regular rulemaking action, the California Institute for Regenerative Medicine (CIRM) updates the existing regulations related to intellectual property and revenue sharing requirements for CIRM awards. The most notable update pertains to the awardees revenue sharing with the State of California. This regulatory action is only applicable to awards approved after this regulation becomes effective, unless the parties agree that they are applicable to awards funded prior to the effective date of this regulation.

Title 17  
ADOPT: 100650  
Filed 09/05/2018  
Effective 09/05/2018  
Agency Contact: C. Scott Tocher (415) 740-8735

File# 2018-0726-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Assessments for Control of Beek Leafhopper

This action by the Department of Food and Agriculture specifies rate adjustment procedures for the Beet Curly Top Virus Control Program.

Title 3  
AMEND: 3601  
Filed 09/06/2018  
Effective 09/06/2018  
Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0907-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Guava Fruit Fly Eradication Area

This emergency rulemaking action by the Department of Food and Agriculture amends the Guava Fruit Fly Eradication Area to include Ventura County. Upon establishment of the eradication areas in Ventura County, the Department will perform detection, control and eradication activities.

Title 3  
AMEND: 3591.13  
Filed 09/12/2018  
Effective 09/12/2018  
Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0911-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Peach Fruit Fly Eradication Area

This emergency regulatory action amends section 3591.12(a) by adding the entire county of Ventura to the list of counties proclaimed to be eradication areas with respect to the peach fruit fly (*Bactrocera zonata*). The effect of the amendment provides authority for the state to perform eradication activities against the peach fruit fly within Ventura county.

Title 3  
AMEND: 3591.12  
Filed 09/12/2018  
Effective 09/12/2018  
Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0830-02  
OFFICE OF TAX APPEALS  
Appeals from Actions Taken by FTB and CDTFA

This emergency action by the Office of Tax Appeals is the second readopt of prior emergency regulations (file nos. 2018-0103-01EFP and 2018-0501-06EFP) that established the process for hearings and proceedings conducted by the Office of Tax Appeals for appeals filed for the various taxes and fees administered by the Franchise Tax Board and the California Department of Tax and Fee Administration. Pursuant to Government Code section 15679, this emergency action is deemed an emergency and exempt from OAL review. The deadline for submitting the Certificate of Compliance for this emergency action is Wednesday, January 2, 2019.

Title 18  
ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832  
Filed 09/10/2018  
Effective 10/04/2018  
Agency Contact: Myriam Bouaziz (916) 926-3918

File# 2018-0801-04  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998: Multipurpose Room/Gym Hybrid  
This action amends school construction regulations to provide square footage amounts for multipurpose-room/gymnasium hybrids for school sites with high school and middle school pupils.

Title 2  
AMEND: 1859.77.3  
Filed 09/11/2018  
Effective 01/01/2019  
Agency Contact: Lisa Jones (916) 376-1753

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN April 11, 2018 TO  
September 12, 2018**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

05/21/18 AMEND: 44

**Title 2**

09/11/18 AMEND: 1859.77.3

08/02/18 ADOPT: 59830

08/01/18 AMEND: 58200

07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705

07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3

06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198

06/19/18 AMEND: 554.7

05/17/18 ADOPT: 11027.1 AMEND: 11028

05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165

05/09/18 AMEND: 321

05/09/18 AMEND: 11034

04/25/18 AMEND: 18401

04/25/18 AMEND: 18450.1

04/23/18 ADOPT: 1859.90.4 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.5

04/16/18 AMEND: 1859.2, 1859.51, 1859.70, 1859.82, 1859.93.1

04/12/18 AMEND: 1859.2, 1859.81

**Title 3**

09/12/18 AMEND: 3591.13

09/12/18 AMEND: 3591.12

09/06/18 AMEND: 3601

08/22/18 AMEND: 3591.2

08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015

08/10/18 AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53

08/02/18 AMEND: 3591.2

07/31/18 AMEND: 3

07/19/18 AMEND: 3591.2

06/28/18 AMEND: 3435(b)

06/21/18 AMEND: 3439(b)

06/21/18 AMEND: 3591.5

06/18/18 AMEND: 1280.11

06/04/18 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409,

8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608

05/30/18 AMEND: 3439(b)

05/24/18 AMEND: 3439(b)

05/24/18 AMEND: 6502

05/18/18 AMEND: 3439(b)

04/30/18 AMEND: 3439(b)

**Title 4**

08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190

07/18/18 AMEND: 2050

07/09/18 AMEND: 10325, 10326

07/03/18 AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered), 10160 (amended and renumbered). REPEAL: 10156, 10157

07/02/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100

05/30/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15

05/25/18 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259

05/17/18 AMEND: 12590

05/15/18 AMEND: 12204, 12220, 12238, 12560

04/30/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.9, 10170.10

**Title 5**

08/03/18 AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5

07/23/18 AMEND: 40050.2, 40100.1, 40513, 40514, 41021

07/03/18 ADOPT: 71396, 71397, 71398, 71399

06/21/18 AMEND: 19810

06/07/18 AMEND: 19810

05/18/18 ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310

05/08/18 AMEND: 75020

04/30/18 AMEND: 41906.5, 41906.6

04/30/18 AMEND: 42909



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05/30/18 AMEND: 1618.1  
 05/17/18 ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773  
 05/08/18 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997 REPEAL: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330  
 05/08/18 AMEND: 9789.31, 9789.32, 9789.39  
 04/27/18 AMEND: 9789.25

**Title 9**

08/20/18 ADOPT: 4020, 4020.1  
 06/21/18 AMEND: 4350  
 05/17/18 AMEND: 3850, 3850.010  
 05/14/18 AMEND: 3560, 3560.010, 3560.020, 3705, 3726, 3735, 3750, 3755  
 05/08/18 ADOPT: 4020, 4020.1

**Title 10**

08/31/18 ADOPT: 2218.80, 2218.81, 2218.82, 2218.83  
 06/13/18 AMEND: 2498.5  
 05/31/18 AMEND: 2715, 2728.5, 2752  
 05/22/18 AMEND: 2498.6  
 04/20/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538

**Title 11**

08/23/18 AMEND: 1004, 1005, 1081  
 08/15/18 AMEND: 1005, 1015  
 08/02/18 AMEND: 4002  
 07/31/18 AMEND: 49.18  
 06/21/18 AMEND: 1005  
 06/18/18 AMEND: 1005, 1007, 1008, 1052  
 06/13/18 ADOPT: 51.32  
 06/05/18 AMEND: 1005, 1007, 1008  
 06/05/18 ADOPT: 49.18  
 05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522  
 04/11/18 ADOPT: 118.1

**Title 12**

07/05/18 AMEND: 451, 452, 453, 454, 455

**Title 13**

08/30/18 AMEND: 1213  
 08/30/18 AMEND: 1239  
 08/16/18 ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22  
 07/23/18 ADOPT: 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, 223.16  
 07/16/18 AMEND: 1151.1, 1152.4, 1152.4.1  
 06/12/18 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264  
 05/30/18 ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06  
 05/07/18 AMEND: 423.00  
 04/26/18 AMEND: 1153  
 04/18/18 AMEND: 1151.9.1

**Title 14**

09/06/18 AMEND: 1104.1  
 08/13/18 AMEND: 7.50  
 08/09/18 AMEND: 13055  
 07/30/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 07/30/18 ADOPT: 820.02  
 07/30/18 ADOPT: 817.04 AMEND: 790  
 07/30/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 07/19/18 AMEND: 3805.1  
 07/05/18 AMEND: 1038  
 07/02/18 AMEND: 916.9, 936.9, 956.9  
 06/28/18 ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10 REPEAL: 1724.9  
 06/28/18 AMEND: 18660.25, 18660.34  
 06/28/18 AMEND: 502

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06/25/18 AMEND: 7.50  
 06/07/18 AMEND: 1760, 1774, 1774.1, 1774.2  
 05/24/18 ADOPT: 3803.1, 3803.2, 3803.3  
 AMEND: 3802, 3803  
 05/16/18 AMEND: 131  
 05/10/18 ADOPT: 29.11  
 05/09/18 AMEND: 18660.5, 18660.10, 18660.21,  
 18660.34  
 05/01/18 ADOPT: 650 AMEND: 703 REPEAL:  
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 04/24/18 AMEND: 131  
 04/19/18 AMEND: 4800

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08/20/18 AMEND: 3294.5  
 08/13/18 AMEND: 3000, 3190, 3213  
 08/06/18 ADOPT: 3999.98, 3999.99, 3999.320  
 AMEND: 3355, 3087 renumbered as  
 3999.225, 3087.1 renumbered as  
 3999.226, 3087.2 renumbered as  
 3999.227, 3087.3 renumbered as  
 3999.228, 3087.4 renumbered as  
 3999.229, 3087.5 renumbered as  
 3999.230, 3087.6 renumbered as  
 3999.231, 3087.7 renumbered as  
 3999.232, 3087.8 renumbered as  
 3999.233, 3087.9 renumbered as  
 3999.234, 3087.10 renumbered as  
 3999.235, 3087.11 renumbered as  
 3999.236, 3087.12 renumbered as  
 3999.237, 3350 renumbered as  
 3999.200(a), 3350.1 renumbered as  
 3999.200(b), (c), and (d), 3350.2  
 renumbered as 3999.200(f), (g), and (h),  
 3351 renumbered as 3999.210, 3353  
 renumbered as 3999.202, 3353.1  
 renumbered as 3999.203, 3354.2  
 renumbered as 3999.206, 3356  
 renumbered as 3999.410, 3357  
 renumbered as 3999.440, 3358  
 renumbered as 3999.375, 3359  
 renumbered as 3999.411, 3359.8  
 renumbered as 3999.200(e)  
 08/01/18 AMEND: 3350, 3350.1  
 06/28/18 AMEND: 3043.3  
 06/14/18 AMEND: 3000, 3075.1, 3075.2, 3075.3,  
 3521.1, 3521.2, 3720, 3763 REPEAL:  
 3800, 3800.1, 3800.2, 3800.3  
 06/13/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3,  
 3087.4, 3087.5, 3087.6, 3087.7, 3087.8,  
 3087.9, 3087.10, 3087.11, 3087.12  
 06/07/18 ADOPT: 3371.1 AMEND: 3043.7, 3044  
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 05/15/18 AMEND: 3000, 3030, 3190, 3269

05/01/18 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4,  
 2449.5, 2449.6, 2449.7, 3043.1, 3043.2,  
 3043.3, 3043.4, 3043.5, 3043.6, 3490,  
 3491, 3492, 3493 AMEND: 3043, 3043.5  
 (renumbered to 3043.7), 3043.6  
 (renumbered to 3043.8), and 3044  
 REPEAL: 2449.2, 2449.3, 2449.5, 3042,  
 3043.1, 3043.2, 3043.3, 3043.4, 3043.7  
 04/17/18 ADOPT: 2240 REPEAL: 2240

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08/30/18 AMEND: 1399.573  
 08/29/18 AMEND: 1805.01, 1816, 1816.1, 1820,  
 1820.5, 1820.7, 1821, 1822, 1822.51,  
 1822.52, 1829.2, 1829.3, 1833, 1833.1,  
 1845, 1846, 1870, 1874, 1886  
 08/08/18 REPEAL: 1399.531, 1399.532  
 08/02/18 AMEND: 3340.17, 3340.41, 3340.45  
 08/01/18 AMEND: 2070, 2071  
 06/18/18 AMEND: 1735.2  
 06/14/18 REPEAL: 1399.620, 1399.621,  
 1399.622, 1399.623  
 06/07/18 AMEND: 321, 364  
 06/04/18 ADOPT: 5000, 5001, 5002, 5003, 5004,  
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 05/15/18 AMEND: 1399.395

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09/05/18 ADOPT: 100650

08/29/18	AMEND: 60065.18, 60075.17	<b>Title 21</b>	
08/21/18	AMEND: 35083, 35087	05/15/18	AMEND: 1575
07/24/18	AMEND: 100000	<b>Title 22</b>	
07/19/18	AMEND: 30305	09/04/18	ADOPT: 68400.5, 69020, 69021, 69022
07/19/18	AMEND: 6508	09/04/18	AMEND: 51490.1
05/30/18	AMEND: 95835, 95911	08/20/18	ADOPT: 66262.83, 66262.84 AMEND:
05/23/18	ADOPT: 51101, 51102, 51103, 51104, 51105, 51106		66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix REPEAL:
05/07/18	ADOPT: 98201, 98202, 98203		66262.50, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.60, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89
04/20/18	AMEND: 6000, 6025, 6035, 6040, 6045, 6050, 6051, 6055, 6060, 6065, 6070, 6075 REPEAL: 6015, 6020	08/16/18	AMEND: 5200
04/13/18	ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196	08/07/18	ADOPT: 60301.120, 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, 64668.30 AMEND: 60301.450
<b>Title 18</b>		07/25/18	REPEAL: 98300, 98301, 98302, 98303, 98304, 98305, 98306, 98310, 98311, 98312, 98313, 98314, 98320, 98321, 98322, 98323, 98324, 98325, 98326, 98340, 98341, 98342, 98343, 98344, 98345, 98346, 98347, 98348, 98349, 98360, 98361, 98362, 98363, 98364, 98365, 98366, 98370, 98380, 98381, 98382, 98400, 98410, 98411, 98412, 98413
09/10/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832	07/05/18	AMEND: 66272.62
08/28/18	AMEND: 2460, 2461, 2462	06/29/18	ADOPT: 72329.2
08/20/18	AMEND: 301	06/20/18	AMEND: 97174, 97177.25
08/20/18	AMEND: 469	06/20/18	ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083,
07/02/18	AMEND: 283		
06/18/18	AMEND: 51		
05/08/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832		
<b>Title 20</b>			
07/19/18	AMEND: 1602, 1604, 1605.3, 1606, 1607		
05/29/18	ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505		

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05/09/18	AMEND: 97212, 97240, 97241, 97246, 97249	05/03/18 ADOPT: 2910.1 REPEAL: 2910.1
04/26/18	ADOPT: 69511.2 AMEND: 69511	04/19/18 ADOPT: 3949.14
04/12/18	AMEND: 7000	04/16/18 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
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08/24/18	ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631	06/04/18 ADOPT: 6932 REPEAL: 6932
08/22/18	ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667	<b>Title 27</b>
07/12/18	AMEND: 87211	08/30/18 REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25603.3, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2.
05/09/18	AMEND: 35015, 35017, 35019	08/02/18 ADOPT: 25501.1
04/11/18	AMEND: 101215.1, 101216.1, 101416.2	07/17/18 AMEND: 25805
<b>Title 23</b>		06/14/18 AMEND: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185, 15186, 15186.1, 15187, 15188, 15190, 15200, 15210, 15240, 15241, 15242, 15250, 15260, 15280, 15290, 15320, 15330, Appendix A, Appendix B, Appendix C
08/27/18	ADOPT: 2637.1, 2637.2, 2640.1, 2716, Appendix VII, VIII, IX, X, XI, XII, XIII AMEND: 2611, 2620, 2621, 2631, 2634, 2635, 2636, 2637, 2638, 2640, 2643, 2644, 2644.1, 2646.1, 2647, 2648, 2649, 2660, 2661, 2663, 2665, 2666, 2672, 2711, 2712, 2715, Appendix III, VI REPEAL: 2645, 2646	06/07/18 AMEND: 27001
08/22/18	AMEND: 3920	05/09/18 AMEND: 25705
07/12/18	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18	<b>Title MPP</b>
07/02/18	ADOPT: 3979.9	06/26/18 AMEND: 41-440, 42-711, 42-716, 42-717, 44-207
06/28/18	ADOPT: 3929.16	06/25/18 AMEND: 44-316, 44-350
06/19/18	ADOPT: 3939.54	06/12/18 AMEND: 22-001, 22-003, 22-004, 22-009, 22-045, 22-050, 22-051, 22-054, 22-062, 22-065, 22-069, 22-071, 22-072, 22-073, 22-085
06/11/18	AMEND: 2924	