



# 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: Coalinga-Huron Unified School District  
 State Agency: Department of Finance

A written comment period has been established commencing on November 5, 2021 and closing on December 20, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than December 20, 2021. 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 Daniel Vo, 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 Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 10. FILM COMMISSION**

GOVERNOR'S OFFICE OF BUSINESS AND  
ECONOMIC DEVELOPMENT

CALIFORNIA FILM AND TELEVISION  
TAX CREDIT PROGRAM 3.0

CHAPTER 7.75, SECTIONS 5520,  
5521, 5522, 5524, 5525

Notice is hereby given that the California Film Commission proposes to amend the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Office proposes to adopt new sections 5520, 5521, 5522, 5524, and 5525 in Title 10 of the California Code of Regulations in order to implement, interpret, and make specific Revenue and Taxation Code sections 17053.98 and 23698 relating to a film and television tax credit program.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until December 21, 2021. Submit comments to:

Name: Nancy Rae Stone  
Address: California Film Commission,  
7080 Hollywood Boulevard,  
Hollywood, CA 90028  
Email: [Nancy.Stone@film.ca.gov](mailto:Nancy.Stone@film.ca.gov)

**AUTHORITY AND REFERENCE**

The proposed regulation has been adopted under the authority of Government Code section 11152, and Revenue and Taxation Code sections 17053.98(e) and

23698(e) and in order to implement, interpret, and make specific Revenue and Taxation Code sections 17053.98 and 23698.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The California Film Commission (CFC) proposes to adopt new sections 5520, 5521, 5522, 5524, and 5525. The regulations amend certain procedures for allocating tax credits to qualified taxpayers in the motion picture industry. This tax credit program is named the California Film and Television Credit Program 3.0.

Existing law provides for a similar program, allocating tax credits to qualified taxpayers in the motion picture industry until July 1, 2025. The provisions in the existing program provide for applicants to file a written application for the allocation of the tax credit and for the California Film Commission to establish criteria for allocating tax credits, determine and designate applicants who meet the requirements to apply for the tax credit, and issue the credit certificate to the qualified taxpayer upon completion of the Qualified Motion Picture. The existing program limits the aggregate amount of credits that may be allocated to qualified motion pictures in any fiscal year to \$330,000,000. The California Film and Television Credit Program 3.0 includes the ability for all types of qualified productions to qualify for additional tax credits for the hiring of labor which resides and works outside the Los Angeles studio zone, bifurcates the Independent Film category by budget level, and includes a skilled pilot training program for underserved populations. SB 144 (Chapter 114), which amended Revenue and Taxation Code sections 17053.98 and 23698, was signed into law and became effective on July 21, 2021. As amended, Revenue and Taxation Code sections 17053.98 and 23698 direct the California Film Commission to adopt regulations to administer the revised program, California Film and Television Credit Program 3.0.

Section 5520 provides definitions of terms used in the California Film and Television Tax Credit Program. This section defines terms that are specific to this Program: Applicable Period, Applicant, California Film Commission, California in-state Vendor, Credit Allocation Letter, Contracted Services, Independent Film, Jobs Ratio, Local Hire Labor, Office or other place of business, Production Budget, and Reasonable Cause.

This section also defines terms used in the statute or regulation that are industry terms: The definition of Television Series that Relocated to California, defined in the statute, now also includes another definition which is in effect for fiscal years 2021-22

and 2022–23; subsections (aa) and (bb) now include both of these defined terms. “Relocating TV series” is stated as being synonymous. The definition of “Visual Effects”, which was formerly in section (aa) is now in subsection (cc) and has not been altered.

Section 5521 provides for an application process for the allocation of the tax credits. The application process shall be in two phases. Phase I requires the applicant to complete an online application. Phase II will require the applicant to submit a qualified expenditure budget, a One–Line Schedule, a Fringe Matrix, Screenplay, narrative statement or relocating statement, a financial plan and a diversity plan.

Subsection (1)(A) provides for an attestation for any television series that is relocating to California for fiscal years 2021–22 and/or 2022–23.

In Subsection (4)(A), due to the new definition of a Television Series that Relocated to California, the on–line portal automatically eliminates the need for these projects to answer qualifying questions which pertain to the original definition of a Television Series that Relocated to California.

Subsection (k)(8) requires a relocating statement for all TV series relocating to California. This clause now includes the need for the relocating statement to include the qualifying terms for a relocating TV series for fiscal years 2021–22 and/or 2022–23.

Subsection (k)(10) provides that all projects are now required to submit a summary of voluntary programs to increase representation of women and minorities as well as information about how these programs are publicized to interested parties; previously, the lowest tier of Independent Film projects was excluded from this requirement.

Subsection (n)(1) is modified to indicate, as per statutory requirements, the allocation amount for all recurring TV series will not exceed the amount approved in its previous season.

Subsection (n)(2) provides that Television Series that Relocated to California applying for an allocation in subsequent seasons are capped at the amount of their previous season’s credit allocation letter or letters. The original subsection (n)(2), which discussed prioritization of recurring TV series, has been deleted.

Section 5522 identifies the eligibility requirements for Program 3.0.

Subsection (c)(4) is an added clause which explains the qualifications for a Television Series that Relocated to California during fiscal years 2021–22 and 2022–23.

Subsection (f) adds a Television Series that Relocated to California on the list of qualified productions whose qualified expenditure cap is a maximum of one hundred million dollars (\$100,000,000).

Section 5524 provides for the procedures in allocating the tax credits.

In Subsection (b), a provision that delineated how unused credits from previous tax credit programs will be allocated has been deleted and replaced with a statement that for fiscal years 2021–22 and 2022–23, an additional fifteen million dollars (\$15,000,000) in credits will be granted exclusively to Television Series that Relocated to California and seventy–five million dollars (\$75,000,000) in credits will be granted exclusively to recurring TV series.

Section 5525 sets forth the elements of Phase III and provides reporting requirements for a production company during the filming of the Qualified Motion Picture.

Subsection (a)(5) outlines the requirement to make a financial contribution to fund the pilot career pathways training program. The contribution is based on 0.25 percent of the estimated tax credit and previously required the contribution to be paid no later than ten business days after acceptance into the program. Subsection (a)(5)(B) extends this deadline to no later than thirty business days after acceptance into the program.

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the California Film Commission Board evaluated this regulatory proposal and finds that it is not inconsistent or incompatible with existing state regulations.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The proposed regulations will provide a program to the motion picture industry allocating tax credits for qualified motion pictures. These tax credit incentives will encourage production companies regardless of distribution outlet to film in California instead of other states, provinces and countries. Program 3.0 is structured to emphasize job creation when allocating tax credits and provides separate funding categories to ensure tax credits for multiple types of productions. The program is enabling California to increase the number of productions and therefore, jobs and dollars spent in state.

#### AUTHORITY AND REFERENCE

The proposed regulations have been adopted under the authority of Revenue and Taxation Code sections 17053.98(e) and 23698(e) to implement, interpret, and make specific Revenue and Taxation Code sections 17053.98 and 23698.

### ESTIMATES OF ECONOMIC IMPACT

The California Film Commission has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: 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.
- Significant effect on housing costs: None.

### EFFECT ON SMALL BUSINESS

The California Film Commission has determined that the proposed regulations will not directly affect small business. The businesses that are complying with these regulations are film production companies and are not small businesses. Small businesses in California do, however, provide goods and services to the businesses complying with these regulations and will benefit from the additional filming in California.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will: (1) facilitate the creation of jobs within California; (2) facilitate the creation of businesses within California; and (3) facilitate the expansion of businesses currently doing business within California. As stated above under Anticipated Benefits of the Proposed Regulation, these tax credit incentives will encourage production companies regardless of distribution outlet to film in California instead of other states, provinces and countries offering incentives. Program 3.0 is structured to emphasize job creation and provides separate funding categories to ensure tax credits for

multiple types of productions. The program is enabling California to increase the number of productions and therefore, jobs and dollars spent in state. Adoption of these regulations will have no effect as to the health and welfare of California residents, worker safety, and the state's environment.

### REASONABLE ALTERNATIVES CONSIDERED

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

### CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Nancy Rae Stone  
Email: [Nancy.Stone@film.ca.gov](mailto:Nancy.Stone@film.ca.gov)

The backup contact person for these inquiries is:

Name: Leah Medrano  
Email: [Leah.Medrano@film.ca.gov](mailto:Leah.Medrano@film.ca.gov)  
Phone Number: 323-860-2960

Questions on the substance of the proposed regulations may be directed to:

Name: Nancy Rae Stone  
Phone Number: 323-860-2960

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the California Film Commission (CFC) may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the CFC regarding this proposal, the CFC may determine that changes to the proposed regulation are appropriate. If the CFC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CFC adopts the regulations as

revised. The CFC will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held) and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Leah Medrano at the above email address. The CFC will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT  
OF REASONS, RULEMAKING FILE AND  
EXPRESS TERMS OF THE PROPOSED  
REGULATIONS

The CFC has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the California Film Commission, 7080 Hollywood Boulevard, Suite 900, Hollywood, California during normal business working hours (9 am–5 pm). Please contact Leah Medrano at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Contact Person designated in this Notice.

AVAILABILITY OF FINAL  
STATEMENT OF REASONS

The CFC is required to prepare a Final Statement of Reasons. Once the CFC has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Contact Person identified in this Notice.

OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations can be accessed through our website at: [www.film.ca.gov](http://www.film.ca.gov)

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**REG–2021–00012**

NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING REGARDING  
THE CALIFORNIA AUTOMOBILE ASSIGNED  
RISK PLAN PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations.

AUTHORITY TO ADOPT RULES AND  
PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date:** December 21, 2021  
**Time:** 1:00 p.m.  
**Place:** Department of Insurance Hearing  
Room  
300 South Spring Street  
Los Angeles, CA 90013

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:  
Michael Riordan, Attorney  
California Department of Insurance  
Auto Enforcement Bureau  
1901 Harrison Street 4<sup>th</sup> Floor  
Oakland, CA 94612  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (510) 238-7830

The backup agency contact person for this proceeding will be:  
Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
1901 Harrison Street 4<sup>th</sup> Floor  
Oakland, CA 94612  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 21, 2021**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

CA 21-02

The current annual meeting quorum requirement that insurers present in person or represented by proxy, provided at least 33% of the insurers are represented, should be changed to make it less difficult for the Plan to ensure a quorum at the annual meeting.

CAARP proposes amending the Plan to change the quorum requirement at the annual meeting to insurers present and represented by proxy. At the annual meeting, the insurers present and represented by proxy will constitute a quorum. The Plan Manager will continue to distribute the annual meeting notice and solicit proxies from insurers as they have done in the past.

Time consuming procedures related to subsequent Plan follow-up for the return of proxies from non-responding insurers will be reduced.

CA 21-03

CAARP is proposing amendments to the CAARP Private Passenger Pool (“PPP”) provisions that will make them consistent with similar revisions incorporated into the CA Low Cost Program Passenger Pool proposal and filing.

- 1) The administration provision is amended to state that Automobile Insurance Plan Service Office (“AIPSO”) is the approved service provider for the CAARP Pool and to clarify the responsibilities of the service provider. If the Advisory Committee determines an additional or alternative service provider is needed, a service provider will be selected in a manner approved by the Advisory Committee.
- 2) Service provider eligibility requirements are expanded to include customer service hours between the hours of 8:00 a.m. and 5:00 p.m. Pacific Time. This requirement is already in effect for assigned companies receiving direct private passenger assignments, including Light Aircraft

Division (“LAD”) servicing companies, and the CAIP servicing carrier.

- 3) References to state unfair claim practices are clarified with the terms “laws and regulations.”
- 4) The responsibilities of an insurer who is no longer licensed to write private passenger automobile insurance in the state for Plan and PPP assessments is clarified.
- 5) The responsibilities of insurers reporting California statistical data for ratemaking purposes is clarified and penalties for failure to comply are stated.

CA 21-04

In 2021 AIPSO received authority to begin offering insurance to those who applied for coverage through CAARP.

In order to clarify and maintain consistency of the payment of commissions AIPSO proposes expansion of the existing procedures pertaining to commission payment requirements. The changes will potentially result in the reduction of policy premium to include termination.

#### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

#### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

#### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

#### COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state

agency and no cost or savings in federal funding to the state.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

#### COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

#### IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

#### IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

#### SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

#### ALTERNATIVES

The Insurance Commissioner 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 or would be as effective and less burdensome to affected private persons than the proposed action.

#### PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL  
STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street 4th Floor Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF  
DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED  
TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated,

available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**REG-2021-00013**

NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING

REVISIONS TO CALIFORNIA LOW COST  
AUTOMOBILE PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara will hold a public hearing to address the proposed amendments to the California Low Cost Automobile ("CLCA") Plan of Operations.

AUTHORITY TO ADOPT RULES AND  
PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date:** December 21, 2021  
**Time:** 1:00 p.m.  
**Place:** Department of Insurance Hearing  
Room  
300 South Spring Street  
Los Angeles, CA 90013

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below)

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WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:  
Michael Riordan, Attorney  
California Department of Insurance  
Auto Enforcement Bureau  
1901 Harrison Street 4<sup>th</sup> Floor  
Oakland, CA 94612  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (510) 238-1830

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1901 Harrison Street 4<sup>th</sup> Floor  
Oakland, CA 94612  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 21, 2021**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must

be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

LC 21-02

Currently there is a proposed rulemaking making changes to the California Low Cost Auto (“CLCA”) Plan of Operations. These changes will allow Automobile Insurance Plan Service Office (“AIPSO”) to provide coverage for a percentage of the CLCA applications. If passed the collection of commissions will need to be addressed.

In order to clarify and maintain consistency of the payment of commissions AIPSO proposes the expansion of existing procedures pertaining to commission payment requirements. The changes will potentially result in the reduction of policy premium to include termination.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS OR COSTS WHICH  
MUST BE REIMBURSED PURSUANT TO  
GOVERNMENT CODE SECTIONS 17500  
THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would

require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE AGENCY;  
FEDERAL FUNDING**

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE  
ADVERSE ECONOMIC IMPACT ON  
BUSINESSES AND THE ABILITY OF  
CALIFORNIA BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACT ON PRIVATE  
PERSONS OR ENTITIES**

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

**IMPACT ON HOUSING COSTS**

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

**IMPACT ON SMALL BUSINESS**

The Insurance Commissioner has initially determined that the proposal will not affect small business.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

**ALTERNATIVES**

The Insurance Commissioner 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 or would be as effective as and less burdensome to affected private persons than the proposed action.

**PLAIN ENGLISH**

The proposed changes describing CAARP's proposals are in plain English.

**TEXT AND INITIAL  
STATEMENT OF REASONS**

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

**FINAL STATEMENT OF REASONS**

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

**ACCESS TO RULEMAKING FILE**

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street 4th Floor Oakland, California 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

**AUTOMATIC MAILING**

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published

online and may be accessed through the Department’s website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

**AVAILABILITY OF MODIFIED TEXT OF REGULATIONS**

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

**TITLE 11. DEPARTMENT OF JUSTICE**

**DIVISION 1. ATTORNEY GENERAL  
CHAPTER 22. CALIFORNIA PAWN AND  
SECONDHAND DEALER SYSTEM (CAPSS)**

The Department of Justice (Department) proposes to amend sections 999.500 and 999.502–999.506 of title 11, division 1, chapter 22 of the California Code of Regulations (CCR) concerning the California Pawn and Secondhand Dealer System (CAPSS).

**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 their 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 on December 23, 2021, at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice  
Justice Data & Investigative Services Bureau  
Attn: Teresa Ellis  
P.O. Box 160608  
Sacramento, CA 95816–0608  
[CAPSSpublichearing@doj.ca.gov](mailto:CAPSSpublichearing@doj.ca.gov)

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

**AUTHORITY AND REFERENCE**

Authority: Sections 21628, 21628.2, 21630, 21636, 21641, 21642 and 21647, Business and Professions Code; Sections 21208, 21300, 21301 and 21303, Financial Code.

Reference: Sections 21625, 21628, 21628.2, 21630, 21636, 21641, 21642 and 21647, Business and Professions Code; Sections 21208, 21300, 21301 and 21303, Financial Code.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

**Summary of Existing Laws and Regulations:**

Assembly Bill (AB) 391 (Chapter 172, Statutes of 2012) required the Department to develop the CAPSS, a statewide uniform electronic reporting system for pawnbrokers and secondhand dealers. The CAPSS is part of a program which aims to protect the public from the dissemination of stolen property and assist criminal investigations in tracing and recovering stolen property. On October 11, 2019, the Department adopted sections 999.500, 999.503, 999.504, 999.505, and 999.506 of the CCR regarding CAPSS definitions, property description and transaction reporting requirements, and seller and pledger identification and fingerprinting requirements. On November 19, 2019, the Department adopted sections 999.501 and 999.502 regarding licensing fees for pawnbrokers and secondhand dealers.

Financial Code section 21208 requires a pawnbroker to comply with the reporting requirements imposed on secondhand dealers under article 4 (commencing with section 21625) of chapter 9 of division 8 of the Business and Professions Code.

Beginning January 1, 2023, AB 1969 (Chapter 185, Statutes of 2020) modifies the reporting requirements provided in AB 391 by exempting a seller or pledger who verifies their identity using a Matricula Consular in addition to another item of identification bearing an address from the requirements that their name and current address be included in the daily report by pawnbrokers and secondhand dealers. In such a case, no personal identifying information of the intended seller or pledger shall be reported to the CAPSS. AB 1969 requires pawnbrokers and secondhand dealers to record and maintain the name, current address, and the Matricula Consular number of the seller or pledger for three years from the date the item was reported to the CAPSS. Additionally, pawnbrokers and secondhand dealers must record and maintain a certification by the intended seller or pledger that they are the owner of the property or have the authority of the owner to sell or pledge the property, along with a legible fingerprint from that person.

**Effect of the Proposed Rulemaking:**

The changes proposed in this rulemaking would update the existing regulations concerning the CAPSS to align with the requirements listed in AB 1969.

**Anticipated Benefits of the Proposed Regulations:**

The proposed regulations will benefit the health and welfare of California residents by protecting the privacy and safety of the public by updating the reporting requirements for pawnbrokers and secondhand dealers to aid in the prevention of dissemination of stolen property and assist criminal investigations in tracing and recovering stolen property. Furthermore, by aligning the regulations concerning the CAPSS with the changes required by AB 1969, these regulations would prevent discrimination, and promote fairness and social equity by exempting a seller or pledger who verifies their identity using a Matrícula Consular in addition to another item of identification bearing an address from the requirements that their name and current address be included in the daily report by pawnbrokers and secondhand dealers, and ensuring that no personal identifying information of the intended seller or pledger shall be reported to the CAPSS. The regulations will not have a discernible impact or benefit on worker safety and the state's environment beyond the explanation above.

**Comparable Federal Regulations:**

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

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

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations. 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 the CAPSS.

**Forms Incorporated by Reference:**

None.

**Materials Relied Upon:**

None.

**Other Statutory Requirements:**

None.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

**The Department's Initial Determinations:**

*Mandate on local agencies or school districts:* None.

*Cost or savings to any state agency:* None.

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

*Other nondiscretionary costs or savings imposed on local agencies:* None.

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

*Cost impacts on representative 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.

*Significant effect on housing costs:* None.

*Significant, statewide adverse economic impact directly affecting businesses, including ability to compete:* The Department has made an initial determination that that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. These regulations only update the existing regulations regarding the CAPSS to codify the requirements in AB 1969 along with additional nonsubstantive changes.

**Results of the Economic Impact Assessment (EIA):**

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

*Benefits of the proposed action:* The proposed regulations will benefit the health and welfare of California residents by protecting the privacy and safety of the public by updating the reporting requirements for pawnbrokers and secondhand dealers to aid in the prevention of dissemination of stolen property and assist criminal investigations in tracing and recovering stolen property. Furthermore, by aligning the regulations concerning the CAPSS with the changes required by AB 1969, these regulations would prevent discrimination, and promote fairness and social equity by exempting a seller or pledger who verifies their identity using a Matrícula Consular in addition to another item of identification bearing an address from the requirements that their name and current address be included in the daily report by pawnbrokers and secondhand dealers, and ensuring that no personal identifying information of the intended seller or pledger shall be reported to the CAPSS. The regulations will not have a discernible impact or benefit on worker safety and the state's environment beyond the explanation above.

*Business report requirement:* None.

*Small business determination:* The Department has determined that this proposed action will have no significant economic impact on small businesses because the proposed regulations affect only those individuals currently subject to the provisions of Business and Professions Code section 21628, et seq.

## CONSIDERATION OF ALTERNATIVES

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

The Department has determined that the proposed regulations are the most effective way to align the regulations concerning the CAPSS with the changes required by AB 1969.

## CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice  
Justice Data & Investigative Services Bureau  
Attention: Teresa Ellis  
P.O. Box 160608  
Sacramento, CA 95816-0608  
(916) 210-3212  
[CAPSSpublichearing@doj.ca.gov](mailto:CAPSSpublichearing@doj.ca.gov)

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

Department of Justice  
Justice Data & Investigative Services Bureau  
Attention: Amanda Thomas  
P.O. Box 160608  
Sacramento, CA 95816-0608  
(916) 210-3212  
[CAPSSpublichearing@doj.ca.gov](mailto:CAPSSpublichearing@doj.ca.gov)

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of

Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/jdis/regs>. Please refer to the contact information listed above to obtain copies of these documents.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. 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 before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/jdis/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/jdis/regs>.

## DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

The Department determines that these regulations are not duplicative, nor do they propose a conflict with federal regulations, including Code of Federal Regulations of title 11, division 1, chapter 22.

## TITLE 13. HIGHWAY PATROL

### DIVISION 2, CHAPTER 6 AMEND ARTICLE 2.5, SECTIONS 1157.18 AND 1157.21 INHALATION HAZARDS SAFE STOPS (CHP-R-2021-06203)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Division 2, Chapter 6, Article 2.5, Section 1157.18, Routes — Map 7, to correct the location of one required inspection stop, and Section 1157.21, Stops, to update the list of safe stops for highway commercial vehicles transporting inhalation hazards in the state.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Division 14.3, Transportation of Inhalation Hazards, commencing with Section 32100 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying routes to be used in the transportation of inhalation hazards. The CVC requires the CHP to keep information current in regulations, with maps clearly indicating designated routes and a list of locations for inspection stops, required inspection stops, and safe stopping places. The proposed amendments will not change any inhalation hazards routes, and will only correct the location of the In-Ko-Pah Brake Check and Truck Rest Area along Interstate 8 on Map 7 and update the information of safe stopping places to be used by carriers in the transportation of inhalation hazards along the designated routes.

The CHP's field commands conduct annual surveys of inhalation hazards routes and stops to determine if changes are necessary. After CHP field commands inspected the locations of listed business establishments serving as safe stopping places, business owners have expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place. The proposed changes have received consultation and concurrence from the State Fire Marshal.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment. Changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. The proposed changes update and clarify safe stopping places designated for carriers transporting inhalation

hazards, and contribute to transportation safety and public health.

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

#### PUBLIC COMMENT

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregulations@chp.ca.gov](mailto:cvsregulations@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Dr. Tian-Ting Shih  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments must be received by December 20, 2021.

#### PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

#### AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above-noted address. Copies will also be posted on the CHP website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Robert Daniels, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) 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.

Benefits of the Proposed Action: The proposed regulation updating designated safe stops for carriers transporting inhalation hazards will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the designated safe stopping places for commercial vehicles transporting inhalation hazards on highways. As a result, no small business will be affected by the update.

ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, 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 CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 32102, CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 32101, 32102, 32103, 32104, and 32105, CVC.

**TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend Sections 3000, 3075.2, 3520, 3521.1, 3521.3, 3521.5, 3605, 3610 and repeal section 3521.2 of Title 15, Division 3, Chapter 1, regarding release funds and financial assistance for exonerated persons.

PUBLIC COMMENT PERIOD

The public comment period begins **November 5, 2021** and closes on **December 21, 2021**. Any person may submit written comments by mail addressed to

the primary contact person listed below, or by email to [rpmb@cdcr.ca.gov](mailto:rpmb@cdcr.ca.gov), before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing, no later than 15 days prior to the close of the written comment period.

#### CONTACT PERSONS

*Primary Contact*

D. Kostyuk  
Telephone: (916) 445-2276  
Regulation and Policy  
Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001

*Back-Up*

Y. Sun  
Telephone: (916) 445-2269  
Regulation and Policy  
Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001

*Program Contact*

Lee Brannon  
Telephone: (916) 445-1040  
Division of Adult Parole Operations

#### AUTHORITY AND REFERENCE

**Government Code Section 12838.5** provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

**Penal Code (PC) Section 5000** provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

**PC Section 5054** provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the

care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of regulation on an emergency basis.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In recent years Assembly Bills 672 and 701 were passed which amended Penal Code 3007.05 to provide extensive assistance to exonerated persons after release from CDCR custody. The assistance includes a higher release fund to be provided, housing assistance, as well as transitional needs such as job training and mental health and rehabilitation services.

**This action will:**

- Codify amendments to Penal Code 3007.05 regarding exonerated persons.
- Remove references regarding the California Civil Addict Program.
- Repeal text regarding the Residential Multi-Service Center Program.
- Change the name of the Parole Outpatient Clinic to Behavioral Health Reintegration Services.

#### DOCUMENTS INCORPORATED BY REFERENCE

CDCR Form 1509 (Rev. 06/09), Financial Aid Request.

CDCR Form 910 (Rev. 03/11), Request for Bank Draft Stock.

#### SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department proposes these regulations with the goal of assisting exonerated inmates after their release from prison with financial and housing aid as well as any rehabilitative programming as needed. This aid will provide continued support for the exonerated persons as they reintegrate into the community, which promotes public safety.

EVALUATION OF INCONSISTENCY/  
INCOMPATIBILITY WITH EXISTING  
LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. 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 the release funds and financial assistance of exonerated persons.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*.
- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON 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, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulation will have no effect on worker safety or the state’s environment. These regulations may benefit the welfare of California residents by helping to make CDCR institutions safer for inmates, staff, and visitors. Additionally, safer institutions may provide an environment more conducive to rehabilitation, thereby reducing recidivism.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons 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 provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period or at a scheduled hearing should one be scheduled.

AVAILABILITY OF PROPOSED TEXT AND  
INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department’s website: [www.cdcr.ca.gov](http://www.cdcr.ca.gov).

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO  
PROPOSED 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 before the Department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND  
WILDLIFE**

HABITAT RESTORATION AND  
ENHANCEMENT ACT CONSISTENCY  
DETERMINATION NO. 1653-2021-082-001-R1

**Project:** Horse Creek Alcove Project  
**Location:** Siskiyou County  
**Applicant:** Mid Klamath Watershed Council  
(MKWC)  
**Notifier:** James Peterson

**Background**

*Project Location:* The Horse Creek Alcove Project (Project) is located on Horse Creek, near Bar Road near the town of Hamburg, California. The Project will occur on the Assessor Parcel Number (APN) 007-130-010-000 which is owned by Herman Morgan. Horse Creek is a tributary of Klamath River and supports populations of Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), and steelhead (*O. mykiss*).

*Project Description:* MKWC (Applicant) proposes to enhance or restore habitat within Horse Creek to provide a net conservation benefit for Chinook salmon,

coho salmon, and steelhead. The Project includes the construction of a wood structure and an alcove off Horse Creek. The alcove will be used during winter for slow water habitat for salmonids, and likely dry in summer with the design of the alcove to be sloped to ensure fish stranding does not occur. The wood structure will increase channel complexity and create a mechanism for scouring to keep the alcove outlet free of sediment during high flow events.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 0.06 acres and 65 linear feet. 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., title 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) 3 logs equaling 200 cubic feet, and (2) less than 0.5 cubic yards of soil.

*Project Timeframes:*

Start date: September 1, 2021  
Completion date: October 31, 2026  
Work window: August 31–October 31  
Number of Workdays: Approximately 3 days

*Water Quality Certification Background:* Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve slow water habitat to Horse Creek, 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. 1A21169WNSI, Electronic Content Management Identification (ECM PIN) No. CW-875491 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to fish (Chinook salmon, coho salmon, and steelhead), plants, mammals, and birds.

*Receiving Water:* Horse Creek, Klamath River

*Filled or Excavated Area:*

Permanent area impacted: Approximately 0.06 acres  
Temporary area impacted: Approximately 0.06 acres  
Length temporarily impacted: 65 linear feet  
Length permanently impacted: 65 linear feet

*Dredge Volume:* None.

*Discharge Volume:* Approximately 3 logs (200 cubic feet) and less than 0.5 cubic yards of soil.

*Project Location:* Within the APN 007–130–010–000, the coordinates for the Project are Latitude 41.844° North, Longitude 123.040° West for the site.

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

On September 15, 2021, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on September 16, 2021, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2021–0916–01 on October 1, 2021. 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 meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

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

**Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: flora, fauna, sensitive species habitats and life histories (foothill yellow–legged frog, northern spotted owl, northern goshawk, grey wolf, fisher), and avoidance and minimization measures specific to erosion control, instream construction, water quality, environmental resources, protected species, and site

maintenance and monitoring. 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, identified as “Monitoring Plan.”

**Notice of Completion**

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

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

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

**Project Authorization**

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

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

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NO. 1653-2021-083-001-R1

**Project:** Upper Sugar Creek Accelerated Wood Recruitment Project  
**Location:** Siskiyou County  
**Applicant:** Scott River Watershed Council (SRWC)  
**Notifier:** Betsy Stapleton

**Background**

*Project Location:* The Upper Sugar Creek Accelerated Wood Recruitment Project (Project) is located on Sugar Creek, near Sugar Creek Road in the town of Callahan, California. The Project will occur on the Assessor Parcel Numbers (APNs) of 031-020-390-000, 031-020-400-000, 031-070-150-000, and 031-070-160-000, and owned by Ecotrust Forest Management (EFM). Sugar Creek is a tributary of Scott River and supports populations of Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), and steelhead (*O. mykiss*).

*Project Description:* SRWC (Applicant) proposes to enhance or restore habitat within Sugar Creek to provide a net conservation benefit for Chinook salmon, coho salmon, and steelhead. The conservation benefits from the proposed project will be improved salmonid spawning and rearing habitat by placement of unanchored large wood to create scour pools and improve floodplain and off-channel access through creating complex refugia. The Project will be a multi-phased approach with Phase 1 being presented at this time. Phase 1 includes the construction of 6 structures from large and small wood, including existing riparian trees and some upland trees, on site. These streamside fallen trees will be wedged into adjacent live trees to improve stability. This should create resting place for migrating fish at high flows, but should not result in stranding fish during lower flows creating complex refugia for salmonids. Hand tools will be used including chainsaws, block and tackle, and hoists, to reduce impacts to the existing vegetation. Heavy equipment and anchoring will not be necessary for this phase.

*Project Size:* The total area of ground disturbance associated with Phase 1 of the Project is approximately 1.98 acres and 70 linear feet. The Applicant will not exceed 5 acres and 500 linear feet over the multi-year project. Future phases have not been presented or assessed for impacts. 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., title 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from Phase 1 of the Project include those associated with the following: (1) up to 200 trees and (2) 5,000 pieces of native vegetation.

*Project Timeframes:*

Start date: Once all agencies approvals are granted.

Completion date: September 22, 2026

Work window: September 1–October 31 for instream and streambank activities, and September 1–April 15 for upslope riparian vegetation management and forest thinning activities.

Number of Workdays: Approximately 65 days over five years

*Water Quality Certification Background:* Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and improve spawning and rearing conditions to Sugar Creek, 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. 1A21191WNSI, Electronic Content Management Identification (ECM PIN) No. CW-876225 for the Project. The NOA describes Phase 1 of the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to fish (Chinook salmon, coho salmon, and steelhead), plants, mammals, and birds.

*Receiving Water:* Sugar Creek, Scott River

*Filled or Excavated Area:*

Permanent area impacted: Approximately 0.07 acres

Temporary area impacted: Approximately 0.07 acres

Length temporarily impacted: 375 linear feet

Length permanently impacted: 375 linear feet

*Dredge Volume:* None.

*Discharge Volume:* Up to 200 trees and (2) 5,000 pieces of native vegetation.

*Project Location:* The Project covers the APNs 031-020-390-000, 031-020-400-000, 031-070-150-000, and 031-070-160-000-010-000, and is

approximately 1.6 miles upstream of the confluence with Scott River. The coordinates for the Project are Latitude 41.32857115° North, Longitude 122.843372° West.

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

On September 21, 2021, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on September 21, 2021, for publication in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2021-0921-01 on October 1, 2021. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

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

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

**Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4) include, but are not limited to, the following: 1) Erosion Control; 2) Minimize Disturbance from Instream Construction, including work period and pollutants; 3) Minimize Degradation of Water Quality; 4) Environmental Resources, including pre-construction surveys and invasive species measures; 5) Protected Species, including Salmonids, Avian, and Special Status Species; and 6) Archaeological and Cultural Resources. The specific avoidance and minimization requirements are found

in the Project Description attachment to the NOI and under the section “Avoidance and Minimization Methods.”

**Monitoring and Reporting**

Photo points and large wood material monitoring is planned for all implemented structures. Photo points will be established to help track change over time within the project reach. Additionally, opportunistic photos of specific structures will be collected where appropriate. All large wood material pieces installed will be distinctively notched, cutting the bark away from the wood, and an aluminum tag with a unique number secured and marked with GPS at a standardized location.

Monitoring and Reporting schedule:

- Pre-Project Assessment: June-September 2021
- Post-Project Assessment: Winter season immediately following installation, spring of 2022 and during spring/summer every subsequent year until 2025
- Final report will be provided following completion of the project and completion of the post project monitoring. Following the completion of these project monitoring components, a final report will be submitted to the grant manager and all the appropriate regulatory agencies. This report 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 — March 2025

**Notice of Completion**

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

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

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents

electronically to: Janae Scruggs, [janae.scruggs@wildlife.ca.gov](mailto:janae.scruggs@wildlife.ca.gov).

**Project Authorization**

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

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

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE SECRETARY OF STATE**

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

Department of State Hospitals  
File # 2021-1015-01  
Enhanced Treatment Program

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

Title 09  
Adopt: 4800, 4900, 4901, 4902, 4903, 4904, 4905, 5000, 5100, 5200  
Filed 10/21/2021  
Effective 10/27/2021  
Agency Contact: Sylvester Okeke (916) 654-2478

Department of Toxic Substances Control  
File # 2021-1015-02  
Regulation of Metal Shredder Aggregate

This emergency rulemaking action by the Department of Toxic Substances Control adopts a definition of "metal shredder aggregate" and amends the definition of "scrap metal" to exclude "metal shredder aggregate."

Title 22  
Amend: 66260.10, 66273.9  
Filed 10/25/2021  
Effective 10/25/2021  
Agency Contact: Rick Brausch (916) 251-6398

Board of Accountancy  
File # 2021-0914-05  
Attest Experience for CPA Licensure

This action by the California Board of Accountancy amends requirements, including two forms incorporated by reference, to clarify that preparation engagements do not qualify as attestation experience.

Title 16  
Amend: 12.5  
Filed 10/26/2021  
Effective 01/01/2022  
Agency Contact: Deanne Pearce (916) 651-1740

Board of Equalization  
File # 2021-0806-01  
Exclusion from Change in Ownership

This action adopts regulations clarifying the intergenerational transfers exclusion from change in ownership provisions of Article XIII A, Section 2.1, subdivisions (c) and (e), of the California Constitution and related statutes.

Title 18  
Filed 10/26/2021  
Effective 01/01/2022  
Agency Contact: Honey Her (916) 445-6464

California Prison Industry Authority  
File # 2021-0811-01  
Inmate Pay Rates, Schedule and Movement (Remove the Word Work)

This action by the California Prison Industry Authority (CALPIA) amends Section 8006 to remove the word "work" from phrases in the text and add terms necessary to make clear that inmates in all types of CALPIA assignments are compensated as CALPIA has educational, vocational training, and work programs.

Title 15  
 Amend: 8006  
 Filed 10/20/2021  
 Effective 01/01/2022  
 Agency Contact: Moira Doherty (916) 413-1140

Department of Corrections and Rehabilitation  
 File # 2021-0914-04  
 PREA

Consistent with the Prison Rape Elimination Act (PREA), this action amends section 3411 of Title 15 of the California Code of Regulations to specify that employees or contractors of the Department of Corrections and Rehabilitation have a continuing duty to report having engaged in sexual abuse in any prison or other facility and any conviction or administrative or civil determination of having engaged or attempted to engage in sexual activity in the community facilitated by force, threat, or coercion, or where the victim did not or could not consent.

Title 15  
 Amend: 3411  
 Filed 10/20/2021  
 Effective 01/01/2022  
 Agency Contact: Renee Rodriguez (916) 445-2217

Department of Food and Agriculture  
 File # 2021-0514-01  
 Peach Disease Repeal

In this regular rulemaking, the Department of Food and Agriculture is repealing quarantines established against pathogens that cause (1) either peach yellows, little peach, or red suture diseases on peach and (2) peach rosette disease.

Title 03  
 Repeal: 3259, 3276  
 Filed 10/26/2021  
 Effective 01/01/2022  
 Agency Contact: Rachel Avila (916) 403-6813

Public Employment Relations Board  
 File # 2021-0823-02  
 Case Processing Procedures and SMCS Update

In this regular rulemaking, the Public Employment Relations Board (the "Board") is updating regulations that govern (1) the circumstances requiring Board members and employees to recuse themselves from proceedings; (2) the filing of exceptions to Proposed Decisions; (3) the use of discovery and motions in formal hearings; and (4) standards for obtaining continuances of a formal hearing. Additionally, the Board is adopting regulations that update the fee structure for facilitation services by the State Mediation and Conciliation Service (SMCS).

Title 08  
 Adopt: 32312  
 Amend: 32056, 32060, 32110, 32121, 32140, 32150, 32155, 32170, 32180, 32190, 32205, 32300, 32310, 32720, 32792, 32998, 32999, 93000, 93025, 93030, 93045, 93055, 93070, 93075  
 Filed 10/20/2021  
 Effective 01/01/2022  
 Agency Contact:  
 J. Felix De La Torre (916) 327-8381

State Water Resources Control Board  
 File # 2021-0910-01  
 Chlorine Water Quality Objectives and Total Residual Chlorine Effluent Limits

On November 18, 2020, the San Francisco Bay Regional Water Quality Control Board adopted Resolution No. R2-2020-0031, amending the Water Quality Control Plan for the San Francisco Bay Region. The Basin Plan amendment (1) establishes chlorine water quality objectives for the protection of aquatic life beneficial uses in marine, estuarine, and fresh surface waters in the region; (2) replaces the total residual chlorine technology-based effluent limitation with water quality-based effluent limitations for wastewater discharges; (3) includes provisions specifying how these water quality-based effluent limitations are to be implemented in wastewater discharge permits; (4) removes the four-day average freshwater mercury objective; (5) adds a reference to the Statewide Mercury Provisions, which contain mercury water quality objectives applicable to the region's surface waters; and (6) corrects the applicability of the oil and grease effluent limitations to apply only to sewage treatment facilities that do not provide secondary or advanced secondary treatment. On May 18, 2021, the State Water Resources Control Board approved the Basin Plan amendment adopted under Resolution No. R2-2020-0031.

Title 23  
 Adopt: 3919.21  
 Filed 10/22/2021  
 Effective 10/22/2021  
 Agency Contact: Tong Yin (510) 622-2418

State Water Resources Control Board  
 File # 2021-1005-04  
 Reconsideration of Lake Elizabeth, Munz Lake & Lake Hughes Trash TMDL Legg Lake, Ventura River Estuary

This action revises the Water Quality Control Plan for the Los Angeles Region. It revises the Total Maximum Daily Load (TMDL) for Trash in the Ventura River Estuary, Lake Elizabeth, Munz Lake, Lake Hughes, and Legg Lake in light of the Statewide

Trash Amendments (SWRCB Resolution 2015–0019) which were developed to provide statewide consistency for the regional water boards’ regulatory approaches to protect aquatic life and public health beneficial uses from impacts due to trash and debris.

Title 23

Amend: 3939.27, 3939.28, 3939.29

Filed 10/25/2021

Effective 10/25/2021

Agency Contact: Jun Zhu (916) 576–6691

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

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