



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: Citrus Heights Water District

A written comment period has been established commencing on January 14, 2022, and closing on February 28, 2022. 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 February 28, 2022. 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.

AUTHORITY AND REFERENCE

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation proposes to amend sections 3000 and 3293 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, regarding Computer Voice Stress Analyzer examinations.

PUBLIC COMMENT PERIOD

The public comment period begins **January 14, 2022** and closes on **March 11, 2022**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to 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

R. Ruiz
Telephone: (916) 445-2244
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

Coyt Shirley
Telephone: (916) 327-2725
Division of Adult Institutions
P.O. Box 942883
Sacramento, CA 94283-0001

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

Current regulations authorize the department to administer polygraph examinations to inmates and parolees during the course of an investigation of official matters. These regulations authorize the department to administer Computer Voice Stress Analyzer (CVSA) examinations in addition to the authorized polygraph examination to inmates and parolees during the course of an investigation of official matters.

The CVSA is a computer-based instrument that works by measuring micro-tremors (inaudible vibrations) in the human voice that vary according to the amount of stress a person is experiencing. The instrument processes the voice frequencies and graphically displays the fluctuations of the voice patterns in real-time with the subject's answers, and

analyzes, evaluates and quantifies each pattern for deception.

The courts, law enforcement, and other sectors of government have recognized that, while results are not admissible as conclusive evidence in court, CVSA determinations are useful, especially in instances of conflicting testimony and for directing investigative efforts into a threat assessment.

This action will:

- Provide authority to the department to administer CVSA examinations to inmates and parolees during the course of an official investigation.
- Provide the definition of three new terms related to CVSA examinations, and revise the existing definition of examinee.
- Establish a procedure to be followed when conducting a CVSA examination.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The proposed regulations will benefit the welfare of California residents by helping to make CDCR institutions and parole offices safer for inmates, persons on parole, and CDCR facilities staff, visitors, contractors and their employees, and volunteers as the department anticipates additional information collected through the CVSA examination will help guide an investigation in the proper direction.

Without examination interruptions, inmates and parolees will be able to continue with their normal programming schedules allowing them to focus on their rehabilitation resulting in more productive citizens being released into the community which will help create a safer community. Additionally, persons who are able to complete additional rehabilitation education may have greater success outside of a custody environment lowering the chances of their recidivism.

**EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
LAWS AND REGULATIONS**

Pursuant to Government Code section 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 the proposed regulations concerning

computer voice stress analyzer examinations are consistent and compatible with existing regulations and recent case law concerning computer voice stress analyzer examinations.

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 and parole offices 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.

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. 1653-2021-086-001-R1

Project: Rock Creek Meadow Shasta Crayfish
Habitat Augmentation Project
Location: Shasta County
Applicant: Maria Ellis, Spring Rivers Ecological
Sciences, LLC

Background

Project Location: The Rock Creek Meadow Shasta Crayfish Habitat Augmentation Project (Project) is located at 20029 Cassel-Fall River Road, Cassel, California, 96016, at a property owned by Pacific Gas & Electric, Assessor Parcel Number (APN) 031520006, and affects Rock Creek. Rock Creek supports populations of Shasta crayfish, a federally and state-listed endangered species which were introduced to the site in 2019 and 2020. Rock Creek was previously restored to provide high-quality refuge habitat for Shasta crayfish.

Project Description: Maria Ellis (Applicant) representing Spring Rivers Ecological Sciences, LLC, proposes to enhance or restore habitat within Rock Creek to provide a net conservation benefit for Shasta crayfish (*Pacifastacus fortis*). Conservation benefits are proposed by augmenting the channel with gravel,

which will provide breeding, rearing, and sheltering habitat for Shasta crayfish.

The Project includes introducing 40 cubic yards of clean lava gravel to the streambed. Gravel will be brought in from a local company, cleaned using Rock Creek water, and placed in a predetermined laydown area near the project site. Five-gallon buckets will be filled with gravel and guided to placement locations using a small work barge with temporary pulley system. Snorkelers will pour the gravel onto the streambed with the intent of raising gravel depth by 3 inches. Snorkelers will swim/float to avoid weight bearing contact with Shasta crayfish habitat to the extent possible.

Additionally, larger cobble and boulder substrate will be sourced in the immediate area and placed over the top of the gravel. Cobbles and boulders will be gathered locally from Rock Creek and will be ferried to placement locations using the small work barge. Further project plans, discussion of proposed work, species protection measures, and maps are on file with CDFW's Habitat Conservation Planning Branch (HCPB) and Northern Region.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.09 acres and 100 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) pre-washed gravel, and (2) cobbles and small boulders.

Project Timeframes: Start date: 1/01/2022
Completion date: 11/18/2026

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and create additional habitat for the federally and state-listed endangered Shasta Crayfish, the Central Valley 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. 5A45CR00611) 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 Shasta crayfish.

Receiving Water: Rock Creek, tributary to Baum Lake.

Filled or Excavated Area:

Permanent area impacted: 0.06 acres

Temporary area impacted: none

Length temporarily impacted: none

Length permanently impacted: 100 linear feet

Project Location: Latitude 40.924167 North and Longitude -121.540278 West (NAD 83); APN: 031-520-006.

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 (Public Resources Code, § 21000 et seq.).

On November 29, 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 November 29, 2021, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2021-1129-01) on December 10, 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: (1) Water Quality/Discharge, and (2) Biological Resources Protection: Proposed Best Management

Practices. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Rock Creek Meadow Restoration and Reintroduction Plan for Shasta Crayfish*.

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, *Rock Creek Meadow Restoration and Reintroduction Plan for Shasta Crayfish*, prepared by Pacific Gas and Electric Company.

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 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, and WDID 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: lucy.haworth@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

CESA CONSISTENCY DETERMINATION
REQUEST FOR
Cultivation Project at 705 Mail Road
(Hines Family Investments)
2080–2021–016–05
Santa Barbara County

The California Department of Fish and Wildlife (CDFW) received a notice on December 28, 2021, that Hines Family Investments, LLC proposes to rely on a consultation with a federal agency to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the development of an approximately 5–acre cultivation project within a 100–acre parcel. The proposed project will occur at 705 Mail Road, Lompoc, Santa Barbara County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (Permit Number: ESPER0004039) (ITP) under the General Conservation Plan (GCP) for Cultivation Activities in Santa Barbara County to Hines Family Investments, LLC on March 29, 2021, which considered the effects of the proposed project on state threatened and federally endangered Santa Barbara County distinct population segment of California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Hines Family Investments, LLC is requesting a determination that the ITP under the associated GCP is consistent with CESA for purposes of the proposed project. If CDFW determines the ITP under the associated GCP is consistent with CESA for the proposed project, Hines Family Investments, LLC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

NOTICE OF PUBLIC COMMENT
PERIOD AND COMMUNITY MEETING
DRAFT REMEDIAL ACTION
PLAN FOR GARDENA SUMPS
1450 WEST ARTESIA BOULEVARD,
GARDENA, CA 90247

The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a Draft Remedial Action Plan (RAP) and the California Environmental Quality Act (CEQA) analysis for the Gardena Sumps (Site) in Gardena.

The Remedial Action Plan addresses four identified areas at the Site with oil sludge contamination. The proposed remedial action will include excavation of a portion of the Haack Rework Area and placement of the impacted soil into the Cooper Sumps area. An additional engineered cap with specialized geosynthetic cover and clean soil cover will be installed on top of the current Cooper Sumps and the Haack sump. A legal land use covenant will be placed on the property to limit future land use and exposure to the occupants and surrounding community along with long-term monitoring and maintenance requirements of the cap and the groundwater. During the field work, multiple stringent health and safety measures will be implemented to protect the workers and surrounding population. The California Environmental Quality Act analysis identifies the environmental impacts of the proposed remedial action and providing actions to mitigate those impacts. As the Responsible Agency for the remedial action, DTSC is adhering to the CEQA process and is currently analyzing the environmental impacts resulting from the proposed action. The draft CEQA analysis can be reviewed along with the RAP or separately at Clearinghouse repository (<https://ceqanet.opr.ca.gov>).

The 30-day public comment period for the Draft RAP will be on January 31, 2022 through March 2, 2022. Written comments must be sent by mail or email **no later than March 2, 2022** to Nicholas Ta, DTSC Project Manager, 5796 Corporate Avenue, Cypress, CA 90630-4732 or via email Nicholas.Ta@dtsc.ca.gov.

COMMUNITY MEETING: DTSC will host a community meeting to provide information and to accept public comments. To learn more about this project, please join us: February 16, 2022 5:00 p.m.–7:00 p.m. Use the link to register for the meeting: <https://bit.ly/GardenaSumps>

Project documents can be reviewed at:

DTSC Regional File Room
5796 Corporate Avenue, Cypress, CA 90630
Call (714) 484-5336 for an appointment

Gardena Mayme Dear Library
1731 West Gardena Boulevard
Gardena, CA 90247
Call (310) 323-6363 for an appointment

Documents are also available at the Envirostor database: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19490135

FOR MORE INFORMATION:

Contacts for project related questions:

Nick Ta, DTSC Project Manager
Telephone: (717) 484-5381,
Email: Nicholas.Ta@dtsc.ca.gov

Chinh Sheow, DTSC Public Participation
Telephone: (818) 717-6571,
Email: Chinh.Sheow@dtsc.ca.gov

GAMBLING CONTROL COMMISSION

NOTICE OF EXTENSION OF WRITTEN
COMMENT PERIOD

On December 24, 2021, the California Gambling Control Commission (Commission) published a Notice of Proposed Rulemaking concerning the Commission Fees Modernization Project. (California Regulatory Notice Register 2021, No. 52-Z, December 24, 2021, pg. 1719.)

The original written comment period deadline for this action was February 8, 2022 at midnight. The Commission is now extending the written comment deadline to February 11, 2022 at midnight.

Please submit all written comments to:

Alex Hunter, Legislative and Regulatory Specialist
Legislative and Regulatory Affairs Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-1301
Fax: (916) 263-0499
E-mail: lawsandregs@cgcc.ca.gov

If you have any questions, please contact Mr. Hunter.

**AVAILABILITY OF
PRECEDENTIAL DECISIONS
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GAMBLING CONTROL COMMISSION

RE: GOVERNMENT CODE SECTION 11425.60,
SUBDIVISION (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual e-mail subscription from the Commission. The index and the text of the precedent decisions can be viewed, by appointment, at the Commission's office below. For subscription or additional information, or to schedule an appointment to view precedent decisions, contact:

Russell Johnson, Staff Counsel
Legal Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, California 95833-4231
Telephone: (916) 263-1523
Facsimile: (916) 263-1365
E-Mail: rjohnson@cgcc.ca.gov

The index and text of the precedential decisions can also be viewed on the Internet at http://www.cgcc.ca.gov/?pageID=Precedential_Decisions.

DEPARTMENT OF SOCIAL SERVICES

**NOTICE OF AVAILABILITY OF
PRECEDENTIAL DECISIONS INDEX**

Notice is hereby given that the California Department of Social Services (CDSS) maintains an index of cases CDSS has designated as precedential decisions. The index is available on the Internet at <http://www.cdss.ca.gov/inforesources/Community-Care-Licensing/Decisions-Relied-Upon-as-Precedent>.

This notice is published pursuant to California Government Code section 11425.60, 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 Corrections and Rehabilitation
File # 2021-1207-06
Inmate and Parolee Grievance and Appeal Process

This action makes permanent and further amends emergency regulations which amend and restructure the inmate and parolee grievances and appeals processes.

Title 15

Adopt: 3084, 3480, 3481, 3482, 3483, 3484, 3485
Amend: 3000, 3045, 3077.3, 3078.4, 3134.1, 3136, 3137, 3141, 3173.1, 3179, 3193, 3220.4, 3230, 3282, 3369.5 (renumber to 3488), 3378.4, 3383, 3475 (renumber to 3465), 3476 (renumber to 3466), 3477 (renumber to 3467), 3478 (renumber to 3468), 3479 (renumber to 3469), 3480 (renumber to 3470), 3480.1 (renumber to 3471), 3481 (renumber to 3472), 3482 (renumber to 3473), 3483 (renumber to 3474), 3484 (renumber to 3475), 3485 (renumber to 3476), 3486 (renumber to 3477), 3491, 3492, 3548, 3563, 3630, 3723

Repeal: 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3084.8, 3084.9, 3085, 3086
Filed 01/05/2022

Effective 01/05/2022

Agency Contact: Josh Jugum (916) 445-2266

Department of Food and Agriculture
File # 2021-1118-01
Industrial Hemp Harvesting

This certificate of compliance action by the Department of Food and Agriculture makes permanent emergency regulations that amend the harvest timeframe for industrial hemp from within 15 days after sampling to within 30 days and amends the timeframes for pre-harvest and laboratory testing notifications.

Title 03
 Amend: 4940, 4944, 4946
 Filed 12/30/2021
 Effective 12/30/2021
 Agency Contact: Rachel Avila (916) 403-6813

Secretary of State
 File # 2021-1116-02
 Vote-by-Mail Ballot Drop Boxes and Vote-by-Mail
 Drop-Off Locations

This certificate of compliance action makes permanent, with amendments, emergency regulations that extend the time in which ballots must be retrieved from unstaffed vote-by-mail drop boxes from 24 hours to 48 hours.

Title 02
 Amend: 20136
 Filed 12/30/2021
 Effective 12/30/2021
 Agency Contact:
 Robbie Anderson (916) 216-6488

Fish and Game Commission
 File # 2021-1227-01
 Recreational Sub-Bag Limits for Vermilion, Copper
 & Quillback Rockfish

This emergency action adjusts the sub-bag limits for quillback, copper, and vermilion rockfish in the recreational groundfish fishery (zero to three miles offshore) for 2022 so as to be consistent with Pacific Fishery Management Council regulations that will be published in the Federal Register on January 6, 2022, for these species in waters between three and 200 miles offshore.

Title 14
 Amend: 28.55
 Filed 01/05/2022
 Effective 01/06/2022
 Agency Contact:
 Sherrie Fonbuena (916) 902-9284

Department of Social Services
 File # 2021-1223-01
 Annual Redeterminations AB 79 2020

This emergency action by the Department of Social Services amends the Manual of Policies and Procedures to update the annual CalWorks eligibility redetermination procedure. This action was submitted to OAL as a deemed emergency exempt from OAL review pursuant to Section 96 of Assembly Bill 79 (Ch. 11, Stats. 2020).

Title MPP
 Amend: 40-103, 40-181, 44-113
 Filed 01/03/2022
 Effective 01/03/2022
 Agency Contact:
 Kenneth Jennings (916) 651-8862

Department of Corrections and Rehabilitation
 File # 2021-1215-02
 Body-worn cameras

This readoption of an emergency by operational necessity, pursuant to Penal Code 5058.3, adopts provisions governing the implementation of body worn cameras at the California Institution for Women; California State Prison, Corcoran; Kern Valley State Prison; California State Prison, Los Angeles County; Richard J Donovan Correctional Facility; and the Substance Abuse and Treatment Facility and State Prison, Corcoran.

Title 15
 Adopt: 3270.3
 Filed 12/30/2021
 Effective 01/06/2022
 Agency Contact:
 Renee Rodriguez (916) 446-2244

California Alternative Energy and Advanced
 Transportation Financing Authority
 File # 2021-1221-01
 Commercial Energy Efficiency Financing Program

This action readopts emergency regulations concerning the "Commercial Energy Efficiency Financing Program" and is deemed an emergency under Public Resources Code section 26009.

Title 04
 Adopt: 10092.15
 Amend: 10092.1, 10092.2, 10092.3, 10092.4,
 10092.5, 10092.6, 10092.7, 10092.8, 10092.9,
 10092.10, 10092.11, 10092.12, 10092.13, 10092.14
 Filed 12/30/2021
 Effective 01/18/2022
 Agency Contact:
 Jonathan Verhoef (916) 653-1375

Occupational Safety and Health Standards Board
 File # 2021-1227-02
 COVID-19 Prevention

In this emergency readopt of OAL Matter No. 2021-0617-03EFP, the Occupational Safety and Health Standards Board (the "Board") is establishing requirements regarding COVID-19 prevention for employees and places of employment. Specifically, the Board is: (1) identifying which employees and places of employment the regulations apply to; (2) defining terms

used throughout the emergency regulations; and (3) adopting regulations for prevention and identification of COVID-19 exposure and hazards in places of employment, including in both employer-provided housing and transportation to and from work.

Title 08
Adopt: 3205, 3205.1, 3205.2, 3205.3, 3205.4
Filed 01/05/2022
Effective 01/14/2022
Agency Contact: Christina Shupe (916) 274-5721

California Privacy Protection Agency
File # 2021-1214-02
Conflict-of Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing.

Title 11
Adopt: 7000
Filed 01/04/2022
Effective 02/03/2022
Agency Contact: Philip Laird (916) 701-3027

Commission on Peace Officer Standards and Training
File # 2021-1124-03
Peace Officer Selection Requirements

This action without regulatory effect amends peace officer selection requirements to add references to minimum qualification standards at newly adopted Government Code sections 1029 regarding minimum age standards and 1031.4 regarding verification of minimum qualifications.

Title 11
Amend: 1950
Filed 12/30/2021
Agency Contact: Melani Singley (916) 227-4258

Commission on Peace Officer Standards and Training
File # 2021-1124-04
Peace Officer Background Investigations

This action without regulatory effect amends peace officer background investigation requirements to add references to minimum qualification standards at newly adopted Government Code section 1029 regarding minimum qualifications, Government Code section 1031.4 regarding minimum age requirements, and amended Penal Code 832.12 regarding verification of minimum qualifications.

Title 11
Amend: 1953
Filed 12/30/2021
Agency Contact: Melani Singley (916) 227-4258

Department of Consumer Affairs
File # 2021-1122-02
Legal Document Assistant Standard Contract

Pursuant to Title 1 California Code of Regulations (CCR) section 100(a)(6), these changes without regulatory effect conform section 3950 of Title 16 of the CCR to changes made to the governing statute (Business and Professions Code section 6402) by Assembly Bill 285 (Chapter 296, Statutes of 2015) and Assembly Bill 1213 (Chapter 128, Statutes of 2019).

Title 16
Amend: 3950
Filed 01/03/2022
Agency Contact:
Katherine Demos (916) 806-7715

Air Resources Board
File # 2021-0813-03
Reducing Sulfur Hexafluoride Emissions Regulation

This rulemaking action by the Air Resources Board updates requirements regarding reduction of sulfur hexafluoride (SF6) emissions from gas insulated equipment (GIE) used in electric power systems. These revisions update maximum annual SF6 emission rates for owners of GIE equipment; implement a revised phase-out schedule for SF6 and a corresponding phase-out exemption process; update annual emission limits and methods for calculating said emissions; amend reporting, recordkeeping, and inventory requirements; and adopt a nameplate capacity adjustment procedure.

Title 17
Adopt: 95352, 95353, 95354.1, 95355, 95356, 95357, 95357.2
Amend: 95350, 95351, 95353 (renumbered to 95357.1), 95354, 95357 (renumbered to 95358), 95358 (renumbered to 95359), 95359 (renumbered to 95359.1)
Repeal: 95352, 95355, 95356
Filed 12/30/2021
Effective 01/01/2022
Agency Contact:
Bradley Bechtold (916) 322-6533

Air Resources Board
File # 2021-1014-04
Prohibitions on Certain Hydrofluorocarbons

This rulemaking action imposes new limits on hydrofluorocarbons (HFCs) used in non-residential stationary refrigeration equipment and new air-conditioning equipment used for residential and non-residential purposes.

Title 17

Adopt: 95376, 95378

Amend: 95371, 95372, 95373, 95374, 95375, 95377, 95378 (renumbered to 95379)

Repeal: 95376

Filed 12/29/2021

Effective 01/01/2022

Agency Contact:

Bradley Bechtold (916) 322-6533

California Energy Commission

File # 2021-1028-03

Title 20, Division 2, Chapters 3 & 7

This action adopts, amends, and repeals regulations regarding the management of the data collection system for obtaining information necessary to develop the policy reports and analysis as required by statute to assist in energy forecasting and assessment activities and the state's energy and related assessments. The regulations and changes thereto generally cover reporting and records requirements applicable to various energy-related industries and activities such as natural gas providers, Property Assessed Clean Energy (PACE) program administrators, underground storage gas projects, etc.

Title 20

Adopt: 1312, 1381, 1382, 1383, 1384, 1387

Amend: 1302, 1303, 1304, 1306, 1307, 1308, 1311, 1314, 1342, 1353, 1363.1, 2502, 2505, 2507

Repeal: 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 2504

Filed 12/30/2021

Effective 01/01/2022

Agency Contact: Ryan Eggers (916) 776-3597

Department of Food and Agriculture

File # 2021-1122-01

Oriental Fruit Fly Eradication Area

This action expands the current 17-county Oriental Fruit Fly eradication area in California to encompass 16 additional counties.

Title 03

Amend: 3591.2

Filed 01/04/2022

Effective 04/01/2022

Agency Contact: Rachel Avila (916) 698-2947

Department of Pesticide Regulation

File # 2021-1116-01

Citrus/Bee Protection Areas

In this regular rulemaking action, the Department amends its regulations related to the protection of bees to update notification procedures for apiary operators who wish to receive advance notification of pesticide

applications and for pesticide applicators who intend to apply pesticides labeled toxic to bees. The amendments also make the existing notification service and fees in the counties of Butte, Glenn, and Tehama inoperative. Finally, the amendments update requirements during the citrus bloom period within a citrus/bee protection area. These amended regulations are relocated to a chapter addressing environmental protection.

Title 03

Amend: 6650 [renumbered as 6980], 6651 [renumbered as 6981], 6652 [renumbered as 6982], 6654 [renumbered as 6983], and 6656 [renumbered as 6984]

Repeal: 6655

Filed 12/30/2021

Effective 01/01/2022

Agency Contact: Lauren Otani (916) 445-5781

Office of the State Fire Marshal

File # 2021-1119-02

Hazardous Liquid Pipeline Safety-Intrastate Fee

The Office of the State Fire Marshal (SFM) in this action is increasing the amount of fees collected from hazardous liquid pipeline operators for the SFM's pipeline inspection program.

Title 19

Amend: 2040

Filed 12/30/2021

Effective 04/01/2022

Agency Contact: Diane Arend (916) 568-2917

Veterinary Medical Board

File # 2021-1112-01

Drug Compounding

In this regular rulemaking action, the Veterinary Medical Board adopts minimum standards for drug compounding services.

Title 16

Adopt: 2090, 2091, 2092, 2093, 2094, 2095

Filed 01/04/2022

Effective 04/01/2022

Agency Contact: Justin Sotelo (916) 515-5238

Board of Equalization

File # 2021-1222-01

Base Year Value Transfers

Article XIII A, section 2.1 was added to the California Constitution when California voters approved Proposition 19 in November 2020. This section limits property tax increases on primary residences for seniors, the severely disabled, wildfire and natural disaster victims, and families. In this regular rulemaking, the Board of Equalization is adopting regulations clarifying homeowner eligibility for this property tax

relief for seniors, the severely disabled, and wildfire and natural disaster victims.

Title 18
Adopt: 462.540
Filed 12/30/2021
Effective 01/01/2022
Agency Contact: Honey Her (916) 274-3523

Cemetery and Funeral Bureau
File # 2021-1228-03
Cemeteries: Unitrust Conversion

This action adopts regulations establishing the process whereby a cemetery authority can apply to the Cemetery and Funeral Bureau for approval to convert from the net-income-distribution method of endowment care trust fund administration to the unitrust-distribution method. The action adopts an application form for this approval process as well as regulations specifying the reasons why an application will be denied, when an application is considered abandoned, and the process for reversion back to the net income distribution method in certain circumstances.

Title 16
Adopt: 2334, 2334.1, 2334.2, 2334.3, 2334.4
Amend: 2350
Filed 01/05/2022
Effective 01/05/2022
Agency Contact:
Carolina Sammons (916) 574-7876

**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.