



California Regulatory Notice Register

REGISTER 2022, NUMBER 51-Z

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

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**PROPOSED ACTION
ON REGULATIONS**

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

**TITLE 2. 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:

- Central Valley Financing Authority
- County Medical Services Program
- Las Virgenes — Triunfo Joint Powers Authority
- Northern California Energy Authority
- Northern California Gas Authority Number 1
- Sacramento Cogeneration Authority
- Sacramento Municipal Utility District
- Sacramento Municipal Utility District Finance Authority
- Sacramento Power Authority
- West Turlock Subbasin Groundwater Sustainability Agency

STATE AGENCY:

- Department of Healthcare Access and Information

ADOPTION

MULTI-COUNTY:

- Tri-Valley Transportation Council

A written comment period has been established commencing on December 23, 2022 and closing on February 6, 2023. 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 codes 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 codes will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest codes, 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 codes 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 codes. Any written comments must be received no later than February 6, 2023. 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 codes 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 2. DEPARTMENT OF HEALTH
CARE ACCESS AND INFORMATION**

AMEND CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of Health Care Access and Information, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on **December 23, 2022** and closing on **February 6, 2023**. All inquiries should be directed to the contact listed below.

The **Department of Health Care Access and Information** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include the following changes and other technical changes:

- reflect that the Office of Statewide Health Planning and Development was renamed as the Department of Health Care Access and Information, pursuant to Assembly Bill 133 (2021-2022)

- incorporate recent, organizational changes that moved a few Designated Positions to other existing divisions in the Department
- reflect that the Department's Divisions have been re-named
- include new programs and offices, new Designated Positions, and a new Board, resulting from recent legislation; and
- revise the Department's Disclosure Categories, accordingly.

The proposed amendment and explanation of the reasons can be obtained from the department's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **February 6, 2023**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **December 22, 2022**.

The Department of Health Care Access and Information has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Sheila Tatayon
Attorney IV
Department of Health Care Access and
Information
2020 West El Camino Avenue, Suite 1217
Sacramento, CA 95833

(916) 326-3613
Sheila.Tatayon@hcai.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

CALIFORNIA STATE SAFE HARBOR
AGREEMENT PROGRAM ACT

CONSISTENCY DETERMINATION
NUMBER 2089–2022–003–01

Location: Shasta River, Siskiyou County

Applicant: Cardoza Ranch Partnership

Background

On February 24, 2021, the National Marine Fisheries Service (NMFS) approved a Template Safe Harbor Agreement for Conservation of Coho Salmon in the Shasta River (TSHA). The TSHA establishes the general requirements for NMFS, under authority of the Endangered Species Act section 10(a)(1)(A) and its implementing rule and policy, to issue Enhancement of Survival Permits (ESP) to non-federal landowners in the Shasta River Basin for the purpose of promoting the conservation, enhancement of survival, and recovery of the Southern Oregon/Northern California Coast (SONCC) evolutionarily significant unit of coho salmon (*Oncorhynchus kisutch*; Covered Species). The TSHA also discusses Covered Species biological requirements, habitat conditions, covered activities and associated avoidance and minimization measures, and the adaptive management program.

NMFS has issued a Site Plan Agreement (SPA), which is an agreement between NMFS and a landowner, and an associated ESP, which authorizes take of a Covered Species, to each individual landowner enrolled under the TSHA (Project). Each SPA and associated ESP provide specificity to the terms or conditions in the TSHA, or additional terms or conditions beyond what appears in the TSHA, that are applicable to a particular enrolled property. The TSHA, and related SPA and ESP, taken together provide the applicable terms and conditions for an individual landowner (collectively, the ‘federal SHA’).

On February 24, 2021, NMFS issued a SPA and ESP (Permit Number 23278), under the terms of the TSHA, to Cardoza Ranch Partnership (Permittee) with a term of 20 years¹. Cardoza Ranch (Enrolled Property), owned and operated by the Permittee, is located along Louie Road in central Siskiyou County (41°35'00" North latitude, 122°26'49" West longitude). The Enrolled Prop-

erty consists of the following APNs: 020–020–130, 020–020–120, and 020–030–020². The Enrolled Property includes a total of approximately 497 acres, with approximately 165 acres of grass pasture utilizing flood irrigation. The Enrolled Property is operated to produce cattle.

The Enrolled Property has a 2.98 cubic-foot per second water right, included in the Shasta River Decree. The previous point of diversion was located on Lower Parks Creek, 1.5 miles upstream from the confluence with the Shasta River on the neighboring Hole in the Ground property. The diversion structure consists of an earthen dam with two corrugated metal pipes, which are blocked with flashboards during the irrigation season. The water is backed up behind the dam to gain the force (head) needed to convey the diverted water down approximately 14,430 feet of open, lined, and unlined diversion ditch for use on the Enrolled Property. When blocked with flashboards during irrigation season, a 25-acre impoundment is created on Parks Creek. In a separately permitted project, this diversion was removed and a new pumped diversion installed 2.5 miles downstream on the Shasta River. Ditches were replaced with piping, and the diversion is screened with a self-cleaning cone screen that meets current screening criteria.

Enrolled Property SPA

The Enrolled Property SPA defines Baseline Conditions as the habitat conditions at the time NMFS approved the Enrolled Property SPA, the conditions described in Appendix 1 of the TSHA. The activities required to maintain Baseline Conditions are detailed in Table 2 of the Enrolled Property SPA.

Avoidance and minimization measures are described in detail in Appendix 2 of the TSHA, and those applicable to the Enrolled Property are listed in section G.1 of the Enrolled Property SPA.

Covered Activities include Routine Agricultural Activities, Beneficial Management Actions, and Avoidance and Minimization Measures (AMMs), as detailed in Appendix 2 of the TSHA and in sections C, G, and E of the Enrolled Property SPA, as follows:

- Routine Agricultural Covered Activities³ (Section C1)
 - Irrigation management
 - Irrigation maintenance
 - Pasture grazing management
 - Riparian fence maintenance
 - Road maintenance
 - Crossing maintenance
 - Herbicide/fertilizer/pesticide use

² SPA, page 4.

³ See TSHA Appendix 2 for full text of covered activities and avoidance and minimization measures.

¹ ESP, page 18.

- Avoidance and Minimization Measures for Routine Agricultural Covered Activities (Section G)
 - A1: Install and maintain flow regulator/measuring device
 - A2: Provide fish passage for all life stages
 - B1: Maintain diversions and fish screens, minimize sediment discharge during maintenance
 - B2: Inspection of fish screens, bypass pipes, and associated structures
 - B3: Maintain bypass pipes and associated structures to allow safe and easy passage for all life stages of fish
 - B4: Work during dry season and prevent spoils from washing into the stream
 - B5: Monitor and repair tailwater berms
 - B6: Instream work operation period
 - B7: Down-ditch screen requirements
 - B8: Minimize sediment mobilization and release from all water discharge
 - C1: Develop and adhere to the riparian grazing management plan
 - C2: Grazing of fenced riparian areas
 - C3: No direct impacts to spawning, incubation, and emergence from grazing activities
 - D1: Regular inspection of riparian fencing
 - D2: Notification to NMFS and the California Department of Fish and Wildlife (CDFW) of damaged fencing and fence repair after a catastrophic event
 - E2: Minimization of erosion and sedimentation from roads and road work
 - E3: Instream work window
 - F1: Livestock and vehicle crossings
 - F2: Operation of vehicles in streams
 - G1: Application of pesticides
 - G2: Minimization of fertilizer/nutrient escape into waterways
 - G3: Avoid use of materials deleterious to covered species
 - G4: Petroleum product use and storage near waterways
 - G5: Refiling of machinery and handling of harmful substances near a waterway
 - H1: Flood events and emergency situation notification of CDFW and NMFS
 - H2: California Fish and Game Code section 1610 notification
 - Beneficial Management Actions/Activities (BMAs) (Section E)
 - E.1.g: Assessments/Studies — Use of diversion as outlined in Alternative 4
 - E.2.a: Increased delivery and irrigation efficiencies — Construct and operate pipeline throughout property; file California Water Code section 1707 instream dedication
 - E.2.b: Move point of diversion — relocate diversion from Parks Creek to the Shasta River; install new fish screen; eliminate parks creek impound and install a new cattle-crossing that is fish-passage friendly
 - E.3.a: Tailwater reduction; soil moisture monitoring program participation; Interim operational plan of impoundment
 - E.3.b: Operation of current diversion for fish health and passage
 - E.3.c: Assessment of and participation in habitat improvements of overflow channel
 - E.3.d: Riparian grazing management plan; installation of stock watering system; riparian enhancements along overflow channel
 - E.3.f: Pasture grazing management
 - E.3.g: Off-channel habitat assessments
 - E.3.h: Access for salmonid supplementation and associated monitoring.
- Additional Commitments include:
- Avoidance and minimization monitoring (Sections G and G1)
 - Implementation and Effectiveness Monitoring Commitments (Section G2)
 - Description of potential and existing funding sources and timeline for the Permittee to carry out BMAs, avoidance and minimization measures, and monitoring and reporting requirements (Section E, F, & G)
 - Other information consistent with the terms and conditions of the Agreement and ESP including reporting (Sections F, H, & I)
- Access*
- General. Permittee will allow NMFS, CDFW, and Shasta Watershed Conservation Group (SWCG) to have access to the Enrolled Property to (a) inspect for implementation of BMAs, (b) monitor, stock or remove the Covered Species, or to carry out related management activities, and (c) monitor the effectiveness of the SPA. Such access will be subject to conditions identified in each SPA. Unless specified otherwise in the applicable SPA, such access will be subject to reasonable notice, not less than seven days in advance, and conditioned to avoid interference with commercial and other private uses of the Enrolled Property by the Permittee.

- Special Circumstances. In the circumstances described in TSHA Sections 6.2 and 6.8, the Permittee will allow access to NMFS and CDFW for emergency salvage or relocation of affected Covered Species⁴.
- Monitoring. The Permittee shall allow CDFW and NMFS to conduct implementation and effectiveness monitoring of various AMMs and BMAs related to riparian grazing, fish passage, LWD utilization by salmonids, beaver management, and riparian enhancement.⁵

Net Conservation Benefit

The federal SHA is expected to result in a net conservation benefit to the Covered Species over the 20-year term by:

- Improving irrigation efficiency on the property through piping and redesign
- Ensure instream benefits through a California Water Code section 1707 water dedication when diversion is not taking place
- Moving the point of diversion, installing new fish screens, and eliminating the Parks Creek impoundment and fish passage impediment
- Possible enhancements to Parks Creek overflow channel and creation of off-channel habitat
- Adhering to a riparian grazing management plan and pasture grazing plan.⁶

Consistency Determination Request

On November 14, 2022, the Director of CDFW received a letter from Cardoza Ranch Partnership requesting a determination pursuant to California Fish and Game Code section 2089.22 that the federal SHA is consistent with California State Safe Harbor Agreement Program Act for the Covered Species on the Enrolled Property. (Cal. Reg. Notice Register 2022, Number 47-Z, page 1412.).

Determination

CDFW has determined that the federal SHA with proposed incidental take of the Covered Species, is consistent with the California State Safe Harbor Agreement Program Act because the conservation, avoidance, and minimization measures contained in the federal SHA meet the conditions set forth in California Fish and Game Code sections 2089.22 and 2089.6 for authorizing incidental take of the Covered Species. Specifically, CDFW finds that: (1) take of the Covered Species will be incidental to an otherwise lawful activity; (2) implementation of the federal SHA is reasonably expected to provide a net conservation benefit to the Covered Species; (3) the Project will

not jeopardize the continued existence of the Covered Species; (4) the Permittee has agreed, to the maximum extent practicable, to avoid or minimize any incidental take authorized by the federal SHA, including returning to baseline conditions; (5) the federal SHA has established an approved monitoring program; (6) CDFW has determined that sufficient funding is ensured to complete surveys on the property and there is sufficient funding to carry out management actions and monitoring for the duration of the federal SHA; and (7) implementation of the federal SHA is not in conflict with a CDFW-approved conservation or recovery program for the Covered Species.

Monitoring and Reporting Measures

The Permittee will be responsible for the following monitoring and reporting measures related to implementation of the federal SHA and fulfillment of its provisions:

- SPA Sections G
- SPA Section H
- SPA Appendix D
- TSHA Section 6.6
- TSHA Appendix 2 (Pages 66–101)
- TSHA Appendix 3 — Implementation Monitoring (Pages 108–118)
- TSHA Appendix 3 — Effectiveness Monitoring and Reporting (Pages 119–140)
- TSHA Appendix 3 — Validation Monitoring (Pages 141–142)
- TSHA Appendix 3 — Evaluation (Pages 142–144)
- TSHA Appendix 3 — Monitoring and Reporting Responsibilities (Pages 144–145)
- ESP Condition #7

Funding

Funding will be provided by the Permittee through a \$1,500 annual contribution to effectiveness monitoring. Permittee shall provide such funding to SWCG by February 1 of each year of its ESP. SWCG will then provide such funding directly to parties designated by NMFS to undertake effectiveness monitoring.⁷

Permittee obtained funding to design the new irrigation improvements, and implement moving the point of diversion, installation of the new fish screen, solar pump array, and cattle crossing at Parks Creek to allow fish passage for all like stages.

Permittee shall seek funding for the Parks Creek overflow enhancements if determined necessary from an assessment.

Incidental Take Authorization

Pursuant to Fish and Game Code section 2089.22(a), if a federal SHA is approved pursuant to applicable provisions of federal law and the federal SHA includes

⁴ TSHA 6.3.1 and 6.3.2.

⁵ SPA, various sections.

⁶ NMFS Net Conservation Benefit Finding 11/17/2020.

⁷ TSHA Section 6.5.3.

species that are both federally and state listed, no further approval under the California State Safe Harbor Agreement Program Act (Fish & Game Code, § 2089.2 et seq.) is required for incidental take of those species provided the Permittee implements the Project and future land and water use and management practices as described in the approved federal SHA and CDFW determines the federal SHA is consistent with applicable criteria. Additionally, the Permittee must adhere to all measures contained in the approved federal SHA.

If there are any substantive changes or amendments to the federal SHA the Permittee shall be required to obtain a new consistency determination from CDFW (see generally Fish & Game Code, §§ 2081.1, 2081, subdivisions (b) and (c)). Any CDFW authorization pursuant to Fish and Game Code section 2089.22(a) to take species identified in the federal SHA shall terminate immediately upon the expiration or termination of the federal SHA.

**OFFICE OF THE STATE
FIRE MARSHAL**

TITLE 19. PUBLIC SAFETY
DIVISION 1. STATE FIRE MARSHAL
CHAPTER 5. AUTOMATIC FIRE
EXTINGUISHING SYSTEMS
ARTICLE 5. LICENSING
SECTION 905.3. FEES
CHAPTER 5.5. AUTOMATIC FIRE
EXTINGUISHING SYSTEMS
CERTIFICATION
ARTICLE 3. GENERAL PROVISIONS AND
FEE SCHEDULE
SECTION 925.1. FEE SCHEDULE

NOTICE IS HEREBY GIVEN The Office of the State Fire Marshal (OSFM) is providing notice of scheduled hearing to consider the adoption of proposed regulations related to adoption of a new fee structure related to certification and training standards for California fire service personnel. Pursuant to Government Code Section 11346.8, the State Fire Marshal will hold a public hearing on the proposed action as follows:

**Wednesday January 4, 2023
1 p.m.–3 p.m.**

CAL FIRE Office of the State Fire Marshal –
The Natural Resources Building
715 P Street
Sacramento, CA 95814
2nd Floor Room 2–302

The public hearing facilities are accessible to persons with disabilities via building security and the elevator. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action. It is requested, but not required, that persons making oral comments also submit a written copy of their testimony at the hearing.

**NOTICE OF ADDITIONAL
WRITTEN COMMENT PERIOD**

On November 4, 2022, the Office of the State Fire Marshal published a Notice of Proposed Rulemaking concerning the Regulations Relating to Automatic Extinguishing Systems and Certifications. (California Regulatory Notice Register 2022, Number 44–Z, November 4, 2022, page 1295.)

The original written comment period for this action was:

November 4, 2022, through December 20, 2022.

The Department is now providing an additional written comment period to review modifications to the Express Terms (TEXT). The additional written comment availability is:

December 23, 2022, through January 9, 2023

Please submit all written comments or questions to:

Eireann Flannery
CAL FIRE/Office of the State Fire Marshal
715 ‘P’ Street, Suite 900
Sacramento, CA 95814
Title19Regulations@fire.ca.gov
Phone: (916) 531–7650

AVAILABILITY OF DOCUMENTS

The Notice of Public Hearing and Additional Written Comment Period, Notice of Proposed Action, Addendum to the Initial Statement of Reasons, Modifications to Express Terms (TEXT) of Regulations, and any other materials concerning this rulemaking can be accessed on the Office of the State Fire Marshal website:

<https://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/> under the tab titled: (AES) Automatic Extinguishing Systems and Certifications — Fee Increases.

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS**

NOTICE OF INDEX OF
PRECEDENTIAL DECISIONS
(Government Code section 11425.60
subdivision (c))

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of its precedential decisions. The index and the text of the precedential decisions are continuously available on the Board’s website at https://www.bvnpt.ca.gov/about_us/precedential_decisions.shtml or by appointment at 2535 Capitol Oaks Drive, Suite 205, Sacramento CA 95833. A request for subscription may be made by using the subscription feature on the Board’s website at <https://www.bvnpt.ca.gov/webapplications/apps/subscribe/index.shtml>. For additional information, contact:

Doris Pires
Board of Vocational Nursing and Psychiatric
Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento CA 95833
Telephone: (916) 263-7864
E-mail: Doris.Pires@dca.ca.gov

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH
THE SECRETARY OF STATE**

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

Department of Public Health
File # 2022-1128-01
Industrial Hemp Fees

This action by the Department of Public Health re-adopts emergency regulations that establish registration requirements and fees for industrial hemp manufacturers. Pursuant to Health and Safety Code section 110065, subdivision (c), this action is exempt from OAL review and is submitted to OAL for filing with the Secretary of State and for printing in the California Code of Regulations.

Title 17
Adopt: 23200, 23205, 23210, 23215, 23220, 23225,
23230, 23235
Filed 12/08/2022
Effective 12/29/2022
Agency Contact: David Martin (916) 440-7673

California School Finance Authority
File # 2022-1206-07
Charter School Facilities Credit Enhancement Grant
Program

This emergency readopt of OAL Matter Number 2022-0907-03EE by the California School Finance Authority updates the Charter School Facilities Credit Enhancement Grant Program to adopt a definition for the term “Financing,” increase the maximum award amount, and limit awards to a per-Financing basis.

Title 04
Amend: 10193, 10195
Filed 12/13/2022
Effective 12/14/2022
Agency Contact: Ryan Storey (213) 620-6360

California School Finance Authority
File # 2022-1206-08
Project Acceleration Notes and Credit Enhancement
Alternatives Program

This emergency readoption action by the California School Finance Authority readopts the changes approved in OAL File Nos. 2022-0310-02ER and 2022-0907-04EE. Those actions updated the Project Acceleration Notes and Credit Enhancement Alternatives (“PANACEA”) Program to adopt a definition for the term “Financing,” increase the maximum award amount, and limit awards to a per-Financing basis.

Title 04
Amend: 10200.1, 10200.3
Filed 12/13/2022
Effective 12/14/2022
Agency Contact: Ryan Storey (213) 620-6360

CALIFORNIA REGULATORY NOTICE REGISTER 2022, VOLUME NUMBER 51-Z

Department of Justice
File # 2022-1027-01
AB 1621 Repeal of Firearm Precursor Part
Regulations

This action by the Department of Justice repeals regulations relating to firearm precursor parts. This action is exempt from the APA pursuant to Statutes 2022, chapter 76 (AB 1621), section 39, and submitted to OAL for filing and printing only pursuant to Gov. Code section 11343.8.

Title 11
Repeal: 4301, 4310, 4311, 4312, 4320, 4321, 4322,
4323, 4324, 4325, 4326, 4327
Filed 12/08/2022
Effective 12/08/2022
Agency Contact:
Marlon Martinez (213) 269-6437

Fair Political Practices Commission
File # 2022-1118-04
Lobbyist Arranging Gifts

This action by the Fair Political Practices Commission adopts and amends regulations pertaining to the arranging of gifts by lobbyists.

Title 02
Adopt: 18626
Amend: 18624, 18625
Filed 12/13/2022
Effective 01/12/2023
Agency Contact:
Amanda Apostol (916) 322-5660

Board of Education
File # 2022-1028-03
Nutrition Services

This action without regulatory effect aligns regulations with changes to federal and state law by (1) amending requirements for school nutrition services including lunch and breakfast programs; and (2) repealing regulations governing the California Fresh Start Program.

Title 05
Amend: 15550, 15552, 15553, 15554, 15555, 15557,
15558, 15559, 15565, 15580,
15581, 15582, 15583, 15584
Repeal: 15561, 15566, 15567, 15568
Filed 12/14/2022
Agency Contact:
Patricia Alverson (916) 319-0642

Board of Registered Nursing
File # 2022-1102-01
SB 1375 — Repeal of Abortion by Aspiration
Techniques

This action without regulatory effect repeals two regulations on training requirements for nurse practitioners and nurse-midwives who complete abortion by aspiration because both regulations are superseded by the amendment to Business and Professions Code section 2725.4 in Senate Bill 1375 (Chapter 631, Statutes of 2022) which is effective January 1, 2023.

Title 16
Repeal: 1463.5, 1485.5
Filed 12/12/2022
Agency Contact: Marissa Clark (916) 574-7438

Board of Registered Nursing
File # 2022-1102-02
Exemption from Continuing Education Requirements

The Board of Registered Nursing amends the California Code of Regulations, Title 16, Section 1452. The amendments remove gendered language and replace it with gender neutral terms.

Title 16
Amend: 1452
Filed 12/14/2022
Agency Contact: Marissa Clark (916) 574-7438

Department of Fish and Wildlife
File # 2022-1104-01
Fees for Lake and Streambed Alteration Agreements

As changes without regulatory effect, the Department of Fish and Wildlife is amending fees for lake and streambed alteration agreements. Annual changes to the fees are required by Fish and Game Code section 1609 by applying the index to determine an increase or decrease in the fees as specified in Fish and Game Code section 713. The amended fees will become effective on January 1, 2023.

Title 14
Amend: 699.5
Filed 12/12/2022
Effective 01/01/2023
Agency Contact: Jason Faridi (916) 720-1234

New Motor Vehicle Board
File # 2022-1102-04
2022-2023 ACP Fees

This action without regulatory effect amends the Arbitration Certification Program (ACP) fee based on the formula established in section 553.70 of title 13 of the California Code of Regulations.

Title 13
 Amend: 553.70
 Filed 12/14/2022
 Agency Contact:
 Danielle R. Phomsopha (916) 244-6777

California Energy Commission
 File # 2022-1028-05
 Small Power Plant Exemption (SPPE)

The California Energy Commission (“CEC”) proposes to remove the adjudicatory hearing process for its Small Power Plant Exemption. The proposed regulation also supplements and clarifies information that must be provided during the application process for certification and for the Small Power Plant Exemption.

Title 20
 Amend: 1936, 1940, 1941, 1942,
 Repeal: 1934, 1937, 1943, 1944, 1945, 1946, 1947,
 Appendix F
 Filed 12/14/2022
 Effective 12/14/2022
 Agency Contact:
 Corrine Fishman (916) 805-7452

Physical Therapy Board of California
 File # 2022-1021-07
 Retired License and Fees

This action by the Physical Therapy Board establishes an optional “retired” licensure status and adopts standards for licensed physical therapists or physical therapist assistants seeking to apply for a retired license, as well as procedures for restoring a retired license to an active status, in accordance with Business and Professions Code section 464.

Title 16
 Adopt: 1398.18
 Amend: 1399.50, 1399.52
 Filed 12/08/2022
 Effective 01/01/2023
 Agency Contact: Brooke Arneson (916) 561-8276

Physical Therapy Board of California
 File # 2022-1107-02
 Documentary Evidence of Equivalent Degree
 (Coursework Tools)

This rulemaking action by the Physical Therapy Board of California updates regulations and corresponding documents incorporated by reference relating to standards for satisfactory documentary evidence of equivalent degree for licensure as a physical therapist or physical therapist assistant.

Title 16
 Amend: 1398.26.1
 Filed 12/14/2022
 Effective 01/01/2023
 Agency Contact: Brooke Arneson (916) 561-8276

State Personnel Board
 File # 2022-1028-04
 Whistleblower Appeals Rights

This rulemaking action by the State Personnel Board updates notice requirements related to whistleblower retaliation hearings and determinations.

Title 02
 Amend: 67.6, 67.7
 Filed 12/14/2022
 Effective 04/01/2022
 Agency Contact: Lori Gillihan (916) 651-1043

State Water Resources Control Board
 File # 2022-1028-01
 TMDLs for Turbidity in the Gabilan Creek
 Watershed

On February 18, 2022, the California Regional Water Quality Control Board, Central Coast Region, adopted Resolution Number R3-2022-0002 to amend the Water Quality Control Plan for the Central Coast Basin to adopt Total Maximum Daily Loads for turbidity in the Gabilan Creek watershed, Monterey County. The State Water Resources Control Board approved the amendments under Resolution Number 2022-0023 on June 7, 2022.

Title 23
 Adopt: 3929.19
 Filed 12/08/2022
 Effective 12/08/2022
 Agency Contact: Peter Meertens (805) 549-3869

California Gambling Control Commission
 File # 2022-1021-06
 Commission Fees Modernization Project II

In this resubmitted certificate of compliance, the Commission establishes the annual fees for Third-Party Providers of Proposition Player Services (TPPPS) business licensees. Also, the Commission adds a definition for the term “gross revenue.”

Title 04
 Adopt: 12252.2
 Amend: 12002, 12252
 Filed 12/07/2022
 Effective 12/07/2022
 Agency Contact:
 Alexander Hunter (916) 263-1301

**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 oal.ca.gov.