



# 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:** South Coast Air Quality Management District

A written comment period has been established commencing on June 30, 2023 and closing on August 14, 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 code 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 will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code, 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 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. Any written comments must be received no later than August 14, 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 code should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 323-9103.

**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) 323-9103.

**TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

**NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (Department), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment of its conflict-of-interest code. A comment period has been established commencing on June 30, 2023 and closing on August 15, 2023. All inquiries should be directed to the contact listed below.

The Department proposes to amend its conflict-of-interest code to update the physical addresses of the Department and the Fair Political Practices Commission, amend language requiring the Director of the Department to electronically file the statement of economic interests directly to the Fair Political Practices Commission, and 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.

These amendments delete position titles that are no longer in use and add position titles that involve making governmental decisions by (1) voting on a matter, (2) obligating or committing the Department, or (3) entering into contractual agreements for the Department. The amendments also add position titles that participate in the making of governmental decisions by (1) negotiating on behalf of the Department or (2) advising or making recommendations to the decision maker by (a) conducting research or (b) preparing reports, analyses or opinions. Some of the deleted and added position titles are for positions that have moved internally within the organizational structure of the Department.

The Department has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the pro-

posed amendment by submitting them no later than August 15, 2023, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing is scheduled. A person may request a hearing no later than July 31, 2023 by contacting the Contact Person set forth below.

The Department 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:

Anastasia Baskerville  
Legal Office  
Department of Resources Recycling and Recovery  
(CalRecycle)  
1001 I Street, MS 24B  
Sacramento, CA 95814  
Telephone: (916) 327-0089  
Email: [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov)

**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 Section 3270.3 in Title 15, Division 3, Chapter 1, regarding Body-Worn Cameras.

**PUBLIC COMMENT PERIOD**

The public comment period begins **June 30, 2023** and closes on **August 16, 2023**. 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.

CONTACT PERSONS

*Primary Contact*

S. Pollock  
 Telephone: (916) 445-2308  
 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*

Melanie Bruns  
 Telephone: (916) 324-2758  
 Division of Adult Institutions  
 P.O. Box 942883  
 Sacramento, CA 94283-0001

PUBLIC HEARING

Date and Time: **August 16, 2023  
 10:00 a.m. to 11:00 a.m.**  
 Place: Department of Corrections and Rehabilitation  
 Conference Room 150  
 1515 S Street — North Building  
 Sacramento, CA 95811

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

Existing regulations concerning Body-Worn Cameras (BWCs) were established due to court-ordered mandates, which established BWCs in six CDCR institutions: California Institution for Women; California State Prison, Corcoran; California State Prison, Los Angeles County; Kern Valley State Prison; Richard J. Donovan Correctional Facility; and the Substance Abuse and Treatment Facility and State Prison, Corcoran. In an effort to be proactive, the department is implementing BWCs to four additional institutions to mitigate future problems, and reduce the risk of future court mandates. The four additional institutions include the California Correctional Institution (CCI); California State Prison, Sacramento (SAC); Central California Women’s Facility (CCWF); and Salinas Valley State Prison (SVSP). Additionally, new language establishes BWCs to be worn during staff’s entire shift with the exception of departmentally approved events or circumstances. Staff may be granted an opportunity to review their BWC recording(s) unless the recording(s) relates to an incident involving allegations of misconduct, or administrative action is contemplated; or a criminal or deadly force investigation is contemplated. In those circumstances, staff shall only be granted an opportunity to review their recordings at the sole discretion of the Warden, Chief Deputy Warden, or above; or the Office of Internal Affairs or the investigating or prosecuting agency.

**This action will:**

- Amend existing regulations to expand the use of BWCs to four additional institutions.
- Add language to establish that the BWC shall be worn during staff’s entire shift, with the exception of departmentally approved events or circumstances.
- Establish that BWC equipment and data are CDCR property, which shall not be utilized for personal use, and only authorized employees

shall use or be in possession of a BWC device, data, or files.

- Allow for staff to review their BWC recording(s), unless it is determined that footage relates to allegations of misconduct, or administrative action is contemplated; or a criminal or deadly force investigation is contemplated. In those circumstances, staff shall only be granted an opportunity to review their recording(s) at the sole discretion of the Warden, Chief Deputy Warden, or above; or the Office of Internal Affairs or the investigating or prosecuting agency.
- Establish three new forms to be incorporated by reference into Title 15.

#### DOCUMENTS INCORPORATED BY REFERENCE

- CDCR Form 1118 (02/23), Body–Worn Camera Video Evidence Request.
- CDCR Form 1119 (02/23), Body–Worn Camera Video Evidence Request Denial.
- CDCR Form 1120 (02/23), Body–Worn Camera Video Evidence Request for Redaction.

#### SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will increase accountability to the department and the inmate population by adding a powerful tool to address potential concerns of staff and inmate misconduct, and provide an effective tool for contraband interdiction and investigations for CDCR. Body–Worn Camera technology provides evidence and transparency in resolving allegations of staff or inmate misconduct, use of force, and sexual misconduct, as well as any introduction, possession, and distribution of drugs and contraband. The proposed regulations will promote safety, enhance security, and provide the ability to conduct after–the–fact reviews. High–quality visual recordings of incidents serve as significant evidence in investigations, as well as in administrative, civil, or criminal proceedings. The existence of audio and video evidence improves the institution’s ability to conduct and conclude investigations compared to investigations that rely solely on eyewitness testimony.

#### 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 reg-

ulations. 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 Body–Worn Cameras.

#### 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: *Cost of \$6,800,000 for one–time implementation, plus ongoing costs of 1.8 million.*
- 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 businesses 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 effect the expansion of businesses currently doing business in California, other than CDCR will increase the staff at CCI, SAC, CCWF, and SVSP in fiscal year 2022–2023, assigning four Correctional Officers, four Associate Governmental Program Analysts (AGPA), and four Information Technology (IT) support staff, one of each per institution. The department has determined that the proposed regulation will have no effect on the state’s environment. These regulations may benefit worker safety, and the welfare of CDCR staff and inmates by helping to make CDCR institutions safer. 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 at the scheduled hearing or during the written comment period.

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  
NUMBER 1653–2023–114–001–R2

**Project:** Snow Crest Restoration Project  
**Location:** Placer County  
**Applicant:** Truckee River Watershed Council  
**Background**

*Project Location:* The Snow Crest Restoration Project (Project) is located at the intersection of Alpine Meadows Road and Snow Crest Road in Placer County, California; 6 miles northwest of Tahoe City, California via California Highway 89 and Alpine Meadows Road; at a property owned by Alpine Springs County Water District, the United States Forest Service, and the Northrup family; Latitude 39.18337, Longitude –120.20903; Assessor Parcel Numbers (APNs) 095–100–028–000, 095–300–041–000, and 095–070–002–000. The Project affects a tributary unofficially named Snow Crest, tributary to Bear Creek. The Snow Crest tributary to Bear Creek supports populations of alderleaf coffeeberry (*Rhamnus alnifolia*).

*Project Description:* Truckee River Watershed Council, as represented by Michele Prestowitz (Applicant) proposes to enhance or restore habitat within Bear Creek to provide a net conservation benefit for high elevation wet meadow habitat that supports Sierra Nevada yellow-legged frog (*Rana sierrae*) and alderleaf coffeeberry. The Project will reduce erosion and restore multi-threaded channels in a wet meadow by removing relic infrastructure features and reducing channel incision.

The Project activities include remediation of an abandoned road grade; reconnection of the tributary to its floodplain and natural meadow flow paths; improvement of water flow across the meadow with installation of a pilot swale, in-channel three-log stacks and slash, flow dispersal logs, debris jams, willow fascines, and salvaged sod strips; and revegetation and stabilization of disturbed areas with salvaged materials, native seed, and mulch. Detailed Project plans, discussion of proposed work, species protection measures, site photos and maps are on file with CDFW's Habitat Conservation Planning Branch (HCPB).

*Project Size:* The total area of ground disturbance associated with the Project is approximately 0.3 acres and 432 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., 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) native vegetation, (2) large woody material, (3) erosion control material, (4) anchoring, (5) coarse bed material.

*Estimated Project Timeframes:*

Start date: September 2023

Completion date: October 2023

Work window: Total of 25 days during low flow

*Water Quality Certification Background:* Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve hydrologic function of a two-acre meadow within approximately 11 acres of floodplain, the Lahontan 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. 6A312305001. 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 Sierra Nevada yellow-legged frog and alderleaf coffeeberry.

Receiving Water: Bear Creek, tributary to the Truckee River.

Filled or Excavated Area: Permanent area impacted: none

Temporary area impacted: 0.30 acres maximum

Length temporarily impacted: 432 linear feet

Length permanently impacted: 0 linear feet

Dredge Volume: None.

Discharge Volume: 8,840 square feet (sf) of native vegetation (i.e., salvaged sod (cohesive and non-cohesive), salvaged willow, slash, mulch, and seed); 17 large woody material structures salvaged onsite from existing trees in the project area (i.e., log flow split structures (2), 3-log stacks (3), flow dispersal logs (6), and debris jams (6)); 7,400 sf of erosion control material consisting of biodegradable woven matting and 12-inch hardwood stakes; 54 anchoring lag bolts in friction pile posts to stabilize log flow split structures and flow dispersal log; and 2 cubic yards (cy) of coarse bed material consisting of on-site gravel and cobble placed at the base of the log 3-stack and flow dispersal logs.

Project Location: Latitude 39.18337, Longitude -120.20903; APNs: 095-100-028-000, 095-300-041-000, and 095-070-002-000.

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 June 5, 2023, 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 June 6, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z2023-0606-04) on June 16, 2023. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

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

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

**Avoidance and Minimization Measures**

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in attachments to the NOI, which contain the following categories: (1) Resource Protection Measures for Aquatics: Sierra Nevada Yellow-Legged Frog; (2) Measures to Avoid and Reduce Impacts to Alderleaf Coffeeberry; (3) Watershed and Soil; (4) Heritage and Cultural resources; (5) Botanical Resources; (6) Invasive Plants; (7) Wildlife, Terrestrial; and (8) Wildlife, Aquatic. The specific avoidance and minimization requirements are found in attachments to the NOI, *Species Protection Measures* and *Biological Survey Report*, prepared by the Truckee River Watershed Council.

**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, *Monitoring and Reporting Plan*, prepared by the Truckee River Watershed Council.

**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 monitor-

ing plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [kaylee.griffith@wildlife.ca.gov](mailto:kaylee.griffith@wildlife.ca.gov), cc: [R2LSA@wildlife.ca.gov](mailto:R2LSA@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 HEALTH CARE SERVICES**

NOTICE OF 30-DAY  
PUBLIC COMMENT PERIOD  
JUNE 30-JULY 30, 2023  
HOME COMMUNITY BASED  
SERVICES (HCBS) WAIVER  
TELEHEALTH AMENDMENT

On June 30, 2023, the Department of Health Care Services (DHCS) will post online HCBS waiver telehealth amendments for a 30-day public comment period. All comments must be received by July 30, 2023. DHCS requested and received federal approval to implement temporary operational flexibilities under different emergency authorities due to the COVID-19 public health emergency (PHE). For the state's six HCBS waivers, flexibilities were authorized through temporary amendments that included the option for states to extend emergency flexibilities for up to six months after the end of the PHE (November 11, 2023). One of the flexibilities approved during the PHE was the ability to provide waiver services via telehealth. To align with DHCS policy and to expand access to select waiver services, when appropriate, DHCS is submitting waiver amendments for four of the State's HCBS waivers to make telehealth a permanent option.

DHCS invites all interested parties to review the draft waiver amendments and comment instructions that will be located on the [HCBS Waiver](#) webpage.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS  
GREATER SAGE–GROUSE  
(*Centrocercus urophasianus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its June 14–15, 2023 meeting, accepted for consideration the petition submitted to list the greater sage–grouse (*Centrocercus urophasianus*) as threatened or endangered under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife’s (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the greater sage–grouse is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the June 14–15, 2023 Commission meeting, are on file and available for public review on the Commission’s website at [fgc.ca.gov](http://fgc.ca.gov) or from Melissa Miller–Henson, Executive Director, California Fish and Game Commission, 715 P Street, 16<sup>th</sup> floor, Sacramento, California 95814, phone (916) 653–4899.

Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244–2090, Attn: Katrina Smith or email [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov) (include “greater sage–grouse” in the subject line). Submission of information via email is preferred.

OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING  
AND BUSINESS MEETING OF THE  
OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING

On **August 17, 2023**, at 10:00 a.m.  
in Room 310 of the County Administration Center  
1600 Pacific Highway, San Diego, California

as well as via the following:

- Video–conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992–4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS MEETING

On **August 17, 2023**, at 10:00 a.m.  
in Room 310 of the County Administration Center  
1600 Pacific Highway, San Diego, California

as well as via the following:

- Video–conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992–4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OFFICE OF THE STATE FIRE MARSHAL**

**NOTICE OF CORRECTION**

The Office of the State Fire Marshal (OSFM) Notice of Proposed Action (NOPA) for OSFM’s amendments concerning regulations relating to Automatic Extinguishing Systems and Certifications was originally published in the November 4 Notice Register 2022, 44-Z, page 1295. The Notice of Second Additional Written Comment Period (OAL Notice File No. Z-2023-0605-01) was issued June 16, 2023, contains an error, which mistakenly stated that the first additional written comment period was December 23, 2023, through January 9, 2023. The Notice should have provided the following information:

**The first additional written comment period for this action was:**

**December 23, 2022, through January 9, 2023**

The complete text of the Notice, the Addendum to the Initial Statement of Reasons, the Express Terms (TEXT), and any other materials concerning this rulemaking are available on the Office of the State Fire Marshal’s website for this rulemaking at:

<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

Any inquiries regarding this correction should be made to the following:

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

**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.

State Allocation Board  
 File # 2023-0508-02  
 Preschool, TK and FDK Facilities Grant Program; Community Colleges

This certificate of compliance rulemaking action by the State Allocation Board makes permanent emergency regulations originally adopted in OAL Matter No. 2022-1108-01E that amend regulations and associated forms to address changes to the California Preschool, Transitional Kindergarten (TK) and Full-Day Kindergarten (FDK) Facilities Grant Program pursuant to Education Code, section 17375.

Title 02  
 Amend: 1860.2, 1860.3, 1860.4, 1860.5, 1860.5.1, 1860.6, 1860.14, 1860.15, 1850.19  
 Filed 06/20/2023  
 Effective 06/20/2023  
 Agency Contact: Lisa Jones (279) 946-8459

CalSavers Retirement Savings Board  
 File # 2023-0608-01  
 CalSavers Retirement Savings Program Amendments

In this deemed emergency pursuant to Government Code section 100048, the CalSavers Retirement Savings Board is amending regulations to require an Eligible Employer registering with the CalSavers Retirement Savings Program to provide both their Federal

Employer Identification Number and California Employer Payroll Tax Account Number.

Title 10  
Amend: 10002  
Filed 06/19/2023  
Effective 07/13/2023  
Agency Contact: Eric Lawyer (916) 653-1744

CalSavers Retirement Savings Board  
File # 2023-0608-02  
CalSavers Retirement Savings Program Amendments

This emergency rulemaking action readopts the Board's emergency regulations to continue to conform them to changes made by Senate Bill 1121 (Chapter 192 of 2022) to governing statutes concerning the number of eligible employees an employer must have for purposes of required registration with the CalSavers Retirement Savings Program. The action also readopts deletions of provisions which have become obsolete due to the passage of time.

Title 10  
Amend: 10000, 10001, 10002, 10005, 10006  
Filed 06/19/2023  
Effective 06/30/2023  
Agency Contact: Eric Lawyer (916) 653-1744

Department of Justice  
File # 2023-0609-02  
Fire Standard Compliant Cigarettes and Revised Tobacco Escrow Agreement

This emergency action adopts regulations implementing the statutory certification requirements for cigarettes pursuant to the California Cigarette Fire Safety and Firefighter Protection Act upon transition the administration of the state's fire safety compliant cigarette program from the State Fire Marshal to the Department of Justice (DOJ) effective January 1, 2023. (Health & Safety Code, §§ 14950-14959; AB 1742.) This emergency is deemed pursuant to Health & Safety Code, section 14954, subdivision (e). This action also amends regulations to implement the California tobacco directory related to the DOJ fire safety certifications. This emergency is deemed pursuant to Revenue and Taxation Code, § 30165.1, subdivision (n).

Title 11  
Adopt: 999.30  
Amend: 999.10, 999.12  
Filed 06/19/2023  
Effective 06/19/2023  
Agency Contact: Marlon Martinez (213) 269-6437

Fish and Game Commission  
File # 2023-0608-04  
Chinook Salmon Sport Fishing Closures

This emergency rulemaking action closes 2023 inland Chinook Salmon sport fishing for the Smith, Klamath, Trinity, and Eel Rivers. This action aligns inland Chinook Salmon sport fishing regulations with recent federal regulatory closure of ocean salmon fisheries along the California coast for 2023.

Title 14  
Amend: 7.40  
Filed 06/19/2023  
Effective 07/01/2023  
Agency Contact: Maurene Trotter (916) 902-9281

California Tax Credit Allocation Committee  
File # 2023-0519-01  
CTCAC Regulations Implementing Federal and State LIHTC Laws

The California Tax Credit Allocation Committee (CTCAC) requests that the Office of Administrative Law (OAL) file with the Secretary of State and print in the California Code of Regulations amendments to the Low-Income Housing Tax Credit (LIHTC) Program. Pursuant to Health and Safety Code section 50199.17(a), these amendments are exempt from the rulemaking requirements of the Administrative Procedure Act so long as the CTCAC has complied with Health and Safety Code section 50199.17(b). CTCAC has certified to OAL that it complied with Health and Safety Code section 50199.17(b) in adopting these amendments.

Title 04  
Amend: 10305, 10317, 10326, 10327, 10328, 10335  
Filed 06/21/2023  
Effective 05/10/2023  
Agency Contact: Anthony Zeto (916) 214-6581

California Health Facilities Financing Authority  
File # 2023-0516-01  
Investment in Mental Health Wellness Grant Program — Children and Youth/Community Service Infrastructure Program

This action without regulatory effect amends two incorporated-by-reference forms to: remove a duplicate word; correct an erroneous cross-reference without any material effect, and to correct the numbering of the Parts of the forms to no longer skip Roman numerals.

Title 04  
Amend: 7328, 7428  
Filed 06/14/2023  
Agency Contact: Bianca Smith (916) 653-2408

Fish and Game Commission  
File # 2023-0505-01  
Issuance of Permits for Game Fish Contests Offering Prizes

This action without regulatory effect corrects errors in the illustration of text changes in OAL Matter No. 2023-0214-01 and aligns the regulatory text with the language as adopted by the Fish and Game Commission.

Title 14  
Amend: 230  
Filed 06/19/2023  
Agency Contact: Jennifer Bacon (916) 902-9284

State Water Resources Control Board  
File # 2023-0503-04  
Santa Ana Regional Water Quality Control Board  
Basin Plan Amendment

This action under Government Code section 11353 amends the Water Quality Control Plan for the Santa Ana River Basin. On June 3, 2022, the California Regional Water Quality Control Board, Santa Ana Region, adopted Resolution No. R8-2022-0017 revising the compliance schedule for the Fecal Coliform Total Maximum Daily Load. The State Water Resources Control Board approved the amendment under Resolution No. 2022-0047 on November 15, 2022.

Title 23  
Adopt: 3979.14  
Filed 06/15/2023  
Effective 06/15/2023  
Agency Contact: Terri S. Reeder (951) 906-1899

Department of Justice  
File # 2023-0508-03  
Disposal of Charitable Assets

This action clarifies the requirement for charitable corporations and trusts to provide notice to the Attorney General before they sell, lease, convey, exchange, transfer, or otherwise dispose of all or substantially all of their assets by defining “substantially all” as an asset or assets equal to or exceeding 75 percent of all assets held. This action also establishes a standard for the Attorney General’s review of requests for waiver of the notice requirements.

Title 11  
Adopt: 328.1  
Filed 06/19/2023  
Effective 10/01/2023  
Agency Contact: Marlon Martinez (213) 269-6437

**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](http://oal.ca.gov).

