



# California Regulatory Notice Register

REGISTER 2023, NUMBER 28-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JULY 14, 2023

## PROPOSED ACTION ON REGULATIONS

### TITLE 4. HORSE RACING BOARD

*Conduct Detrimental to Horse Racing — Notice File Number Z2023-0630-01* . . . . . 891

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

*Address of Record — Notice File Number Z2023-0705-02* . . . . . 893

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

*Training and Testing Specifications for Peace Officer Basic Courses — Learning Domain 35 —  
Notice File Number Z2023-0705-03* . . . . . 896

### TITLE 14. FISH AND GAME COMMISSION

*Annual Inland Sport Fish Updates — Notice File Number Z2023-0703-05* . . . . . 898

## GENERAL PUBLIC INTEREST

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Notice to Interested Parties* . . . . . 901

### DEPARTMENT OF FISH AND WILDLIFE

*Consistency Determination Number 1653-2023-113-001-R1, French Creek Spawning and  
Rearing Habitat Project RKM 3.65-3.85, Siskiyou County* . . . . . 902

### DEPARTMENT OF FISH AND WILDLIFE

*Consistency Determination Request for Beith Creek Livestock Bridge Crossing Project,  
Tracking Number 1653-2023-117-001-R1, Humboldt* . . . . . 905

### DEPARTMENT OF FISH AND WILDLIFE

*Consistency Determination Number 1653-2023-112-001-R1, Beaver Haven Restoration  
Project, Siskiyou County* . . . . . 905

(Continued on next page)

***Time-  
Dated  
Material***

DEPARTMENT OF FISH AND WILDLIFE  
*Proposed Research on American Peregrine Falcon and Golden Eagle in California* . . . . . 907

DEPARTMENT OF FISH AND WILDLIFE  
*Consistency Determination Number 2080R–2023–010–01, First Flough Fish Passage, Floodplain Restoration, and Coastal Habitat Connectivity Project* . . . . . 908

DEPARTMENT OF FISH AND WILDLIFE  
*Consistency Determination Number 2080R–2023–009–01, Smith River Estuary Habitat Enhancement Project, Del Norte County* . . . . . 911

**DECISION NOT TO PROCEED**

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
*Amendment of Commission Regulations 1202* . . . . . 913

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
*Notice of Proposed Rulemaking Concerning Health Care Administration* . . . . . 914

**SUMMARY OF REGULATORY ACTIONS**

Regulations filed with the Secretary of State . . . . . 914

---

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328–4880. The Register can also be accessed at <https://oal.ca.gov>.

**PROPOSED ACTION ON  
REGULATIONS**

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

**TITLE 4. HORSE RACING BOARD**

**PROPOSED ADDITION OF RULE 1902,  
CONDUCT DETRIMENTAL TO  
HORSE RACING**

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Board proposes to amend Board Rule 1902, Conduct Detrimental to Horse Racing, to prohibit the presence at or participation in illegal match racing.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **August 28, 2023**. The Board must receive all comments by that time. Submit comments to:

Sidney Villareal, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6008  
Email: [sdvillareal@chrb.ca.gov](mailto:sdvillareal@chrb.ca.gov)

**AUTHORITY AND REFERENCE**

Authority cited: Sections 19440 and 19460, Business and Professions Code (BPC). Reference: Sections 19440, 19460, and 19572, BPC.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law.

Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and control of horse racing and parimutuel wagering. BPC section 19460 states all licenses granted under this chapter are subject to all rules, regulations, and conditions prescribed by the Board. BPC section 19572 permits the Board to provide for the exclusion or ejection from any inclosure, any known bookmaker, known tout, person who has been convicted of a violation of any provision of this chapter or of any law prohibiting bookmaking or any other illegal form of wagering on horse races, or any other person whose presence in the inclosure would in the opinion of the board, be inimical to the interests of the state or of legitimate horse racing, or both.

BPC section 19660 states that it is a misdemeanor to directly or indirectly hold or conduct an unlicensed horse race meeting where there is any form of wagering on the results. BPC section 19560 further mandates that “No person shall, without complying with this chapter, hold or conduct, or assist, aid, or abet in holding or conducting, any meeting in this State where there is horse racing with wagering on its results.” Though similar to 19660, 19560 has broader application in that it reaches any person who assists, aids, or abets an unlicensed/illegal horse race. BPC section 19661 explains that any violation of any provision of the Horse Racing Law that does not carry an explicit penalty shall be a misdemeanor, and additionally, the Board may impose up to a \$100,000 fine. Finally, subsection (j) of Rule 1489, Grounds for Denial or Refusal of License, states that the Board may deny (or revoke or suspend via Rule 1900) a license to anyone who violates, aides, abets or conspires to violate any provision of the Horse Racing Law.

The proposed amendment to Board Rule 1902 will prohibit the presence or participation in match racing. Match racing, or unsanctioned racing, is illegal due to the occurrence of illicit wagering, which is a misdemeanor as defined under BPC code 19661. Additionally, there is a misuse of drugs, animal abuse, and even participant death present at match racing. The intent of the proposed regulation is to provide a pathway

for prosecution for any CHRB licensees engaged in the conduct of illegal match racing by permitting the Board of Stewards to adjudicate a claim and render a decision that they believe is just.

#### ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

At the December 15, 2022 regular Board meeting, the People for the Ethical Treatment of Animals (PETA) gave a presentation to the Board. In their presentation, PETA outlined a 10-month undercover investigation of unsanctioned horse racing which identified horses that were injected with methamphetamine, cocaine, and Ritalin — all class A medication violations and controlled substances. There was also documentation of the use of electro-shocking devices, a violation of Penal Code 337(f). PETA also stated in their report that there were numerous catastrophic injuries and heart attacks, and the bodies of injured, euthanized horses were dragged down the track by a tractor in front of all spectators. California has at least 8 known tracks which have unsanctioned races. While CHRB does not have jurisdiction over unsanctioned racing, they do have jurisdiction over any licensed jockeys, trainers, and owners who cross over to race both at regulated and unregulated tracks.

The proposed regulatory action will prohibit a CHRB licensee from attending or participating in unsanctioned racing. This will discourage CHRB licensees from participating or attending any unsanctioned racing events which will reduce the number of individuals participating in unsanctioned racing, which will better protect California racehorses, CHRB licensees, the public, and improve the outlook for the horse racing industry as a whole.

#### CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the regulatory action, the Board conducted a search of any similar regulations on the topic and concluded that the proposed rule is the only regulation that addresses the participation in match racing. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action will prohibit CHRB licensees attending or participating in match racing. This will discourage CHRB licensees from participating or attending any unsanctioned racing events which will reduce the number of individuals participating in match racing, which will better protect California racehorses, CHRB licensees, the public, and improve the outlook for the horse racing industry as a whole.

The following studies/relevant data were relied upon in making the above determination: PETA's undercover investigation and report titled "Unsanctioned Horse Racing" dated December 15, 2022.

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

Significant effect on housing costs: none.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action will not (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the health and welfare of California residents, worker safety, or the state's environment. The proposed regulatory action will better protect California racehorses, CHRB licensees, the public, and improve the outlook for the horse racing industry as a whole.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulatory action will prohibit CHRB licensees attending or participating in unsanctioned racing. This will discourage CHRB licensees from participating or attending any non-recognized racing events which will reduce the number of individuals participating in unsanctioned racing, which will better protect California racehorses,

CHRB licensees, the public, and improve the outlook for the horse racing industry as a whole.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Sidney Villareal, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6008  
Email: [sdvillareal@chrb.ca.gov](mailto:sdvillareal@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Amanda Drummond, Manager  
Regulations, Industry Applications, and  
Administrative Hearings  
Telephone: (916) 869-3255  
Email: [amdrummond@chrb.ca.gov](mailto:amdrummond@chrb.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of

the information upon which the proposed rulemaking is based, may be obtained by contacting Sidney Villareal or the alternative contact person at the address, phone number, or email address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Sidney Villareal at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Sidney Villareal at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is [www.chrb.ca.gov](http://www.chrb.ca.gov).

### **TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

#### ADOPT COMMISSION REGULATION 1215 ADDRESS OF RECORD

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to adopt a new regulation in Division 2 of Title 11, of the California Code of Regulations, as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code (GC) section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later

than 15 days prior to the close of the public comment period.

**Public Comments Due by August 28, 2023.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 404-5619, by email to Michelle Weiler at [michelle.weiler@post.ca.gov](mailto:michelle.weiler@post.ca.gov) or by letter to:

Commission on POST  
Attention: Michelle Weiler  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

**AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), and PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. While the peace officer eligibility hiring requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes went into effect on January 1, 2023. POST is continuing to assess the requirements of SB 2 and adopt new or amend current regulations to meet these requirements.

This rulemaking action clarifies and makes specific the requirement for peace officers to designate and keep on file with POST, a physical address of record (AOR) to maintain compliance with GC § 11505(c).

Currently, Commission Regulation 1215 does not exist; therefore, POST is proposing to adopt this regulation to address the need to require that specified peace officers create a POST PASS account to provide and maintain an AOR for the purpose of correspondence regarding a peace officer's certification, pursuant to GC § 11505(c).

The proposed text of Commission Regulation 1215 in this rulemaking action will create regulatory lan-

guage to establish that the requirement for an AOR is for the purpose of receiving correspondence from POST specific to a peace officer's certification. It will also establish the process by which current and future peace officers shall designate and maintain their official AOR with POST.

*Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed adoption of the regulation will maintain compliance with GC § 11505(c) and provide a mechanism to ensure current contact information for all peace officers in California for the purpose of correspondence related to individual peace officer certification. This will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving public health, safety, and welfare in the state. The proposed adoption will have no impact on worker safety or the state's environment.

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

POST has determined that this adoption is not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that this is the only regulation that concerns processes and procedures for designating and maintaining an official AOR with POST for the purpose of correspondence related to an individual peace officer's certification.

**FORMS INCORPORATED BY REFERENCE**

There are no forms to be incorporated by reference.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC § 17500 through 17630: None.

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact di-

rectly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations only affect state agencies that are adopting, amending, or repealing regulations. Additionally, the Commission's main function to select and maintain hiring, training, and certification standards for law enforcement has no effect financially on small businesses.

#### RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing clarity and a mechanism to ensure current contact information for all peace officers in California for correspondence related to individual peace officer certification. Thus, law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Michelle Weiler*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4870. General

questions regarding the regulatory process may be directed to *Katelynn Poulos* at (916) 227-4894.

#### TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at <https://post.ca.gov/Regulatory-Actions>.

#### ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

#### AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### AMEND COMMISSION REGULATIONS 1005, 1007, AND 1008 LEARNING DOMAIN 35: FIREARMS/ CHEMICAL AGENTS

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code (GC) section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST will receive the written request no later than 15 days prior to the close of the public comment period.

#### Public Comments Due by August 28, 2023.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 404-5619, by email to Michael Dalisay at [michael.dalisay@post.ca.gov](mailto:michael.dalisay@post.ca.gov) or by letter to:

Commission on POST  
Attention: Michael Dalisay  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

### AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC § 13510 requires POST to develop guidelines, a course of instruction, and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. POST staff surveyed Basic Course presenters to determine how many were incorporating instruction on pistol mounted optics into the firearms training. The results indicated an influx of alternative sighting systems both in the field and in the basic courses. Consequently, Learning Domain (LD) 35 (Firearms/

Chemical Agents) needs an essential update to include language on pistol mounted optics. This proposed action will update the incorporated by reference document, *Training and Testing Specifications for Peace Officer Basic Courses* (revised 04/01/2024).

This rulemaking action clarifies and makes specific the training and testing specifications for LD 35 (Firearms/Chemical Agents). The benefit of the proposed action will provide a foundation for entry-level officers when starting their careers. It provides resources and information to assist with their overall equipment familiarity and proficiency.

Currently, Commission Regulations 1005, 1007, and 1008, incorporate the document, *Training and Testing Specifications for Peace Officer Basic Courses*, by reference effective on April 1, 2022.

The regulations proposed in this rulemaking action will incorporate the document, *Training and Testing Specifications for Peace Officer Basic Courses*, by reference effective on April 1, 2024.

#### *Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed amendments to the regulation will incorporate modern concepts to include technological advancements in preparation for a career in law enforcement and prior to the start of the field training program. This increases the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

#### *Evaluation of Inconsistency/Incompatibility with Existing State Regulations:*

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

### FORMS INCORPORATED BY REFERENCE

- *Training and Testing Specifications for Peace Officer Basic Courses* revised 04/01/2024

### DISCLOSURES REGARDING THE PROPOSED ACTION

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC § 17500 through 17630: None.



Other non–discretionary costs or savings imposed on local agencies: None.

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations only affect state agencies that are adopting, amending, or repealing regulations. Additionally, the Commission’s main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

#### RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing clarity to the requirements for background inquiries when evaluating a candidate for peace officer selection. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state’s environment.

#### CONSIDERATION OF ALTERNATIVES

In accordance with GC § 11346.5, subdivision (a)(13), POST must determine that no reasonable alternative it considered, or that has otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome

to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

#### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Michael Dalisay, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 204–0103. General questions regarding the regulatory process may be directed to Katelynn Poulos at (916) 227–4894.

#### TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at <https://post.ca.gov/Regulatory–Actions>.

#### ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

#### AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published

in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

**TITLE 14. FISH AND GAME  
COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections **200, 205, 265, 270, 315, 316.5, 399 and 2084** of the Fish and Game Code and to implement, interpret or make specific Sections **200, 205, 265, 270, 316.5 and 2084** of said Code, proposes to amend Sections **7.40 and 7.50**, Title 14, California Code of Regulations, relating to inland sport fishing.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

This California Department of Fish and Wildlife (Department) proposal includes changes to Title 14, California Code of Regulations (CCR), for the 2023 Sport Fishing Regulatory Cycle. This proposal will amend the fishing regulation boundaries for Chorro Creek in San Luis Obispo County and Los Gatos Creek in Santa Clara County, add a new section to the Russian River special fishing regulations that defines the fishing regulations within the Russian River State Marine Recreation Management Area, and delete an error in regulation for Bear Creek in Shasta and Siskiyou counties. The proposed regulatory changes are needed to correct inaccuracies in the current regulations to reduce public confusion and improve regulatory enforcement.

The Department is proposing changes to the following regulations in Title 14, CCR:

- **Subsection 7.40(b)(27), Chorro Creek (San Luis Obispo Co.)**
  - Under current regulation, the lower portion of Chorro Creek to Morro Bay is open to fishing during the steelhead season, however, this portion overlaps with the Morro Bay State Marine Reserve which does not allow fishing. The boundary of the Reserve is the mean high tide line which the Department is proposing as the new boundary resulting in a reduction of approximately 0.75 miles of Chorro Creek to fishing.
  - The reach of the current regulation on Chorro Creek from South Bay Blvd to confluence with Morro Bay is approximately 1.0 mile. The reach of the new regulation
- from South Bay Blvd to the mean high tide line will be 0.25 miles legally open to fishing during the steelhead season. (Note that all measurements are approximations taken from Google Earth).
- It is unknown how much fishing in this section of Chorro Creek, within the Morro Bay State Marine Reserve, occurs during steelhead season annually. Department staff reached out to State Parks staff (who occupy an office directly across the street from this section of Chorro Creek) who indicated that no anglers have been observed fishing this section in recent years.
- **Subsection 7.40(b)(79), Russian River.**
  - Add subsection (D) for the Russian River State Marine Recreational Management Area (RRSMRMA) to inform anglers that fishing is not allowed in the portion of the Russian River defined as the RRSMRMA. Currently, reference to the RRSMRMA is found only in the Ocean Sport Fishing Regulations booklet, but because anglers fishing the Russian River are targeting freshwater and anadromous species, they often only check the Freshwater Sport Fishing Regulations booklet. Because there is no reference to the RRSMRMA in the Freshwater Sport Fishing Regulations booklet, anglers may mistakenly fish in the RRSMRMA. The addition of a subsection 7.40(b)(79)(D) for the RRSMRMA, which would reference Section 632(b)(37), would clarify that fishing is not allowed in the portion of the Russian River defined as the RRSMRMA.
- **Subsection 7.50(b)(7), Bear Creek.**
  - The current sport fish regulations list Bear Creek, Shasta and Siskiyou counties in two different Special Fishing Regulation (7.50(b)) sections which describe conflicting regulations for the same water. The legacy regulation for Bear Creek 7.50(b)(7) should have been removed when the Fall River Complex regulation (7.50(b)(47)), Bear Creek (H) was implemented on January 1, 2023. To correct the conflicting regulations the Department is proposing the following changes for Bear Creek:  
Remove Section 7.50(b)(7) Bear Creek and tributaries (Shasta and Siskiyou counties) between Ponderosa Way bridge and confluence with Fall River and keep Section 7.50(b)(47) Fall River Complex (Shasta and Siskiyou cos.), (H) Bear Creek (downstream of Ponderosa Way bridge).

● **Subsection 7.50(b)(81), Los Gatos Creek.**

- Sections 7.50(b)(81) and 7.40(b)(47) currently conflict. Camden Avenue drop is downstream of Vasona Lake meaning there is an overlap of the trout and steelhead regulations in 2.13 miles of Los Gatos Creek downstream of Vasona Lake. The intent was to protect anadromous fish below barriers and allow for different regulations above barriers where resident trout are present.

Although there is a significant fish barrier at Camden drop structure, steelhead have been observed upstream of the structure in very wet years. The Vasona Lake dam is a complete barrier to anadromy. The regulations should clearly define consistent boundaries and protect our Federally Endangered Species Act threatened population of Central California Coast steelhead (*Oncorhynchus mykiss*).

This proposed regulation change would amend Section 7.50(b)(81) to the following — Los Gatos Creek (Santa Clara Co.) upstream of **Vasona Lake dam** including Lexington Reservoir and all tributaries. This regulation change would be replacing “Camden drop” with “Vasona Lake Dam.” The number of anglers that would be affected by this change is expected to be small.

**Benefits of the Proposed Regulations**

As stated in Fish and Game Code Section 1700, Conservation of Aquatic Resources, it is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based sport fish seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations sport fish to ensure their continued existence.

The benefits of the proposed regulations are consistent with the sustainable management of California’s sport fisheries, general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout California.

**Consistency and Compatibility with Existing Regulations**

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315, and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to trout sport fishing seasons, bag, and possession limits.

**PUBLIC PARTICIPATION**

**Comments Submitted by Mail or Email**

It is requested, but not required, that written comments be submitted on or before **September 28, 2023** at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on **October 5, 2023**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244–2090.

**MEETINGS**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in **River Lodge Conference Center, 1800 Riverwalk Drive, in Fortuna, California**, which will commence at **8:00 a.m. on August 22, 2023** and may continue at **8:00 a.m. on August 23, 2023**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in **San Jose, California**, which will commence at **8:00 a.m. on October 11, 2023** and may continue at **8:00 a.m., on October 12, 2023**. The exact location of this meeting has not yet been determined. As soon as this information is available, but not less than ten days before the hearing, a continuation notice will be sent to interested

and affected parties providing the exact location. The continuation notice will also be published on the Commission's website. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

#### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or David Haug at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Sarah Mussulman, Inland Fisheries Program Manager, Department of Fish and Wildlife, [sarah.mussulman@wildlife.ca.gov](mailto:sarah.mussulman@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

#### AVAILABILITY OF MODIFIED TEXT

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

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from the agency program staff.

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

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes provide clarification of existing regulations that are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

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

The Commission does not anticipate adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes are to provide clarification of existing regulations that are not anticipated to change the level of fishing activity and thus the demand for goods and services related to sportfishing that could impact the demand for labor, nor induce the creation of new businesses, the elimination, nor the expansion of businesses in California.

The Commission anticipates benefits to the environment by the sustainable management of fishery resources throughout the state. The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

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

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

None. No changes to state agencies or to costs or savings in federal funding are anticipated by the proposed clarification of existing regulations. The Department program implementation and enforcement are projected to remain the same with a stable volume of fishing activity.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

**EFFECT ON SMALL BUSINESS**

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

**CONSIDERATION OF ALTERNATIVES**

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

**GENERAL PUBLIC INTEREST**

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**ANNOUNCEMENT OF AVAILABILITY OF A SECOND DRAFT TECHNICAL SUPPORT DOCUMENT FOR PROPOSED PUBLIC HEALTH GOALS FOR PERFLUOROOCCTANOIC ACID AND PERFLUOROOCCTANE SULFONIC ACID IN DRINKING WATER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the release of a second draft document for public review describing proposed Public Health Goals (PHGs) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) in drinking water.

A PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (codified at Health and Safety Code, section 116270 *et seq.*) requires OEHHA to develop PHGs based exclusively on public health considerations, as stated in Health and Safety Code, section 116365(c). PHGs published by OEHHA are considered by the State Water Resources Control Board in setting drinking water regulatory standards (Maximum Contaminant Levels, or MCLs) for California, as stated in Health and Safety Code, section 116365(a) and (b).

The second draft technical support document, posted on the OEHHA website (<https://oehha.ca.gov/water>), presents the scientific information available on the toxicity of PFOA and PFOS and the calculation of the proposed PHGs. The proposed PHG of 0.007 parts per trillion (ppt) for PFOA is based on kidney cancer in humans, and the proposed PHG of 1 ppt for PFOS is based on liver and pancreatic tumors in laboratory animals. The proposed PHGs are set at a level of risk of one additional cancer case per one million persons exposed over a lifetime. The draft document also presents health-protective drinking water concentrations for noncancer health effects. The proposed noncancer health-protective concentrations are 3 ppt for PFOA, based on increased risk of liver damage in humans, and 2 ppt for PFOS, based on increased total cholesterol in humans. The proposed PHGs and health-protective concentrations presented in the second draft do not differ from those presented in the first draft.

The draft technical support document was released for a 60-day public comment period in July 2021, and underwent an external scientific peer review in February 2022. The draft technical support document has been revised in response to public and peer-review comments and is being released for a 30-day public comment period that begins July 14, 2023 and ends August 14, 2023.

The public is encouraged to submit written comments via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed or hand-delivered to the address below. Any written comments concerning this draft PHG document, regardless of the form or method of transmission, must be received by the PHG program by August 14, 2023, to be considered.

OEHHA encourages all commenters to submit their comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.0, and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology.

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and e-mail may be available to third parties.

Following the public comment period, OEHHA will evaluate all the comments received and revise the document as appropriate. The final document will be posted on the OEHHA website along with responses to the external peer review comments and to major comments received during the two public comment periods.

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at [PHG.Program@oehha.ca.gov](mailto:PHG.Program@oehha.ca.gov) or at (916) 324-7572. FAX inquiries or comments can be submitted to (916) 323-2265. Written inquiries can also be addressed to:

Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard  
Assessment  
California Environmental Protection Agency  
1001 I Street  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010  
Attention: PHG Program

**DEPARTMENT OF FISH AND  
WILDLIFE**

**HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NUMBER 1653-2023-113-001-R1**

**Project:** French Creek Spawning and Rearing  
Habitat Project RKM 3.65-3.85

**Location:** Siskiyou County

**Applicant:** Betsy Stapleton, Scott River Watershed  
Council

**Background**

*Project Location:* The French Creek Spawning and Rearing Habitat Project RKM 3.65-3.85 (Project) is located at 5104 French Creek Rd, Etna, California, 96027 within French Creek, approximately 2.5 miles upstream of the Scott River-French Creek confluence, and approximately 0.5 mile below the French-Miners Creek confluence, at a property owned by Michael and Betsy Stapleton, Assessor Parcel Number (APN) 023-171-060, and affects French Creek, tributary of the Scott River.

*Project Description:* Scott River Watershed Council (Applicant) proposes to enhance or restore habitat within French Creek to provide a net conservation benefit for coho salmon (*Oncorhynchus kisutch*) by improving rearing habitat for both over-summering and over-wintering coho salmon and to increase spawning habitat capacity. The Project includes the installation of six large wood structures instream, the addition of spawning gravels, the excavation of a side channel, and the removal of non-native vegetation with subsequent planting of a mix of willows and cottonwoods along a 590-foot-long reach of French Creek.

The wood structures will consist of logs, root wads, driven poles, boulders, and river run gravels ranging in size from about 0.5 to 3 inches. The structures will differ in their longitudinal extent and wood orientation. Wood will be stabilized using one or more techniques, including partially burying a portion of the log or rootwad into the bank, bracing and lacing logs and rootwads within existing vegetation, driving poles adjacent to the logs/rootwads, and/or placing boulders on the logs or rootwads. The general location of the logs and rootwads are depicted in the plans provided in the Notice of Intent (NOI), however, the exact locations will be determined in the field.

Construction access will occur from the west bank and French Creek Road. The contractor will cut temporary access routes through the existing vegetation to access the large wood structure sites. Trees will be

protected to the extent possible when developing access, but some smaller diameter trees (less than eight inches in diameter) may need to be removed.

The side channel will be excavated to enhance an existing channel located about 3,400 feet upstream of the Miner's Creek Bridge. The side channel extends from the primary channel to a secondary channel where a previous restoration project has constructed beaver dam analogs (BDAs). The proposed side channel is designed to promote water flow to the existing channel during moderate flow events that exceed the ordinary high-water elevation in the primary channel. The side channel entrance elevation will be set at the top of the ordinary high-water line. The channel will have a bottom width of approximately eight feet. The side slope will vary based on field conditions but will generally range from about 1:1 to 4:1. The channel alignment and slopes will be adjusted in the field to minimize disturbance to existing vegetation. Roughness structures consisting of wood piles with channel spanning small diameter woody debris will be placed along the side channel to limit the channel capacity and provide cover and habitat complexity.

In addition to the instream work, about 0.8 acres of invasive Armenian blackberry (*Rubus armeniacus*) located within the Project footprint will be removed. Following invasive vegetation removal, native cottonwood and willow stakes will be planted by excavating planning trenches down to the water table, placing organic material into the trenches along with the plant stakes, backfilling with an excavator or tractor, and using water under pressure to hose in fines to improve stem to soil contact. Organic materials may consist of wood, wood chips, compost, and biochar.

The Project may require future adaptive management to achieve maximal ecological benefit. The Project reach is a dynamic fluvial corridor and future events such as channel avulsion, accumulations of wood, invasive vegetation, or riparian planting failure may require management actions. Future phases will be detailed in annual work-plans to be approved by the Regional Water Board and the California Department of Fish and Wildlife (CDFW) and will be limited to cumulative total impacts of less than 500 lineal feet of stream bank impact and 5 acres to comply with the CEQA Categorical Exemption for Small Habitat Restoration Projects (15333). Such future phases may include placing posts into naturally constructed beaver dams or natural log jams to enhance their integrity in high flow events, building BDAs, additional channel and/or floodplain excavation, sediment removal from channel connection points, additional riparian planting, planting maintenance, and invasive vegetation management, and pile or broadcast burning. In addition to future phases with major construction activities requiring heavy equipment and agency approvals,

minor adaptive management activities utilizing hand tools and hand labor may proceed on an as needed basis. All project activities will occur within the project footprint consisting of 2.72 acres, or with the addition of up to 2.28 acres as described and authorized in an annual work plan.

The Project will be implemented in accordance with all information provided in the NOI and supplemental documents included in the application package.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 5 acres and 500 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: nine logs, 25 rootwads, 150 poles, 26 cubic yards of 1.5 to 2-ton boulders, 150 cubic yards of spawning gravels, 1,000 willow cuttings, 24 nurse logs, 75 cubic yards of wood chips, and an incidental amount of native sediment.

*Project Timeframes:* Start date: June 1, 2023

Completion date: May 25, 2028

Work window: Instream — September 1–November 15

Out of stream work — September 1–February 27

*Water Quality Certification Background:* Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1A23058WNSI, 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 coho salmon.

*Receiving Waters:* French Creek, a tributary to the Scott River.

*Filled or Excavated Areas:* Temporary area impacted: 5 acres maximum

Length temporarily impacted: 500 linear feet

*Discharge volume:* Approximately nine logs, 25 rootwads, 150 poles, 26 cubic yards of 1.5 to 2-ton boulders, 150 cubic yards of spawning gravels, 1,000 willow cuttings, 24 nurse logs, 75 cubic yards of wood

chips, and an incidental amount of native sediment will be discharged to waters of the state.

*Project location:* The project is located within French Creek, tributary of the Scott River, near the town of Etna in Siskiyou County. The coordinates of the Project are 41.395229° North, 122.871247° West (upstream extent) and 41.396523° North, 122.870235° West (downstream extent).

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 May 30, 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 May 30, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number (Z-2023-0530-05) on June 9, 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 Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization measures as well as water quality protection measures are found in the addendum titled: *FrenchCreekProjectNOIDescription.pdf* — Best Management Practices and Resource Protection Measures (beginning on page 14) of the addendum.

**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.

**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, 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: [RIHABCONRedding@wildlife.ca.gov](mailto:RIHABCONRedding@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

FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR  
BEITH CREEK LIVESTOCK BRIDGE  
CROSSING PROJECT  
(TRACKING NUMBER:  
1653-2023-117-001-R1)  
HUMBOLDT

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 28, 2023, that the City of Arcata proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves replacing an open ford cattle crossing with a free span bridge, install exclusion fencing around the riparian corridor, and plant willow sprigs on the stream banks and riparian areas. The proposed project will be carried out on Beith Creek, located in Jacoby Creek Gannon Slough Wildlife Area, Arcata, Humboldt County, California.

On April 3, 2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Beith Creek Livestock Bridge Crossing Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1B23032WNHU; ECM PIN Number CW-887574) for coverage under the General 401 Order on 5/23/2023.

The City of Arcata is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the City of Arcata will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the City of Arcata will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF FISH AND  
WILDLIFE

HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NUMBER 1653-2023-112-001-R1

**Project:** Beaver Haven Restoration Project  
**Location:** Siskiyou County  
**Applicant:** Betsy Stapleton, Scott River Watershed Council

**Background**

*Project Location:* The Beaver Haven Restoration Project (Project) is located on Sugar Creek Rd, 0.25 miles west from the Sugar Creek Rd and the CA State Route 3 junction near the community of Callahan in Siskiyou County at a property owned by Bettina von Hagen, Assessor Parcel Number (APN) 031-490-480, and affects Sugar Creek, a tributary to the Scott River.

*Project Description:* The Scott River Watershed Council (Applicant) proposes to enhance or restore habitat within Sugar Creek to provide a net conservation benefit for coho salmon (*Oncorhynchus kisutch*). The objectives of the Project are to improve in-stream conditions, improve floodplain connectivity, re-establish stable beaver occupation, improve riparian vegetation, and create access trails for restoration and for educational tours.

The Project includes using low tech, process-based restoration methods, such as hand winching existing stream-side wood into the stream channels. The Project will build up to 58 log jams and up to 70 beaver dam analogs (BDAs). Restoration will occur in multiple channels across the five-acre Project footprint. Foot access will be established to carry out restoration and monitoring, including simple log bridges (logs with decking) placed over the multiple channels, and an elevated board walkway (as needed) placed on posts to avoid damaging sensitive areas. Materials will be natural, untreated wood, brush, straw/hay, and other materials similar to those existing on site. Invasive species will be hand grubbed, pulled, and/or chopped, removed, and then the material will be mulched or burned. Some existing mature cottonwood trees may be protected from further beaver browsing with caging, sand painting, or other techniques.

The Project will be carried out with an adaptive, field fit strategy completed in annual work windows over five years. Activities may proceed as needed within the work windows and using the tools and techniques and resource protection measures, as described in the application package. The Applicant will notify Regional Water Board and the California Department

of Fish and Wildlife (CDFW) at least two weeks prior to commencing activities with work dates and a general description of the work activities. Techniques may include placing posts into naturally constructed beaver dams and/or log jams to enhance their integrity in high flow events, building BDAs, hand construction of log jams, riparian planting, planting maintenance, invasive vegetation management, and prescribed burning.

In addition to construction of the habitat restoration features described above, untreated wooden posts may be driven into the ground on which to affix cross members and decking to create elevated walkways as needed to protect sensitive soils and wetlands. Logs or saw lumber may be placed cross sectionally to stream side channels with decking placed to create small bridge crossings over side-channels. Gravel may be placed on the trail to decrease soil erosion. An existing roadbed lies outside of the riparian zone. Routine maintenance of this road, including grading and roadbed material will be undertaken outside of the permit terms and conditions. No discharges to the stream or impacts to riparian vegetation will occur from road rehabilitation.

Cultural or prescribed burning may take place as permitted and authorized by Cal Fire and the Air Quality Control Board.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 5 acres and 500 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: 250 posts, 10 logs, and 25 cubic yards of native vegetation.

*Project Timeframes:* Start date: July 2023

Completion date: May 2028

Work window: Instream — September 1–November 15

Out of stream work — September 1–February 27

*Water Quality Certification Background:* Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve 500 linear feet of coho salmon spawning and rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1A23057WN-SI. 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 coho salmon.

*Receiving Waters:* Sugar Creek, a tributary to the Scott River.

*Filled or Excavated Areas:* Temporary area impacted: 5 acres maximum

Length temporarily impacted: 500 linear feet

*Discharge volume:* 250 posts, 10 logs, and 25 cubic yards of native vegetation.

*Project location:* The project is located within Sugar Creek, a tributary of the Scott River, near the community of Callahan in Siskiyou County. The coordinates of the Project 41.33794° North, 122.826785° West.

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

On May 30, 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 May 30, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2023–0530–04) on June 9, 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 Project, as required by Fish and Game Code section 1653,

subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization measures as well as water quality protection measures are found in the addendum titled: FinalBHNOIProjectDescription.pdf — Best Management Practices and Resource Protection Measures (beginning on page 12) of the addendum.

**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.

**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, 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: [RIHABCONRedding@wildlife.ca.gov](mailto:RIHABCONRedding@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**

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

RESEARCH ON AMERICAN PEREGRINE FALCON AND GOLDEN EAGLE IN CALIFORNIA

The Department of Fish and Wildlife (Department) received a proposal on July 5, 2021, from Daniel Driscoll of American Eagle Research Institute (AERIE), requesting authorization to take American peregrine falcon (*Falco peregrinus anatum*; hereafter ‘falcon’) and golden eagle (*Aquila chrysaetos*; hereafter ‘eagle’), both Fully Protected bird species, for scientific research purposes, consistent with protection and conservation of the species.

Daniel Driscoll’s research has two primary components: 1) understanding impacts of renewable energy projects, mining projects, and powerline retrofitting on eagles, and 2) management of falcon predation for the purposes of enhancing the survival of breeding California least tern (*Sternula antillarum browni*; hereafter ‘tern’), a fully protected, state endangered, and federally endangered species, and western snowy plover (*Charadrius alexandrinus nivosus*; hereafter ‘plover’), a federally threatened species.

The proposed activities with eagles include ground and helicopter surveys, nest monitoring and access for nest inventory, occupancy, and reproduction assessment; capture and banding with United States Geological Survey (USGS) metal bands and color-anodized visual identification (VID) bands; sampling blood and feathers for ongoing genetics and lead exposure studies; and attaching VHF, GSM cellular, or PTT satellite transmitters to estimate home range, habitat use, seasonal movements, mortality factors, survival, adult tenure, and natal dispersal. The proposed activities with falcons include nest monitoring, access, placing cameras at the nest, and collecting pellets and prey remains to identify prey species taken near tern and plover breeding colonies; capture and banding with USGS metal bands and color-anodized visual identification (VID) bands; sampling blood and feathers for genetics and contaminant exposure studies; and attaching VHF, GSM cellular, or PTT satellite transmitters to assess movement as it relates to plover and tern breeding colonies. Falcons captured at tern and plover colonies will be relocated in compli-

ance with the United States Fish and Wildlife Service (USFWS) Guidance for Avian Predator Capture and Relocation in California in coordination with the Department and USFWS. If any eagles or falcons are found dead, they will be salvaged and transported to the Department for necropsy (eagles and falcons) or sent to the National Eagle Repository (eagles), as designated by the Department and the U.S. Fish and Wildlife Service. No adverse effects on individuals or populations are expected.

The Department intends to issue, under specified conditions, an amended Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. The applicant is also required to have valid federal permits and a scientific collecting permit for this research on falcons and eagles and to incidentally take other bird species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after August 28, 2023, for an initial and renewable term of three years. Contact: Shannon Skalos, [Shannon.Skalos@wildlife.ca.gov](mailto:Shannon.Skalos@wildlife.ca.gov).

## DEPARTMENT OF FISH AND WILDLIFE

### CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NUMBER 2080R-2023-010-01

**Project:** First Slough Fish Passage, Floodplain Restoration, and Coastal Habitat Connectivity Project

**Location:** Humboldt County

**Applicant:** City of Eureka

#### Background

The City of Eureka (Applicant) proposes to restore aquatic and riparian habitat and remediate multiple fish passage barriers in First Slough located at latitude: 40.801389, longitude: -124.151562 (Restoration Project Site). The First Slough Fish Passage, Floodplain Restoration, and Coastal Habitat Connectivity Project (Restoration Project) will restore aquatic habitat connectivity and create and enhance habitat features in First Slough. Specific restoration actions include removing an existing stream crossing, upgrading two undersized crossings, reconfiguring the First Slough

channel to increase sinuosity, creating three off-channel alcoves, installing large wood features, and planting native species.

The Restoration Project activities described above are expected to take<sup>1</sup> Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*; Covered Species) where those activities take place within First Slough. In particular, the Covered Species could be taken as a result of movement out of harm's way prior to restoration activities. Capturing and handling of Covered Species during relocation activities can result in stress, physical injury, and mortality of individuals. Additionally, relocation into receiving waters can have density-dependent effects such as increased competition. The Covered Species is designated as a threatened species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA). (Fish & Game Code, § 2050 et seq.; Cal. Code Regs., title 14, § 670.5, subdivision (b)(2)(D).)

Covered Species individuals are documented as present in First Slough immediately downstream of the Restoration Project Site, and there is suitable habitat for the Covered Species within and adjacent to the Restoration Project Site. Because of the proximity of the nearest documented Covered Species, dispersal patterns of the Covered Species, and the presence of suitable habitat for the Covered Species within the Restoration Project Site, the National Marine Fisheries Service (NMFS or Service) determined that the Covered Species is reasonably certain to occur within the Restoration Project Site and that Restoration Project activities are expected to result in take of the Covered Species. The Service anticipates that an estimated maximum of 600 juvenile Covered Species could be captured, of which 18 may be killed as a result of implementing the proposed Restoration Project and expects higher numbers of Covered Species to occur within the Restoration Project site after the Restoration Project is complete.

The intent of the Restoration Project is to increase juvenile rearing habitat for the Covered Species. Specifically, the Restoration Project will create backwater features and remove aquatic passage impediments. Additionally, the installation of large wood features and planting of native species will improve habitat quality for the Covered Species. The Service has determined that the long-term effects of Restoration Project actions will be beneficial to the Covered Spe-

<sup>1</sup> Pursuant to Fish and Game Code section 86, "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "take" means to catch, capture or kill").

cies and are expected to result in increased usage of the Restoration Project Site by Covered Species. According to the Service, construction of the Restoration Project will result in the realignment of approximately 700 feet of channel and restored access of one mile of new habitat for Covered Species following the remediation of the existing stream crossings on First Slough.

Because the Restoration Project is expected to result in take of a species designated as threatened under the federal ESA, the Northern California Office of the National Oceanic and Atmospheric Administration Restoration Center (NOAA RC) and the U.S. Army Corps of Engineers, San Francisco District Regulatory Division (Corps) consulted with the National Marine Fisheries Service West Coast Region California Coastal Office (NMFS WCR CCO) to revise their restoration program (Program), as required by the ESA. On March 31, 2022, the NMFS WCR CCO issued a programmatic biological opinion, entitled Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the NOAA Restoration Center and U.S. Army Corps of Engineers' Restoration Program for Northern California, (NMFS Consultation No: WCRO-2021-02830; "PBO") to the NOAA RC and the Corps for eligible restoration projects. The PBO describes eligible restoration projects and requires all project applicants operating under the PBO to comply with terms of the PBO and its incidental take statement (ITS). The Applicant submitted a project-specific application for the Restoration Project dated February 6, 2023, to the NOAA RC, a copy of which is attached hereto and incorporated herein as Exhibit 1. The NOAA RC issued a project-specific approval to the Applicant for the Restoration Project on February 13, 2023, a copy of which is attached hereto and incorporated herein as Exhibit 2. The NOAA RC's project-specific approval for the Restoration Project requires the Applicant to comply with the terms of the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, when carrying out the Restoration Project.

On June 8, 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 2080.1 that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA for purposes of the Restoration Project and the Covered Species. (Cal. Reg. Notice Register 2023, Number 25-Z, page 841.)

**Determination**

Upon evaluation of the Restoration Project, CDFW has determined that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA as to

the Restoration Project and the Covered Species because the measures contained in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (a) and (c), for authorizing take of CESA-listed species. Specifically, CDFW finds that: (1) take of the Covered Species will be for management purposes; (2) the measures required are roughly proportional in extent to any impact on the Covered Species that is caused by the Restoration Project; (3) the measures required maintain the Permittee's project purpose to the greatest extent possible; and (4) the Restoration Project will not jeopardize the continued existence of the Covered Species.

*Avoidance and Minimization Measures.* The avoidance and minimization, measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, include, but are not limited to, the following:

- 1) The general construction season will be from June 15 to November 1. Restoration, construction, Covered Species relocation, and dewatering activities within any wetted and/or flowing creek channel shall only occur within this period. Extensions to this work season can be granted if there is less than a 50 percent chance of 1.5 inches of rain predicted over any 24-hour period during the granted time extension.
- 2) Before beginning project work, a dewatering and Covered Species capture and relocation plan will be submitted to the NOAA RC or the Corps. CDFW also requests a copy of the dewatering and capture and relocation plan.
- 3) Covered Species shall be excluded from the work area by blocking the stream channel above and below the work area with fine-meshed block nets or screens. Mesh openings will be no greater than 1/8 inch. Screens must be checked twice daily, or more frequently as needed, and cleaned of debris to permit free flow of water. Block nets shall be placed and maintained throughout the dewatering period at the upper and lower extent of the areas where Covered Species will be removed. Block net mesh shall be sized to ensure Covered Species upstream or downstream do not enter the areas proposed for dewatering.
- 4) Prior to dewatering, the best means to bypass flow through the work area shall be determined to minimize disturbance to the channel and avoid direct mortality of Covered Species and other aquatic vertebrates. Restoration Project Site dewatering shall be coordinated with a qualified biologist, who will perform Covered Species and amphibian relocation activities. The qualified

biologist(s) must be familiar with the life history and identification of the Covered Species.

- 5) All materials placed in or over streams, rivers, or other waters shall be nontoxic. Any combination of wood, plastic, cured concrete, steel pilings, or other materials used for in-channel structures shall not contain coatings or treatments or consist of substances toxic (e.g., copper, other metals, pesticides, petroleum-based products, etc.) to aquatic organisms that may leach into the surrounding environment in amounts harmful to aquatic organisms.
- 6) Water containing mud or silt from construction activities shall be treated by filtration or retention in a settling pond to avoid draining sediment-laden water back to the stream channel. Alternatively, an infiltration area may be created and used within the Restoration Project Site or in upland areas, if the soil composition of the area adequately supports infiltration back into the system.
- 7) Construction equipment such as portable equipment, vehicles, and supplies, including chemicals, shall be stored at designated construction staging areas or on barges, exclusive of any riparian or wetland areas. Any equipment that may leak shall be stored over impermeable surfaces, if available, and drip pans (or any other type of impermeable containment measure) will be placed under parked machinery and checked and replaced when necessary, to prevent drips and leaks from entering the environment.

*Monitoring and Reporting Measures.* The monitoring and reporting measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval include, but are not limited to, the following:

- 1) By April 1 of the year following completion of construction of a project, the Applicant will submit a completion report (RC Arcata Office Programmatic Biological Opinion Post-Project Monitoring Form) to the NOAA RC and the Corps that includes project as-built plans describing conditions immediately following completion of construction on the project and photo documentation of pre-project conditions and the Restoration Project Site immediately after the project construction. For projects including fish relocation, the report will also include

all fisheries data collected by a qualified fisheries biologist, including the number of listed salmonids killed or injured during the proposed action, the number and age class of listed salmonids captured and removed, and any effects of the proposed action on listed salmonids not previously considered. Although not a condition of the ITS, or the accompanying PBO, project-specific application, or project-specific approval, CDFW requests a copy of the post-construction report described above.

- 2) During effectiveness monitoring, all captured fish will be anesthetized, then weighed and measured. NMFS expects these precautions to effectively reduce the likelihood of injury or death from handling activities, including tagging fish and clipping their fins.
- 3) Throughout the calendar year, NOAA RC shall track the take resulting from all projects and monitoring carried out under the Program and compare it to the take described in the ITS.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Restoration Project for take of the Covered Species, provided the Applicant implements the Restoration Project as described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, including adherence to all measures contained therein, and complies with the measures and other conditions described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval. If there are any substantive changes to the Restoration Project, including changes to the measures, or if the Service amends or replaces the ITS, accompanying PBO, or project-specific approval, the Applicant shall be required to obtain a new consistency determination or a CESA take permit for the Restoration Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (a) and (c)).

CDFW's determination that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA is limited to the Covered Species and the Restoration Project.

**DEPARTMENT OF FISH AND  
WILDLIFE**

CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION  
NUMBER 2080R–2023–009–01

**Project:** Smith River Estuary Backwater Habitat Enhancement Project

**Location:** Del Norte County

**Applicant:** Smith River Alliance

**Background**

Smith River Alliance (Applicant) proposes to restore and enhance an existing backwater feature in the lower Smith River estuary located at latitude: 41.911980, longitude: –124.188021 (Restoration Project Site). The Smith River Estuary Backwater Habitat Enhancement Project (Restoration Project) includes enhancing existing habitat to improve off-channel juvenile rearing habitat and adult holding habitat for salmonids. Specific restoration actions include enlarging the existing backwater channel, installing large wood features, constructing willow baffles, planting native plants, and installing livestock exclusion fencing.

The Restoration Project activities described above are expected to take<sup>1</sup> Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*; Covered Species) where those activities take place within the Smith River estuary. In particular, the Covered Species could be taken as a result of movement out of harm’s way prior to restoration activities. Post-project fisheries monitoring utilizing seine nets and minnow traps will also result in take of Covered Species. Capturing and handling of Covered Species during relocation activities and post-project monitoring can result in stress, physical injury, and mortality of individuals. Additionally, relocation into receiving waters can have density-dependent effects such as increased competition. The Covered Species is designated as a threatened species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA). ( Fish & Game Code, § 2050 et seq.; Cal. Code Regs., title 14, § 670.5, subdivision (b)(2)(D).)

Covered Species individuals are documented as present within the Smith River estuary and there is suitable habitat for the Covered Species within and adjacent to the Restoration Project Site. Because of

<sup>1</sup> Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’... means to catch, capture or kill”).

the proximity of the nearest documented Covered Species, dispersal patterns of the Covered Species, and the presence of suitable habitat for the Covered Species within the Restoration Project Site, the National Marine Fisheries Service (Service) determined that the Covered Species is reasonably certain to occur within the Restoration Project Site and that Restoration Project activities are expected to result in take of the Covered Species. The Service anticipates that an estimated maximum of 305 juvenile Covered Species could be captured, of which nine may be killed as a result of implementing the proposed Restoration Project and conducting post-project fisheries monitoring. The Service also expects higher numbers of Covered Species to occur within the Restoration Project site after the Restoration Project is complete.

The intent of the Restoration Project is to improve the availability of off-channel rearing habitat for migrating fish. Specifically, the Restoration Project will improve connectivity and habitat availability by deepening and widening the existing off-channel feature, which will thereby increase the duration of inundation for a greater range of flow conditions. The Service has determined that the long-term effects of the Restoration Project actions will be beneficial to the Covered Species and are expected to result in increased usage of the Restoration Project Site by Covered Species. According to the Service, construction of the Restoration Project will result in improved connectivity for 660 feet of off-channel habitat, installation of two engineered log jams and 10–15 non-engineered log jams, construction of 270 feet of willow baffles, and 1800 feet of cattle exclusion fencing.

Because the Restoration Project is expected to result in take of a species designated as threatened under the federal ESA, the Northern California Office of the National Oceanic and Atmospheric Administration Restoration Center (NOAA RC) and the U.S. Army Corps of Engineers, San Francisco District Regulatory Division (Corps) consulted with the National Marine Fisheries Service West Coast Region California Coastal Office (NMFS WCR CCO) to revise their restoration program (Program), as required by the ESA. On March 31, 2022, the NMFS WCR CCO issued a programmatic biological opinion, entitled Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson–Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the NOAA Restoration Center and U.S. Army Corps of Engineers’ Restoration Program for Northern California (NMFS Consultation No: WCRO–2021–02830; “PBO”) to the NOAA RC and the Corps for eligible restoration projects. The PBO describes eligible restoration projects and requires all project applicants operating under the PBO to comply with terms of the PBO and its incidental take statement (ITS). The Applicant submitted a

project-specific application for the Restoration Project dated April 24, 2023, to the NOAA RC, a copy of which is attached hereto and incorporated herein as Exhibit 1. The NOAA RC issued a project-specific approval to the Applicant for the Restoration Project on May 16, 2023, a copy of which is attached hereto and incorporated herein as Exhibit 2. The NOAA RC's project-specific approval for the Restoration Project requires the Applicant to comply with the terms of the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, when carrying out the Restoration Project.

On June 6, 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 2080.1 that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA for purposes of the Restoration Project and the Covered Species. (Cal. Regulatory Notice Register 2023, Number 25-Z, page 841)

**Determination**

Upon evaluation of the Restoration Project, CDFW has determined that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA as to the Restoration Project and the Covered Species because the measures contained in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval meet the conditions set forth in Fish and Game Code section 2081, subdivisions (a) and (c), for authorizing take of CESA-listed species. Specifically, CDFW finds that: (1) take of the Covered Species will be for management purposes; (2) the measures required are roughly proportional in extent to any impact on the Covered Species that is caused by the Restoration Project; (3) the measures required maintain the Permittee's project purpose to the greatest extent possible; and (4) the Restoration Project will not jeopardize the continued existence of the Covered Species.

*Avoidance and Minimization Measures.* The avoidance and minimization measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, include, but are not limited to, the following:

1) The general construction season will be from June 15 to November 1. Restoration, construction, Covered Species relocation, and dewatering activities within any wetted and/or flowing creek channel shall only occur within this period. Extensions to this work season can be granted if there is less than a 50 percent chance of 1.5 inches of rain predicted over any 24-hour period during the granted time extension.

- 2) Before beginning project work, a dewatering and Covered Species capture and relocation plan will be submitted to the NOAA RC or the Corps. CDFW also requests a copy of the dewatering and capture and relocation plan.
- 3) Covered Species shall be excluded from the work area by blocking the stream channel above and below the work area with fine-meshed block nets or screens. Mesh openings will be no greater than 1/8 inch. Screens must be checked twice daily, or more frequently as needed, and cleaned of debris to permit free flow of water. Block nets shall be placed and maintained throughout the dewatering period at the upper and lower extent of the areas where Covered Species will be removed. Block net mesh shall be sized to ensure Covered Species upstream or downstream do not enter the areas proposed for dewatering.
- 4) Prior to dewatering, the best means to bypass flow through the work area shall be determined to minimize disturbance to the channel and avoid direct mortality of Covered Species and other aquatic vertebrates. Restoration Project Site dewatering shall be coordinated with a qualified biologist, who will perform Covered Species and amphibian relocation activities. The qualified biologist(s) must be familiar with the life history and identification of the Covered Species.
- 5) All materials placed in or over streams, rivers, or other waters shall be nontoxic. Any combination of wood, plastic, cured concrete, steel pilings, or other materials used for in-channel structures shall not contain coatings or treatments or consist of substances toxic (e.g., copper, other metals, or pesticides, petroleum-based products, etc.) to aquatic organisms that may leach into the surrounding environment in amounts harmful to aquatic organisms.
- 6) Water containing mud or silt from construction activities shall be treated by filtration or retention in a settling pond to avoid draining sediment-laden water back to the stream channel. Alternatively, an infiltration area may be created and used within the Restoration Project Site or in upland areas, if the soil composition of the area adequately supports infiltration back into the system.
- 7) Construction equipment such as portable equipment, vehicles, and supplies, including chemicals, shall be stored at designated construction staging areas or on barges, exclusive of any riparian or wetland areas. Any equipment that may leak shall be stored over impermeable surfaces, if available, and drip pans (or any other type of impermeable containment measure) will be placed



under parked machinery and checked and replaced when necessary, to prevent drips and leaks from entering the environment.

*Monitoring and Reporting Measures.* The monitoring and reporting measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, include, but are not limited to, the following:

- 1) By April 1 of the year following completion of construction of a project, each applicant will submit a completion report (RC Arcata Office Programmatic Biological Opinion Post-Project Monitoring Form) to the NOAA RC and the Corps that includes project as-built plans describing conditions immediately following completion of construction on the project and photo documentation of pre-project conditions and the Restoration Project Site immediately after the project construction. For projects including fish relocation, the report will also include all fisheries data collected by a qualified fisheries biologist, including the number of listed salmonids killed or injured during the proposed action, the number and age class of listed salmonids captured and removed, and any effects of the proposed action on listed salmonids not previously considered. Although not a condition of the ITS, or the accompanying PBO, project-specific application, or project-specific approval, CDFW requests a copy of the post-construction report described above.
- 2) During effectiveness monitoring, all captured fish will be anesthetized, then weighed and measured. NMFS expects these precautions to effectively reduce the likelihood of injury or death from handling activities, including tagging fish and clipping their fins.
- 3) Throughout the calendar year, NOAA RC shall track the take resulting from all projects and monitoring carried out under the Program and compare it to the take described in the ITS.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Restoration Project for take of the Covered Species, provided the Applicant implements the Restoration Project as described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, including adherence to all measures contained therein, and complies with the measures and other conditions described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval. If there are any substantive changes to the Restoration Project, including changes to the measures, or if the Service amends or replaces the ITS, accompanying PBO, or project-specific approval, the Applicant shall be re-

quired to obtain a new consistency determination or a CESA take permit for the Restoration Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (a) and (c)).

CDFW's determination that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA is limited to the Covered Species and the Restoration Project.

**DECISION NOT TO PROCEED**

**COMMISSION ON PEACE OFFICER  
STANDARDS AND TRAINING**

PURSUANT TO GOVERNMENT CODE  
SECTION 11347

RE: NOTICE OF PROPOSED REGULATORY  
ACTION CONCERNING THE AMENDMENT  
OF COMMISSION REGULATIONS 1202

Pursuant to Government Code section 11347, the Commission on Peace Officer Standards and Training (POST) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on May 5, 2023, Register 2023, Number 18-Z. The proposed rulemaking concerned the amendment of Commission Regulations 1202. (OAL Notice Z-2023-0425-01)

Any interested person with questions concerning this rulemaking should contact Michelle Weiler at either (916) 227-4870 or by e-mail at [michelle.weiler@post.ca.gov](mailto:michelle.weiler@post.ca.gov).

The Commission will also post this Notice of Decision Not to Proceed on its website.

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

PURSUANT TO GOVERNMENT CODE  
SECTION 11347

RE: NOTICE OF PROPOSED RULEMAKING  
CONCERNING HEALTH CARE  
ADMINISTRATION

Pursuant to Government Code Section 11347, California Department of Corrections and Rehabilitation (CDCR) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on July

15, 2022, Register 2022, Number 28–Z. The proposed rulemaking concerned Health Care Administration. (OAL Notice Z2022–0705–02.)

Any interested person with questions concerning this rulemaking should contact Robin Hart at either (916) 896–6780 or by e–mail at: [Robin.Hart@cdcr.ca.gov](mailto:Robin.Hart@cdcr.ca.gov)

CDCR will also post this Notice of Decision Not to Proceed on its website.

<p style="text-align: center;"><b>SUMMARY OF REGULATORY ACTIONS</b></p>
---

**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 Transportation  
File # 2023–0622–01  
State Route 710 Sales Program

This emergency action by the Department of Transportation amends the regulations governing the sales process for properties covered by the State Route 710 Sales Program in the City of Pasadena and updates general sales requirements applicable to the State Route 710 Sales Program.

Title 21  
Amend: 1477.2, 1483, 1483.1, 1485, 1485.1, 1486, 1487  
Filed 07/03/2023  
Effective 07/03/2023  
Agency Contact: Carolyn Dabney (916) 716–7808

Education Audit Appeals Panel  
File # 2023–0623–04  
Audits of K–12 Local Education Agencies — Fiscal Year 2023–24

This emergency rulemaking action adopts the “Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting” for the 2023–2024 fiscal year.

Title 05  
Amend: 19810  
Filed 07/03/2023  
Effective 07/03/2023  
Agency Contact:  
Timothy E. Morgan (916) 445–7745

Department of Public Health  
File # 2023–0620–03  
Limited Podiatric Radiography Permit

This action by the California Department of Public Health (“CDPH”) adopts, repeals, and amends regulations relating to the requirements and process for both an individual to obtain a limited podiatric radiography permit and for an applicant to obtain approval as a limited podiatric radiography educational program (“LPREP(s)").

Title 17  
Adopt: 30426, 30427, 30427.2, 30427.4  
Amend: 30400, 30403, 30405, 30408, 30409, 30411, 30418, 30419, 30435, 30436, 30437, 30442, 30443, 30444, 30447  
Repeal: 30427  
Filed 06/29/2023  
Effective 07/01/2023  
Agency Contact: David Martin (916) 440–7673

Board for Professional Engineers, Land Surveyors and Geologists  
File # 2023–0517–02  
ASBOG Exam Fees, Abandoned Applications

This action by the Board for Professional Engineers, Land Surveyors and Geologists updates regulations relating to National Association of State Boards of Geology (ASBOG) examination, abandoned applications, postponements,

Title 16  
Adopt: 3024.5  
Amend: 3005, 3024, 3031  
Repeal: 3026  
Filed 06/29/2023  
Effective 06/29/2023  
Agency Contact: Angela Yu (916) 999–3610

Department of Food and Agriculture  
File # 2023–0522–01  
Sweet Orange Scab Interior Quarantine

This action establishes quarantine areas for regulating the movement of hosts and possible carriers of sweet orange scab (SOS).

Title 03  
 Adopt: 3443  
 Filed 07/05/2023  
 Effective 10/01/2023  
 Agency Contact: Keith Okasaki (916) 654-0312

Department of Pesticide Regulation  
 File # 2023-0518-01  
 Certification and Training

In this regular rulemaking, the Department of Pesticide Regulation is adopting, amending, and repealing regulations pertaining to the (1) certification of commercial and private pesticide applicators, (2) development and submittal of continuing education courses required for pesticide applicator license or certificate renewal, and (3) supervision of non-certified applicators.

Title 03  
 Adopt: 6404, 6509, 6512.1, 6512.2, 6512.3, 6512.4, 6580.1, 6580.2, 6624.5, 6731  
 Amend: 6000, 6302, 6406, 6414, 6428, 6430, 6500, 6502, 6504, 6508, 6510, 6511, 6512, 6513, 6522, 6530, 6531, 6540, 6562, 6564, 6568, 6580, 6582, 6584, 6612, 6622, 6624, 6724, 6742  
 Repeal: 6445.5, 6534, 6536, 6560  
 Filed 06/30/2023  
 Effective 01/01/2024  
 Agency Contact: Lauren Otani (916) 445-5781

Department of Toxic Substances Control  
 File # 2023-0519-04  
 Listing Motor Vehicle Tires Containing 6PPD as Priority Product

Existing regulations in Chapter 55 of Division 4.5 of Title 22 of the California Code of Regulations establish a process for identifying and prioritizing Priority Products and their Chemicals of Concern. These existing regulations also establish a process for identifying and analyzing alternatives to determine how best to eliminate or reduce potential exposures to, or the level of potential adverse impacts posed by, the Chemical(s) of Concern in Priority Products. In this regular rulemaking, the Department of Toxic Substances Control is adding motor vehicle tires containing N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) as a Priority Product on the Priority Products list.

Title 22  
 Adopt: 69511.7  
 Amend: 69511  
 Filed 07/03/2023  
 Effective 10/01/2023  
 Agency Contact:  
 Gabby Nepomuceno (916) 251-8328

Fish and Game Commission  
 File # 2023-0518-03  
 Elk Hunting

In this rulemaking action, the Commission amends its regulations to adjust tag quotas and hunt zone boundaries for elk hunting.

Title 14  
 Amend: 364, 364.1  
 Filed 06/29/2023  
 Effective 07/01/2023  
 Agency Contact: David Haug (916) 902-9286

Fish and Game Commission  
 File # 2023-0522-02  
 Waterfowl Hunting

In this rulemaking action, the Fish and Game Commission is updating the timeframes and bag limits for the 2023-2024 waterfowl hunting season.

Title 14  
 Amend: 502  
 Filed 06/30/2023  
 Effective 07/01/2023  
 Agency Contact: Maurene Trotter (916) 902-9281

Office of Planning and Research  
 File # 2023-0523-01  
 CEQA Streamlining Certification Application Fee

This regular rulemaking action by the Office of Planning and Research adopts regulations governing the fee charged to an applicant seeking the Governor's certification that their environmental leadership development project is eligible for streamlining benefits related to the California Environmental Quality Act (CEQA), as provided by Chapter 6.5 of Division 13 of the Public Resources Code. The regulations further exempt housing development projects, as defined by Public Resources Code section 21180, subdivision (b)(4), from this fee.

Title 14  
 Adopt: 16100, 16101, 16102  
 Filed 06/30/2023  
 Effective 10/01/2023  
 Agency Contact: Shannon Clark (916) 758-0705

Public Employees' Retirement System  
 File # 2023-0524-01  
 Definition of Parent-Child Relationships (PCR)

This rulemaking action by the California Public Employees' Retirement System (CalPERS) amends regulations relating to the substantiation of a Parent Child Relationship dependent eligibility, including enrollment eligibility criteria and required supporting documentation for CalPERS health plan subscribers.

Title 02  
Amend: 599.500  
Filed 07/05/2023  
Effective 10/01/2023  
Agency Contact: Andrew White (916) 795-3038

Commission on Teacher Credentialing  
File # 2023-0517-01  
Subject Matter Competency

This rulemaking action by the Commission on Teacher Credentialing adopts one section to implement statutory changes to subject matter competence requirements for credential candidates enacted by Assembly Bill 130 (Stats. 2021, chapter 44).

Title 05  
Adopt: 80096(a)-(d)  
Filed 06/29/2023  
Effective 06/29/2023  
Agency Contact: Lynette Roby (916) 324-3668

Department of General Services  
File # 2023-0609-03  
Small & Disabled Veteran Business Regulations

In this regular rulemaking, the Department of General Services is adopting and amending regulations pertaining to the Small Business and Disabled Veteran Business Enterprise Programs in response to statutory changes resulting from Assembly Bills 230 (Stats. 2019, Chapter 676), 1365 (Stats. 2019, Chapter 689), and 1574 (Stats. 2021, Chapter 756), and Senate Bill 588 (Stats. 2020, Chapter 80).

Title 02  
Adopt: 1896.5, 1896.18, 1896.20  
Amend: 1896.2, 1896.4, 1896.6, 1896.10, 1896.12, 1896.13, 1896.14, 1896.15, 1896.16, 1896.17, 1896.18 [renumbered to 1896.22], 1896.20 [renumbered to 1896.24], 1896.22 [renumbered to 1896.26], 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.80, 1896.81, 1896.82, 1896.83, 1896.84, 1896.85, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97, 1896.99.100, 1896.99.120  
Filed 06/29/2023  
Effective 06/29/2023  
Agency Contact:  
Demeshia Swanson (916) 375-4919

**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).