



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

**CONFLICT-OF-INTEREST CODES
AMENDMENT**

MULTI-COUNTY: Citrus Heights Water District
STATE AGENCY: CA State Board of Education

A written comment period has been established commencing on August 4, 2023 and closing on September 18, 2023. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive

Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than September 18, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 323-9103.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political

Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 323-9103.

TITLE 2. CALIFORNIA COMMISSION ON AGING

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

NOTICE IS HEREBY GIVEN that the **California Commission on Aging**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on August 4, 2023 and closing on September 18, 2023. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: clarification that the CA Commission on Aging Members must file their statement of economic interests with the Fair Political Practices Commission and other individuals holding designated positions must file with the CA Commission on Aging; specification of the new SSM I Supervisor position; clarification that the disclosure of investments and business positions include “receipt of” loans, gifts, and travel payments; and also makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency’s contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 18, 2023, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than *September 3, 2023*.

The **CA Commission on Aging** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Leza Coleman, Staff Services Manager I Supervisor, (916) 419-7594, leza.coleman@cco.ca.gov.

TITLE 10. DEPARTMENT OF REAL ESTATE

The Real Estate Commissioner and the Department of Real Estate (collectively, “DRE”), propose amending Section 3002 of the Regulations of the Real Estate Commissioner, California Code of Regulations, Title 10, Chapter 6 (“Regulations”), and adding Section 3002.2 to the Regulations, after considering all comments, objections and recommendations regarding this proposed action. Publication of this notice commences a 45-day public comment period.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or that person’s duly authorized representative, submits a written request for a public hearing to the DRE, at the contact listed below, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or that person’s authorized representative, may submit written comments relevant to this proposed regulatory action to the DRE addressed as follows:

Regular Mail

Department of Real Estate
 Attention: Jeanine Clasen,
 Sacramento Legal Office
 P.O. Box 137007
 Sacramento, CA 95813–7007

Electronic Mail

DRE.RegComments@dre.ca.gov

Facsimile

(916) 263–8767

**Comments may be submitted until 5:00 p.m.,
 September 19, 2023.**

AUTHORITY AND REFERENCE

Section 10080 of the Business and Professions Code (the “Code”) authorizes the DRE to adopt regulations that are reasonably necessary to enforce the provisions of Division 4, Part 1 Part 1 of the Code (Sections 10000 through 10508) and related laws (collectively, the “Real Estate Law”), including the laws governing the real estate education courses that must be completed to qualify for the real estate salesperson license examination and/or license, and the real estate broker license examination and/or license. Herein, persons applying for such license examinations or licenses are referred to as “prospective licensees.”

This regulation proposal implements, interprets and makes specific the new law enacted in 2022 known as SB 1495 (Committee on Business, Professions and Economic Development, Chapter 511, Statutes of 2022) (“SB 1495”), which (in pertinent part) revised the “real estate practice” course set forth in Code section 10153.2 (“Section 10153.2”), to include components on implicit bias and fair housing (anti-discrimination) laws, beginning January 1, 2024. Specifically, Section 10153.2, as amended by SB 1495 (“Amended 10153.2”), requires the real estate practice course provided in subdivision (a)(1)(A)(ii) to include the following:

1. A component on implicit bias, including education regarding the impact of implicit bias, explicit bias, and systemic bias on consumers, the historical and social impacts of those biases and actionable steps students can take to recognize and address their own implicit biases.
2. A component on federal and state fair housing laws as those laws apply to the practice of real estate. The fair housing component shall include an interactive participatory component during which the applicant shall roleplay as both a consumer and real estate professional.

Prospective licensees must complete the real estate practice course and other courses set forth in Code

sections 10151 and/or 10152.3 to qualify for a real estate license. Courses that count toward these statutory education requirements must meet all applicable statutory criteria. Such courses are provided to prospective licensees by accredited institutions¹ and private vocational schools (collectively, “course providers” or “providers”). Courses that count toward the statutory education requirements must receive the DRE’s prior approval if they are offered by private vocational schools. Courses offered by accredited institutions need not have DRE’s prior approval, but many accredited institutions seek the DRE’s prior approval anyway to ensure that their students meet all statutory real estate education requirements. Once the DRE has approved a real estate education course, existing Section 3002 of the Regulations (or “current Section 3002”) requires the provider (regardless of whether it is a private vocational school or accredited institution) to obtain prior DRE approval (or “reapproval”) of any “material change” to that course.

The above-referenced portion of SB 1495 follows a related 2021 bill known as SB 263, (Rubio, Chapter 361, Statutes of 2021) (“SB 263”), which made very similar changes to the continuing education course requirements for real estate licensees under Code section 10170.5. Like SB 1495, SB 263 added requirements for continuing education on implicit bias and fair housing laws, with an “interactive participatory component,” to Code section 10170.5. In 2022, the DRE adopted regulations necessary for the effective implementation of SB 263 similar to those proposed herein.

INFORMATIVE DIGEST/
 PLAIN ENGLISH OVERVIEW

In this proposal, the DRE amends current Section 3002 and adds new Section 3002.2 to the Regulations (“Section 3002.2”), as necessary to implement SB 1495. Specifically, this proposal:

- Amends Section 3002 to include, in its definition of a “material change” to a real estate education course (“course” or “courses”) previously approved by the DRE, changes that are made to that course for the purpose of satisfying Section 10153.2, as amended by SB 1495.
- Amends Section 3002 to specify, in subdivision (d), that course providers who apply for the DRE’s reapproval of their courses updated to comply

¹ An “accredited institution” in this context is defined by Section 10153.5 of the Code as “a college and university” that either: (a) is accredited by the Western Association of Schools and Colleges, or any other regional accrediting agency recognized by the United States Department of Education; or (b) in the judgment of the Real Estate Commissioner, has “a real estate curriculum equivalent in quality to that of an institution accredited as provided in subdivision (a).”

with a legislative change to Section 10153.2 must pay the standard fee for course approval applications if their applications are submitted on or after the effective date of the new legislation.

- Amends Section 3002 to remove outdated and obsolete references to “Bureau.”
- Adds new Section 2002.2, which interprets and makes specific the term “interactive participatory component” as used in Amended 10153.2.

Anticipated Benefits of the Proposed Regulation

Section 3002, as amended, benefits the DRE, course providers affected by SB 1495, prospective licensees and members of the public as set forth below.

First, amended Section 3002 benefits the DRE by allowing its effective implementation of the revised education requirements of SB 1495. It allows DRE to require its approval of all previously–approved real estate practice courses that are updated in an effort to comply with Amended 10153.2. Under current Section 3002, real estate education courses offered by private vocational schools that count towards the statutory education requirements in Section 10151 and/or Section 10153.2 must have DRE’s prior approval obtained through a course–approval application procedure. Business & Professions Code § 10153.5. Current Section 3002 also requires the DRE’s reapproval of any approved course (regardless of whether it is provided by an accredited institution or private vocational school) that is “materially changed,” but expressly excludes from this requirement courses that are modified to comply with new legislation. Accordingly, existing law does not currently authorize the DRE to require its reapproval of previously–approved real estate practice courses that are modified to comply with the revised education requirements of SB 1495. Amended Section 3002 authorizes this by slightly expanding its definition of “material change” to include any course modifications made for the purpose of complying with legislative changes to Section 10153.2 (including those imposed by SB 1495).

Second, amended Section 3002 benefits the DRE and the field by allowing the DRE to ensure the proper and uniform application of the new SB 1495 requirements by course providers throughout this state. The real estate courses required by Amended 10153.2 include components on “implicit bias” and “fair housing,” which are generally described therein and susceptible to a wide range of different interpretations. Without the DRE’s reapproval process, providers may update their real estate practice courses based on their own interpretations of these requirements, which is likely to result in inconsistent and/or lower quality updated courses, and/or “updated” courses that do not comply with SB 1495 being offered to prospective licensees. The DRE’s reapproval process authorized

by amended Section 3002 benefits the DRE and the field by avoiding this result and allowing the DRE to ensure the uniform, effective implementation of SB 1495. Through this process, the DRE can give course providers crucial guidance necessary for them to understand and make their updated courses comply with SB 1495. This benefits prospective licensees who take their updated courses by ensuring sufficient quality and uniformity in the course contents. Ensuring proper and sufficient education of prospective licensees benefits members of the public who deal with them as licensees.

Third, amended Section 3002 allows the DRE’s implementation of SB 1495 in a manner consistent with its 2021 implementation of parallel changes to statutory continuing education requirements for real estate licensees imposed by SB 263. As noted above, in 2022, the DRE adopted regulations necessary to implement SB 263 that are very similar to those proposed here.

Fourth, amended Section 3002 clarifies for course providers how they can comply with Amended 10153.2, and when they will have to pay a course–approval fee to obtain the DRE’s approval of their real estate practice courses modified for such compliance. This information also serves to underscore the fact that DRE approval is required for such modified courses.

As to Section 3002.2, it benefits the DRE, course providers, prospective licensees and members of the public who deal with them, in that it enhances implementation of course education by specifically defining the term “interactive participatory component” required in Section 10153.2, as amended by SB 1495. Proposed Section 3002.2 benefits the DRE by allowing its effective and efficient dissemination of crucial guidance on the meaning of this otherwise–ambiguous term in the form of a regulation. This regulation will benefit course providers by giving them a specific definition of “interactive participatory component” which they can use to make sure their courses comply with SB 1495.

Section 3002.2 allows the DRE to implement the “interactive participatory component” required by SB 1495 in a manner consistent with its implementation of the parallel requirement for continuing education of licensees added to Section 10170.5 by SB 263.

Lastly, by helping the DRE to ensure course providers’ proper compliance with SB 1495, Section 3002.2 will benefit prospective licensees by ensuring their receipt of sufficient education on subjects intended by the Legislature. This, in turn, benefits members of the public who deal with them.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The DRE has made the following determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The DRE anticipates a cost resulting from its waiver of standard course–approval fees (\$150) for providers that apply for its reapproval of their courses updated to comply with SB 1495 before January 1, 2024. Although it is likely that many of these providers will file their reapproval applications on or after January 1, 2024 and therefore be charged such fees, DRE’s economic impact assessment assumes its maximum possible cost based on the maximum possible amount of fees waived.

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

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Cost impacts on a representative private person or business: There are approximately 133 small business providers that will have to apply for DRE’s reapproval of their courses updated to comply with SB 1495 under the proposed regulation. Providers who file such applications with the DRE on or after January 1, 2024 will incur the cost of DRE’s standard course–approval fee (\$150). Although many providers are likely to file their reapproval applications before January 1, 2024 and thereby avoid paying such fees, the economic impact assessment assumes the maximum possible cost to providers based on the maximum possible number of reapproval applications filed on or after January 1, 2024.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The DRE has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to the sections affected by this proposal, the DRE has concluded that these are the only State of California regulations relating to these subjects.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The DRE concludes that it is: (1) unlikely that this regulation proposal (“proposal”) will eliminate any jobs for real estate licensees or associated professions; (2) unlikely that this proposal will create jobs; (3) unlikely that this proposal will create new businesses of any sort; (4) unlikely that this proposal will eliminate any existing businesses; (5) unlikely that this proposal will result in the expansion of businesses currently doing business in the state; and (6) unlikely that the proposal will benefit worker safety or the state’s environment, but will benefit the health and welfare of California residents through improved real estate licensee understanding of implicit bias and fair housing laws.

BENEFITS OF THE PROPOSED ACTION

As to amended Section 3002, it benefits the DRE, course providers and others in at least the following ways. It allows the DRE’s effective implementation of SB 1495 by authorizing the requirement that all approved courses modified in an attempt to comply with Amended 10153.2 must be re–reviewed and re–approved by the DRE through its course–approval application process. This requirement allows the DRE to ensure that providers of approved real estate practice courses properly comply with new law affecting those courses, including SB 1495. This benefits course providers, since they will receive crucial one–on–one guidance from the DRE during the approval process on how to make their courses satisfy Amended 10153.2. This benefits the DRE by allowing it to ensure sufficient uniformity and quality in the real estate practice courses received by prospective licensees throughout the state. This benefits prospective licensees who take those courses by ensuring their receipt of sufficient quality education on matters covered in the real estate license examinations and which are relevant to their future licensed activities. Ensuring the proper quality and content of education received by licensees generally benefits consumers who deal with them.

As to Section 3002.2, it benefits course providers and prospective licensees who take their courses by interpreting and specifying certain ambiguous terms in Section 10153.2, as amended by SB 1495. Such specification or interpretation is necessary guidance for providers and prospective licensees to understand and comply with the law. This proposal also benefits the DRE by allowing its efficient and effective dissemination of such crucial guidance in regulatory form. This guidance also helps the DRE ensure the proper content and quality of courses provided to prospective licensees pursuant to Section 10153.2, as amended by SB 1495. Ensuring the sufficient quality of prospective

licensees' education on real estate subjects relevant to their future licensed activity is generally in the best interest of members of the public who deal with them as explained in the preceding paragraph.

SMALL BUSINESS DETERMINATION

All providers affected by this regulation proposal are small businesses. The fiscal impact of this regulation proposal on such providers consists of the standard course–approval fee (\$150) charged to providers that apply on or after January 1, 2024 for the DRE's reapproval of their courses updated to comply with SB 1495. Although many providers are likely to avoid this fee by filing their reapproval applications before January 1, 2024, the DRE's economic impact assessment assumes the maximum possible cost to providers based on the maximum possible number of reapproval applications filed on or after January 1, 2024.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the DRE must determine that no reasonable alternative considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which this regulatory 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 DRE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSON

Inquiries concerning this action may be directed to Jeanine Clasen at (916) 576–3783, or via email at DRE.RegComments@dre.ca.gov. The backup contact person is Stephen Lerner at (916) 576–8100.

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

The DRE will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its headquarters office: 1651 Exposition Boulevard, Sacramento, California. 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, the initial statement of reasons, the Form STD 399 fiscal analysis of the pro-

posal. Copies may be obtained by contacting Jeanine Clasen at the mailing address and email address listed on the first page of this notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the DRE may adopt the proposed regulation substantially as described in this notice. If the DRE makes modifications that are sufficiently related to the originally proposed text, DRE will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the DRE adopts the regulation as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated above. The DRE will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice, the initial statement of reasons, and the text of the regulations in underline and strike-out can be accessed through DRE's website at www.dre.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINIMUM STANDARDS FOR TRAINING — CORONER TRAINING REQUIREMENTS

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 must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE
BY SEPTEMBER 18, 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 Jennifer Hardesty at jennifer.hardesty@post.ca.gov or by letter to:

Commission on POST
Attention: Jennifer Hardesty
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), and PC § 13510 (POST authority to adopt and amend rules establishing minimum standards). This proposal is intended to interpret, implement, and make specific PC § 13510(a)(2), which authorizes POST to adopt, and may from time to time amend, rules establishing minimum standards for training.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

PC § 832 states, in part:

- Every person described in this chapter as a peace officer shall satisfactorily complete an introductory training course prescribed by POST.
- Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms.

Commission Regulation 1005(a)(4) currently requires Coroners or Deputy Coroners to complete both the PC § 832 Arrest and PC § 832 Firearms Courses. The implementation of the proposed changes will ensure Commission Regulation 1005(a)(4) is consistent with the requirements of PC § 832 and will only require the PC § 832 Firearms Course be completed when the carrying and use of firearms is authorized by the employing agency.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will allow employing agencies to provide the training that is necessary for their coroners or deputy coroners and not require training in the carrying and use of firearms when prohibited by the agency. 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/DOCUMENTS
INCORPORATED BY REFERENCE

There are no forms/documents incorporated by reference in this proposed action.

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 businesses 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 allowing employing agencies to provide necessary training and not requiring unnecessary training. 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 Government Code § 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 Jennifer Hardesty, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-3917. 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 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED AMENDMENTS TO THE HEAVY-DUTY ENGINE AND VEHICLE OMNIBUS REGULATION

The Executive Officer (EO) of the California Air Resources Board (CARB or Board) is proposing to consider the adoption of amendments to the Heavy-Duty (HD) Engine and Vehicle Omnibus (Omnibus) regulation under the authority granted by the Board in Resolution 23-15, wherein the Board delegated to the EO the power to adopt, amend, and revoke emission standards, test procedures, compliance test procedures, and compliance flexibilities for new on-road motor vehicles that the Board previously reserved to itself in Board Resolution 78-10.

Written comments on the proposed regulatory amendments must be received by September 18, 2023, in order to be considered by the EO. A public hearing is not currently scheduled; however, you may request the EO to conduct a public hearing. The process for requesting a public hearing is explained in the Written Comment Period and Submittal of Comments section of this notice, below. If a request for a public hearing is received by September 3, 2023, the public hearing will be conducted by the EO. The time, date, and place of the hearing will be provided in a separate notice.

WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments in writing by postal mail or by electronic submittal. A public hearing is currently not scheduled. The public comment period for this regulatory action will begin on August 4, 2023. To be considered by the EO, written comments **must be submitted by September 18, 2023**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. Comments submitted must be addressed to one of the following:

Postal mail:
Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, CA 95814

Electronic submittal:
<https://www.arb.ca.gov/lispub/comm/bclist.php>

Any interested person may request a public hearing pursuant to section 11346.8 of the California Government Code, no later than 15 days before the close of the written comment period. A public hearing will be scheduled if any interested person, or their duly authorized representative, requests such a hearing in writing by September 3, 2023. The request for a hearing may be submitted in the same manner as written comments.

Please note that under the California Public Records Act (Government Code, § 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the EO requests but does not require that persons who submit written comments to the EO reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39500, 39600, 39601, 40000, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205.5, and 43806; and California Vehicle Code section 28114. This action is proposed to implement, interpret, and make specific California Health and Safety Code sections 39500, 39600, 39601, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205.5, 43210.5, and 43806; and California Vehicle Code section 28114.

INFORMATIVE DIGEST OF
PROPOSED ACTION AND
POLICY STATEMENT OVERVIEW
(Government Code, § 11346.5, subdivision (a)(3))

SECTIONS AFFECTED:

Proposed amendment to California Code of Regulations, title 13, sections 1956.8, 1971.1, and 1975.1.

DOCUMENTS INCORPORATED BY
REFERENCE (CAL. CODE REGS., TITLE 1,
§ 20, SUBDIVISION (C)(3)):

The following document would be incorporated in the regulation by reference as specified by section:

- “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” adopted December 12, 2002, as last amended on [Insert Date of Amendment], incorporated by reference in 13 CCR 1956.8.
- Title 40 Code of Federal Regulations, Part 86 “§ 86.010-18 — On-board Diagnostics for engines used in applications greater than 14,000 pounds GVWR,” as last amended January 24, 2023, incorporated by reference in 13 CCR 1971.1.

The above listed document is being amended by this regulation, and thus the amendment date would be the date that the regulation is adopted by CARB.

**BACKGROUND AND EFFECT OF THE
PROPOSED REGULATORY ACTION:***Existing Regulatory Requirements*

On-road HD vehicles¹ operate throughout California and are an essential part of the state's economy; they include long-haul trucks, drayage trucks, transit buses, refuse trucks, and other commercial work vehicles. According to California's emissions inventory model, almost a million HD vehicles operate on California roads each year. These vehicles are significant sources of oxides of nitrogen (NO_x), particulate matter (PM), and greenhouse gas (GHG) emissions. In fact, heavy-duty vehicles comprise the largest NO_x emission source category in the state.

New HD engines have been subject to a nationwide NO_x standard of 0.20 grams per brake horsepower hour (g/bhp-hr) and a PM emission standard of 0.01 g/bhp-hr since 2010. In addition to these emissions standards, California has also adopted programs that substantially reduce emissions from in-use heavy-duty vehicles. These programs include vehicle idling restrictions and in-use fleet rules such as the Truck and Bus Regulation, which require the upgrade of older trucks and buses to newer and cleaner engines that meet 2010 model year (MY) engine standards by 2023. To comply with these in-use regulations, fleets have made substantial investments to purchase lower-emitting vehicles.

In 2013, California established optional low-NO_x standards² for new HD engines, with the most aggressive standard being 0.02 g/bhp-hr, which is 90 percent below the 2010 HD standard. The optional low-NO_x standards were developed to pave the way for more stringent mandatory standards by encouraging manufacturers to develop and certify low-NO_x engines, and incentivizing potential customers to purchase these low-NO_x engines. Since 2015, a number of engine families, some using natural gas and others using liquefied petroleum gas, have been certified to the optional NO_x standards.³

On September 9, 2021, California adopted the Omnibus regulation which primarily established more stringent NO_x and PM standards applicable to new 2024 and subsequent MY medium- and HD diesel

and Otto-cycle engines.⁴ For heavy-duty diesel engines (HDDE), the regulation established more stringent standards on existing certification cycles such as the HD Transient Federal Test Procedure (FTP), the Supplemental Emission Test Ramped Modal Cycle (SET), and the CARB Idle Test Procedure, and new exhaust emission standards on a new certification cycle (low load cycle). Furthermore, to ensure that in-use emissions are controlled during most of the vehicle's operations, the preexisting Not-To-Exceed HD in-use testing methodology was replaced with a more representative 3-Bin Moving Average Window (3B-MAW) methodology. The preexisting emissions warranty and useful life periods were also lengthened to reflect the longevity of current HD vehicles.

On January 24, 2023, the United States Environmental Protection Agency (U.S. EPA) finalized the federal Clean Trucks Plan (CTP) NO_x rule, which sets stricter emission standards for new 2027 and later MY HD engines and contains elements similar to CARB's Omnibus regulation. In general, CARB's 2031 and later MY Omnibus standards and test procedures are more stringent than the corresponding provisions of the federal CTP NO_x rule. Furthermore, U.S. EPA currently does not have emission standards or emission-related requirements that are as stringent as CARB's 2024 through 2026 MY Omnibus requirements.

Summary of Proposed Amendments

The Omnibus regulation currently contains a provision that allows manufacturers to elect to produce and sell a fraction of their 2024 and 2025 MY HDDEs rated below 525 bhp to the current 0.20 g/bhp-hr NO_x and 0.01 g/bhp-hr PM emission standards (hereinafter referred to as legacy engines), provided they offset any resulting legacy engine NO_x or PM emission deficits with credits obtained from the HD zero-emission averaging set. If sufficient credits from the zero-emission averaging set are not available, or such credits are not available below a specified cost threshold, then upon approval by CARB's EO, the manufacturer may offset the deficits using combustion engine credits from the same HDDE averaging set. If credits from the same HDDE averaging set are not available, the manufacturer may carry over the NO_x or PM deficit balance generated by legacy engines until the end of the 2026 MY, provided the manufacturer offsets the remaining legacy engine generated deficit balance times 1.25 with credits from the HD zero-emission averaging set or the same HDDE averaging set. If at the end of the 2026 MY, a sufficient quantity of HD zero-emission or HDDE credits are not available for the manufacturer to offset the remaining legacy engine generated deficit balance times 1.25, the manufacturer, upon approval by CARB's EO, may offset the legacy engine

¹ Under California regulations, HD vehicles are those vehicles with a gross vehicle weight rating (GVWR) greater than 8,500 pounds, while medium-duty vehicles are a subcategory of heavy-duty vehicles with a GVWR between 8,501 and 14,000 pounds. Manufacturers have the option to certify medium-duty engines used in vehicles from 10,001 to 14,000 pounds GVWR to the engine standards specified for engines in vehicles over 14,000 pounds.

² [Optional Reduced NO_x Standards for Heavy-duty Vehicles | CARB](#)

³ [Optional Low NO_x Certified Heavy-Duty Engines as of 02242022](#)

⁴ [Heavy-Duty Omnibus Regulation | CARB](#)

emission deficits times 1.25 by performing projects in disadvantaged communities. To utilize this option, a manufacturer must certify at least one engine family to the Omnibus requirements.

As 2024 model year certification approached, CARB staff became aware through manufacturer product plans for 2024 to 2026 that while the technology for diesel-fueled Omnibus compliant engines was available, manufacturers did not intend to produce such engines for some categories of trucks in California. Given the impacts to fleets manufacturers were projecting, additional flexibility was desired to enable a smoother transition to the omnibus standards. CARB staff is proposing to amend the legacy engine provisions in the Omnibus regulation to provide additional compliance flexibility to allow manufacturers to produce and certify greater numbers of 2024 through 2026 MY legacy engines, while also ensuring the proposed amendments will not reduce the emissions benefits of the Omnibus regulation. CARB staff is proposing two options for manufacturers to choose from.

Option 1 would keep the existing legacy engine sales limits of 45 percent for MY 2024 and 25 percent for MY 2025 and extend the applicability to MY 2026 with a 10 percent California legacy engine limit. If a manufacturer exceeds the legacy engine sales limits, deficits from the additional one percent sales volume above the limit would have to be remediated at four times the deficit balance. Any legacy engine sales above the production and sales limits including the additional one percent volume would be considered as non-compliant engine sales.

Option 2 would be available to manufacturers that produce and sell medium heavy-duty diesel (MHDD) engines and another class of HD engines. Under this option, MHDD legacy engine sales would be limited to 60 percent in each of MYs 2024 and 2025. The sales limits for combined light heavy-duty diesel (LHDD) and heavy heavy-duty diesel (HHDD) engines would be 15 percent in 2024 MY and 8 percent in 2025 MY. If a manufacturer exceeds the legacy engine sales limits, deficits from the additional 5 percent sales volume above the limit for MHDDs, and additional one percent sales volume above the limit for LHDDs and HHDDs would have to be remediated at four times the deficit balance. Any legacy engine sales above the distribution limits including the additional allowed exceedances would be considered as non-compliant engine sales.

The pathways for offsetting legacy engine emission deficits would remain the same as in the existing Omnibus regulation. In addition, the proposed amendments include other flexibilities including the ability to certify a legacy engine family before certification of the Omnibus compliant engine family and the ability

to start working on projects in disadvantaged communities as early as 2024 MY.

The EO may also consider other changes to the sections affected, as listed on page 2 of this notice, or other sections within the scope of this notice, during the course of this rulemaking process.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTION:

Objectives

As 2024 model year certification approached, CARB staff became aware through manufacturer product plans for 2024 to 2026 that while the technology for diesel-fueled Omnibus compliant engines was available, manufacturers did not intend to produce such engines for some categories of trucks in California. Given the impacts to fleets, additional flexibility was desired to enable a smoother transition to the Omnibus standards. CARB staff is introducing the proposed amendments, which would provide additional flexibility to assure originally intended engine availability levels while maintaining the originally projected emissions reductions.

Environmental and Health Benefits

As discussed above, similar to the existing legacy engine provisions, manufacturers would be required to offset any excess NOx and/or PM emissions deficits generated from legacy engine sales by using the same pathways currently existing in the Omnibus regulation. As a result, the proposed amendments are emissions-neutral; that is, they are not projected to provide any additional emission reductions, nor are they expected to result in any emissions increases. Emissions and health benefits expected from the Omnibus regulation as initially adopted would remain the same.

Economic Impacts

The proposed amendments are expected to be cost neutral to manufacturers because the technology cost savings gained from the sale of legacy engines will be offset by the cost for the credits or projects needed to offset the legacy engine deficits. There will be an operational cost savings to the fleet operators due to the decreased use of diesel exhaust fluid (DEF) in legacy engines valued at approximately \$60 to \$200 per engine on an annual basis. CARB staff expects fleets to purchase new legacy engines at an increased cost between \$600 and \$2,000 so they may utilize DEF savings. The savings and costs to the fleet owners are expected to have a net zero change over the years between 2024 through 2035. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis chapter of the Initial Statement of Reasons (ISOR).

COMPARABLE FEDERAL REGULATIONS:

Both California and U.S. EPA have the authority and responsibility to set emission standards for new HD engines and vehicles. For the past several decades, California's and U.S. EPA's HD engine emissions standards and other emission-related requirements have largely been harmonized. Thus, for many years the regulated industry has been able to design and produce a single product line of engines and vehicles that comply with both U.S. EPA and CARB emission standards and sold in all 50 states. So-called "50-state" certification enable technology suppliers and manufacturers to efficiently produce a single set of reliable and compliant products.

HD vehicles comprise the largest NOx emissions source category in California, contributing to about a third of total statewide NOx inventory. As a result, California urgently needs to achieve significant emission reductions from on-road HD vehicles in order to meet the California's State Implementation Plan (SIP) commitments and protect public health. The Omnibus regulation is one of the biggest measures in the 2016 State SIP Strategy. The regulation, as adopted on September 9, 2021, was developed to achieve significant NOx emission reductions by requiring HD engines meet stricter requirements beginning with MY 2024.

On January 24, 2023, U.S. EPA finalized the CTP NOx rule which sets stricter emission standards for new 2027 and later MY HD engines and has nearly all the same elements as the Omnibus regulation. In general, CARB's 2031 and later MY Omnibus standards and test procedures are more stringent than those of the CTP NOx rule. Furthermore, U.S. EPA currently does not have emission standards or emission-related requirements that are as stringent as CARB's 2024 through 2026 MY Omnibus requirements.

**AN EVALUATION OF INCONSISTENCY OR
INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS**

(Government Code, § 11346.5,
subdivision (a)(3)(D)):

During the process of developing the proposed amendments to the Omnibus regulation, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

**DISCLOSURE REGARDING THE
PROPOSED REGULATION**

**FISCAL IMPACT/LOCAL
MANDATE DETERMINATION
REGARDING THE PROPOSED ACTION**

(Government Code, § 11346.5,
subdivisions (a)(5)&(6)):

The determinations of the Board's EO concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the EO has determined that the proposed regulatory action would not create a net costs or savings to any State agency, would not create costs or savings in federal funding to the State, would not create a net increase in costs or mandate to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

The proposed regulatory action would not create a net cost to state agencies, local agencies or school districts purchasing and operating HD vehicles for their fleets. These agencies and school districts with fleets are expected to have an upfront cost that is balanced with annual operational savings over the ten years of useful life as discussed in the Economic Impacts section on page six, above. Additionally, sales taxes are levied in California to fund a variety of programs at the state and local level. The expected increase in purchase price of a HD vehicle and the subsequent savings in operational costs for a legacy engine are expected balance one another and they will have no net impact over the regulatory useful life of the engines.

HOUSING COSTS
(Government Code, § 11346.5,
subdivision (a)(12)):

The EO has also made the initial determination that the proposed amendments to the Omnibus regulation will not have a significant effect on housing costs.

SIGNIFICANT STATEWIDE
ADVERSE ECONOMIC IMPACT
DIRECTLY AFFECTING BUSINESS,
INCLUDING ABILITY TO COMPETE
(Government Code, §§ 11346.3, subdivision (a),
11346.5, subdivision (a)(7),
11346.5, subdivision (a)(8)):

The EO has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS/ASSESSMENT
(Government Code, § 11346.5,
subdivision (a)(10)):

NON-MAJOR REGULATION: STATEMENT
OF THE RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT (EIA):

(A) *The creation or elimination of jobs within the State of California.*

The proposed regulatory action is expected to have no impact to the creation or elimination of jobs within the State of California.

(B) *The creation of new business or the elimination of existing businesses within the State of California.*

The proposed regulatory action is expected to have no impact to the creation of new businesses or the elimination of existing businesses within the State of California.

(C) *The expansion of businesses currently doing business within the State of California.*

The proposed regulatory action is not expected to impact the expansion of businesses currently doing business within the State of California.

(D) *The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.*

The proposed regulatory action is not expected to have an impact to the health and welfare of California residents, worker safety, and the state's environment.

Effect on Jobs/Businesses:

The EO has determined that the proposed amendments would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts

of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Benefits of the Proposed Regulation:

The objective of the proposed amendments is to address some unanticipated changes to manufacturers' product lines and ensure adequate product availability during the 2024–2026 MY transition years as manufacturers adjust to the new lower Omnibus NOx emission standards.

A summary of these benefits is provided, please refer to “Objectives and Benefits”, under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code section 11346.5, subdivision (a)(3) discussion on page five.

BUSINESS REPORT
(Government Code, §§ 11346.5,
subdivision (a)(11); 11346.3, subdivision (d)):

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the EO finds the reporting requirements of the proposed amendments which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES
(Government Code, § 11346.5, subdivision (a)(9)):

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. A business purchasing and operating fleets may incur an initial cost between \$600 to \$2,000 per engine and an annual operational cost savings between \$60 to \$200 per engine depending on engine class. Over the 10 years of regulatory useful life of these legacy engines, the costs and saving balance each other out and there is zero net fiscal impact to businesses. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis chapter of the ISOR.

EFFECT ON SMALL BUSINESS (CAL.
CODE REGS., TITLE 1, § 4,
SUBDIVISIONS (A) AND (B)):

The EO has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. Small businesses are defined here to be California fleets that own three or fewer HD vehicles. A small business pur-

chasing and operating fleets may incur an initial cost between \$600 to \$2,000 per engine and an annual operational cost savings between \$60 to \$200 per engine depending on engine class. Over the 10 years of regulatory useful life of these legacy engines, the costs and saving balance each other out and there is zero net fiscal impact to businesses. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis chapter VIII of the ISOR.

CONSIDERATION OF ALTERNATIVES

(Government Code, § 11346.5,
subdivision (a)(13)):

Before taking final action on the proposed regulatory action, the EO must determine that no reasonable alternative considered by the EO or that has otherwise been identified and brought to the attention of the EO 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 provisions of law.

STATE IMPLEMENTATION PLAN REVISION

If adopted by CARB, CARB plans to submit the proposed amendments to the Omnibus regulation to the U.S. EPA for approval as a revision to the California SIP required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

ENVIRONMENTAL ANALYSIS

CARB has determined that the proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA). CARB's regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State's ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of CEQA (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares

a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report prepared for a proposed action to comply with CEQA (17 CCR 60000–60008). If the proposed amendments are finalized, a Notice of Exemption will be filed with the Office of the Secretary for the Natural Resources Agency for public inspection.

CARB has determined that the proposed amendments to the Omnibus regulation is exempt from CEQA under the "general rule" or "common sense" exemption (14 CCR 15061(b)(3)). The common sense exemption states a project is exempt from CEQA if "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Based on CARB's review, the proposed amendments would not result in increased criteria or toxics pollutant emissions, nor GHG emissions, compared to existing conditions. The proposed amendments would not result in any new or modified facilities, nor any other types of construction or operational-related impacts that could lead to potential adverse environmental impacts. It can therefore be seen with certainty that there is no possibility that the proposed amendments may result in a significant adverse impact on the environment; therefore, this activity is exempt from CEQA.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or (916) 322-5594 as soon as possible, but no later than ten business days before the scheduled EO hearing, if one is requested. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y

- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al cotb@arb.ca.gov o (916) 322-5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo, si lo solicitan. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Daniel Hawelti, Staff Air Pollution Specialist, On-Road Heavy-Duty Diesel Section, at (951) 542-3195 or (designated back-up contact) Mitzi Magtoto, Staff Air Pollution Specialist, On-Road Heavy-Duty Diesel Section, at (916) 323-8975.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Staff Report: Initial Statement of Reasons-Public Hearing to Consider the Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, on August 1, 2023. Please contact Chris Hopkins, Regulations Coordinator, at Chris.Hopkins@arb.ca.gov or (279) 208 7347 if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, (279) 208 7347. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

The public hearing will be conducted by the EO in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340), if a public hearing is requested. For details on how to request a hearing, please refer to the "Written Comment Period and Submittal of Comments" section of this document.

Following the close of the comment period, the EO may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The EO may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final adoption.

The public may request a copy of the modified regulatory text, if applicable, from CARB's Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2023/hdomnibus2023>.

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, 203, 265, 355, 1050, 2120, 2122, 2150, 2355, 3003.1, 3005.5, 3800, and 4150 of the Fish and Game Code and to implement, interpret or make specific sections, 13.5, 33, 80, 110, 200, 201, 203, 203.1, 240, 260, 265, 270, 275, 355, 356, 1001, 1008, 2055, 2116.5, 2118, 2118.2, 2118.4, 2120, 2121,

2122, 2124, 2150, 2150.2, 2150.4, 2150.5, 2151, 2185, 2186, 2187, 2189, 2190, 2193, 2350, 2353, 2355, 3003.1, 3004.5, 3219, 3800, 3950, 4011, and 4150 of said Code, proposes to amend sections 257.5, 475, 676, and 712 and add sections 681, and 714, Title 14, California Code of Regulations (CCR), relating to mitigating risks for cervid importation and movement.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Unless otherwise specified, all section references in this document are to Title 14, CCR.

The California Department of Fish and Wildlife (Department) is recommending that the California Fish and Game Commission (Commission) amend sections 257.5, 475, 676, and 712 and add sections 681, and 714 to target known risk factors for the introduction and spread of wildlife diseases such as chronic wasting disease (CWD) to California's cervid populations.

Diseases can have significant long-term effects on native wildlife populations, especially novel diseases. Once a disease becomes established in a wild population there are often very few management strategies available, and successes are limited. Prevention is generally the most effective management practice for diseases affecting wildlife. CWD is the most significant disease affecting cervids (deer, elk, moose, caribou) in North America, but it has never been detected in California. To prevent CWD and other diseases from being imported into California, the Department recommends that new regulations be adopted which will target known risk factors and mitigate the possibility of accidental importation.

Detecting CWD in California's deer or elk would require irrevocable changes to how the Department manages these species. As CWD prevalence increases in a population, population growth rates (λ) decrease and once past a certain threshold, populations will decline. CWD in California could result in changes to California's hunting regulations and traditions, and would require significant Department resources to manage.

While CWD poses a significant risk to cervids, it is not the only disease of concern associated with the movement of captive cervids. Cervids are susceptible to bovine tuberculosis (bTB) and brucellosis, two important diseases that affect the livestock industry. The USDA has established disease programs to limit or eliminate these diseases from livestock. While the Commission's regulations currently require testing for these diseases, the testing requirements have not been amended for many years. To align with current USDA testing standards, the Commission is updating disease testing requirements in addition to introducing CWD-specific regulations.

The proposed changes include:

- Section 257.5 adds cervid-derived biofluid to the list of substances which can be used to define a "baited area", and adds a new subsection which makes it unlawful to use any lures or similar materials that contain, or are labeled or advertised to contain, biological fluids from cervids to take game birds or mammals.
- Section 475 adds a new subsection making it unlawful to use lures or similar materials that contain, or are labeled or advertised as containing, any biological fluid derived from a cervid.
- Section 676 removes the currently incorporated Fallow Deer Farming Importation Application form and replaces it with a new Cervidae Importation Application form (DFW 1681), defines requirements for a health certificate to accompany imported live cervids, and updates testing requirements for bTB and brucellosis.
- Section 681 will be added to implement the new importation permit for any live cervids and outlines the requirements for permit application.
- Section 712 adds a new definition of skull plate to clarify importation requirements.
- Section 714 will be added to make it unlawful to import or possess any material that contains or is labeled or advertised as containing any biological fluid derived from a cervid.

Benefit of the Regulations

The goal of these regulations is to prevent the importation of CWD, and other diseases affecting cervids, into California by enhancing the Department's ability to regulate known risk factors for the movement, transmission, and spread of CWD and other diseases: movement of live cervids, their parts, and their products. The proposed regulations provide the Department with greater control over the importation of live animals which may carry the disease. Prohibition on the possession and use of cervid-derived biofluids, such as urine-based lures, mitigates the risk of importing infectious prions through such products. Additional specificity in hunter importation regulations will make it clear to the regulated public which animals are included in the cervid group and therefore require precautions to be imported after harvest and assist them in processing their harvested animals to avoid potentially importing parts of animals which may carry infectious prions. The benefit of these proposed regulations is to provide tools to further prevent importation of diseases like CWD.

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 2118 of the Fish and Game Code classifies cervids

as wild animals. Pursuant to Fish and Game Code section 2120, the Commission has the authority to regulate the entry, importation, possession, transportation, keeping, confinement, and release of all wild animals that will be or have been imported into California. Pursuant to Section 200 of the Fish and Game Code, the Commission has the authority to regulate the taking and possession of mammals. Section 80 of the Fish and Game Code provides that a provision of the Fish and Game Code that applies to a whole animal is presumed to also apply to a part of the animal. 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 the importation of live cervids, importation of hunter harvested cervid parts, or use and possession of lures.

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. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on October 6, 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 River Walk Drive, Fortuna, California, which will commence at **8:30 a.m. on Tuesday August 22, 2023**, and may continue at **8:30 a.m. on Wednesday 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 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 **8:30 a.m. on Wednesday, October 11, 2023**, and may continue at **8:30 a.m. on Thursday, October 12, 2023**. The exact location of this meeting has not yet been deter-

mined. 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 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. 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, CA 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 Jenn Bacon at FGC@fgc.ca.gov or at the preceding address or phone number. **Brandon Munk, Wildlife Veterinarian, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Munk can be reached at (916) 358–2790 or WHLab@wildlife.ca.gov.**

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. 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 Commission does not anticipate significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The businesses affected by cervid importation permit requirements would largely be 1) restricted species (Title 14, section 671) permit holders that have cervids (e.g. zoos, sanctuaries, and other exhibitors) and permitted fallow deer farms (Title 14, Section 676); people looking to start one of these businesses; similar businesses looking to travel through CA, (i.e. import permits would still be required even if just traveling through CA); 2) businesses affected by a cervid-derived biofluid ban, including retailers that sell cervid-derived biofluid-based lures which are not widely sold or used in the state, but artificial scent lures would not be affected by these regulations and would remain available; and 3) restricted species breeder permit holders looking to import semen for artificial insemination. Clarifications of the regulations regarding the importation of cervid body parts into the state will not introduce any new costs or demand for goods and services.

- (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 anticipates that the proposed regulations will not impact 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 because these proposed regulatory changes to mitigate CWD and other diseases will impose discretionary non-monetary costs on a small sector of the state with little to no stimulus to the demand for goods or services within the state economy. The proposed prevention measures will benefit fallow deer farming and outdoor recreation businesses by helping to ensure healthy cervid populations.

Direct benefits are anticipated to the state's environment, specifically the native deer and elk populations while indirect benefits are anticipated to be the health and welfare of California residents

by preserving hunting traditions and wildlife viewing opportunities.

Additionally, the proposed disease prevention measures would deter substantially increased Department management costs in the long-run by preventing the importation of CWD. This will allow current budgets to continue to further conservation programs to preserve deer, elk, and other California native species for their ecosystem values and as a resource for consumption and enjoyment by state and non-state residents. The Commission does not anticipate any benefits to worker safety with the proposed regulations.

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

The Commission estimates no cost impacts on representative businesses for importing live cervids for restricted species or fallow deer farming permit holders. The import application and permit approval would have no associated fee. Costs for disease testing and Certificate of Veterinary Inspection are already incurred for most cervid imports into California because of federal interstate movement regulations and best practices. These proposed requirements would not increase that cost. Records retention requirements may involve additional time that live deer farming businesses and zoos will incur should they continue to choose to import live deer. Importing deer is not strictly necessary for fallow deer farms and is discretionary. Time spent on permit applications and records retention requirements will remain a small fraction of the total cost of importation of live cervids. 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:

The Commission anticipates no new costs or savings to state agencies or to federal funding to the State. The proposed regulatory measures to mitigate the risk of disease importation into the state are projected to save the Department costs in the long-run. Other states' experiences show that state wildlife agencies spend eight-fold more managing CWD once the disease is detected within the state. The Department Wildlife Health Laboratory (WHL) effort to review and approve cervid importation permits is expected to be unchanged. Department law enforcement costs are expected to be unchanged, as the routine level of field enforcement is expected to be sufficient. There may be a decrease in the number of citations for improper importation of parts

from hunter harvested animals as the regulation change will clarify what can and cannot be imported from cervids harvested out-of-state.

- (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

**DEPARTMENT OF
FISH AND WILDLIFE**

CESA CONSISTENCY
DETERMINATION REQUEST FOR
EUREKA HILL ROAD BRIDGE
SEISMIC RETROFIT PROJECT
2080-2023-014-01
MENDOCINO COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on July 18, 2023 that the

California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the retrofitting of a seismically deficient Eureka Hill Road Bridge. Proposed activities will include, but are not limited to (1) construction of a temporary work pad in the channel with temporary culverts to maintain flow and fish passage through the site, (2) addition of steel columns casings to piers 2, 3, and 4, (3) installation of cast in drill piles (CIDH) at abutments 1 and 5 and piers 2, 3, and 4 and (4) construction below grade “concrete top mats” at piers 2, 3, and 4 to tie piles to existing pier footings. The proposed project will occur at Eureka Hill Road Bridge, located where the Eureka Hill Road crosses the Garcia River.

The National Marine Fisheries Service (Service) issued a federal biological opinion (BO) (Service Ref. No. WCR-2014-834) in a memorandum to Caltrans on June 25, 2014 which considered the effects of the proposed project on federally threatened Northern California (NC) steelhead (*Oncorhynchus mykiss*), state and federally endangered Central California Coast (CCC) coho salmon (*O. kisutch*), and federally threatened California Coastal (CC) Chinook salmon (*O. tshawytscha*). CDFW issued a Consistency Determination (No. 2080-2022-009-01) on June 16, 2022. Following a change in the project scope, Caltrans reinitiated consultation with the Service. The Service issued an updated federal BO (Service Ref. No. WCRO-2023-00634) on July 12, 2023.

Pursuant to California Fish and Game Code section 2080.1, Caltrans is requesting a determination that the Incidental Take Statement (ITS) and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated BO are consistent with CESA for the proposed project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF
FISH AND WILDLIFE**

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES

RECOVERY AND RESEARCH OF
CALIFORNIA CONDOR

The Department of Fish and Wildlife (Department) received a renewal and amendment request on January 31, 2023, from Pinnacles National Park, requesting

authorization to take California Condor (*Gymnogyps californianus*) (condor), for scientific research purposes, consistent with the protection and recovery of the species. The condor is a Fully Protected bird and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Pinnacles National Park requests authorization for captive holding, release, transportation, tracking, research activities, and providing medical treatment to condors in support of the California Condor Recovery Program in conjunction with program operations and in accordance with the methods approved by the Department and the U.S. Fish and Wildlife Service (under a Recovery Permit). Pinnacles National Park also requests to change the Principal Officer contact to Blanca Alvarez Stransky, Superintendent, and the Principal Permittee contact to Alacia Welch, Condor Program Manager.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize Pinnacles National Park to carry out the proposed activities. The applicants are also required to have valid federal permits for the condor.

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 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 would issue the authorization on or after September 3, 2023, for an initial and renewable term of up to, but not to exceed, five years. Contact: Shannon Skalos, Shannon.Skalos@wildlife.ca.gov.

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
SAN BENITO RIVER RESTORATION
PROJECT AT PAICINES RANCH
(TRACKING NUMBER:
1653-2023-123-001-R4)
SAN BENITO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 7/20/2023, that the

Doodlebug Ranches, LLC, proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the building of 23 beaver dam analogues, 2 post-assisted log structures, and 3 rock-fill fords. The proposed project will be carried out on the San Benito River, located at Paicines Ranch, San Benito County, California.

On 2/24/2023, the Central 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 San Benito River Restoration Project at Paicines Ranch. 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 No. 33523WQ02) for coverage under the General 401 Order on 7/17/2023.

Doodlebug Ranches, LLC, 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, Doodlebug Ranches, LLC, 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, Doodlebug Ranches, LLC, 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 1653-2023-116-001-R1

Project:

Mill Creek Campground Accessibility and Aquatic
Habitat Improvement Project

Location: Del Norte County

Applicant:

Victor Bjelajac, California Department of Parks
and Recreation

BACKGROUND

Project Location: The Mill Creek Campground Accessibility and Aquatic Habitat Improvement Project (Project) is located at approximately 5 miles south of Crescent City, California within Del Norte Coast Redwoods State Park on a small unnamed tributary to West Branch Mill Creek, Assessor's Parcel Number 126-070-02, Latitude/Longitude 41.69965 N, 124.09595 W. The Mill Creek watershed supports populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*).

Project Description: Victor Bjelajac (Applicant) representing the California State Parks, proposes to restore connectivity and function on a small tributary to provide a net conservation benefit for coho salmon and other salmonids. An existing culvert on a foot trail is a fish passage barrier, and occurrences of adult and juvenile coho salmon have been documented immediately downstream of the trail crossing. The Project will remove the existing undersized culvert and replace it with an appropriately sized footbridge. Installation of the new footbridge will improve passage conditions and connectivity to the small stream, which likely provides important non-natal rearing habitat for salmonids.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.006 acres and 20 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code

section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) less than 1.0 cubic yard of soil, (2) less than 1.0 cubic yards of rock rip-rap, (3) less than 1.0 cubic yard of native vegetation, (4) waddles and bridge diaper, and (5) a pedestrian bridge.

Project Timeframes:

Start date: September 15, 2023

Completion date: October 31, 2024

Work window: Instream work will occur between September 15 and October 15, with the option for extension or modification with written approval from the North Coast Regional Water Quality Control Board (Regional Water Board)

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage to rearing habitat, the Regional Water Board issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1A23038WNDN, Electronic Content Management Identification (ECM PIN) No. CW-887702 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, steelhead trout, other fish species, amphibians, birds, and rare plants.

Receiving Water:

Unnamed tributary to West Branch Mill Creek

Filled or Excavated Area:

Permanent area impacted: 0.006

Temporary area impacted: 0.0062 acres
maximum

Length permanently impacted: 20 feet

Length temporarily impacted: NA

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.).

Noticing: On June 21, 2023, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 21, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2023-0621-03) on July 7, 2023. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

DETERMINATION

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

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

AVOIDANCE AND MINIMIZATION MEASURES

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Post-construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in attachments to the NOI, *Mill Creek Campground Accessibility and Aquatic Habitat Improvement Project Del Norte Coast Redwoods State Park: Project Description, Preconstruction Biological Survey Reports, Botanical Survey and Rare Plant Report for the Mill Creek Campground Footbridge Restoration Project, Species Protection Measures Incorporated into Project Design, and Supplemental Avoidance and/or Minimization Measures to Protect Fish, Wildlife and Plant Resources*.

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, *Mill Creek Campground Accessibility and Aquatic Habitat Improvement Project: Monitoring and Reporting Plan*.

NOTICE OF COMPLETION

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

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

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

PROJECT AUTHORIZATION

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

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the

Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

**DEPARTMENT OF
FISH AND WILDLIFE**

**CESA CONSISTENCY DETERMINATION
REQUEST FOR SPL&T'S FORESTLAND
MANAGEMENT PROGRAM HABITAT
CONSERVATION PLAN
2080-2023-013-00**

The California Department of Fish and Wildlife (CDFW) received a notice on July 12, 2023, that Sierra Pacific Land & Timber Company (SPL&T) proposes to rely on a federal permit to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves forestland management activities and certain mitigation and conservation measures. Proposed activities will include, but are not limited to, timber harvesting; road construction, use, maintenance, and reconstruction; prescribed burns; and fire suppression. The proposed project will occur within the Trinity and Sacramento River Basins on approximately 355,061 acres owned by SPL&T in planning watersheds within the known limits of anadromy.

SPL&T prepared a Habitat Conservation Plan (HCP) which considered the effects of the proposed project on state and federally threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*); state and federally endangered Sacramento River winter-run Chinook salmon (*O. tshawytscha*); and state and federally threatened Southern Oregon/Northern California Coast coho salmon (*O. kisutch*). The National Marine Fisheries Service (NMFS) issued a federal incidental take permit (ITP) (Permit No. 24396) to SPL&T on September 29, 2021. On May 23, 2023, SPL&T requested a minor modification to the ITP and on June 9, 2023, NMFS issued an email approving this minor modification request.

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

**DEPARTMENT OF
FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT
CONCURRENCE DETERMINATION NO.
2080-2023-008-02**

Project:

Nonessential Experimental Population Designation and 4(d) Take Provisions for Reintroduction of Central Valley Spring-Run Chinook Salmon to the Upper Yuba River and its Tributaries Upstream of Englebright Dam

Location: Yuba County

BACKGROUND

On December 28, 2022, the Secretary of Commerce published regulations in the Federal Register designating a nonessential experimental population of Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and protective regulations pursuant to section 1533(d) of the federal Endangered Species Act (ESA) of the Upper Yuba River and its tributaries upstream of Englebright Dam (87 Fed. Reg. 79808-79818 (December 28, 2022); 50 C.F.R. § 223.301(d) (2022)). In doing so, the National Marine Fisheries Service (NMFS) established take prohibitions and exceptions for the nonessential experimental population for otherwise lawful activities within the experimental population's geographic range.

The designation and take provisions specify protective measures, prohibitions, and exceptions to the prohibitions for the designated experimental population of spring-run Chinook salmon, a species designated as threatened pursuant to the California Endangered Species Act (CESA) (Cal. Fish & Game Code, § 2050 et seq; see Cal. Code Regs., title 14, § 670.5, subdivision (b)(2)(C)), in the Upper Yuba River, which, as described herein, the Director of the California Department of Fish and Wildlife (CDFW) determines meet the requirements of Fish and Game Code § 2080.6(c). *The regulation includes protective measures, prohibitions, and exceptions to the prohibitions.*

Subject to the express exceptions set forth in 50 C.F.R. § 223.301(d)(3), the regulation applies all take prohibitions listed under ESA section 9(a)(1).¹ 50 C.F.R. § 223.301(d)(3).

¹NOAA has previously issued regulations pursuant to 16 U.S.C. § 1533(d) (hereinafter "4(d)") and applicable to Central Valley spring-run Chinook salmon. 50 C.F.R. § 223.203. See, 16 U.S.C. § 1533(d) (providing that "[w]henver any species is listed as a threatened species pursuant to subsection (c) of this section, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species.")

These prohibitions include legal and illegal activities resulting in take, and apply to all Central Valley spring-run Chinook salmon in the experimental population area (50 C.F.R. § 223.301(d)(2)–(3)).

The regulation also provides exceptions to those prohibitions. Take that is unintentional, not due to negligent conduct, and incidental to, and not the purpose of, the carrying out of an otherwise lawful activity is not prohibited (50 C.F.R. § 223.301(d)(4)(ii)). In addition, any take of Central Valley spring-run Chinook salmon is not prohibited if it is by authorized governmental entity personnel acting in compliance with 50 C.F.R. § 223.203(b)(3) to aid a sick, injured, or stranded fish; dispose of a dead fish; or salvage a dead fish that may be useful for scientific study (50 C.F.R. § 223.301(d)(4)(i)). Take also is not prohibited under the federal ESA if it occurs pursuant to a permit issued by NMFS under section 10 of the ESA (16 U.S.C. § 1539) and regulations applicable to such a permit (50 C.F.R. § 223.301(d)(4)(iii)).

These protective measures, prohibitions, and exceptions to prohibitions contain measures to avoid and minimize the impacts of any taking allowed by the regulation.

CDFW notes that many federal and state laws and regulations will aid in the establishment and survival of the experimental population through the protection of aquatic and riparian habitat (87 Fed. Reg. 79811–79812 (noting, for example, that the regulation does not affect the applicability of sections 404, 401, and 402 of the Clean Water Act, the Magnuson–Stevens Fishery Conservation and Management Act, California Fish and Game Code section 1600 et seq., CESA, or the California Environmental Quality Act)). In addition, the exceptions to the take prohibition are narrow and apply to the experimental population only when, and at such times as, it is wholly separate geographically from the nonexperimental population of the same species (87 Fed. Reg. 79812–79813). After considering the measures, prohibitions, and exceptions to the prohibitions in the regulation, in conjunction with the continued applicability of these federal and state statutes in this context, CDFW concurs with NMFS’ determination that the regulation includes measures to avoid and minimize the impacts of any taking allowed by the regulation.

These protective measures, prohibitions, and exceptions to prohibitions will further the conservation of the spring-run Chinook salmon and their restoration in the Upper Yuba River and will not jeopardize their continued existence or recovery.

The Fish and Game Code provides that “conservation” means “to use, and the use of, all methods and

procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary” (Cal. Fish and G. Code § 2061). Notably, past and recent status reviews have concluded that Central Valley spring-run Chinook salmon have been nearly extirpated in the Yuba River due to the presence of Englebright Dam (87 Fed. Reg. 79813). In making the determination as to whether to release an experimental population of Central Valley spring-run Chinook salmon into the Upper Yuba River, the Secretary of Commerce must determine whether doing so would further the conservation of the species. In making this determination, NMFS considered: (1) the effects of gathering broodstock on the extant populations of the ESU; (2) the potential for the released population to survive in the foreseeable future; and (3) the potential contribution of an experimental population to the recovery of the Central Valley spring-run Chinook salmon ESU. (See 87 Fed. Reg. 79811–79813.)

Importantly, a status review of the species every five years will develop information to assess the measures’ efficacy and, if necessary, will trigger revision to the regulation through the rulemaking process (87 Fed. Reg. 79814). In light of those foregoing considerations, NMFS concluded, and CDFW concurs, that designation of the experimental population would further the conservation and will not jeopardize the continued existence or recovery of Central Valley spring-run Chinook salmon.

DETERMINATION

The Secretary of Commerce has published regulations in the Federal Register specifying protective measures, prohibitions, and exceptions to the prohibitions for the designated experimental population of Central Valley spring-run Chinook salmon in the Upper Yuba River above Englebright Dam. As described above, the Director has determined, in writing, that the protective measures, prohibitions, and exceptions to the prohibitions contained in the regulations meet the requirements in Fish and Game Code section 2080.6 subdivision (c) and, consequently, no further authorization or approval is necessary under CESA for any person to incidentally take members of the experimental population, if the activity that results in incidental take of the designated experimental population is authorized by the regulations published in the Federal Register.

DEPARTMENT OF
HEALTH CARE SERVICES

PROPOSED BH-CONNECT SECTION 1115
DEMONSTRATION APPLICATION

This abbreviated public notice provides information of public interest regarding the California Department of Health Care Services' (DHCS') intent to submit to the Centers for Medicare & Medicaid Services (CMS) a new Section 1115 demonstration to expand access to and strengthen the continuum of community-based behavioral health services for Medi-Cal members living with serious mental illness (SMI) and serious emotional disturbance (SED).

DHCS is seeking approval to implement key features of the California Behavioral Health Community-Based Organized Networks of Equitable Care and Treatment (BH-CONNECT) demonstration. BH-CONNECT will amplify the state's ongoing behavioral health initiatives, and is informed by the findings from DHCS' comprehensive 2022 assessment of California's behavioral health landscape *Assessing the Continuum of Care for Behavioral Health Services in California*.

DHCS is soliciting public input on the Section 1115 demonstration application. A full draft of the proposed BH-CONNECT demonstration application and initial notice of public interest were posted on August 1, 2023 and are available on the *DHCS website*.

DHCS is requesting Section 1115 demonstration expenditure and waiver authorities for specific features of the BH-CONNECT demonstration. In parallel with the expenditure and waiver authorities requested in the application, DHCS will work with CMS to implement other features of the BH-CONNECT demonstration that do not require Section 1115 demonstration authority. Several features of the BH-CONNECT demonstration will require a new State Plan Amendment. Other features of the BH-CONNECT demonstration do not require any new federal Medicaid authorities and can be implemented with state-level guidance.

Features of BH-CONNECT that DHCS is requesting as part of the Section 1115 demonstration include:¹

- Workforce initiative to invest in a robust, diverse behavioral health workforce to support Medi-Cal members living with SMI/SED and/or a SUD*

¹ Features that will be implemented statewide are indicated with an "***". All other features will be available at county option.

- Activity Stipends to ensure children and youth involved in child welfare have access to extracurricular activities that support health and wellbeing*
- Cross-sector incentive program to support children and youth involved in child welfare who are also receiving specialty mental health services*
- Statewide incentive program to support behavioral health delivery systems in strengthening quality infrastructure, improving performance on quality measures, and reducing disparities in behavioral health access and outcomes*
- Incentive program for opt-in counties to support and reward counties in implementing community-based services and EBPs for Medi-Cal members living with SMI/SED and/or a SUD
- Transitional rent services for up to six months for eligible high-need members who are experiencing or at risk of homelessness
- FFP for care provided during short-term stays in IMDs

PUBLIC REVIEW AND
COMMENT PROCESS

The 30-day public comment period for the BH-CONNECT demonstration application is from August 1, 2023, through August 31, 2023. All comments must be received no later than 11:59 PM (Pacific Time) on August 31, 2023.

All information regarding the BH-CONNECT demonstration can be found on the DHCS website at: <https://www.dhcs.ca.gov/CalAIM/Pages/BH-CONNECT.aspx>. DHCS will update this website throughout the public comment and application process. The BH-CONNECT demonstration application will also be circulated via DHCS' relevant electronic mailing lists, including the *DHCS Stakeholder Email List*, Behavioral Health Stakeholder Updates List, Legislative and Government Affairs List, and Tribal/Indian Health Program List.

DHCS will host the following public hearings to solicit stakeholder comments. The public hearings will take place in-person and have online video streaming and telephonic conference capabilities to ensure accessibility.

- Friday, August 11, 2023 — First Public Hearing
 - 10:00–11:30 a.m. PT
 - Department of General Services
 - 1500 Capitol Ave. (Building 172), EEC Training Rooms, Sacramento, CA 95814
 - Register for Zoom conference link: <https://manatt.zoom.us/webinar/register/>

[WN_6XzvB4XsSD2MRHnKMYdMGw#/registration](#)

- Please register in advance if you plan to attend in-person or if you plan to attend by Zoom to receive your unique login details and a link to add the hearing to your calendar
- Call-in information: (646) 931-3860
 - Webinar ID: 939 8473 0250
 - Passcode: 081123
 - Callers do not need an email address to use the phone option and do not need to register in advance
- Thursday, August 24, 2023 — Second Public Hearing
 - 9:30-11:30 a.m. PT
 - Department of Health Care Services
 - 1700 K Street, Room 1014, Sacramento, CA 95814
 - Register for Zoom conference link: https://zoom.us/webinar/register/WN_eqqbAdsGRVuCilmQGc-Y-g
 - Please register in advance if you plan to attend in-person or if you plan to attend by Zoom to receive your unique login details and a link to add the hearing to your calendar
 - Call-in information: (646) 558-8656
 - Webinar ID: 913 8468 8826
 - Passcode: 478151
 - Callers do not need an email address to use the phone option and do not need to register in advance

Written comments may be sent to the following address; please indicate “BH-CONNECT demonstration” in the written message:

Department of Health Care Services
Director’s Office
Attention: Jacey Cooper and Tyler Sadwith
P.O. Box 997413, MS 0000
Sacramento, CA 95899-7413

Comments may also be emailed to BH-CONNECT@dhcs.ca.gov. Please indicate “BH-CONNECT demonstration” in the subject line of the email message.

To be assured consideration prior to submission of the BH-CONNECT demonstration application to CMS, comments must be received no later than 11:59 p.m. (Pacific Time) on August 31, 2023. Please note that comments will continue to be accepted after August 31, 2023, but DHCS may not be able to consider

those comments prior to the initial submission of the BH-CONNECT demonstration application to CMS.

After DHCS reviews comments submitted during this State public comment period, the BH-CONNECT demonstration will be submitted to CMS. Interested parties will also have the opportunity to officially comment on the BH-CONNECT demonstration during the federal public comment period; the submitted application will be available for comment on the CMS website at: <https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html>.

DEPARTMENT OF HEALTH CARE SERVICES

PROPOSED CALAIM SECTION 1115 DEMONSTRATION AMENDMENT

This abbreviated public notice provides information of public interest regarding submission of a proposed Section 1115 amendment request to the federal Centers for Medicare & Medicaid Services (CMS).

To improve the well-being and health outcomes of Medi-Cal members during critical transitions or who meet high-risk criteria, California Department of Health Care Services (DHCS) is seeking an amendment to the California Advancing and Innovating Medi-Cal (CalAIM) Section 1115 demonstration to provide up to six months of transitional rent services as a new Community Support in the Medi-Cal Managed Care (MCMC) delivery system for eligible individuals who are homeless or at risk of homelessness and experiencing critical transitions, as well those who meet the criteria for unsheltered homelessness or for a Full Service Partnership (FSP) program. The State is seeking expenditure authority up to an aggregate cap of \$764,860,000 over the final two years of the CalAIM demonstration period (January 1, 2025-December 31, 2026) to cover transitional rent services in the MCMC delivery system. To ensure a “no wrong door” approach to accessing key housing services for high need enrollees who are homeless or at risk of homelessness and experiencing transitions, DHCS is requesting authority to provide transitional rent services for qualifying individuals enrolled in the Specialty Mental Health Services (SMHS) and Drug Medi-Cal Organized Delivery System (DMC-ODS) delivery systems through the proposed California Behavioral Health Community-Based Organized Networks of Equitable Care and Treatment (BH-CONNECT) demonstration.

A copy of the proposed CalAIM Section 1115 Transitional Rent Services Amendment and initial notice of public interest, both posted on August 1, 2023,

are available on the DHCS website at <https://www.dhcs.ca.gov/provgovpart/Pages/CalAIM-1115-and-1915b-Waiver-Renewals.aspx>.

PUBLIC REVIEW AND COMMENT PROCESS

DHCS will host two public hearings to solicit stakeholder comments. The meetings will take place in-person and have online video streaming and telephonic conference capabilities to ensure accessibility.

- Friday, August 11, 2023 — First Public Hearing
 - 10:00–11:30 a.m. PT
 - Department of General Services
 - 1500 Capitol Ave. (Building 172), EEC Training Rooms, Sacramento, CA 95814
 - Register for Zoom conference link: https://manatt.zoom.us/webinar/register/WN_6XzvB4XsSD2MRHnKMYdMGw#/registration
 - Please register in advance if you plan to attend in-person or if you plan to attend by Zoom to receive your unique login details and a link to add the hearing to your calendar
 - Call-in information: (646) 931–3860
 - Webinar ID: 939 8473 0250
 - Passcode: 081123
 - Callers do not need an email address to use the phone option and do not need to register in advance
- Thursday, August 24, 2023 — Second Public Hearing
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 - 1700 K Street, Room 1014, Sacramento, CA 95814
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 - Please register in advance if you plan to attend in-person or if you plan to attend by Zoom to receive your unique login details and a link to add the hearing to your calendar
 - Call-in information: 646–558–8656
 - Webinar ID: 913 8468 8826
 - Passcode: 478151
 - Callers do not need an email address to use the phone option and do not need to register in advance

The complete version of the draft of the CalAIM Section 1115 Transitional Rent Services Amendment is available for public review at: <https://www.dhcs.ca.gov/provgovpart/Pages/CalAIM-1115-and-1915b-Waiver-Renewals.aspx>.

If you would like to view the CalAIM Section 1115 Transitional Rent Services Amendment or notices in person, you may visit your local county welfare department (addresses and contact information available at: <https://www.dhcs.ca.gov/services/medi-cal/Pages/CountyOffices.aspx>). You may also request a copy of the proposed CalAIM Section 1115 amendment, notices, and/or a copy of submitted public comments, once available, related to the CalAIM Section 1115 amendment for transitional rent services by requesting it in writing to the mailing or email addresses listed below.

Written comments may be sent to the following address; please indicate “CalAIM Section 1115 Transitional Rent Services Amendment” in the written message:

Department of Health Care Services
 Director’s Office
 Attention: Jacey Cooper and Susan Philip
 P.O. Box 997413, MS 0000
 Sacramento, CA 95899–7413

Comments may also be emailed to 1115waiver@dhcs.ca.gov. Please indicate “CalAIM Section 1115 Transitional Rent Services Amendment” in the subject line of the email message.

To be assured consideration prior to submission of the CalAIM Section 1115 Transitional Rent Services Amendment to CMS, comments must be received no later than **11:59 p.m. (Pacific Time) on August 31, 2023**. Please note that comments will continue to be accepted after August 31, 2023, but DHCS may not be able to consider those comments prior to the initial submission of the CalAIM Section 1115 Transitional Rent Services Amendment to CMS.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING

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

PUBLIC MEETING:

On **September 21, 2023**, at 10:00 a.m.
in the RTP Conference Room A/B of the
Monterey One Water Building, 14811 Del
Monte Boulevard, Marina, California

as well as via the following:

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

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

BUSINESS MEETING:

On **September 21, 2023**, at 10:00 a.m.
in the RTP Conference Room A/B of the
Monterey One Water Building, 14811 Del
Monte Boulevard, Marina, California

as well as via the following:

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

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

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

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Ac-

cess Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE
SECRETARY OF STATE**

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

Department of Alcoholic Beverage Control
File # 2023-0606-02
Administration of Music Venue Licenses

This certificate of compliance makes permanent emergency regulations to implement and clarify SB 793 (2021-22) regarding a new class of license: a Music Venue License. The regulations define statutory terms, establish standards for licensees, and require that only a bona fide "Music Entertainment Facility" is issued a Music Venue License.

Title 04
Adopt: 71
Filed 07/19/2023
Effective 07/19/2023
Agency Contact:
Robert de Ruyter (916) 419-8958

Fish and Game Commission
File # 2023-0619-01
Commercial and Recreational Take of California
Spiny Lobster, and Hoop Nets

This certificate of compliance amends recreational hoop net regulations to (1) alter standards for hoop net use and design; (2) alter hoop net service interval requirements; (3) alter the geographic limits of hoop net requirements; and (4) alter hoop net marking requirements. This action also changes the start of the take season for spiny lobster and amends commercial spiny lobster take to (1) establish spiny lobster measurement and size requirements; (2) alter spiny lobster take record keeping requirements; (3) alter the Catalina boundary of commercial spiny lobster take;

(4) amend a related take affidavit form; and (5) prohibit disturbing another’s spiny lobster traps.

Title 14
 Amend: 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2, 705
 Filed 07/24/2023
 Effective 09/01/2023
 Agency Contact:
 Sherrie Fonbuena (916) 902–9284

Department of Insurance
 File # 2023–0616–03
 Workers’ Compensation Classification/Rating Rules

In this file–and–print action, the Department of Insurance amends the California Workers’ Compensation Uniform Statistical Reporting Plan–1995, the California Workers’ Compensation Experience Rating Plan–1995, and the Miscellaneous Regulations for the Recording and Reporting of Data–1995. The publications are incorporated by reference in Sections 2318.6, 2353.1, and 2354, respectively, in Title 10 of the California Code of Regulations. The full text of each publication is available at the Insurance Commissioner’s office and is published by the Workers’ Compensation Insurance Rating Bureau of California. These amendments are exempt from the Administrative Procedure Act under the “rates” exemption of Government Code section 11340.9, subdivision (g), and become effective September 1, 2023.

Title 10
 Amend: 2318.6, 2353.1, 2354
 Filed 07/24/2023
 Effective 09/01/2023
 Agency Contact:
 Yvonne Hauscarriague (415) 258–4417

Department of Insurance
 File # 2023–0616–05
 CAARP Plan of Operations

In this file and print action, the Department of Insurance (“DOI”) is amending the California Automobile Assigned Risk Plan (“CAARP”) Plan of Operations, which is incorporated by reference in title 10, California Code of Regulations, section 2498.4.9. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
 Amend: 2498.4.9
 Filed 07/24/2023
 Effective 07/24/2023
 Agency Contact:
 Michael Riordan (415) 798–4245

Fair Political Practices Commission
 File # 2023–0620–07
 Return or Attribution of Excessive Contributions

In this file and print action, the Fair Political Practices Commission updates its regulations to address attribution of excessive political campaign contributions.

Title 02
 Amend: 18531
 Filed 07/20/2023
 Effective 08/19/2023
 Agency Contact:
 Amanda Apostol (916) 322–5660

Board of Education
 File # 2023–0612–04
 Other Health Impairments

This action by the State Board of Education makes changes pursuant to title 1, section 100 of the California Code of Regulations to conform regulations to Education Code, section 56332.

Title 05
 Amend: 3030
 Filed 07/24/2023
 Agency Contact: Lori Adame (916) 319–0860

Department of Insurance
 File # 2023–0623–03
 Life Settlements

This action without regulatory effect amends sections 2528.15 and 2548.17 of Title 10 of the California Code of Regulations to correct cross–references to Government Code statutes in the California Public Records Act in order to conform to the reorganizing and renumbering of the sections of that Act in Assembly Bill 473 (Chapter 614, Statutes of 2021) which took effect on January 1, 2023.

Title 10
 Amend: 2548.15, 2548.17
 Filed 07/26/2023
 Agency Contact: Audrie Lee (415) 538–4434

Department of Motor Vehicles
 File # 2023–0612–02
 Renumbering in Title 13, Division 1, Chapter 1, Article 3.0

In this change without regulatory effect, the Department renumbers its regulation related to vehicle classification and another regulation related to window decal for vehicles with wheelchair lift or wheelchair carrier.

Title 13
Amend: 159.00 [renumbered as 157.02], 159.10
[renumbered as 157.04]
Filed 07/20/2023
Agency Contact: Randi Calkins (916) 282-7294

Civil Rights Council
File # 2023-0609-06
Employment Regulations Relating to
Criminal History

In this regular rulemaking, the Civil Rights Council (the “Council”) is amending Section 11017.1, which regulates the consideration of conviction history in employment decisions. Specifically, the Council is amending regulations (1) pertaining to the consideration of conviction history prior to a conditional offer of employment; (2) pertaining to consideration of certain types of conviction history; (3) governing what an employer must do when they intend to deny an applicant employment conditionally offered because of the applicant’s conviction history; (4) covering labor contractors, union hiring halls, and client employers; (5) prohibiting disparate treatment; (6) used to determine adverse impact; (7) outlining procedural requirements; (8) covering situations when an employer seeks the Work Opportunity Tax Credit provided under section 51 of the Internal Revenue Code; and (9) defining terms used in Section 11017.1.

Title 02
Amend: 11017, 11017.1
Filed 07/24/2023
Effective 10/01/2023
Agency Contact:
Rachael Langston (510) 972-6811

Department of Food and Agriculture
File # 2023-0620-06
VSV Entry Requirements

This action amends interstate movement requirements for animals susceptible to Vesicular Stomatitis Virus (VSV) by (1) reducing the window of time between the inspection of the animals and the issuance of a Certificate of Veterinary Inspection (CVI) before entry into the state from 30 days to 7 days; and (2) requiring certification from an accredited veterinarian certifying that all VSV susceptible animals have been inspected within 7 days before shipment and without clinical signs of the disease.

Title 03
Amend: 799
Filed 07/26/2023
Effective 09/01/2023
Agency Contact: Angelina Velez (916) 718-8242

Department of Motor Vehicles
File # 2023-0613-01
Plate Sponsors

This action amends regulations for the Specialized License Plate program. The changes include defining “marketing expenditures,” clarifying requirements for reports and financial plans that must be submitted by program sponsors, and amending licensing plate program sponsor application requirements to permit additional design options including licensed intellectual property images.

Title 13
Amend: 160.00,160.02,160.04, 161.06
Filed 07/26/2023
Effective 10/01/2023
Agency Contact: Tracy Brazil (916) 657-8919

Department of Public Health
File # 2023-0614-04
CCLHO Public Comment Time Limit

This action by the Department of Public Health establishes rules governing public participation at board and committee meetings of the California Conference of Local Health Officers (CCLHO) subject to the Bagley-Keene Open Meeting Act (Government Code, sec. 11120 et seq.).

Title 17
Adopt: 40100
Filed 07/26/2023
Effective 10/01/2023
Agency Contact: Veronica Rollin (916) 445-2529

State Water Resources Control Board
File # 2023-0614-02
Elsinore Groundwater Management Zone Basin
Plan Amendment

On December 10, 2021, the Santa Ana Regional Water Quality Control Board adopted Resolution No. R8-2021-0044, amending the Water Quality Control plan for the Santa Ana River Basin to establish maximum benefit total dissolved solids and nitrate as nitrogen groundwater quality objectives and a salt and nutrient management plan for the Elsinore Groundwater Management Zone. On May 10, 2022, the State Water Resources Control Board approved the Basin Plan amendment through Resolution No. 2022-0015.

Title 23
Adopt: 3979.15
Filed 07/24/2023
Effective 07/24/2023
Agency Contact: Keith Person (951) 782-4997

California Energy Commission
File # 2023-0621-01
Small Power Plant Exemption (SPPE)

In this rulemaking action, the California Energy Commission updates the information required to be submitted during an application for a small power plant exemption.

Title 20
Amend: Chapter 5, Appendix B Information Requirements
Filed 07/20/2023
Effective 07/20/2023
Agency Contact: Jared Babula (916) 879-3028

Department of Toxic Substances Control
File # 2023-0616-01
Safer Consumer Products: Priority Products List

In this resubmittal of OAL Matter No. 2022-0930-02S, the Department of Toxic Substances Control is adopting regulations regarding how a manufacturer submitting an Alternatives Analysis Threshold Notification shall demonstrate that the concentration of toluene in the nail products covered by the notification does not exceed the Alternatives Analysis Threshold.

Title 22
Amend: 69511.6
Filed 07/26/2023
Effective 07/26/2023
Agency Contact:
Gabby Nepomuceno (916) 251-8328

Environmental Protection Agency
File # 2023-0612-01
Environmental Enforcement & Training Grant Program

This rulemaking action by the Environmental Protection Agency updates application procedures, eligibility criteria, selection criteria, and reporting requirements related to the Environmental Enforcement and Training Grant Program.

Title 27
Adopt: 10019
Amend: 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018
Filed 07/24/2023
Effective 10/01/2023
Agency Contact: Linda Lye (916) 769-9285

**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.

