



California Regulatory Notice Register

REGISTER 2023, NUMBER 32-Z

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AUGUST 11, 2023

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STATE AGENCY: Employment Training Panel
State Coastal Conservancy
State Controller’s Office

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Dated
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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: Delano Mosquito Abatement District
- STATE AGENCY: Employment Training Panel
State Coastal Conservancy
State Controller's Office

A written comment period has been established commencing on August 11, 2023 and closing on September 25, 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 25, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

**DIVISION 4. PLANT INDUSTRY
CHAPTER 2. FIELD CROPS
SUBCHAPTER 2. COMMERCIAL FEED**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to adopt and amend regulations as described below within the California Code of Regulations, Title 3 (3 CCR), Division 4, Chapter 2, Subchapter 2, Articles 1, 3, 4, 5, 7, 11, and 13, Sections 2675, 2683, 2684, 2685, 2686, 2697, 2701, 2717, 2750, 2751, 2765, 2766, 2767, 2768, and 2769.

PUBLIC HEARING

Any interested person or his or her duly authorized representative may request a public hearing on this proposed action by submitting a written request no later than 15 days before the close of the written comment period noted below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail or email. The written comment period will close on September 25, 2023. The Department will only consider comments received by that date. Submit written comments to:

Erika Lewis, Research Data Specialist II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory
Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov

Following the written comment period or public hearing, if one is requested, and after considering all comments, objections, and recommendations regard-

ing the proposed actions, the Department, at its own motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

The Department is proposing to adopt changes to 3 CCR, Division 4, Chapter 2, Subchapter 2 pursuant to the authority vested by Sections 407, 14902, 15071, 15071.1, and 15071.4 of the Food and Agricultural Code (FAC), and Section 11400.20 of the Government Code (GOV) to adopt, implement, and enforce these regulations. The proposed regulations will implement, interpret, or make specific FAC Sections 14902, 14903, 14925, 14930, 14938, 14991, 14992, 14993, 14994, 15011, 15021, 15041, 15042, 15051, 15053, 15055, 15061, 15062, 15071, 15071.1, 15071.3, 15071.4, 15072, 15073, 15076, 15082, and 15092, and GOV Sections 11425.50, 11445.10, 11445.30, 11501, 11502, and 11503.

INFORMATIVE DIGEST/POLICY STATEMENT

The Department's Commercial Feed Regulatory Program (CFRP) is responsible for the enforcement of California state law and regulations pertaining to the manufacturing, distribution and labeling of commercial feed while preventing adulterated feed from being consumed by livestock. Inspectors and investigators located throughout the state conduct routine feed sampling and inspections, quality assurance inspections of feed manufacturing facilities, respond to consumer complaints, and enforce the laws and regulations that govern the manufacturing, distribution, and labeling of commercial feed. The work of the CFRP helps to ensure a clean and wholesome supply of milk and meat, as well as providing assurance that the product received by the consumer is the quality and quantity purported by the manufacturer.

CFRP is proposing the adoptions and revisions to 3 CCR, Division 4, Chapter 2, Subchapter 2 described below.

Section 2675(l) is being adopted to define the term "bulk."

Section 2675(m) is being adopted to define the term "packaged."

Section 2675(n) is being adopted to define the term "mixed feed."

Section 2675(o) is being adopted to define the term "custom formula feed."

Article 3 and Section 2683 titles are being amended to change the term "special mixes" to "custom formula feed."

Section 2684, 2685, 2686, and 2697 are being amended to add a subparagraph label and change the term "special mix" to "custom formula feed."

Section 2701 is being amended to split the section into subparagraphs and relocate current Section 2766 to 2701(b).

Section 2717(d) is being adopted to clarify that the Department shall provide subsamples to firms upon request with the condition that firms share the analytical results with the Department and clarifies the Department reserves the right to refuse future subsample requests if results are not provided.

Section 2750(a) is being amended to further clarify that the inspection tonnage tax for packaged commercial feed shall be paid by the licensee named on the label and the inspection tonnage tax for bulk commercial feed shall be paid by the last licensee selling or distributing the commercial feed to a consumer buyer.

Section 2750(b)(1) is being adopted to specify the late fee for delinquent tonnage reports shall be based on the amount of tonnage sold or distributed during the quarter. Reports for zero tons sold or distributed shall not be subject to a late fee, less than 10,000 tons sold or distributed shall be subject to a late fee of \$100, and greater than or equal to 10,000 tons sold or distributed shall be subject to a late fee of \$500.

Section 2750(b)(2) is being adopted to specify the late fee for delinquent tonnage payments is 15 percent of the past due amount plus an additional 1 percent per month for payments more than 12 months delinquent.

Section 2751(e) is being adopted to clarify a penalty of \$100 shall be assessed for delinquent license renewals and clarifies that licensees shall be required to pay all past due license fees, tonnage tax, and applicable penalties for each year the licensee conducted commercial feed business with an expired license before the Department will approve a license renewal.

Section 2751(f) is being adopted to clarify that commercial feed licensees must notify the Department within thirty (30) calendar days if any of the information provided on the license application or renewal changes after the license is issued and clarifies any notices issued by the Department will be sent to the address on record and shall be considered effective even if delivery is refused.

Section 2765(a) is being adopted to clarify that failure to comply with any provision of Chapter 6 (commencing with Section 14901) of Division 7 of the Food and Agricultural Code or Subchapter 2 (commencing with Section 2675) of Chapter 2 of Division 4 of Title 3 of the California Code of Regulations constitutes a violation that is subject to administrative penalty as authorized under FAC Section 15071.1 and clarifies that in applying FAC Section 15071.1, the provisions of Article 13 shall be used to determine the violation class and penalty amount.

Section 2765(b) is being adopted to clarify the criteria for violations that will be classified as major and subject to administrative penalty.

Section 2765(b)(1) is being adopted to specify that violations deemed by the secretary to require immediate action to protect public or animal health and safety shall be classified as major.

Section 2765(b)(2) is being adopted to specify that violations involving movement of quarantine without prior approval or denial of access for the purpose of inspection, sampling, or enforcement shall be classified as major.

Section 2765(b)(3) is being adopted to clarify that violations demonstrating severity, intent, and recurrence shall be classified as major.

Section 2765(b)(3)(A) is being adopted to clarify that severity is demonstrated by the seriousness of the violation and the degree of noncompliance.

Section 2765(b)(3)(B) is being adopted to clarify that intent is demonstrated by the degree to which the violator failed to prevent noncompliance.

Section 2765(b)(3)(C) is being adopted to clarify that recurrence is demonstrated by repeated violations.

Section 2765(c) is being adopted to specify that violations that do not meet the criteria specified in subparagraph (b) shall be classified as minor and receive a notice of warning in lieu of an administrative penalty.

Section 2766 is being amended to move existing language regarding unlawful use of medicated feed to Section 2701 with the other provisions applicable to medicated feed.

Section 2766(a) is being adopted to clarify that violations classified as major shall be evaluated based upon nature of the violation, effect of the violation upon the effectuation of the purposes and provisions of this chapter, and impact of the penalty on the violator to determine the administrative penalty amount and that the total administrative penalty amount shall be calculated by adding together the applicable amount based on consideration of the defined factors.

Section 2766(a)(1) is being adopted to clarify that nature of the violation means the potential risk posed and the actions of the violator, as well as specify the criteria for high (\$500) and low (\$250) penalty amounts.

Section 2766(a)(2) is being adopted to clarify that the effect of the violation upon the effectuation of the purposes and provisions of this chapter means how the violation impacted consumers, as well as specify the criteria for high (\$1,000) and low (\$500) penalty amounts.

Section 2766(a)(3) is being adopted to clarify that the impact of the penalty on the violator means the deterrent effect on future violations and deterrent effect on noncooperation, as well as specify criteria for high (\$1,000) and low (\$500) penalty amounts.

Section 2766(b) is being adopted to specify that subsequent major violations of the same section within twelve months from the date an administrative penalty was assessed shall be subject to an administrative penalty in the amount of \$5,000.

Section 2766(c) is being adopted to clarify that the Department is entitled to reimbursement of investigative costs, which shall be added to the administrative penalty amount determined by subparagraph (a) or (b).

Section 2767 is being adopted to specify filing deadlines and procedures to request a hearing to contest a penalty.

Section 2768 is being adopted to specify hearing scheduling and notification requirements.

Section 2769 is being adopted to clarify hearing procedures.

Anticipated Benefits of the Proposed Regulations:

Clarifying the terminology used in FAC versus CCR will reduce confusion for the regulated industry.

Specifying consequences for failure to provide subsample results to the Department will ensure the Department receives results to help validate our laboratory methods and does not have to continue providing results to noncompliant requestors.

Clarifying which firms shall pay tonnage tax for bulk versus packaged commercial feed will reduce confusion for the regulated industry. Specifying late fees for delinquent tonnage reports, tax payments, and operating with an expired commercial feed license will enable to Department to pursue delinquent tonnage reports, tax payments, and license renewals.

Clarifying that it is the licensee's responsibility to notify the Department if any of the information on their license application changes after the license is issued will ensure the Department maintains current contact information for licensees.

Defining severity, intent, and repeat nature of violations will provide clarity in determining when to issue penalties. Defining nature of the violation, the seriousness of the effect of the violation upon the effectuation of the purposes and provisions of this chapter, and the impact of the penalty on the violator will provide clarity in determining the amount of the penalty assessed for violations.

Determination of Inconsistency/Incompatibility with Existing Regulations:

The Department evaluated the proposed regulations and made several determinations required by Government Code Section 11346.5(a)(3)(A) to 11346.5(a)(3)(D). The Department determined that there are no existing state laws or regulations related directly to the proposed action and the effect of the proposed action; the proposed regulations are not inconsistent or incompatible with existing state regulations.

PLAIN ENGLISH REQUIREMENT

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written to be easily understood by the individuals that will use them.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

California Government Code Section 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend any administrative regulation. The Department has initially determined that the proposed regulatory action will not have a broad economic or fiscal impact to the commercial feed industry. The proposed regulations will not:

- (1) Require any additional ongoing expenses for compliant individuals or businesses.
- (2) Create or eliminate jobs within the state.
- (3) Create new businesses or eliminate existing businesses within the State of California.
- (4) Affect the expansion of businesses currently operating within the State of California.
- (5) The proposed regulations will benefit the health and welfare of California residents utilizing feed for their livestock by adding clarity to the

regulated industry terminology, compliance expectations and subsequent consequences for industry licensees as it pertains to tonnage type, reporting, and payments; tax and licensure responsibilities, providing subsampling results, and defining severity of consequences by violation type.

- (6) The proposed regulations are not expected to affect worker safety, or the state's environment.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations will affect small businesses but will not have an economic impact on those businesses. The proposed actions do not involve any area that would increase fees or result in any increased costs to these businesses. The only small businesses potentially affected by the proposed regulations would be non-compliant firms that are delinquent in submitting tonnage reports, payments, or license renewals, or receive violations for violating laws and/or regulations, thereby receiving penalties.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation, initial statement of reasons, proposed actions, location of the rulemaking file, or a request for a public hearing should be directed to:

Erika Lewis, Research Data Specialist II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory
Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov
Phone: 916-900-5022

The backup contact person for these inquiries is:

Ashley James, Research Data Analyst II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory
Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov
Phone: 916-900-5022

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. A copy of this notice, the proposed regulation text, and the initial statement of reasons may be obtained by contacting Erika Lewis at the address provided in the “Contact Persons” section.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed action, the initial statement of reasons, and the proposed regulation text in underline and strikethrough can be accessed through the Department’s website: <https://www.cdfa.ca.gov/is/Regulations.html>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ, but are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days prior to amendment. Please send requests for copies of any modified regulations to the attention of Erika Lewis at the address provided in the “Contact Persons” section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Erika Lewis at the address provided in the “Contact Persons” section.

TITLE 5. DEPARTMENT OF EDUCATION

HIGH SCHOOL PROFICIENCY EXAMINATION

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a virtual public hearing at 9:00 a.m. on September 26, 2023.

Any interested person may participate in the public hearing via Zoom meeting by logging in per the following instructions:

- Click the following link or paste the link to the browser to join the webinar and enter the passcode:
<https://us02web.zoom.us/j/84505129532>
Passcode: 137735
 - To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and password:
669-900-6833
213-338-8477
Meeting ID: 845 0512 9532
Passcode: 137735
- For persons intending to attend the Zoom meeting, those persons may check their computers by:
- Clicking on the test link: <https://zoom.us/test>.
 - For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

REASONABLE ACCOMMODATION FOR
ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Gita Raman, Assessment Development and Administration Division, 1430 N Street, Room 4409, Sacramento, CA, 95814; telephone, 916-319-0500. It is recommended that assistance be requested at least two weeks prior to the hearing.

Pursuant to Government Code section 11346.6(a)(3) and (b), because some of these regulations pertain to special education, the following provisions also apply:

Upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, the CDE shall provide that person a narrative description of the additions to, and deletions from, the regulations. The description shall identify each addition to or deletion from the regulations by reference to the subdivision, paragraph, subparagraph, clause, or subclause within the proposed regulation containing the addition or deletion. The description shall provide the express language proposed to be added to or deleted from the regulations and any portion of the surrounding language necessary to understand the change in a manner that allows for accurate translation by reading software used by the visually impaired.

The CDE shall provide the information described above within 10 business days, unless the CDE determines that compliance with this requirement would be impractical and notifies the requester of the date on which the information will be provided.

Notwithstanding any other law, if information is provided to a requester as described above, the CDE shall provide that requester at least 45 days from the date upon which the information was provided to the requester to submit a public comment regarding the proposed regulation. The CDE shall not take final action to adopt the regulation until the requester has submitted a public comment or the extended 45-day comment period expires, whichever occurs first.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education

1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-322-2549 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to or on September 26, 2023. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AUTHORITY AND REFERENCE

Authority: Sections 48410 and 48412, Education Code.

References: Sections 48410 and 48412, Education Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Education Code (EC) section 48412 provides for a program of assessment that allows a student 16 years of age or older, who is enrolled in the second semester of their sophomore year, to “have their proficiency in basic skills taught in public high schools verified according to criteria established by the department.” EC section 48412 further states that the CDE shall develop the standards of competency in basic skills and shall administer the tests annually. Upon successfully passing the examination, the student shall receive a certificate of proficiency, awarded by the SBE, that is equivalent to a California high school diploma.

Policy Statement Overview

New definitions are needed to align title 5 of the California Code of Regulations (5 CCR) section 11520 with the eligibility criteria in EC section 48412(a)(1) and to clarify that payment is required at the time of the examination registration or when requesting services and that administration fees are comprised of different costs.

The objective for the proposed definition for “eligibility” is to clarify that the test will be administered to students who are at least in their second semester of their sophomore year of high school.

In EC section 48412(c)(1), “fee” is defined to be “an amount sufficient to recover the costs” to administer the test. This amount is a combination of costs, which includes vendor costs, testing center costs, and state administration costs, as well as the costs for additional score reports or certificates, if needed.

Anticipated Benefits of the Proposed Regulation

The benefits of using these definitions are to provide the public consistency and clarity regarding the criteria for eligibility to take a test of proficiency, and what

costs are included in the fee charged to the test taker to register for an examination.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

An evaluation of the proposed regulations has determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D). After conducting a review for any regulations that would relate to or affect this area of law, the SBE has concluded that these are the only regulations that concern the CHSPE regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

Mandated by federal law or regulations: No.

Other statutory requirements: There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

Mandate on local agencies and school districts: No.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: No.

Cost or savings to any state agency: No.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: No.

Costs or savings in federal funding to the state: N/A.

Effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: No.

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

Report required: The proposed regulations do not require a report to be made.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they are designed to address students' eligibility for the high school proficiency exam and will not expand or eliminate small businesses currently doing business within the **State of California**.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment — Gov. Code Section 11346.5(a)(10):

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit the educational options of California's residents and will not adversely affect the welfare of California residents, worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Gita Raman, Education Programs Consultant
 Assessment Development and Administration
 Division
 California Department of Education
 1430 N Street, Room 4409
 Sacramento, CA 95814
 Telephone: 916-319-0500
 Email: graman@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator, or the backup contact person, Gerri White. The Regulations Coordinator and the backup contact person may be reached by email at regulations@cde.ca.gov or by telephone at 916-319-0860.

AVAILABILITY OF INITIAL
STATEMENT OF REASONS,
TEXT OF PROPOSED REGULATIONS
AND INFORMATION

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 (ISOR), the agenda and a recording of the SBE meeting where the SBE approved commencement of this rulemaking activity, and Fiscal and Economic Impact Statement (STD. 399). These documents upon which the proposed action is based may be obtained upon request from the Regulations Coordinator. In addition, this Notice, the text of the proposed regulations and the ISOR may also be viewed on CDE's Proposed Rulemaking and Regulations web page at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available to the public for at least 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations. The SBE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations

with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text, if any, can be accessed via CDE's Proposed Rulemaking and Regulations web page at <http://www.cde.ca.gov/re/lr/rr/>.

**TITLE 5. DEPARTMENT OF
EDUCATION**

HIGH SCHOOL
EQUIVALENCY PROGRAM

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a virtual public hearing at 1:30 p.m. on September 26, 2023.

Any interested person may participate in the public hearing via a webinar in Zoom by logging in per the following instructions:

- Click the following link or paste the link to the browser to join the webinar and enter the password:
<https://us02web.zoom.us/j/87593700072>
Passcode: 339581
- To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and password:
669-219-2599
213-338-8477
Meeting ID: 875 9370 0072
Passcode: 339581

For persons intending to attend the Zoom meeting, those persons may check their computers by:

- Clicking on the test link: <https://zoom.us/test>.
- For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also sub-

mit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Bernadine Holman, Assessment Development and Administration Division, 1430 N Street, Room 4409, Sacramento, CA, 95814; telephone, 916-319-0500. It is recommended that assistance be requested at least two weeks prior to the hearing.

Pursuant to Government Code Section 11346.6(a)(3) and (b), because some of these regulations pertain to special education, the following provisions also apply:

Upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, the CDE shall provide that person a narrative description of the additions to, and deletions from, the regulations. The description shall identify each addition to or deletion from the regulations by reference to the subdivision, paragraph, subparagraph, clause, or subclause within the proposed regulation containing the addition or deletion. The description shall provide the express language proposed to be added to or deleted from the regulations and any portion of the surrounding language necessary to understand the change in a manner that allows for accurate translation by reading software used by the visually impaired.

The CDE shall provide the information described above within 10 business days, unless the CDE determines that compliance with this requirement would be impractical and notifies the requester of the date on which the information will be provided.

Notwithstanding any other law, if information is provided to a requester as described above, the CDE shall provide that requester at least 45 days from the date upon which the information was provided to the requester to submit a public comment regarding the proposed regulation. The CDE shall not take final action to adopt the regulation until the requester has submitted a public comment or the extended 45-day comment period expires, whichever occurs first.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-322-2549 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to or on September 26, 2023. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AUTHORITY AND REFERENCE

Authority: Section 51421.5 and 51426, Education Code.

References: Sections 51420, 51421, 51421.5, 51422, and 51423 and 51425, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code (EC) section 51420 states the State Superintendent of Public Instruction shall issue a California High School Equivalency (HSE) Certificate and/or official score report, to persons who have not completed high school and who meet specified requirements. The requirements include having taken all or a portion of a HSE test that has been approved by the SBE and administered by a CDE-approved testing center, with a score determined by the SBE to be equal to the standard of performance expected from high school graduates.

Policy Statement Overview

The objective for the proposed regulations is to update the definitions for clarity, including the requirements for proof of identification and residency for a student to take the HSE test.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will provide examinees and test centers with clear eligibility requirements and what may be included in the fee for the examination.

Evaluation of Inconsistency/Incompatibility With Existing State Regulations

An evaluation of the proposed regulations has determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D). After conducting a review for any regulations that would relate to or affect this area of law, the SBE has concluded that these are the only regulations that concern the HSE Program regulations.

DISCLOSURES REGARDING THE
PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

Other statutory requirements: There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

Mandate on local agencies and school districts: No.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: No.

Cost or savings to any state agency: No.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: No.

Costs or savings in federal funding to the state: No.

Effect on housing costs: No.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: No.

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

Report required: The proposed regulations do not require a report to be made.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they are designed to address students' eligibility for the HSE and will not expand or eliminate small businesses currently doing business within the State of California.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment — Gov. Code Section 11346.5(a)(10):

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit the educational options of California's residents and will not adversely affect the welfare of California residents, worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Bernadine Holman
Assessment Development and Administration
Division
California Department of Education
1430 N Street, Room 4409
Sacramento, CA 95814
Telephone: 916-319-0500
Email: bholman@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator, or the backup contact person, Gerri White, Analyst. The Regulations Coordinator and the Analyst may be reached by email at regulations@cde.ca.gov or by telephone at 916-319-0860.

AVAILABILITY OF INITIAL
STATEMENT OF REASONS,
TEXT OF PROPOSED REGULATIONS
AND INFORMATION

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 (ISOR), the agenda and a recording of the SBE meeting where the SBE approved commencement of this rulemaking activity, and Fiscal and Economic Impact Statement (STD. 399). These documents upon which the proposed action is based may be obtained upon request from the Regulations Coordinator. In addition, this Notice, the text of the proposed regulations and the ISOR may also be viewed on CDE's Proposed Rulemaking and Regulations web page at <http://www.cde.ca.gov/re/tr/rr/>.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available to the public for at least 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations. The SBE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text, if any, can be accessed via CDE's Proposed Rulemaking and Regulations web page at <http://www.cde.ca.gov/re/lr/rr/>.

TITLE 10. FILM COMMISSION

FILM AND TELEVISION TAX
CREDIT PROGRAM 3.0
CHAPTER 7.75, ARTICLE 3,
SECTIONS 5520–5528

Notice is hereby given that the California Film Commission (CFC) proposes to amend the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The CFC proposes to amend sections 5520, 5521, 5523, 5525, 5526, 5527, and 5528 in Article 3 of Chapter 7.75 of Title 10 of the California Code of Regulations in order to implement, interpret and make specific Revenue and Taxation Code sections 17053.98 and 23698 relating to a film and television tax credit program.

No public hearing is scheduled; however, any interested person or their duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until 5:00 p.m. on September 26, 2023. Submit comments to:

Name: Hedvig Marx
Address: California Film Commission, 7080
Hollywood Boulevard, Hollywood, CA 90028
Email: Hedvig.Marx@film.ca.gov

AUTHORITY AND REFERENCE

The proposed regulation will be adopted under the authority of Government Code section 11152, and Revenue and Taxation Code sections 17053.98(e) and 23698(e). The proposed regulation implements, interprets, and makes specific Revenue and Taxation Code sections 17053.98 and 23698.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The California Film Commission (CFC) proposes to amend sections 5520, 5521, 5523, 5525, 5526, 5527, and 5528 in Article 3 of Chapter 7.75 of Title 10 of the California Code of Regulations. The regulations outline a procedure for allocating tax credits to qualified taxpayers in the motion picture industry and the proposed amendments provide necessary additional process clarity to applicants.

Summary of Related Existing Laws and Regulations:

In 2018, the Legislature and Administration approved Senate Bill (SB) 878 (Chapter 456, Stat. 2018), which created the third iteration of the California Film and Television Tax Credit Program, applicable to taxable years beginning on or after January 1, 2020, and before January 1, 2025. Permanent regulations for the California Film and Television Tax Credit Program 3.0

were adopted on February 10, 2022, as Article 3 of Chapter 7.75 of Title 10 of the California Code of Regulations. These regulations provided a program to the motion picture industry allocating tax credits to qualified taxpayers in the motion picture industry until June 30, 2025. The provisions in the existing program, outlined in Article 3 of Chapter 7.75 of Title 10 of the California Code of Regulations, provide for applicants to file a written application for the allocation of the tax credit and for the CFC to establish criteria for allocating tax credits, determine and designate applicants who meet the requirements to apply for the tax credit, and issue the credit certificate to the qualified taxpayer upon completion of an eligible and approved qualified motion picture.

The California Film and Television Tax Credit Program 3.0 was preceded by the California Film and Television Tax Credit Program (Program 1.0), 2009 through 2017, and the California Film and Television Tax Credit Program 2.0 (Program 2.0), 2015–2020. Program 1.0 was enacted by SB 15 (Chapter 17, Stat. 2009), and is outlined in sections 17053.85 and 23685 of the Revenue and Taxation Code. Program 2.0 was enacted by 1839 (Chapter 413, Stat. 2014), and is outlined in sections 17053.95 and 23695 of the Revenue and Taxation Code.

Existing law also provides for a current similar program, the California Soundstage Filming Tax Credit Program. In 2021, the Legislature and Administration approved SB 144 (Chapter 114, Stat. 2021), which among other things, created the new California Soundstage Filming Tax Credit Program, applicable to taxable years beginning on or after January 1, 2022, and before January 1, 2032. The Program allocates tax credits to qualified motion pictures and, unlike Program 3.0, includes provisions to incentivize the construction or renovation of soundstages in the state. Permanent regulations for the California Soundstage Filming Tax credit program were adopted on February 15, 2023, as Article 4 of Chapter 7.75 of Title 10 of the California Code of Regulations.

Broad Objectives and Anticipated Benefits of the Proposed Regulations:

The California Film and Television Tax Credit Program 3.0, implemented through Article 3 of Chapter 7.75 of Title 10 of the California Code of Regulations, encourages production companies regardless of distribution outlet to film in California instead of other states, provinces, and countries offering incentives. The Program is structured to encourage job creation and training opportunities for disadvantaged youth, and to increase and retain motion picture production in California. The proposed amendments to the previously adopted California Film and Television Tax Credit Program 3.0 regulations clarify the specific processes necessary for Program implementation, enabling the

state to successfully operate the Program and realize its benefits. The objective of these amendments is to ensure that Program processes and requirements are detailed and clear so that applicants can understand and utilize the Program as intended, and so that the CFC is better able to administer the program fairly and consistently.

Consistency and Compatibility with Existing State Regulations:

During the process of developing these regulations, the CFC has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. The CFC has endeavored to ensure that these regulatory amendments comply with the non-duplication standard found in Title 1, California Code of Regulations. In some instances, the amended regulations duplicate California statute in part where the statute is cited as “authority” or “reference” for the proposed regulation and the duplication or overlap is necessary to satisfy the “clarity” standard of Government Code section 11349.1(a)(3).

ESTIMATES OF ECONOMIC IMPACT

The California Film Commission has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which 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.
- Significant effect on housing costs: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The California Film Commission has determined that the proposed regulations will not directly affect small businesses. The businesses that may elect to participate in the Film and Television Tax Credit Program 3.0 and in such cases will be complying with

these regulations are film production companies and are as such not small businesses, as defined in section 11342.610 of the Government Code. Small businesses in California may, however, provide goods and services to the businesses electing to comply with these regulations and thus benefit from the additional filming in California.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to paragraph (3) of subdivision (e) of Sections 17053.98 and 23698 of the Revenue and Taxation Code the CFC is not required to provide an economic impact analysis. Due to the nature of tax credit incentives in relation to economic impact, the CFC has been exempted from the economic impact analysis throughout the existence of the California Film and Television Tax Credit Programs in all iterations; this exemption is consistent with previous practice.

It is worth noting that the California Film and Television Tax Credit Program 3.0 is optional and only applies to entities who elect to participate, and further, that the parameters and functions of a tax credit program such as this ensures that any participating entities will contribute to a positive economic impact on the state, its existing businesses, and opportunities for prospective businesses, as credits are allocated based on percentages of actual in-state spending for labor, goods, and services.

REASONABLE ALTERNATIVES CONSIDERED

The California Film Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed 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.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Nancy Rae Stone
Email: Nancy.Stone@film.ca.gov
Phone Number: (323) 860-2960

The backup contact person for these inquiries is:

Name: Hedvig Marx
Email: Hedvig.Marx@film.ca.gov
Phone Number: (323) 817-4115 or (310) 290-6501

Questions on the substance of the proposed regulations may be directed to:

Name: Hedvig Marx
Email: Hedvig.Marx@film.ca.gov
Phone Number: (323) 817-4115 or (310) 290-6501

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the CFC may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the CFC regarding this proposal, the CFC may determine that changes to the proposed regulation are appropriate. If the CFC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CFC adopts the regulations as revised. The CFC will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held) and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Hedvig Marx at the above email address. The CFC will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The CFC has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the California Film Commission, 7080 Hollywood Boulevard, Suite 900, Hollywood, California during normal business working hours (9 a.m.–5 p.m.). Please contact Hedvig Marx at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Contact Person designated in this Notice.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

The CFC is required to prepare a Final Statement of Reasons. Once the CFC has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Contact Person identified in this Notice.

OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations can be accessed through our website at: www.film.ca.gov.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2023-00015
REVISIONS TO CALIFORNIA
AUTOMOBILE ASSIGNED RISK PLAN
SIMPLIFIED RULES AND RATES MANUAL

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara (“Commissioner”) will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (“CAARP” or “Plan”) Simplified Rules and Rates Manual. California Code of Regulations, Title 10, Chapter 5, Section 2498.5 references this plan.

AUTHORITY TO ADOPT
RATES AND REFERENCES

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner’s decision on the proposed changes will implement, interpret and make specific the requirements of Insurance Code Section 11624(e). Insurance Code section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date and Time: October 4, 2023
1:00 p.m.**

**Location: Department of Insurance
Hearing Room
1901 Harrison Street
3rd Floor
Oakland, CA 94612**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney
California Department of Insurance
Enforcement Bureau California
1901 Harrison Street
Oakland, CA 94612
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (510) 238-7830

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
Telephone: (415) 538-4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on October 4, 2023**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by email

or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CA 23–06 Simplified Rules and Rates Manual

SB 1107 increases the financial liability limits required for owners of a private passenger vehicles and vehicles used for commercial purposes when the vehicle is not subject to the Public Utilities Commission. CAARP is proposes to make changes to the Simplified Rules and Rates Manual to reflect the changes.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal 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. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

**SPECIFIC TECHNOLOGIES
OR EQUIPMENT**

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

**TEXT AND INITIAL
STATEMENT OF REASONS**

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or email request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

**AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 13. DEPARTMENT OF MOTOR
VEHICLES**

**DIVISION 1, CHAPTER 1
ARTICLE 2.0 — DRIVER'S LICENSES AND
IDENTIFICATION CARDS**

The Department of Motor Vehicles (department) proposes to adopt Section 20.02 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to audio and/or video recordings of driving tests.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or their duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **September 25, 2023**, the final day of the written comment period.

in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section 12804.9.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 12804.9 requires the department to, among other things, test an applicant's knowledge and understanding of the operation of vehicles upon the highways and perform an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of a motor vehicle under the supervision of an examining officer.

The examination process for a driver's license consists of the vision test, knowledge (or written) test and the behind-the-wheel driving test. When an applicant successfully completes the vision and knowledge portions of the test, they can proceed to scheduling the driving test.

The driving test is administered in two parts. The first part of the driving test requires the applicant to show they are familiar with the operation of the vehicle by demonstrating such functions as the turn signals, vehicle's headlights and emergency flashers. The second part of the driving test is the road test. The road test is administered by a Licensing-Registration Examiner (licensing examiner) on a predetermined route. The applicant will be tested in maneuvers such as backing, turning, freeway entry and exit, parking lots, and various intersections.

The department has recently encountered situations where driving test applicants appear for testing in vehicles equipped with interior recording devices. The department has determined that the audio and/or visual recording of driving tests could potentially create privacy concerns within the department's driving test processes. The department administers driving examinations on predetermined routes. Recording those routes could impact the integrity of the examination that and unconsented recording violates the Penal Code. The licensing examiner may object to being recorded inside the vehicle while the driving test is being administered. This proposed action prohibits the audio recordings and video recordings of a vehicle's interior during a driving examination, unless authorized by the department. Prohibiting interior recordings will also protect the applicant's personal identifying information that may arise out of conversations between the driver and the examiner.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has conducted a review of other state regulations and has concluded that these are the only regulations related to driving tests and the audio and/or video recording of driving tests. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

There are no existing federal statutes or regulations that govern driving tests administered by the department.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Small Business Impact: This proposed action will not impact small businesses. The driving test procedures have no impact on businesses and the adoption of Section 20.02 will also have no impact on small businesses.
- Local Agency/School District Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the

ability of California businesses to compete with businesses in other states: The department has made the initial determination that this action will not have a significant statewide adverse economic impact directly affecting business nor will it impact the ability of California businesses to compete with businesses in other states. This proposed rule impacts specified individuals, not businesses.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

This proposed action is unlikely to 1) create or eliminate jobs within the State of California; 2) create or eliminate businesses within the State of California; or 3) expand businesses currently doing business in the State of California.

The proposed rule will benefit the welfare of California residents by protecting department's licensing examiners who may not want to be recorded while administering a driving examination and will benefit the drive test applicant by preventing circumstances where the applicant's personal identifying information may inadvertently be discussed while the audio or video is recording. This proposed action is unlikely to benefit the state's environment or worker safety.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or 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.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294
Facsimile: (916) 657-6243
Email: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strike-out to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regu-

lations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
LOWER SEIAD CREEK OFF CHANNEL
FISH PASSAGE IMPROVEMENT PROJECT
(TRACKING NUMBER:
1653-2023-124-001-R1)
SISKIYOU COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 7/27/2023, that the Mid Klamath Watershed Council (Council) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves installing up to 6 Beaver Dam Analogs in Lower Seiad Creek, to maintain adequate surface water levels so juvenile salmon may access adjacent off-channel ponds. The proposed project will be carried out on two locations of Lower Seiad Creek, located near Seiad Valley, Siskiyou County, California.

On 6/8/2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Lower Seiad Creek Off Channel Fish Passage Improvement Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1A23079WNSI; ECM PIN Number CW-888565) for coverage under the General 401 Order on 7/25/2023.

The Council is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the Council will not be required to obtain an incidental

take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

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

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
COTTONWOOD CREEK BEAVER DAM
ANALOGUE PROJECT
(TRACKING NUMBER:
1653-2023-125-001-R1)
SISKIYOU COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 7/27/2023, that the U.S. Fish and Wildlife Service (Service) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves building a series of four Beaver Dam Analogues on Cottonwood Creek, to raise base flow levels and in-stream habitat complexity. The proposed project will be carried out on Cottonwood Creek, located 0.5 miles upstream of the Hilt-Hungry Road Bridge, Siskiyou County, California.

On 5/8/2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Cottonwood Creek Beaver Dam Analogue Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1A23066WNSI; ECM PIN Number CW-888349) for coverage under the General 401 Order on 7/19/2023.

The Service is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the Service will not be required to obtain an incidental

take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Service 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 1653-2023-117-001-R1**

Project: Beith Creek Livestock Bridge Crossing Project

Location: Humboldt County

Applicant: Morguine Sefcik, City of Arcata

Background

Project Location: The Beith Creek Livestock Bridge Crossing (Project) is located on Beith Creek in Arcata, California on the Jacoby Creek Gannon Slough Wildlife Area, at a property owned by the City of Arcata, Assessor Parcel Number (APN) 501-042-024, Latitude/Longitude 40.855028, 124.074208 W. Beith Creek likely provides habitat for coho salmon (*Oncorhynchus kisutch*), steelhead trout (*O. mykiss*), coastal cutthroat trout (*O. clarkii clarkii*), and other fish, amphibian and aquatic species.

Project Description: Morguine Sefcik (Applicant) representing the City of Arcata, proposes to restore habitat within Beith Creek to provide a net conservation benefit for coho salmon, steelhead trout, and coastal cutthroat trout. The Project includes replacing a cattle ford with a channel-spanning bridge. Cattle exclusion fencing will be connected to existing riparian fencing along Beith Creek, which will completely exclude cattle from the channel. Following construction, willow sprigs will be planted to revegetate the riparian area.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.012 acres and 50 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 540 cubic yards of concrete footings.

Project Timeframes: Start date: August 15, 2023.

Completion date: October 15, 2023.

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve riparian habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1B23032WNHU, Electronic Content Management Identification (ECM PIN) Number CW-887574 for the Project. The NOA describes the Project and requires the Applicant to comply with the 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, coastal cutthroat trout, and other fish and wildlife species.

Receiving Water: Beith Creek, tributary to Gannon Slough.

Filled or Excavated Area: Permanent area impacted: 0.12 acres.

Temporary area impacted: 0 acres.

Length permanently impacted: 50 linear feet.

Length temporarily impacted: 0 linear feet.

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 28, 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 28, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2023-0628-01) on July 14, 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) General Program Conditions for Vegetation Management; and (3) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in attachments to the NOI, *Beith Creek Livestock Bridge Crossing Project: Species Protection Measures*, and *Beith Creek Livestock Bridge Crossing Project: Sensitive Plant Survey 2023*.

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 the NOI.

Notice of Completion

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

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number 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 and Game Code, § 1654, subdivision (c).)

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NUMBER 1653–2023–121–001–R5

Project: Las Encinas Crossing Removal and Restoration Project

Location: Ventura County

Applicant: Erin N. Lamer
Aera Energy LLC
3964 North Ventura Avenue
Ventura CA 93001
(805) 648–8438
enlerner@aeraenergy.com

Background

Project Location: The Las Encinas Crossing Removal and Restoration Project (Project) is located at coordinates 34.3251 and –119.2821, approximately 0.6 miles east of State Route 33 near the City of Ventura, in Ventura County. The Applicant is the property owner, Assessor Parcel Number (APN) 063–0–190–

165 and 063–0–230–185, and affects Cañada de las Encinas a tributary to the Ventura River.

Project Description: Erin N Laner (Applicant), representing Aera Energy LLC, proposes to enhance or restore habitat within Cañada de las Encinas to provide a net conservation benefit for native riparian habitat and species. The Project will improve riparian habitat by removing an existing culvert and revegetating the area with native plants. The channel will be restored as a vegetated boulder cascade with rock and riparian vegetation.

The Project will demolish an existing crossing on Cañada de las Encinas, including removal of steel and wood revetments, culvert, asphalt surface pavement, and vegetation growing on top of the crossing. The Project area will then be excavated and recontoured. Three profile control structures will be installed to accommodate the 12' change in elevation and armored with rock stabilizers. These features will be subsequently vegetated with pole cuttings from native plants. Planting will occur at the Project site, using salvaged plant material, pole cuttings, container plants, and a native seed mix.

Detailed Project plans, discussion of proposed work, species protection measures, site photos and maps are on file with the California Department of Fish and Wildlife's (CDFW) Habitat Conservation Planning Branch (HCPB).

Project Size: The total area of ground disturbance associated with the Project is approximately 0.046 acres and 90 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) 135 cubic yards of ungrouted rock, (2) 1,140 plants of native vegetation.

Project Timeframes: Start date: August 2023.

Completion date: November 2023.

Work window: August 2023–November 2023.

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the Los Angeles Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 4WQC40123070 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 species.

Receiving Water: Cañada de las Encinas, tributary to the Ventura River.

Filled or Excavated Area: Permanent area impacted: 0.039 acres.

Temporary area impacted: 0.046 acres.

Length temporarily impacted: 20 linear feet.

Length permanently impacted: 90 linear feet.

Dredge Volume: None.

Discharge Volume: 135 cubic yards (cy) of rock inter-planted with native vegetation (i.e., approx. 1,140 pole cuttings).

Project Location: Coordinates 34.3251, -119.2821; APN: 063–0–190–165, 063–0–230–185.

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

On July 17, 2023, the Director of the 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 July 17, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2023–0717–03) on July 28, 2023. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

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

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Pre–Construction Biological Surveys; (2) Biological Monitoring; (3) Erosion Control/Water Quality; (4) Exclusionary Fencing; (5) Equipment Maintenance and Staging; and (6) Protection of Native Trees. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Las Encinas Crossing Removal and Restoration Project*.

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, *Las Encinas Crossing Removal and Restoration Project*.

Notice of Completion

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

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

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name and WDID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: christian.romberger@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 and Game Code, § 1654, subdivision (c).)

DEPARTMENT OF FISH AND WILDLIFE

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION
NUMBER 2080–2023–013–00**

Project: Sierra Pacific Industries — Habitat Conservation Plan for Seven Populations of Anadromous Salmonids

Location: Siskiyou, Trinity, Shasta, Tehama, Plumas, Butte counties

Applicant: Sierra Pacific Land and Timber Company

Background

Sierra Pacific Industries (SPI), the authorized representative and manager of Sierra Pacific Land and Timber Company lands, developed a fifty–year Habitat Conservation Plan (HCP) (Project) (effective September 29, 2021) that supports the issuance of authorizations from the National Marine Fisheries Service (NMFS) that allow for limited take of three species of anadromous salmonids: Central Valley spring–run Evolutionarily Significant Unit (ESU) Chinook salmon (*Oncorhynchus tshawytscha*), Southern Oregon/Northern California Coast ESU coho salmon (*O. kisutch*), and Sacramento River winter–run ESU Chinook salmon (*O. tshawytscha*) (collectively “Covered Species”) incidental to SPI’s forest management activities on their commercial timberlands. The HCP covers 355,000 acres of land spread throughout the Klamath, Cascade, and Sierra Nevada ranges in California.

SPI’s HCP covers timber operations and related management activities including, but not limited to: growing, harvesting, and transporting timber; timber stand regeneration and improvements; water drafting, watercourse crossing facilities placement and maintenance; road and landing construction and maintenance; fuel break construction and maintenance; and monitoring and research (e.g., for salmonids) (Project Activities).

The Project Activities described above have the potential to incidentally take¹ the Covered Species where those activities take place within the Klamath Mountains, Southern Cascades, and Sierra Nevada ecological subregions, specifically within the Trinity and Sacramento River Basins (Project Area). In particular, the Covered Species could be incidentally taken as a result of habitat modification and lost reproduction. Sacramento River winter–run ESU Chinook salmon are designated as endangered pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(5)(G).) Southern Oregon/Northern California Coast ESU coho salmon and Central Valley spring–run ESU Chinook salmon are both listed as threatened under both ESA and CESA.

Because Project Activities may result in take of multiple species designated as threatened or endangered under the federal ESA, SPI prepared an HCP in support of an application for an incidental take permit (ITP) pursuant to section 10(a)(1)(b) of the ESA. The ITP requires full implementation of, and compliance with, all conservation measures listed in the HCP for avoidance, minimization, and mitigation for impacts to the Covered Species, all of which NMFS incorporated as conditions of the ITP. On September 21, 2021, NMFS issued a biological opinion (NMFS Consultation Number WCRO–2020–03564) (BO).

The ITP also requires SPI to implement and adhere to measures contained within the HCP.

On July 12, 2023, the Director of the Department of Fish and Wildlife (CDFW) received a notice from SPI requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITP and its related HCP are consistent with CESA for purposes of the Project and the anticipated incidental take of the above listed anadromous species. (Cal. Reg. Notice Register 2023, Number 31–Z.)

Determination

CDFW has determined that the ITP and its related HCP along with the Incidental Take Statement (ITS) and its related BO, are consistent with CESA as to the Project and the Covered Species, because the mitigation measures contained in the ITP and its related HCP meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA–listed species. Specifically,

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

CDFW finds that: (1) take of the Covered Species will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITP and its related HCP will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of any of the three salmonid populations. The mitigation measures in the ITP and its related HCP that will be implemented by SPI include, but are not limited to, the following:

Avoidance and Mitigation Measures

Section 10(a)(2)(A) of the ESA requires that an HCP specify the measures that the permittee will take to minimize and mitigate to the maximum extent practicable the impacts of the taking of any ESA–listed species as a result of activities covered by the HCP.

A list of conservation actions that will be taken in the future to address potential take is included in Table 2 of Appendix L of the HCP. Examples of actions that are planned in the immediate future include upsizing existing stream crossings, armoring inlets and outlets of existing stream crossings, road abandonment, installation of a 48–foot bridge in the Battle Creek watershed, installation of hydrologic disconnects, and replacing round culvert crossings with squashed pipes to better facilitate movement of aquatic organisms.

A list of conservation actions from SPI’s 2022 Annual Monitoring Report that have been taken to address the impacts of take is included in Table 1 of Appendix L of the HCP. Examples of these actions include removal of poorly functioning crossings, stabilization and enforcement of existing stream crossings, surfacing road segments with clean rock to create a more stable running surface in close proximity of existing stream crossings, and improving the overall function of existing stream crossings.

Additionally, the ITP requires SPI to comply with the California Forest Practice Rules (CFPRs), which set prescriptive standards for natural resource protection minimization measures for all activities. The list below summarizes the standards contained in the CFPRs particularly relevant to salmonid and aquatic habitat protection. The ITP also requires SPI to implement measures to mitigate unavoidable take, including use of the Road Erosion and Sediment Delivery Index (READI model) and the support of ESA–listed species reintroduction efforts proposed by NMFS. These measures are designed to protect riparian resources and water quality. This combination of conservation measures is expected to minimize and mitigate, to the maximum extent practicable, the impacts of take of the anadromous fish species addressed in the HCP.

1. **Erosion Control** measures include limitations on tractor operations, standards and spacing for waterbreak installations, restrictions on timber operations in the winter period, and tractor road watercourse crossing specifications.
 - a. Tractors and other heavy equipment are restricted from operations that cause erosion, such as operating on skid roads or slopes when equipped with a blade and operating in unstable areas, slopes greater than 65 percent, or slopes with a high hazard rating. Slash and debris shall not be placed in locations where they could be discharged into nearby waterbodies.
 - b. Waterbreak installations shall be seasonally restricted. Discharge from waterbreaks shall flow through some form of vegetative cover, duff, slash, rocks, or less erodible material. Waterbreaks shall be maintained during timber operations so they minimize erosion and slope instability and prevent water quality degradation.
 - c. During the winter period (November 15–April 1), mechanical site preparation and timber harvest are restricted unless a winter period operating plan is incorporated in the timber harvesting plan. The winter period operating plan shall include specific measures taken during the winter operating period to avoid or minimize erosion, soil movement into watercourses, and soil compaction from timber operations.
 - d. Road crossings shall be kept to a minimum, and existing crossing locations shall be used when possible. If a new watercourse crossing is required, it will be prepared using a structure, such as a bridge, culvert, or temporary log culvert. Crossing facilities on watercourses supporting fish shall allow unrestricted passage for all life stages that may be present. All tractor road watercourse crossing facilities shall be removed and stabilized before the winter operating period unless described in the winter operating plan and approved by the Director of the California Department of Forestry and Fire Protection (CAL FIRE).
2. **Site Preparation** shall be planned and conducted in a manner to encourage maximum timber productivity, minimize fire hazards, prevent substantial adverse effects on soil resources and fish and wildlife habitat, and prevent degradation of water quality. Heavy equipment will not be used for site preparation under saturated soil conditions that may produce sediment discharge. Watercourse crossings for heavy equipment shall be planned, constructed, maintained, and removed in accordance with requirements for tractor roads. Undisturbed areas or energy dissipaters shall be used to control and disperse concentrated runoff from roads, landings, tractor roads, firebreaks, and erosion control facilities where it flows into site preparation areas.
3. **Watercourse and Lake Protection** conservation measures ensure that timber operations do not cause significant adverse site-specific and cumulative impacts on the beneficial uses of water and native aquatic and riparian-associated species, and the beneficial functions of riparian zones. Protective measures include general limitations near watercourses, lakes, marshes, meadows, and other wet areas; watercourse and lake protection; reduction of soil loss; protection and restoration of the beneficial functions of the riparian zone in watersheds with listed anadromous salmonids; and Class I watercourses with confined channels in watersheds in the coastal anadromy zone.
 - a. Several general mitigation measures apply to all watercourses and lakes. Trees shall be felled to lean away from watercourses and lakes. Equipment shall be serviced in locations to prevent grease, oil, or fuel from entering lakes or watercourses. Pesticides shall not be used, and snags and green wildlife trees shall be retained within watercourse protection zones. Accidental depositions of soil or other debris in lakes or watercourses shall be removed immediately. Tractor roads shall not be constructed or used in watercourses and other wet areas, except at prepared tractor road crossings, crossings over dry watercourses, and at new and existing tractor road crossings as part of the Fish and Game Code process (Fish and Game Code § 1600 *et seq.*). Non-commercial vegetation bordering and covering meadows and wet areas shall be retained and protected during timber operations unless explained and justified in the THP and approved by CAL FIRE. Where less than 50 percent canopy cover exists, sanitation salvage will be the only permitted silvicultural prescription. This will help protect stream functions and features, which include maintaining appropriate water temperature, streambed and flow modification by large woody debris (LWD), filtration of organic and inorganic material, upslope stability, bank and channel stability, spawning and rearing habitat for salmonids, and vegetation structure diversity for fish and wildlife habitat. LWD recruitment

- for instream habitat is provided by retaining core, inner and outer tree zone and canopy requirements as described in CFPR 936.9 and maintaining at least two live conifers (at least 16-inch dbh and 50 feet tall) within 50 feet of Class I and II watercourses in the Project Area.
- b. Within the Watercourse and Lake Protection Zone (WLPZ), at least 75 percent surface cover and undisturbed area will be retained for wildlife habitat, to provide ground cover, and act as a filter strip to dissipate rain-drop energy and reduce potential surface erosion. Soil deposited during timber operations will be removed, and debris deposited during timber operations will be removed or stabilized before the conclusion of timber operations. Temporary crossings will be removed before the winter period unless explained and justified in the winter operating plan and approved by the Director of CAL FIRE. Heavy equipment will not be used in timber falling, yarding, or site preparation within the WLPZ unless explained and justified in a Timber Harvest Plan or other harvest document.
 - c. Where 100 continuous square feet of exposed mineral soil exists within WLPZ areas as a result of timber operations, the areas shall be treated to reduce soil loss. Treatment shall be completed by October 15, and bare areas created after October 15 will be treated within ten days. Stabilization measures will be selected to prevent significant movement of soil into watercourses. Where mineral soil is exposed by timber operations on approaches to watercourse crossings, the disturbed area will be stabilized to prevent the discharge of soil into watercourses or lakes in amounts deleterious to the quality of water. Where necessary to protect water from timber operations, protection measures, such as seeding, mulching, or replanting, will be specified to retain and improve the natural ability of the ground cover within the standard width of the WLPZ to filter sediment, minimize soil erosion, and stabilize banks of watercourses and lakes.
 - d. Every timber operation shall be planned and conducted to protect, maintain, and contribute to restoration of properly functioning salmonid habitat and ESA-listed salmonid species. To achieve that goal, every timber operation will be planned and conducted to comply with the terms of a total maximum daily load, prevent significant sediment load increase to a watercourse systems or lakes, prevent instability of a watercourse channel, prevent significant blockage of aquatic migratory routes, prevent significant adverse effects to streamflow, protect and restore riparian vegetation, and restrict timber operations within the channel zone.
 - e. The WLPZ delineation and timber operations in coastal anadromy Class I WLPZs have several requirements, such as designing minimum buffer widths of four separate zones along watercourses, incorporating overstory canopy retention, large tree retention, and silvicultural and operational requirements. (See Cal. Code Regs., title 14, § 916.9 [936.9, 956.9] (f)(2).)
4. **Road Construction and Maintenance** minimization measures for the design and location of all forest roads and landings include avoiding unstable areas, out-sloping logging roads and landings, draining with waterbreaks, and hydrologically disconnecting logging roads and landings from watercourses and other water bodies. SPI will not build any new roads in the currently identified WLPZ on anadromous stream reaches during the permit term. In addition, the HCP states that all existing crossings in anadromous stream reaches shall be passable to every life stage of all Covered Species and SPI will maintain that passage status for the permit term.
 5. **Water Drafting** sites shall be selected to minimize disturbance to riparian systems. Where possible, existing drafting sites, storage tanks, and off-channel sources will be used. Drafting sites will be chosen in streams and pools where water is deep and flowing, as opposed to streams with low flow and small isolated pools. Pumping shall be terminated when the tank is full. In all watersheds, all intakes will be screened to prevent impingement of juvenile fish against the screen. The following requirements apply to screens and water drafting in Class I waters:
 - a. Openings in perforated plate or woven wire mesh screens shall not exceed 3/32 inch (2.38 millimeters). Slot openings in wedge wire screens shall not exceed 1/16 inch (1.75 millimeters).
 - b. The total (unobstructed) surface area of the screen shall be at least 2.5 square feet.
 - c. The drafting operator shall regularly inspect, clean, and maintain screens to ensure proper operation whenever water is drafted.

- d. The approach velocity (water moving through the screen) shall not exceed 0.3 foot/second.
 - e. The diversion rate shall not exceed 350 gallons per minute.
6. **Grazing** permits issued by SPI require licensees to abide by all state and federal laws and prohibit licensees from overgrazing the property. Salt licks will be located a minimum of 150 feet from WLPZs. Licensees must maintain proper distribution of livestock by frequent herding via horseback or vehicles. Licensees must agree to use the property in accordance with the best approved practices for range management.
 7. **Fuels Reduction** will be implemented to reduce the potential for catastrophic fires. SPI recognizes that large-scale, high-severity fires pose a risk to ESA-listed species on SPI lands. Fuels management will be accomplished through the continued use of even-age management and the ongoing establishment of a system of fuel breaks. Generally, these protective measures are located on top of ridges (far from salmonid habitat) and include roads for firefighting access.

Monitoring and Reporting Measures

SPI will provide an annual report to NMFS for the duration of the HCP to verify that the conservation measures are being implemented and to ensure that the level of authorized take is not exceeded. The report will be prepared by SPI and delivered to NMFS by June 30 of each year, covering the previous calendar year that the HCP is in effect. The water quality-related monitoring and reporting will include data and analysis for the previous water year (October 1 through September 30). The monitoring report will contain summaries of all effectiveness, implementation, and compliance monitoring including:

- A summary of project implementation
- Monitoring methods and results
- Efforts supporting salmonid reintroduction
- Information on the project status and impacts
- Incidental take tracking
- Avoidance and minimization measures
- A summary of habitat surrogate monitoring results
- Relevant information on mitigation, changed circumstances, and funding
- A summary of CAL FIRE violation notices pertaining to HCP Covered Activities, if such notices occur

Security

In the HCP, SPI warrants that it has, and shall expend, such funds as necessary to fulfill its obligations

under the ITP and HCP. HCP Table 32 projects a total Project implementation cost of \$14,000,000 in 2018 dollars. Each year, SPI will provide a summary of expenditures made in the previous year, a scope of work and budget for all monitoring actions, and any other HCP implementation actions to take place in the following year. The HCP states that a responsible corporate official with authority to commit SPI's financial resources shall certify under penalty of perjury that funds to implement the HCP have been budgeted and will be committed for use in the following year, as well as any material changes in cost estimates based on actual work performed. The annual funding commitment includes \$200,000 for installation and maintenance of permanent habitat surrogate monitoring stations, \$6,000 for annual operations reviewing and documenting progress made to improving hydrologic disconnection of Sierra Pacific Land and Timber Company forest roads, and \$6,000 for additional salmonid monitoring or measures in response to adaptive management.

SPI has modified Section 8.14, page 221 of the HCP to include the following statement: "Conservation actions required by the HCP will stay ahead of any incidental take that may occur during the term of the ITP. A list of conservation actions from SPI's 2022 Annual Monitoring Report that have been taken to address the impacts of take are identified in Table 1 of Appendix L. A list of conservation actions that will be taken in the future to address potential take are also outlined in Table 2 of Appendix L. If at any point NMFS or SPI determine that the HCP may not stay ahead of the incidental take, then NMFS, SPI, and CDFW will meet and confer to discuss potential actions in response". CDFW Northern Region staff have determined that these conservation actions contained in Table 2 qualify as appropriate mitigation measures in support of a CESA consistency determination. Because SPI will complete conservation actions commensurate with and in advance of any take, traditional security is not required, and the ITP and its related HCP ensure adequate funding to implement the mitigation and monitoring measures.

Conclusion

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of the three covered anadromous salmonids, provided SPI implements the Project as described in the ITP and related HCP, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITP and related HCP. If there are any substantive changes to the Project, including changes to the mitigation measures, or if NMFS amends or replaces the ITP and related HCP, SPI shall be required to obtain a new consistency de-

termination or a CESA incidental take permit for the Project from CDFW. (See generally Fish and Game Code, §§ 2080.1, 2081, subdivisions (b) and (c).)

In making this determination, CDFW acknowledges that the ITP and related HCP address three species of anadromous salmonids designated as threatened or endangered under the ESA and threatened or endangered under CESA. (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(5)(g).) These species are known to occur within the Project Area. NMFS determined in the BO and ITS that, for purposes of the ESA, mortality or injury to individual adult salmonids is unlikely but that the authorized take of habitat could result in limited mortality of eggs and juveniles. NMFS authorized such take under the ESA, requiring SPI to implement various avoidance and minimization measures for the species. SPI is aware that, for purposes of CESA, take of these three salmonids as defined by state law is prohibited, except as authorized by the Fish and Game Code. (See generally Fish and Game Code, §§ 86, 2080.)

CDFW's determination is that NMFS's ITP and related HCP are consistent with CESA is limited to the Covered Species.

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NUMBER 2080-2023-007-01

Project: Mattole Road PM 5.25 Storm Damage Repair Project

Location: Humboldt County

Applicant: Humboldt County Department of Public Works

Background

The Humboldt County Department of Public Works (Applicant) proposes to repair a portion of Mattole Road at Post Mile (PM) 5.25 near the Mattole River in Humboldt County. The roadway passes through an active landslide and has been damaged by winter storm events. The purpose of the Mattole Road PM 5.25 Storm Damage Repair Project (Project) is to stabilize the landslide to the extent possible and restore the roadway. Primary elements of the Project include vegetation removal, construction of a temporary access road, construction of longitudinal and lateral sub-drains, culvert removal and installation, excavation and fill of the roadway, road paving, installation

of rock slope protection (RSP), revegetation, and site restoration. Depending on channel conditions at the time of construction, the Project may entail river diversion or dewatering and fish relocation. In addition to revegetation associated with slope stabilization and site restoration, the Project also includes installation of at least 9,000 square feet of live willow cuttings within the RSP to improve riparian habitat and mitigate for potential take of listed species.

The Project activities described above are expected to incidentally take¹ northern California summer steelhead (*Oncorhynchus mykiss irideus*) (hereafter, summer steelhead) where those activities take place within the bed, bank, and channel of the Mattole River.² In particular, summer steelhead could be incidentally taken as a result of pursuit and capture during fish relocation prior to construction. The northern California steelhead Distinct Population Segment (DPS), which includes both summer- and winter-run populations, is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.). Summer steelhead is designated as an endangered species pursuant to the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (a)(2)(P).)

Summer steelhead are assumed to be present within the Project site based on survey data, dispersal patterns, and habitat conditions. Summer snorkel surveys conducted by the Mattole Salmon Group suggest juvenile steelhead are present and relatively abundant in every reach of the Mattole River. However, only 4 percent of steelhead in the Mattole River are likely to be summer steelhead at the time of construction. The Project site does not provide suitable holding habitat but may serve as a movement corridor to migrating summer steelhead. Of the estimated 25 juvenile steelhead expected to be present in the Project site, only one is likely to be summer steelhead. The National Marine Fisheries Service (NMFS) agreed there is a small chance of encountering summer steelhead during dewatering and that Project activities could therefore result in the incidental take of summer steelhead.

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

² Although the Project is also expected to adversely affect California Coastal (CC) chinook salmon (*Oncorhynchus tshawytscha*), it is not a CESA-listed species and is thus not covered or otherwise further discussed in this determination under Fish and Game Code section 2080.1. NMFS also considered impacts to Southern Oregon/North California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) but concluded the Project is not likely to adversely affect the species.

According to NMFS, the Project will result in a temporary loss of habitat, including the removal of a few riparian trees and potential dewatering of no more than 0.5 acres due to isolation of the work site. However, impacts are likely to be negligible because fish will be relocated to nearby higher quality rearing habitat. Short-term increases in turbidity will be minimal and unlikely to adversely impact aquatic macroinvertebrates or salmonid habitat structure. Streambank stabilization projects rarely improve salmonid habitat because they simplify terrestrial and aquatic habitat and restrict channel migration and other natural fluvial and geomorphic processes. However, riparian habitat and bank complexity are already minimal due to the action of the landslide, so the addition of RSP is unlikely to further degrade habitat. Although slide stabilization will reduce fine sediment inputs, it also curtails natural habitat-forming processes, such as the recruitment of boulders and trees. NMFS concluded that while the project is likely to result in some long-term reduction in habitat value, effects are not appreciable or likely to jeopardize the continued existence of summer steelhead.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the California Department of Transportation (Caltrans) consulted with NMFS as required by the ESA. The Humboldt County Department of Public Works is the Project Proponent, but Caltrans will administer federal funds through Local Assistance. Pursuant to Title 23 of the United States Code, section 327, and a series of Memorandums of Understanding executed by Caltrans and the Federal Highway Administration (FHWA), Caltrans is considered a federal action agency for the purpose of consultation for federally funded transportation projects. On March 14, NMFS issued a biological opinion (NMFS Number WCRO-2022-02848) (BO) to Caltrans. The BO describes the Project and requires the Applicant to comply with the terms of the BO and its incidental take statement (ITS).

The take exemption conferred by the ITS is based upon the proposed action occurring as described in the BO and in more detail in Caltrans' Biological Assessment (BA), and therefore requires the Applicant to implement and adhere to measures contained in both the BO and the BA.

On June 20, 2023, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS and related BO are consistent with CESA for purposes of the Project and summer steelhead. (Cal. Reg. Notice Register 2023, Number 27-Z, p. 884.)

Determination

CDFW has determined that the ITS, along with its accompanying BO, is consistent with CESA as to the Project and northern California summer steelhead because the mitigation measures contained in the BO and ITS, as well as the conditions in the associated BA, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of summer steelhead will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITS, BO, and BA will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of, those measures; and (4) the Project will not jeopardize the continued existence of summer steelhead. The mitigation measures in the ITS and BO and BA include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- 1) *Fish Relocation.* If dewatering is necessary, the Applicant shall relocate fish in a manner that minimizes all potential risks to salmonids. Prior to the start of construction, the Applicant will work with qualified fisheries biologists to develop a Fish Relocation Plan, conducting snorkel surveys as needed to inform relocation efforts. Qualified fisheries biologists with expertise in anadromous salmonid biology shall conduct fish relocation activities. Salmonids shall be handled with extreme care and kept in water to the maximum extent possible during rescue activities. All captured fish must be kept in cool, shaded, and aerated water protected from excessive noise, jostling, or overcrowding or potential predators any time they are not in the stream, and fish will not be removed from this water except when released. Captured salmonids will be relocated as soon as possible to an instream location in which suitable habitat conditions are present to allow for adequate survival for transported fish and fish already present. If any salmonids are found dead or injured, the biologist will contact NMFS staff as soon as possible, freezing and retaining all mortalities until NMFS provides further direction.
- 2) *River Diversion and Dewatering.* Depending on channel morphology and streamflow at the time of construction, river diversion and/or dewatering may be necessary if there is water in the Project's construction limits. However, dewatering of the channel is not expected to exceed 600 linear feet and 0.5 acres. The duration of dewatering will range from 60 to 90 days. The Applicant will

contain the work site with cofferdams and either pump water to upland areas for infiltration or use it for dust control and soil compaction. Water will not be discharged directly to surface water. All pumps will be screened to avoid fish entrainment according to NMFS and CDFW specifications.

- 3) *Sediment, Erosion and Pollutants.* To minimize erosion, sediment, and pollutant contributions to the Mattole River, the Applicant will implement standard best management practices (BMPs) consistent with Caltrans' Construction Site BMP Manual and the latest California Stormwater Quality Association (CASQA) BMP Manuals.
- 4) *Site Restoration and Closure.* Following construction, the Applicant will remove equipment, supplies, and construction waste from the Project site. The Applicant will restore disturbed areas, including the temporary access road, to pre-construction conditions or stabilize the areas with a combination of grass seed, straw mulch, rolled erosion control fabric, and other plantings. The Applicant will also apply hydroseeding to disturbed areas on the repaired slope. In addition to installing live willow cuttings in the RSP (see below), the Applicant will plant 15,600 square feet of willow and alder above the RSP to stabilize the slope, reduce erosion potential, and increase riparian cover.
- 5) *Habitat Enhancement and Mitigation.* NMFS recommends that Caltrans remove larger trees in the access road area with their roots intact, placing them on the adjacent gravel bar to be captured by the river during seasonal high flows. NMFS also recommends that existing boulders along the toe of the slope be left in the channel and not incorporated into the RSP. To mitigate for the potential incidental take of up to one (1) northern California summer steelhead under CESA, the Applicant will install a minimum of 9,000 square feet of native willow (*Salix* spp.) cuttings within the RSP to reduce sedimentation and provide riparian cover and associated thermal benefits. The live willow mattress will consist of a minimum of three overlapping rows of willow branch cuttings placed horizontally within the interstitial spaces of the rock and backfilled with native soil, similar to techniques described in the California Salmonid Stream Restoration Manual (2010). Planting will occur in the fall immediately prior to the typical rainy season. Live willow cuttings will be planted within several days of collection and stored in water after harvesting to increase capillary action and transplant viability. Temporary irrigation may occur if needed, for

example, due to an extended dry period following planting and before plant establishment.

Monitoring and Reporting Measures

- 1) *Biological Reporting.* Caltrans shall contact NMFS within 24 hours of meeting or exceeding take of listed species prior to project completion. Daily monitoring data shall be accessible to NMFS upon request. Prior to January 15 of each year following construction, Caltrans shall submit a written report to NMFS providing a summary of construction activities and fish relocation efforts.
- 2) *Mitigation.* The Applicant will monitor the live willow mattress for five years. Performance criteria will be met if the cover of live willows exceeds 75 percent absolute cover by the end of the five-year monitoring period. Annual monitoring will consist of ocular estimates of live, native woody cover in combination with photo monitoring from fixed points. If success criteria are not reached, additional willow cuttings and/or riparian trees will be planted until adequate live cover is achieved. Monitoring data and associated photos will be included in the annual monitoring reports.

Although not a condition of the BO, CDFW requests a copy of the monitoring reports as well.

Financial Security

Caltrans has provided funding security for mitigation requirements in compliance with the September 3, 2021 Master Funding Agreement for Financial Assurance under CESA entered into by CDFW and Caltrans. A Child Expenditure Authorization (EA) has been created to contain an estimated \$150,000 for construction mitigation and monitoring requirements. \$125,000 of this \$150,000 will be set aside specifically for CESA mitigation and monitoring (\$100,000 for installation of willow cuttings within RSP and \$25,000 for five years of monitoring and remediation). The funds allocated to mitigation and monitoring will be kept in the State Treasury until proposed mitigation work has been completed and accepted by the regulatory agencies and will not be re-allocated to another element of the project or expended for any purpose other than completing the mitigation and monitoring requirements.

Conclusion

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of summer steelhead, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITS, BO, and BA. If there are any substantive changes to

the Project, including changes to the mitigation measures, or if NMFS amends or replaces the ITS and BO or BA, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish and Game Code, §§ 2080.1, 2081, subdivisions (b) and (c).)

CDFW’s determination that the BO and ITS are consistent with CESA is limited to northern California summer steelhead.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

CHEMICALS LISTED EFFECTIVE
AUGUST 11, 2023
AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE CANCER:
ANTHRACENE, 2-BROMOPROPANE, AND
DIMETHYL HYDROGEN PHOSPHITE

Effective August 11, 2023, the Office of Environmental Health Hazard Assessment (OEHHA) is adding anthracene (CAS RN 120–12–7), 2-bromopropane (CAS RN 75–26–3), and dimethyl hydrogen phosphite (CAS RN 868–85–9) to the list of chemicals known to the State of California to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986, sections 25249.5 et seq. of the Health and Safety Code (HSC), otherwise known as Proposition 65. The listing of these chemicals is pursuant to the “Labor Code” listing mechanism (HSC section 25249.8(a); Title 27 Cal. Code of Regs. section 25904).

The basis for the listings was described in a *public notice* published in the June 16, 2023 issue of the California Regulatory Notice Register (Register 2023, Number 24–Z). The title of the notice was “Notice of Intent to List Chemicals by the Labor Code Mechanism: Anthracene, 2-Bromopropane, and Dimethyl Hydrogen Phosphite.” The publication of the notice initiated a public comment period (June 16, 2023–July 17, 2023). No comments were received during the comment period.

A [complete, updated Proposition 65 chemical list](#) is available on the OEHHA website.

**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 Food and Agriculture
File # 2023–0728–02
Japanese Beetle Eradication Area

In this emergency rulemaking, the California Department of Food and Agriculture is adding the county of Marin to its Japanese Beetle eradication area.

Title 03
Amend: 3589
Filed 08/01/2023
Effective 08/01/2023
Agency Contact: Rachel Avila (916) 698–2947

Department of Corrections and Rehabilitation
File # 2023–0614–05
YOP Pilot Program at Growlersburg Conservation
Camp

This action by the Department of Corrections and Rehabilitation — submitted to OAL for filing with the Secretary of State and for printing in the California Code of Regulations — adopts section 3999.30 as a pilot program to establish the Youth Offender Program (YOP) at the Growlersburg Conservation Camp. This filing is exempt from the Administrative Procedure Act under Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This action is effective upon filing with the Secretary of State pursuant to Penal Code section 5058.1 and remains in effect for two years.

Title 15
Adopt: 3999.30
Filed 07/27/2023
Agency Contact: Renee Rodriguez (916) 445–2220

Department of Insurance
File # 2023-0616-06
CLCA Plan of Operations

The request of the Department of Insurance for filing with the Secretary of State and Printing in the California Code of Regulations an amendment to section 2498.6 of Title 10, updating the revision date of the California Automobile Insurance Low Cost Program (CLCA) Plan of Operations to reflect amendments concerning policy cancellation by the insurer for non-payment of premiums and repeal of the requirement of an every-three-years questionnaire affirming eligibility, is granted.

Title 10
Amend: 2498.6
Filed 07/27/2023
Effective 07/27/2023
Agency Contact: Michael Riordan (415) 798-4245

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 Resources Recycling and Recovery
File # 2023-0628-02
Use of Correct Department Name Section 100
Changes

This action without regulatory effect by the Department of Resources Recycling and Recovery (“CalRecycle”) amends regulations related to the Beverage Container Recycling and Litter Reduction Act (“the Act”), Division 12.1 (commencing with Section 14500) of the Public Resources Code (“PRC”), so that existing references to the Department of Conservation will now refer to CalRecycle, consistent with statutes amended by Senate Bill 63 (Stats. 2009, chapter 21) (“SB 63”).

Title 14
Amend: 2000, 2095, 2130
Filed 08/02/2023
Agency Contact: Kris Chisholm (916) 322-2404

Public Employment Relations Board
File # 2023-0627-01
Electronic Filings, Recusals, and Severance Petitions

In this action, the Public Employment Relations Board changes gendered language to gender neutral language and fixes other non-substantive grammatical issues.

Title 08
Amend: 32110(b), 32155, 95120
Filed 07/27/2023
Agency Contact: Joshua Golka (916) 297-3152

Commission on Peace Officer Standards and Training
File # 2023-0620-01
Employment Status Notifications

This rulemaking action by the Commission on Peace Officer Standards and Training amends the Affidavit of Separation, POST Form-2-357 and makes corresponding changes to the revision date in title 11, section 1003.

Title 11
Amend: 1003
Filed 08/02/2023
Effective 08/02/2023
Agency Contact: Michelle Weiler (916) 227-4870

Department of Financial Protection and Innovation
File # 2023-0623-02
Small Business UDAAP

This action by the Department of Financial Protection and Innovation adopts regulations further implementing Financial Code section 90009, subdivision (e), that (1) define and prohibit “unfair, deceptive, and abusive acts and practices” (UDAAP) in the offering or provision of commercial financing to small businesses, nonprofits, and family farms and (2) establish data collection and reporting requirements.

Title 10
Adopt: 1060, 1061, 1062
Filed 08/02/2023
Effective 10/01/2023
Agency Contact: DeEtte Phelps (916) 477-9095

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 10/01/2023
 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 (Gov. Code, section 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 # 2023-0614-03
 Santa Ana Basin Plan Amend For Santa Ana River Basin

This action under Government Code section 11353 amends the Water Quality Control Plan for the Santa Ana River Basin. On December 10, 2021, the California Regional Water Quality Control Board, Santa Ana Region, adopted Resolution Number R8-2021-0025 updating the Total Dissolved Solids and Nitrogen Management program (TDS/N Management Program). The State Water Resources Control Board

approved the amendment under Resolution Number 2022-0014 on May 10, 2022.

Title 23
 Adopt: 3979.16
 Filed 07/27/2023
 Effective 07/27/2023
 Agency Contact: Keith Person (951) 782-4997

Department of Cannabis Control
 File # 2023-0615-01
 Standard Cannabinoids Test Method and Standardized Operating Procedures for All Licensed Commercial Cannabis Testing Laboratories

This rulemaking action by the Department of Cannabis Control establishes a standard cannabinoid test method for dried flower, including non-infused pre-rolls.

Title 04
 Adopt: 15712.1, 15712.2
 Filed 07/28/2023
 Effective 10/01/2023
 Agency Contact: Charisse Diaz (916) 465-9025

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

In this resubmittal of OAL Matter Number 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

Department of Veterans Affairs
 File # 2023-0620-05
 California Veterans Board Meetings

In this rulemaking action, the Department adopts a regulation to establish Board and Committee meeting procedures. The regulation addresses quorums, meeting agendas, committee reports, public participation, and allotted time for public comments and presentations.

Title 12
 Adopt: 710
 Filed 08/01/2023
 Effective 10/01/2023
 Agency Contact: Phil McAllister (916) 653-1961

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE WITHIN
 January 1, 2023, to March 31, 2023**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 02

02/01/2023 ADOPT: 59900
 02/02/2023 AMEND: 18545
 02/06/2023 AMEND: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707
 02/13/2023 AMEND: 59780
 02/14/2023 AMEND: 599.745.1, 599.776.1, 599.752
 02/22/2023 AMEND: 55300
 03/01/2023 ADOPT: 2024.5 AMEND: 20021, 20022, 20023, 20024, 20025, 20026, 20027
 03/01/2023 AMEND: 59750
 03/20/2023 AMEND: 11002, 11005, 11006, 11007, 11013, 11017.1, 11029, 11030, 11049, 11050, 11051, 11052, 11064, 11087, 11095, 11097, 11099, 11105, 11107, 11110, 11116, 11117, 11122, 11140, 11150, 11151, 12005
 03/29/2023 ADOPT: 20685, 20686, 20687, 20688, 20689, 20690, 20691
 03/29/2023 ADOPT: 59850

Title 03

01/03/2023 REPEAL: 3434
 03/13/2023 ADOPT: 5001.1 AMEND: 5000, 5001, 5005
 03/22/2023 AMEND: 3915.1

Title 04

01/30/2023 ADOPT: 71
 02/08/2023 AMEND: 10327, 10328
 02/09/2023 AMEND: 5000, 5020, 5022, 5035, 5036, 5052, 5054, 5100, 5105, 5133, 5144, 5146, 5170, 5190, 5193, 5200, 5230, 5231, 5240, 5241
 03/03/2023 AMEND: 8035(e)-(f)
 03/03/2023 AMEND: 8070, 8072, 8073

03/13/2023 AMEND: 10302, 10315, 10317, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337

03/13/2023 AMEND: 1867

Title 05

01/23/2023 ADOPT: 30528 AMEND: 30520, 30521, 30522, 30523, 30524, 30525, 30526, 30527
 01/26/2023 AMEND: 80487, 80071.4
 01/27/2023 AMEND: 71210, 71475, 71770, 71920
 02/09/2023 AMEND: 30023, 30026
 02/10/2023 ADOPT: 71652, 71653 AMEND: 71650
 02/10/2023 AMEND: 71396, 71397, 71398
 02/10/2023 AMEND: 71710, 71810
 03/16/2023 AMEND: 19810
 03/17/2023 ADOPT: 52510, 53425, 53601, 53602, 53605 AMEND: 53400, 53401, 53403 REPEAL: 53402

Title 08

02/02/2023 ADOPT: 46.3 AMEND: 31.3, 31.5, 34(b), 34(d), 34(e), 34(f), 108
 02/03/2023 ADOPT: 3205, 3205.1, 3205.2 [renumbered to 3205.1], 3205.3 [renumbered to 3205.2], 3205.4 [renumbered to 3205.3]
 03/01/2023 AMEND: 9789.39

Title 09

01/17/2023 ADOPT: 893
 02/16/2023 AMEND: 1904, 1913
 02/17/2023 ADOPT: 7006.1, 7006.6, 7021.6, 7026.5, 7029.2, 7029.4 AMEND: 7001.5, 7002.5, 7004.6, 7005, 7006, 7006.3, 7011, 7013.6, 7014.1, 7017.5; 7018.4, 7019.5, 7028, 7028.1, 7028.6, 7029.1, 7029.6, 7035, 7037, 7038, 7052, 7053, 7053.5, 7060, 7062, 7098, 7128, 7129, 7130, 7131.2, 7136.4, 7136.6, 7137, 7140, 7141, 7141.5, 7142, 7142.5, 7143, 7143.5, 7149, 7151, 7154, 7155, 7159.5, 7160, 7161, 7162.3, 7163.5, 7164, 7168, 7170, 7176, 7179, 7179.1, 7179.2, 7179.3, 7179.4, 7179.5, 7197.7, 7181.1, 7320, 7330, 7331, 7332, 7350, 7351, 7363 REPEAL: 7014, 7016.1, 7028.8, 7136, 7153, 7158
 02/21/2023 AMEND: 535

Title 10

01/09/2023 AMEND: 3527, 3561, 3563, 3568, 3570, 3575, 3602, 3603, 3681, 3726
 01/09/2023 ADOPT: 5530, 5531, 5532, 5533, 5534, 5535, 5536, 5537, 5538, 5539, 5540, 5541
 01/19/2023 AMEND: 2690.1
 02/01/2023 ADOPT: 3542 AMEND: 3500, 3543, 3568
 02/15/2023 ADOPT: 5530, 5531, 5532, 5533, 5534, 5535, 5536, 5537, 5538, 5539, 5540, 5541
 02/23/2023 ADOPT: 6466

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02/27/2023	AMEND: 2498.4.9	1273.07, 1273.08, 1273.09, 1274.00, 1274.01,
02/27/2023	AMEND: 2498.4.9	1274.02, 1274.03, 1274.04, 1275.00, 1275.01,
02/27/2023	AMEND: 2498.4.9	1275.02, 1275.03, 1275.04, 1276.00, 1276.01,
02/27/2023	AMEND: 2498.4.9	1276.02, 1276.03 (Renumbered to 1276.05
03/01/2023	AMEND: 2498.6	and Amended), 1276.04
03/01/2023	AMEND: 2498.6	02/01/2023 AMEND: 105.1, 182
03/15/2023	AMEND: 10000, 10001, 10002, 10004	02/22/2023 AMEND: 753.6, 754, 754.2, 773, 773.4, 773.6
Title 11		02/23/2023 ADOPT: 1765.11
01/04/2023	AMEND: 1950, 1953	03/29/2023 AMEND: 230
01/12/2023	AMEND: 4031, 4035, 4036, 4045.1, 4210	03/29/2023 AMEND: 165, 705.1
01/17/2023	ADOPT: 1213	Title 15
01/23/2023	AMEND: 1005	01/20/2023 AMEND: 3000, 3375, 3376.1, 3377.2, 3379
02/06/2023	REPEAL: 941, 942, 943, 944, 945, 946, 947,	01/23/2023 AMEND: 3190
	948, 949, 951, 952, 953, 954, 955, 956, 957	01/24/2023 AMEND: 3000, 3293
02/08/2023	ADOPT: 4025	02/03/2023 AMEND: 3000
02/13/2023	AMEND: 410, 411, 415, 416, 417, 418, 419.2,	03/16/2023 AMEND: 3392.1
	419.3, 420, 421, 422, 423, 424, 425, 426	03/30/2023 AMEND: 1030, 1065
03/27/2023	AMEND: 999.500, 999.503, 999.504,	Title 16
	999.505, 999.506	01/03/2023 ADOPT: 2326.6
03/29/2023	ADOPT: 7002, 7003, 7004, 7014, 7015, 7023,	01/09/2023 AMEND: 1735.2
	7025, 7027, 7051, 7052, 7053, 7300, 7301,	01/10/2023 AMEND: 1805.05, 1850.6, 1850.7, 1854
	7302, 7303, 7304 AMEND: 7000, 7001, 7010,	REPEAL: 1832
	7011, 7012, 7013, 7016, 7020, 7021, 7022,	01/17/2023 ADOPT: 165
	7024, 7026, 7028, 7051 (renumbered to 7050),	01/18/2023 AMEND: 1397.37, 1397.39
	7060, 7061, 7062, 7063, 7070, 7071, 7072,	01/24/2023 ADOPT: 1066
	7080, 7081, 7100, 7101, 7102 REPEAL: 7031	02/01/2023 AMEND: 1104.1
Title 13		02/01/2023 AMEND: 87, 88, 88.1, 88.2, 89, 90
01/23/2023	AMEND: 225.45	02/02/2023 AMEND: 2310, 2311, 2326, 2328.1 REPEAL:
03/27/2023	AMEND: 1239	2312, 2313, 2314, 2315, 2316, 2317, 2317.1,
Title 14		2318, 2320, 2321, 2322, 2323, 2324
01/03/2023	ADOPT: 29300	02/02/2023 REPEAL: 1257
01/05/2023	ADOPT: 29200	02/06/2023 ADOPT: 1399.129, 1399.157.1
01/06/2023	ADOPT: 1765, 1765.1, 1765.2, 1765.3, 1765.4,	02/06/2023 AMEND: 144
	1765.4.1, 1765.5, 1765.5.1, 1765.6, 1765.7,	02/07/2023 AMEND: 2043
	1765.8, 1765.9, 1765.10	02/08/2023 AMEND: 12, 12.5
01/12/2023	ADOPT: 40400, 40401, 40402, 40403, 40404,	02/08/2023 AMEND: 2630, 2630.2
	40405, 40406, 40407, 40408, 40409, 40410,	02/09/2023 ADOPT: 1267.1 AMEND: 1267, 1274, 1275,
	40412, 40413	1277.5
01/20/2023	AMEND: 749.13	02/09/2023 ADOPT: 109.1 AMEND: 144
01/24/2023	AMEND: 17988.2, 17988.3	02/10/2023 AMEND: 2614
01/31/2023	ADOPT: 1270.08, 1276.03 AMEND: 1270.00,	02/13/2023 AMEND: 1463
	1270.01 (Renumbered to 1270.02 and	02/13/2023 AMEND: 1399.153, 1399.153.153
	Amended), 1270.02 (Renumbered to 1270.03	02/13/2023 ADOPT: 1399.131.1, 1399.155.1 AMEND:
	and Amended), 1270.03 (Renumbered	1399.102, 1399.131, 1399.155
	to 1270.04 and Amended), 1270.04	03/27/2023 ADOPT: 1104.3
	(Renumbered to 1270.05 and Amended),	Title 17
	1270.05 (Renumbered to 1270.06 and	02/22/2023 AMEND: 100000
	Amended), 1270.06 (Renumbered to 1270.07	Title 18
	and Amended), 1271.00 (Renumbered to	01/18/2023 AMEND: 462.520
	1270.01 and Amended), 1273.00, 1273.01,	
	1273.02, 1273.03, 1273.04, 1273.05, 1273.06,	

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01/18/2023 AMEND: 462.540
01/30/2023 ADOPT: 3703, 3800, 3805, 3810 AMEND:
3700
02/06/2023 AMEND: 1599
03/15/2023 AMEND: 4901
03/22/2023 AMEND: 1603

Title 20

01/17/2023 AMEND: 1601, 1602, 1604, 1606, 1607
01/20/2023 ADOPT: 1623.1 AMEND: 1621, 1623

Title 22

01/24/2023 AMEND: 97210, 97212, 97215, 97240, 97241,
97244, 97245, 97246, 97247, 97248, 97249,
97250, 97266
02/01/2023 ADOPT: 5066.1 AMEND: 5000, 5007, 5010,
5050, 5054, 5062, 5066, 5067, 5068, 5111
REPEAL: 5055
02/13/2023 AMEND: 66269.1
03/01/2023 REPEAL: 66274.1, 66274.2, 66274.3, 66274.4,
66274.5, 66274.7, 66274.8
03/21/2023 AMEND: 84075, 89201, 89377

Title 22, MPP

01/18/2023 AMEND: 83087, 83088
03/20/2023 ADOPT: 81095.5, 82095.5, 85092.7, 85095.5,
87470, 87895.5 AMEND: 80022, 80065,
80092, 81001, 81022, 81065, 81092.7, 82001,
82022, 82065, 82092.7, 85022, 85075.1,

85090 renumbered to 85096, 85090.1 renum-
bered to 85096.1, 85090.2 renumbered to
85096.2, 85091 renumbered 85097, 85091.1
renumbered to 85097.1, 85091.2 renumbered
to 85097.2, 85091.3 renumbered to 85097.3,
85091.4 renumbered to 85097.4, 85092 re-
numbered to 85098, 85093 renumbered to
85099, 87101, 87208, 87411, 87465, 87629,
87822, 87865 REPEAL: 80092.7

Title 23

01/04/2023 ADOPT: 28.1 AMEND: 5, 28
01/31/2023 AMEND: 831, 907, 915, 920, 924, 925, 929,
930
02/06/2023 ADOPT: 980, 981, 982, 983, 984, 985, 986
03/06/2023 ADOPT: 3421.1, 3422.1, 3423.1, 3424, 3425
AMEND: 3420, 3421, 3422, 3423, 3426,
3427, 3428 REPEAL: 3424, 3425

Title MPP

02/13/2023 ADOPT: 31-127, 31-131 AMEND: 31-001, 31-
002, 31-010, 31-015, 31-101, 31-105, 31-110,
31-115, 31-120, 31-125, 31-135, 31-136, 31-430