



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

SECTION 3591.27 *ZEUGODACUS
TAU* ERADICATION
SECTION 3444 *ZEUGODACUS TAU*
INTERIOR QUARANTINE

The California Department of Food and Agriculture (Department) proposes to make permanent the emergency amendment to Title 3, California Code of Regulations (CCR) Section 3591.27 *Zeugodacus tau* Eradication Area and adopt Title 3 CCR Section 3444 *Zeugodacus tau* Interior Quarantine which adds Ventura, San Diego, and Orange counties to the list of eradication areas, create an interior quarantine, and update the host list for *Zeugodacus tau* (Tau fly) to match the current United States Department of Agriculture (USDA) list, which adds several hosts.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on November 21, 2023. The Department will consider only comments received at the Department offices by that date or post-marked no later than November 21, 2023. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor California
Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
Erin.lovig@cdfa.ca.gov
(916) 403-6650
(916) 651-2900 (FAX)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Dean Kelch at (916) 261-9252 or dean.kelch@cdfa.ca.gov, FAX number (916) 651-2900.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to adopt Section 3444 and amend Section 3591.27 pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5301, 5302, 5322, 5761, 5762, 5763, and 5764 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The specific purpose of adopting CCR Section 3444 *Zeugodacus tau* Interior Quarantine and amending Section 3591.27 *Zeugodacus tau* Eradication Area is to make permanent the expanded eradication area for the *Zeugodacus tau* in California to include Ventura, San Diego, and Orange counties create an interior quarantine, and update the host list for Tau fly to match the current United States Department of Agriculture (USDA) list which adds several hosts.

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code

that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as they deem necessary to protect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

Existing law, FAC Section 5302, provides that the Secretary may make and enforce such regulations as they deem necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

Existing law, FAC Section 5764, provides that if an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment.

Expenditures, if any, allocated for the replacement nursery stock shall not exceed an amount which is budgeted for the purpose or approved by the Director of Finance.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

This regulation is necessary to prevent the spread of Tau fly to un-infested areas of the State. The regulation benefits industries (nursery, fruit for domestic use and exports, packing facilities), the environment (urban landscapes), and the overall California economy by preventing the spread of Tau fly.

The amendment of this regulation benefits the pepper, tomato, and guava (nursery, fruit for domestic use and exports, packing facilities) and the environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the Tau fly over short and long distances.

The California, national and international consumers of California pepper, tomato, and guava benefit by having high quality produce available at lower cost. It is assumed that any increases in production costs will ultimately be passed on the consumer.

The amendment of this regulation benefits homeowners who grow their own host fruits for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

The adoption of this regulation may benefit homeowners who grow host material for consumption and/or ornamentals in various rural and urban landscapes. By providing a basis to prevent infestation with Tau fly and thereby preventing damage to hosts, the regulation eliminates any future need for hosts to be treated to mitigate infestations of Tau fly.

There is no existing, comparable federal regulations or statute regulating the intrastate movement of Tau fly.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing Tau fly, and it found that these are the proposed amendments are the only regulations dealing with this subject, and the Department is the only State agency which can designate these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Sections 3444 and 3591.27 and has determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq., as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: Compliance activities are currently being performed by existing state staff throughout quarantine areas within the State. The Department is currently monitoring for pests, and thus there is no change to the cost due to these regulations. The Department has determined that no savings or increased costs to any state agency and no costs or savings in federal funding to the State will result from the adoption of 3444 and amendment of Section 3591.27. The amendment of this regulation would have no fiscal impact on the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or business: The adoption of 3444 and amendment of Section 3591.27 will provide authority for the Department to conduct eradication and quarantine activities against Tau fly and there are no known private sector cost impacts. The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing state

staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The Department has concluded that the Section 3444 adoption and Section 3591.27 amendment (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to benefit workers' safety.

The health and welfare of California residents: The proposed action will benefit the health and welfare of California residents by preventing increased costs to the consumers of host materials and increased pesticide usage.

The state's environment: The amendment of this regulation benefits the environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the Tau fly over short and long distances.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it 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 alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information

on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. 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 the agency officer named herein.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

CIVIL PENALTY ACTIONS BY COMMISSIONERS DPR REGULATION NUMBER 23-002

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) section 6130 to implement, interpret and make specific Food and Agricultural Code (FAC) section 12999.5. In summary, the proposed action would increase the fine range for administrative civil penalties levied by county agricultural commissioners (CACs) from a maximum of \$5,000 to a maximum of \$15,000 for Class A violations of pesticide use law (subdivision (c)(1)) and from a maximum of \$1,000 to a maximum of \$3,000 for Class B violations of pesticide use law (subdivision (c)(2).) These changes are necessary to promote and protect human health and the environment by aligning the existing regulations with certain statutory changes made in Assembly Bill 211 (AB 211) (Stats.2022, chapter 574.), which was enacted by the Legislature and has been effective since September 27, 2022.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than November 20, 2023. Comments regarding this proposed action may also be transmitted via email to dpr23002@cdpr.ca.gov or by facsimile at (916) 324-1491.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small business that operate lawfully. There will be some impact to small business if they are found to be in violation of California pesticide laws and regulations under FAC section 12999.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR's mission is to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management. FAC section 2281 distributes responsibility for pesticide use enforcement between state and local authorities. The CACs and their staff who operate across 58 counties are responsible for supporting compliance with and enforcing pesticide use laws and regulations at the local county level. CACs have various regulatory tools at their disposal to support grower, pesticide applicator, and pesticide user compliance with, and to enforce, pesticide laws and regulations. One key tool utilized by CACs is administrative civil penalty authority. The FAC provides that in lieu of civil prosecution by the Department, the CAC may levy a civil penalty (fines) for violations of pesticide use law and regulations, as specified in FAC section 12999.5, subdivision (a) and its implementing regulations at 3 CCR, sections 6128, 6130 and 6131.

Under existing law, 3 CCR section 6130 establishes that a Class A violation occurs when a violation causes a health, property or environmental hazard, or when there is a violation of a law or regulation that mitigates the risk of adverse health, property or environmental effects and the CAC determines that certain specified aggravating circumstances support elevation to a Class A violation, or when a respondent violates a

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

lawful order issued by the CAC. The fine range set for a Class A violation is \$700 to \$5,000. 3 CCR, section 6130 also establishes that a Class B violation occurs when there is a violation of a law or regulation that mitigates the risk of adverse health, property or environmental effects that is not designated as a Class A violation. The fine range set for a Class B violation is \$250 to \$1,000.

In 2022, AB 211 amended FAC section 12999.5 to increase penalty maximums for violations of pesticide use laws and regulations, increasing the fine range for “Class A” violations from a maximum of \$5,000 to a maximum of \$15,000 per violation and the fine range for all other violations (Class B or C) from a maximum of \$1,000 to a maximum of \$3,000 per violation. AB 211 was chaptered and went into effect on September 27, 2022.

The proposed regulations would amend 3 CCR section 6130 to conform with AB 211 and align the regulations with the statutory scheme as amended. The proposed amendments would increase the penalty for a Class A violation from a maximum of \$5,000 to a maximum of \$15,000 per violation and increase the penalty for a Class B violation from a maximum of \$1,000 to a maximum of \$3,000 per violation.

The broad objective of the proposed action is to deter illegal pesticide use, protect workers, and strengthen the local implementation of the statewide pesticide use compliance and enforcement program. The proposed amendments will permit CACs to levy fines up to the statutory maximums as set forth in AB 211 for Class A and Class B violations. In this way, the proposed amendments will benefit the public, including California residents and workers, by promoting compliance with pesticide law, regulations and lawful orders and deterring unlawful actions.

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. DPR is the only state agency that has the authority to regulate the use of pesticides under the authority of FAC section 12781 to implement FAC section 12999.5.

**IMPACT ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.

**OTHER NONDISCRETIONARY
COSTS OR SAVINGS IMPOSED UPON
LOCAL AGENCIES**

DPR has determined that there are no other nondiscretionary cost or savings imposed upon local agencies that are expected to result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action. Fiscal impacts will depend on whether there is a change in number of violations, which is unknown.

**EFFECT ON FEDERAL
FUNDING TO THE STATE**

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES**

DPR made an initial determination that adoption of these regulations will not have any significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

DPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulatory action will have no impact on lawful operations of pesticide users, pest control advisers, or pesticide dealers. Fines are incurred only for violations of the FAC and 3 CCR.

**RESULTS OF THE
ECONOMIC IMPACT ANALYSIS**

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined that it is unlikely that the proposed regulatory action will impact the creation or elimination of jobs, the creation of new

businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California. The proposed regulatory action will have no impact on lawful operations of pesticide users, pest control advisers, or pesticide dealers. Fines are incurred only for violations of the FAC and 3 CCR.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The proposed regulations will promote the health and welfare of California residents, promote worker health and safety, and safeguard California's environment and natural resources, by strengthening the deterrence of pesticide use violations and local implementation of the statewide pesticide compliance and enforcement program. The proposed amendments will permit CACs to levy fines up to the statutory maximum as set forth in AB 211 for Class A and Class B violations. In this way, the proposed amendments will benefit the public, including California residents and workers, by promoting compliance with pesticide law, regulations and lawful orders, and deterring unlawful actions.

CONSIDERATION OF ALTERNATIVES

DPR 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, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law. The proposed amendments will increase the fine range for administrative civil penalties levied by CACs, aligning existing regulations with current law. Interested members of the public are invited to submit written comments regarding alternatives during the written comment period.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC section 12781.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC section 12999.5.

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

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. 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, and the documents relied upon. Copies may be obtained from the agency contact person named in this Notice and are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulations permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and the proposed text of the regulations, and inquiries regarding the rulemaking file may be directed to:

Lauren Otani, Senior Environmental Scientist
(Specialist)
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, CA 95812-4015
(916) 445-5781

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Emily Edgerton, Environmental Scientist
Enforcement Headquarters Branch
(916) 603-7735

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on DPR's Internet Home Page <http://www.cdpr.ca.gov>. Upon request, the documents

can be made available in another language, or an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a) may be obtained from the agency contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <http://www.cdpr.ca.gov>.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

SPECIAL PLATES

The Department of Motor Vehicles (department) proposes to amend sections 206.00, 206.02, 206.04, 206.06, 206.08, 206.10, 206.12, 206.30, and 206.40; delete sections 206.20, 206.22, 206.30, 206.35, 206.40, 206.50, 206.52, 206.54, 206.56, 206.58, and 206.60; and adopts section 206.16 in Article 3.3, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to the Environmental, Special Interest, and Special Recognition license plate programs.

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 his or her 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 **November 20, 2023**, 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, 1652, and 5110, in order to implement, interpret, or make specific Vehicle Code sections 5101 and 5105.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 1652 authorizes the department to establish and prescribe forms necessary to process registration transactions. The information requested on the department's application forms allows the department to verify the appropriate records are being updated and ensure the correct license plates, registration cards, or other departmental documents are being issued. The department's regulations identify forms by name, form number, and revision date to ensure interested parties are aware of the current version of that form that is to be submitted to the department at the time of application. Because so many department forms are available online, it is necessary for clarity that the regulations identify the correct revision date.

The July 2000 version of the special license plate application form was used for both special interest and special recognition license plates and included a fee schedule on the second page. Since then, the REG 17 was amended to remove the special recognition license plates making it easier to complete. The REG 17A was developed as the application for special recognition license plates.

These proposed regulations also amend the application for environmental and special interest license plates and adopt the application for special recognition license plates such that it is clear to applicants what is required to be approved by the department for any type of special license plate offered. There are also changes to the regulation relating to the personalized configuration on an environmental license plate to reflect the department's discretion to decide the types of messages that will not be available on a license plate and makes clarifying changes to the rules regarding plate configurations that refer to content the department deems unsuitable for a license plate, regardless of any viewpoint expressed. The changes proposed render the entire regulation compliant with current first amendment law, and address language not specifically addressed in the several recent civil court decisions evaluating several subparts of the personalized plate rule. Also, the proposed regulations intend to amend some sections for additional clarity. The existing regulations and the application submittal procedures are outdated. By updating and condensing them they will be clearer to the regulated public and easier to find. And making sure there is consistency between the forms and the regulation requirements will additionally provide clarity for the public.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

Anticipated benefits of the proposed regulation are discussed below in the Results of Economic Impact Assessment/Analysis section of this document and discussed in the Initial Statement of Reasons document.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other state regulations and has concluded there are no other regulations that establish application guidelines for the special interest or special recognition license plate programs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department conducted a review of federal regulations and statutes and has determined that no other regulations address the application for Environmental, Special Interest, or Special Recognition license plates.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Special Interest or Environmental License Plate Application, form REG 17 (Rev. 4/2020)
- Special Recognition License Plate Application, form REG 17A (NEW 5/2020)
- Statement of Facts, form REG 256, Rev. 8/2008

The form REG 17, REG 17A and the form REG 256 will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

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.

- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Effects on Housing Costs: None.
- Impacts Directly Affecting Businesses: 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 regulatory action may affect small business.
- Local Agency/School Districts Mandate: The proposed regulation 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 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. If an applicant is a business, the proposed amendments do not present any change that would have any economic impact on businesses.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

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

- Creation or elimination of jobs or creation of new businesses or elimination of existing businesses within the State of California:

As these proposed regulations establish the separate application forms for Special Interest License Plates and Special Recognition License Plates and make clarifying amendments, the department has determined that this proposed action will neither create nor eliminate jobs within the State of California, nor will the proposal create new businesses or eliminate existing businesses within California.

- The Expansion of Businesses Currently Doing Business Within the State of California:

These regulations are unlikely to expand businesses within the State of California.

- Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The primary benefit of the proposed amendments to the environmental license plate regulation is in retaining fairness to California vehicle registrants seeking to express themselves in the nonpublic or limited public forum of a license plate registration number while still allowing the department to eliminate unsuitable configurations in a viewpoint neutral, reasonable, and consistently applied manner.

Also, various changes to the informational requirements a vehicle registrant must provide to be issued specialized, special interest or special recognition plates are streamlined and clarified. Previously, requirements have appeared in both the regulation and in the forms, resulting in duplication. The department is instead removing the duplicative information from the regulation text and is incorporating by reference the necessary form.

This action will benefit the health and welfare of California residents by ensuring applicants have convenient ways to provide the department with their information when applying for environmental or special license plates and to help ensure the integrity of their registration records that are maintained in the department's databases. This action is not likely to have a significant impact on worker safety or the state's environment.

PUBLIC DISCUSSION 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 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 provisions of law.

CONTACT PERSON

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

Randi Calkins, Regulations Specialist
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:

Peggy Gibson, Attorney IV
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, the application forms, 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.

**TITLE 15. DEPARTMENT
OF CORRECTIONS AND
REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Section 3041.2 into Title 15, Division 3, Chapter 1, regarding Inmate Pay Rates, Schedules, and Exceptions.

PUBLIC COMMENT PERIOD

The public comment period begins **October 6, 2023** and closes on **November 22, 2023**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpbm@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

S. Pollock
Telephone: (916) 445-2308
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
Telephone: (916) 445-2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

T. Johnson
Telephone: (916) 985-2561
Division of Adult Institutions
P.O. Box 942883
Sacramento, CA 94283-0001

PUBLIC HEARING

Date and Time:

November 22, 2023 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
Room 150N
1515 S Street — North Building
Sacramento, CA 95811

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the department require adoption, amendment, or repeal of regulation on an emergency basis.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Current regulations provide for inmate pay schedules based on minimum and maximum hourly and monthly rates and skill levels. Inmate pay schedules have remained unchanged for the past 30 years and are also not adjusted for inflation.

The proposed regulations will provide an increase in inmate pay across all levels of inmate jobs state-wide. The new increase will result in two different pay scales: the General Pay Scale and the Conservation Camp Pay Scale. There will no longer be a monthly maximum of pay, but an hourly payment for hours worked. Furthermore, the Director of Division of Adult Institutions (DAI) or designee shall approve any exceptions to the pay scales.

This action will:

- Amend the General Pay Schedule and adopt a new Conservation Camp Pay Scale.
- Revise payments inmates receive for work completed from a monthly maximum to actual hours worked.
- Establish the Director of DAI or designee shall approve any exceptions to the pay scales.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

**SPECIFIC BENEFITS ANTICIPATED BY
THE PROPOSED REGULATIONS**

The department anticipates that the proposed regulatory action will have a long-term beneficial effect on CDCR’s inmate population by incentivizing the population to accept and retain jobs during their incarceration, allowing them more buying power in efforts to normalize their daily living and pay toward any restitution. Additionally, vacancies will be filled, availing additional workforce to assist the State workforce, which has high vacancy rates in areas assisted by inmate workers.

It is the responsibility of CDCR to ensure its inmate population is treated with dignity and has the resources and skills needed to transition back to society. This responsibility extends to fair compensation for jobs performed while incarcerated, therefore the department is proposing changes to regulations which will increase inmate pay commensurate with the job skill level and also be deemed fiscally responsible based on inflation.

**EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH
EXISTING REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations

that concern revising inmate pay rates, schedules, and exceptions.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*.
- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

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

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small businesses because they place no obligations or requirements on any business.

RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on worker safety or the state's environment. These regulations may benefit the welfare of California residents by helping to make CDCR institutions safer for inmates, staff, and visitors. Additionally, safer institutions may provide an environment more conducive to rehabilitation, thereby reducing recidivism.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends, or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TITLE 16. ACUPUNCTURE BOARD

CONTINUING EDUCATION: LAW AND
ETHICS REQUIREMENT

NOTICE IS HEREBY GIVEN that the Acupuncture Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be **received by the Board at its office no later than by 5:00 p.m., Tuesday, November 21, 2023**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 4933 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sec-

tion(s) 704, 4945, 4955, and 4970 the Board is considering amending section(s) 1399.480, 1399.489, and 1399.489.1 of Title 16, Division 13.7, Article 8 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

BPC section 4933 authorizes the Board to adopt, amend, or repeal, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), regulations as may be necessary to enable it to carry into effect the provisions of law relating to the practice of acupuncture. BPC section 4945 authorizes the Board to establish standards for continuing education (CE) for acupuncturists and requires the Board to mandate each acupuncturist complete 50 hours of CE every two years as a condition for renewal. To address public input that matters leading to discipline and complaint trends could be addressed by adding an ethics course requirement for licensees through their CE requirements, the Board proposes instituting a requirement that all practitioners, new and old, take a CE course focusing on law and ethics as a condition of renewal, which should assist acupuncturists with keeping up to date with changes in the law and ethical considerations that may affect their practice.

The regulatory proposal would add a new requirement that, as a condition of renewal, a licensee complete a minimum of four hours in law and ethics CE during the two years immediately preceding their license expiration date, unless a licensee is renewing an initial license that has been issued for less than two years. The proposal would add a definition of “.5” or “One half Hour” to mean at least 25 minutes of participation in an organized learning experience to specify what a half hour means in relation to new proposed requirements for completion of CE coursework in existing Section 1399.489.1.

The proposal amends the existing requirement of 22 hours of Category 1 CE coursework to 22.5 hours in 1399.489.1 for licensees restoring their license to active when their license was inactive for less than a year. For inactive licensees seeking to restore their licenses to active status, the Board is also proposing to add “The licensee shall also have completed four (4) hours of continuing education in law and ethics as part of either the minimum 50 hours or 22.5 hours of continuing education required by this subsection,” to CCR section 1399.489.1.

The proposal would also make other clarifying changes to specify how requirements apply to certain licensees by adding the words “on active status” and “of the course”, and make minor, technical or non-

substantive changes to address grammar and the use of decimal numbering in this proposal (e.g., “22.5 hours” means “twenty-two- and one-half hours”).

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. The proposal aims to reduce violations by acupuncturists through mandated education, which will promote more ethical practice and improve public health and safety. The proposal will achieve this by setting a minimum CE requirement to include law and ethics, which places the Acupuncture Board in alignment with other healing arts boards. This proposal would also benefit the health and welfare of California residents by ensuring that acupuncturists, as health care practitioners, are continuously informed of their legal and ethical obligations through establishment of directed and ongoing educational requirements in these areas.

This regulatory proposal benefits the health and welfare of California residents by ensuring licensee’s comprehension of the law and ethics, which helps to achieve more competent licensees and promotes consumer protection. This means that members of the public will benefit from having a more informed licensee as such education will help increase the likelihood that licensees will act ethically and in compliance with the law in the professional relationship.

The proposal does not affect worker safety because it has nothing to do with worker safety. The proposed regulations do not affect the state’s environment because it has nothing to do with the environment.

Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither duplicative, inconsistent, nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: There is no fiscal impact to the State in the form of federal funding or any cost or savings to any state agency.

The proposed amendments specify CE coursework and fulfillment requirements for licensees as part of existing total hours required for license renewal. The regulations do not increase the total number of CE hours required. As a result, the Board does not anticipate an increase in workload or costs resulting from the proposed regulations.

Nondiscretionary Costs/Savings to Local Agencies: None.

Mandate Imposed on Local Agencies or School Districts: None.

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

The new CE requirement of four hours of law and ethics mandated by the amendments of subsection (c) of CCR section 1399.489 is expected to increase participation in these courses. However, because the regulations do not increase the total hourly requirement of 50 hours for license renewal, licensees are anticipated to take and complete the four hours of law and ethics coursework in lieu of four hours of other available CE courses. Additionally, law and ethics courses are already currently available. As a result, the regulations are not anticipated to result in additional costs or revenues to CE providers.

The amendments to CCR Section 1399.489 will also affect licensees renewing on active status each year. However, the new minimum CE requirement of four hours of law and ethics should not cause any economic impact to licensees since the overall total of CE hours has not increased. The new requirement only prescribes that a licensee's total 50 hours of CE must now consist of 4 hours of law and ethics. The price of law and ethics courses are not priced higher than the other kinds of CE courses.

Cost Impact on Representative Private Person or Business

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The proposed changes only create minimum CE requirements within the existing 50 total hours of CE required for renewal.

Benefits of Regulation

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. The proposal aims to reduce violations by acupuncturists through mandated education, which will promote more ethical practice and improve public health and safety. The proposal will achieve this by setting a minimum CE requirement to include law and ethics, which places the Acupuncture Board in alignment with other healing arts boards. This proposal also would benefit the health and welfare of California residents by ensuring that acupuncturists, as health care practitioners, are continuously informed of their legal and ethical obligations through establishment of directed and ongoing educational requirements in these areas.

This regulatory proposal benefits the health and welfare of California residents by ensuring licensee's comprehension of the law and ethics, which helps to achieve more competent licensees and promotes consumer protection. This means that members of the public will benefit from having a more informed licensee as such education will help increase the likelihood that licensees will act ethically and in compliance with the law in the professional relationship.

The proposal does not affect worker safety because it has nothing to do with worker safety. The proposed regulations do not affect the state's environment because it has nothing to do with the environment.

Business Reporting Requirements

The proposed rulemaking does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. Although small businesses owned by licensees of the Board may be impacted the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation 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; as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 North Market Boulevard, Suite N-219, Sacramento, California 95834 during the written comment period specified above, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 North Market Boulevard, Suite N-219, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

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 person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a writ-

ten request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Kristine Brothers
Policy Coordinator
Address: Acupuncture Board
1625 North Market Boulevard, Suite N-219
Sacramento, CA 95834
Telephone Number: 916-515-5200
Fax Number: 916-928-2204
Email Address: AcuPolicy@dca.ca.gov

The backup contact person is:

Name: Marisa Ochoa
Central Services Manager
Address: Acupuncture Board
1625 North Market Boulevard, Suite N-219
Sacramento, CA 95834
Telephone Number: 916-515-5200
Fax Number: 916-928-2204
Email Address: AcuPolicy@dca.ca.gov

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 noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at https://www.acupuncture.ca.gov/about_us/relevant_shtml.

TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than by 5:00 p.m., Tuesday, November 21, 2023**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 2531.95 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section 2532.6, the Board is considering amending sections 1399.160, 1399.160.1, 1399.160.2, 1399.160.3, and 1399.160.4 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is a state agency vested with the authority to license, regulate, and discipline within the practices of speech–language pathology, audiology, and hearing aid dispensing in accordance with BPC sections 2530.1 and 2531.02. The Board’s mandate and its mission is to protect the public by regulating approximately 35,000 speech–language pathologists, speech–language pathology assistants, speech–language pathology aides, audiologists, dispensing audiologists, audiology aides, hearing aid dispensers, hearing aid dispenser trainees, and temporary hearing aid dispensers who are licensed and registered with the Board and by disciplining licensees or registrants who violate the law. In order to protect the public, the Board establishes requirements for continuing professional development (CPD) to “assure the public of professional competence” for licensees regulated by this Board (BPC section 2532.6.)

Existing law, under BPC section 2531.95, authorizes the Board to adopt, amend, or repeal regulations that may be necessary to execute any provisions of the Speech–Language Pathologists and Audiologists and

Hearing Aid Dispensers Licensure Act. The Board intends to use its authority to amend regulations regarding CPD requirements for speech–language pathologists, audiologists, and dispensing audiologists.

There is no existing federal regulation or statute comparable to these proposed regulatory changes.

CPD requirements are intended to protect consumers by ensuring licensees continue to improve their professional learning to maintain ethical and competent practice. Pursuant to BPC section 2532.6, the Board establishes requirements regarding the number of hours licensees are required to complete, and approving and certifying CPD providers and courses. The Board permits CPD to be completed through self–study, which is a course delivery method where an individual learns in the time and place of their own choosing. Because self–study may not adequately improve professional learning, the Board limits the number of hours that can be completed through self–study. An issue with self–study became pronounced during the COVID–19 pandemic. It became unclear to licensees if it is considered self–study when CPD is delivered online. The proposed regulatory changes will clarify definitions to reflect advancements made to CPD courses delivered online, increase the number of self–study hours allowed to half of the total required hours, and clarify current regulations by making CPD requirements consistent with the Board’s CPD audit process and the professional learning requirements for similar license types and course content.

The following is a summary of the proposed changes the Board seeks to make:

Amend Section 1399.160 of Article 11 of Division 13.4 of Title 16 of the CCR

This section is amended to clarify definitions to reflect advancements made to CPD courses delivered online. This change will assist licensees in understanding when a CPD course that is delivered online is considered approved self–study, which is important because licensees are limited in the number of hours that can be completed through this course delivery method. This section is also amended to clarify definitions to increase the clarity of the Board’s renewal process.

Amend Section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the CCR

This section is amended to clarify the CPD requirements for license renewal and specify the CPD requirements for dispensing audiologists, dispensing audiologists who are also speech–language pathologists, and licensees whose license has been expired for two renewal cycles or more. These changes promote transparency and increase the clarity of the Board’s renewal process.

Amend Section 1399.160.2 of Article 11 of Division 13.4 of Title 16 of the CCR

This section is amended to clarify exceptions to the CPD requirements and align with the statutory requirements obtaining an exemption as a result of military service. This section is also amended to require licensees to submit a written request for an exemption from the CPD requirements and require an approved exemption to only be effective for the current renewal period. These changes promote transparency and increase the clarity of the Board’s renewal process.

Amend Section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the CCR

This section is amended to increase the number of self–study hours to half of the total required CPD hours and permit licensees to claim CPD hours for participating in the Board’s occupational analyses. This change gives licensees a greater ability to complete their CPD requirement from courses where instruction and participation do not occur at the same time and for participating in the Board’s occupational analyses. This section is also amended to clarify the CPD requirements and specify the CPD requirements for supervisors. These changes promote transparency and increase the clarity of the Board’s renewal process.

Amend Section 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the CCR

This section is amended to make a grammatical correction, which maintains consistency in the writing style used throughout these regulations.

Anticipated Benefits of Proposal

The Board is aware of benefits that may occur for businesses or individuals that comply with this regulation over its lifetime. Because the Board’s authority is over licensees and not over all businesses within the industries the Board regulates, the Board cannot provide any estimates for the total number or type of businesses (e.g., private, nonprofit, public, or small business) that may be impacted by these proposed regulatory changes. The Board anticipates over 150 licensed CPD providers and over 26,000 licensees in the practice of speech–language pathology and audiology will be impacted by these proposed regulatory changes.

The Board anticipates licensees will benefit from decreased travel costs due to an increase in the number of self–study hours allowed and clarity about when CPD delivered online is considered self–study. The public will benefit from reduced service interruptions because their licensed practitioner will have a greater ability to complete their CPD without needing to take time off to attend an in–person CPD courses. These types of benefits are unquantifiable and cannot be easily measured or estimated. Therefore, the Board cannot

provide information on possible statewide benefits that may occur from this regulation over its lifetime.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

None.

DISCLOSURES REGARDING THIS PROPOSED ACTION

Nondiscretionary Costs/Savings to Local Agencies: None.

Mandate Imposed on Local Agencies or School Districts: None.

FISCAL IMPACT ESTIMATES

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement: None.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

The regulations do not result in a fiscal impact to the state. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

The regulations do not result in costs or savings in federal funding to the state.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that this proposed regulatory action will not have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the Board is clarifying and broadening current regulations by increasing the number of self–study hours and making the CPD requirements consistent with the Board’s CPD audit process and the professional learning requirements for similar license types and course content.

The Board is not aware of costs that businesses or individuals may incur to comply with this regulation over its lifetime nor of any other economic costs. The Board is also not aware of any effect this proposed regulatory action will have on housing costs or impact to local agencies or federal funding to the State.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses

This Board has determined that this regulatory proposal will have the following effects:

It will not create new businesses or jobs within the State of California because the proposed regulatory action is related to licensing renewal requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

It will not eliminate existing businesses or jobs because the proposed regulatory action is related to licensing renewal requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

It will not affect the expansion of businesses within the State of California because the proposed regulatory action is related to licensing renewal requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

Benefits of Regulation:

This Board has determined that this regulatory proposal will have the following effects:

It will positively affect the health and welfare of California residents. The public will benefit from reduced service interruptions because their licensed practitioner will have a greater ability to complete their CPD without needing to take time off to attend an in-person CPD course. Licensees will benefit from decreased travel costs due to an increase in the number of self-study hours allowed and clarity about when CPD delivered online is considered self-study.

It will not affect worker safety because the proposed regulatory action is related to licensing renewal requirements, and does not concern or impact worker safety.

It will not affect the state's environment because the proposed regulatory action is related to licensing renewal requirements, and does not concern or impact the state's environment.

Cost Impact on Representative Private Person or Business

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

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. This initial determination is based on the facts that the Board is clarifying and broadening current regulations by

increasing the number of self-study hours allowed and making CPD requirements consistent with the Board's CPD audit process and the professional learning requirements for similar license types and course content.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation 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 proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Increase the number of allowable self study hours to one hundred (100) percent.

The Board rejected this alternative because it determined that fifty (50) percent was appropriate per committees' discussion in August and October of 2021. The Board continues to limit the number of allowable self-study hours because self study may not adequately improve professional learning as compared to learning with people.

Any interested person may submit comments to the Board in writing relevant to the above determinations 1601 Response Road, Suite 260 Sacramento, CA 95815 during the written comment period, or at the hearing if one is scheduled or requested.

**AVAILABILITY OF STATEMENT OF
REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1601 Response Road, Suite 260 Sacramento, CA 95815.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

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 person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Maria Liranzo; Legislation, Regulations,
and Budget Analyst
Address: Speech–Language Pathology and
Audiology and Hearing Aid Dispensers Board
1601 Response Road, Suite 260
Sacramento, CA 95815
Telephone Number: (916) 287–7915
Email Address:
SpeechandHearingRegulations@dca.ca.gov

The backup contact person is:

Name: Cherise Burns, Assistant Executive Officer
Address: Speech–Language Pathology and
Audiology and Hearing Aid Dispensers Board
1601 Response Road, Suite 260
Sacramento, CA 95815
Telephone Number: (916) 287–7915
Email Address:
SpeechandHearingRegulations@dca.ca.gov

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 noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board’s website at https://www.speechandhearing.ca.gov/board_activity/lawsregs/proposed_regulations.shtml.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION
NUMBER 2080–2023–015–04

Project: Boronda Road Congestion Relief Project
Location: Monterey County
Applicant: City of Salinas Public Works Department

Background

The City of Salinas (Applicant), acting through its Public Works Department, proposes to widen East Boronda Road from two lanes to four lanes. The Boronda Road Congestion Relief Project (Project) will extend from east of Dartmouth Way to approximately 1,300 feet east of Natividad Road in the City of Salinas, Monterey County. The Project will include roundabouts at the three major intersections of McKinnon Street, El Dorado Drive, and Natividad Road. The widening will occur along the northern edge of East Boronda Road, entirely in areas that are under active agricultural cultivation (row crops). The Project will relocate an existing drainage ditch, which currently extends along the northern edge of East Boronda Road from east of Dartmouth Way to west of Natividad Road, approximately 100 feet north of its current location to accommodate the road widening. The Project will also include roadway improvements north and south of the proposed roundabouts along McKinnon Street, El Dorado Drive, and Natividad Road. The roadway improvements will occur within 1,000 feet or less of the proposed roundabouts. The Project will include bike and shoulder lanes, bus pullouts, sidewalks,

and landscaping. Landscaping within the roadway medians will include native and non-invasive plantings. The Applicant will stage equipment and materials along both sides of McKinnon Street north of the intersection with East Boronda Road. The Project will result in 40.06 acres of disturbance, of which 16.11 acres are currently developed paved roadways.

The Applicant will widen East Boronda Road in two phases. Phase 1 will include widening East Boronda Road from east of Dartmouth Way to approximately 1,200 feet east of McKinnon Street, including construction of a new roundabout at the intersection with McKinnon Street. Phase 1 will result in the permanent development of 2.36 acres of undeveloped land, and the temporary disturbance of 3.17 acres of undeveloped land. Phase 2 will be partitioned into Phase 2a and Phase 2b. Phase 2a will include widening of East Boronda Road from 1,200 feet east of McKinnon Street to 900 feet east of El Dorado Drive, including a roundabout at the intersection with El Dorado Drive. Phase 2a will result in the permanent development of 3.17 acres of undeveloped land, and the temporary disturbance of 5.24 acres of undeveloped land. Phase 2b will include the widening of East Boronda Road from 900 feet east of El Dorado Drive to 1,300 feet east of Natividad Road, including a roundabout at the intersection with Natividad Road. Phase 2b will result in the permanent development of 4.85 acres of undeveloped land, and the temporary disturbance of 5.16 acres of undeveloped land. Project activities include grubbing, cut and fill, excavating, trenching, stockpiling, grading, paving, and landscaping.

The Project activities described above are expected to incidentally take¹ California tiger salamander (*Ambystoma californiense*) where those activities take place in areas of ground disturbance within farmland, along agricultural drainage ditches and culverts, and within paved roadways. In particular, California tiger salamander could be incidentally taken as a result of construction vehicle/equipment strikes; burrow collapse associated with grubbing, grading, excavating, and vegetation and topsoil removal; crushing by heavy equipment or laydown of equipment and materials; entombment from deposition of soil over occupied burrows; and entrapment and desiccation within trenches, open pipelines, and uncovered excavations. California tiger salamander is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species

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”).

pursuant to the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(3)(G).)

California tiger salamander individuals are documented as present approximately 0.3 miles from the Project site and there is suitable California tiger salamander upland habitat within the Project site and potential breeding and upland habitat adjacent to the Project site. Because of the proximity of known California tiger salamander, dispersal patterns of California tiger salamander, and the presence of suitable California tiger salamander upland and dispersal habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that California tiger salamander is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of California tiger salamander.

According to the Service, the Project will result in the temporary loss of 13.57 acres of upland and dispersal California tiger salamander habitat. Construction of the Project will also result in the permanent loss of 10.38 acres of upland and dispersal California tiger salamander habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the U.S. Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On April 24, 2023, the Service issued a biological opinion (Service file Number 2022–0079978–S7–001) (BO) to the Corps. The BO describes the Project, requires the Applicant to comply with terms of the incidental take statement (ITS) and accompanying BO, and incorporates additional measures. On July 18, 2023, the Service issued a clarification letter to the Corps that describes a correction to the numbering of the conservation measures in the BO, resulting in a revised BO (revised BO).

On August 22, 2023, the Director of the 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 accompanying revised BO, as corrected on July 18, 2023, are consistent with CESA for purposes of the Project and California tiger salamander. (Cal. Reg. Notice Register 2023, Number 36–Z, page 1175.)

Determination

CDFW has determined that the ITS, along with its accompanying revised BO, is consistent with CESA as to the Project and California tiger salamander because the mitigation measures contained in the ITS and accompanying revised BO 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 California tiger salamander will be incidental to an

otherwise lawful activity; (2) the mitigation measures identified in the ITS and accompanying revised BO 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 California tiger salamander. The mitigation measures in the ITS and accompanying revised BO include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

1) The Applicant will compensate for the permanent loss of upland California tiger salamander habitat by purchasing credits from Sparling Ranch Conservation Bank at a minimum 2:1 ratio of area preserved to area impacted. The city will secure compensatory mitigation for each phase of the Project in advance of beginning each phase. Prior to Phase 1, the city will purchase 4.72 credits; prior to Phase 2a, the city will purchase 6.34 credits; and prior to Phase 2b, the city will purchase 9.7 credits². The City will submit to the Service and CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to each phase of the Project at least 80 days prior to Project activities, the Applicant will submit to CDFW the name, qualifications, business address, contact information, and references with contact information of the biologist(s), and designated monitor(s) if applicable, who will conduct activities for California tiger salamander specified in the following measures. The Applicant will ensure that the biologist(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of California tiger salamander, as well as excavating burrows and crevices to minimize mortality and monitoring construction activities. The Applicant has the option of using designated monitors to assist the biologist(s) in compliance monitoring under the direction or supervision of the biologist(s). The Applicant will ensure that the designated monitor(s) are knowledgeable and experienced in the biology and natural history of California tiger salamander, and monitoring construction activities. Designated monitor responsibilities will be restricted to a specific set of measures, specified by the Applicant at the time their qualifications are submitted for review. Following CDFW approval of the biologist(s) and designated monitor(s), the Applicant will submit the qualifications, business address, contact information,

references with contact information, and documentation of CDFW approval of the biologist(s) to the Service for approval. No Project activities will begin until the Applicant has received written approval from the Service and CDFW that the Project biologist(s) are approved to conduct the work for California tiger salamander. The Applicant will obtain written approval from the Service and CDFW if the biologist(s) or designated monitor(s) must be changed.

2) The Service–approved and CDFW–approved biologist(s) for California tiger salamander will prepare a Mortality Reduction and Relocation Plan in consultation with CDFW for California tiger salamander and submit it to CDFW for review and approval a minimum of 30 days prior to the beginning of Project activities. The Mortality Reduction and Relocation Plan for California tiger salamander will include, but not be limited to, a map of all areas where Project activities will occur (hereafter Project Areas) and a discussion of the portion(s) on the map which represent potential upland habitat; identification of the areas on the map within 1.3 miles of known or potential breeding habitat for California tiger salamander; detailed survey, excavation, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility capable of treating injured wild amphibians. Project activities may not proceed until the Mortality Reduction and Relocation Plan for California tiger salamander is approved in writing by CDFW. The Applicant will provide a courtesy copy of the approved plan to the Service. The designated monitor(s) are prohibited from capturing and handling California tiger salamander unless specifically approved in writing by the Service and under the direct supervision of the Service–approved and CDFW–approved biologist(s) for California tiger salamander. Any proposed changes to the CDFW–approved Mortality Reduction and Relocation Plan for California tiger salamander will be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed modifications to the Mortality Reduction and Relocation Plan for California tiger salamander. The Applicant will provide a courtesy copy of any CDFW–approved changes to the Mortality Reduction and Relocation Plan for California tiger salamander to the Service.

3) The Service–approved and CDFW–approved biologist(s) will supervise the implementation of all species protection measures. Construction personnel will attend a training session by

² CDFW considers the proposed amount of mitigation (20.76 credits) sufficient to fully mitigate both permanent and temporary impacts to California tiger salamander.

the Service-approved and CDFW-approved biologist(s) regarding the special-status species that may be present during the Project, including California tiger salamander, protection measures, and steps to take if a special status species is observed. All new construction personnel will undergo mandatory worker environmental awareness training when they begin working on the Project. Training will occur prior to the start of construction and periodically as needed if new construction personnel begin work on the Project. The Applicant will provide interpretation for all non-English speaking construction personnel. Upon completion of the training, construction personnel will sign a form stating that they attended the training and understand all species protection measures. The training will be repeated at least once annually for long-term or permanent employees that will be conducting Project activities.

- 4) No more than 14 calendar days prior to initiating Project activities within the Project Area, the Service-approved and CDFW-approved biologist(s) for California tiger salamander will survey the Project Area for California tiger salamanders. These surveys will provide 100 percent visual coverage (including burrow and crevice openings) within the Project Area as well as a 50-foot buffer zone around the Project Area, with the exception that areas outside of the Applicant's access or control need not be surveyed. If California tiger salamanders are found, the Service-approved and CDFW-approved biologist(s) will relocate them in accordance with the CDFW-approved Mortality Reduction and Relocation Plan for California tiger salamander. The Applicant will provide the survey results to CDFW in a written report prior to the beginning of Project activities and will provide a courtesy copy of this written report to the Service.
- 5) During pre-activity clearance surveys, the Service-approved and CDFW-approved biologist(s) for California tiger salamander will flag all animal burrows and crevices suitable for California tiger salamander occupancy within the Project Area and a 50-foot buffer outside the Project Area, unless the buffer area is outside of the Applicant's control. An avoidance buffer of 50 feet or greater around animal burrows or crevices will be maintained regardless of whether the burrow or crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone.
- 6) Prior to initiating ground-disturbing Project activities within the Project Area, animal burrows and crevices identified during the pre-activity

clearance surveys and flagged within 630 meters of known or potential California tiger salamander breeding habitat as identified in the CDFW-approved Mortality Reduction and Relocation Plan for California tiger salamander, and which cannot be fully avoided by at least 50 feet, will be fully excavated. Applicable burrows and crevices may be excavated by hand or in a manner otherwise approved by the Service in accordance with the CDFW-approved Mortality Reduction and Relocation Plan for California tiger salamander. Burrow and crevice excavation will occur under the direct supervision of the Service-approved and CDFW-approved biologist(s) for California tiger salamander. Animal burrows and crevices identified outside of the Project Area, but within the Project Area's 50-foot buffer zone, will be similarly excavated if they lie within 50 feet of ground-disturbing Project activities occurring within the Project Area. Burrows and crevices outside of the Applicant's access or control do not need to be excavated. The Service-approved and CDFW-approved biologist(s) for California tiger salamander will relocate any live California tiger salamander discovered during burrow and crevice excavation in accordance with the CDFW-approved Mortality Reduction and Relocation Plan for California tiger salamander. Excavation will occur no more than 14 days after the completion of the pre-activity clearance surveys.

- 7) Prior to the initiation of Project activities and following surveying, flagging, and excavating burrows and crevices, the Applicant will fence access routes and the Project perimeter to prevent California tiger salamanders from entering areas where Project activities occur. The exclusion fence will consist of a 3-foot wall of 0.25-inch mesh. The exclusion fence will be installed under the direct supervision of the Service-approved and CDFW-approved biologist(s) for California tiger salamander and begin no later than 48 hours after the burrow and crevice excavation and relocation activities, where applicable, are complete. The Applicant will also avoid animal burrows and crevices by 50 feet during the installation of the exclusion fence. The exclusion fence will be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration that it is in place. The Service-approved and CDFW-approved biologist(s) or designated monitor(s) will inspect the fence weekly for holes and tears that could allow salamanders to pass. Holes or tears will be repaired within 24 hours of discovery. The fence and site will be inspected after significant rain events to ensure that no salamanders are sheltering along the fence or

attempting to walk around it. If California tiger salamanders are observed, the Service–approved and CDFW–approved biologist(s) will contact the Service immediately to determine the best course of action. At a minimum, all Project activities within 100 feet of the animal will cease until it leaves the Project Area. The Applicant will remove exclusion fencing immediately upon completion of Project activities in the fenced Project Area.

- 8) The Service–approved and CDFW–approved biologist(s) and designated monitor(s) will have the authority to halt work that may affect listed amphibians at any time to prevent the taking of California tiger salamanders. Work will recommence only when authorized by the Service–approved and CDFW–approved biologist(s).

Monitoring and Reporting Measures

- 1) The Service–approved and CDFW–approved biologist(s) will be present on–site daily until pre–activity clearance surveys, flagging, burrow excavation and relocation, exclusion fence installation, worker environmental awareness training, and all initial ground disturbance activities are complete. The Service–approved and CDFW–approved biologist(s) will be on site for the duration of the day when these Project activities occur and conduct at least daily compliance inspections. During periods of inactivity and after clearing, grubbing, and initial ground disturbance are complete, the Service–approved and CDFW–approved biologist(s) and/or designated monitor(s) will conduct at least weekly compliance inspections. Compliance inspections will include minimizing incidental take of California tiger salamander; preventing unlawful take of California tiger salamander; checking for compliance with all measures of the revised BO; checking all exclusion zones; and ensuring that signs, stakes, and fencing are intact, and that Project activities are only occurring in the Project Area. The Service–approved and CDFW–approved biologist(s) and designated monitor(s) will conduct biological construction monitoring in all Project Areas with potential to impact California tiger salamanders. The Service–approved and CDFW–approved biologist(s) and designated monitor(s) will prepare written observation and inspection records for each day they are on site, summarizing oversight activities and compliance inspections, observations of California tiger salamander and their sign, survey results, and monitoring activities.
- 2) The Service–approved and CDFW–approved biologist(s) and designated monitor(s) will

maintain construction–monitoring documentation onsite in either hard copy or digital format throughout the construction period, which will include a copy of the revised BO and a list of signatures of all construction personnel who have successfully completed the worker environmental awareness training. The Applicant will ensure a copy of the construction–monitoring documentation is available for review.

- 3) The Service–approved and CDFW–approved biologist(s) for California tiger salamander will maintain a record of California tiger salamanders handled and all documented observations of California tiger salamander. This information will include for each animal: (1) date, time, and location (Global Positioning System coordinates and maps) of capture or observation as well as release, if applicable; (2) the name of the party that identified the California tiger salamander; (3) circumstances of the incident; (4) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (5) any diagnostic markings, sex, age (juvenile or adult); (6) actions undertaken; (7) habitat description; and (8) ambient temperature when handled and released or observed. The Service–approved and CDFW–approved biologist(s) for California tiger salamander will also submit this information to the California Natural Diversity Database. The Service–approved and CDFW–approved biologist(s) for California tiger salamander will prepare a relocation summary and include it in the biological monitoring reports.
- 4) The designated representative or the Service–approved and CDFW–approved biologist(s) will compile daily observation and inspection records into quarterly biological monitoring reports. Quarterly biological monitoring reports will include a summary of all pre–activity surveys and compliance monitoring conducted during the previous quarter; the Project activities that occurred during the previous quarter; and an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the prior quarter, and the total since issuance of the revised BO, if applicable. Quarterly biological monitoring reports will be submitted to the Applicant providing documentation that these measures have been implemented. These reports will be used to help inform the reporting requirement per the revised BO.
- 5) The Applicant will send quarterly biological monitoring reports to CDFW by January 30, April 30, July 30, and October 30 with a courtesy copy to the Service. The Applicant will send

a courtesy copy of the annual report, as detailed in the Reporting Requirements of the revised BO to CDFW. The annual report for the revised BO may suffice for the January 30 quarterly report to CDFW so long as the report covers the months of October–December of the previous year. Additionally, if a dead or injured California tiger salamander is found during Project activities, the Applicant will send a courtesy copy of the notification, as described in the incidental take statement of the revised BO to CDFW. All reports sent to CDFW should be sent to the following address: R4CESA@wildlife.ca.gov.

Security

Because the Applicant is required to complete the purchase of 4.72 credits prior to the impacts related to Phase 1, complete the purchase of 6.34 credits prior to the impacts related to Phase 2a, and complete the purchase of 9.7 credits prior to the impacts related to Phase 2b, there will be no possibility of outstanding unmitigated impacts if the Project were suspended or terminated prior to completion. Therefore, security is not required.

Conclusion

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of California tiger salamander, provided the Applicant implements the Project as described in the ITS and accompanying revised BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITS and accompanying revised BO. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the ITS and accompanying revised BO, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See Fish & G. Code, §§ 2080.1, 2081, subdivisions (b) and (c).)

CDFW's determination that the Service's ITS and accompanying revised BO are consistent with CESA is limited to California tiger salamander.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES RESEARCH ON YUMA RIDGWAY'S RAIL AND CALIFORNIA BLACK RAIL

The Department of Fish and Wildlife (Department) received a proposal from John F. Green, a biological

consultant with the WSP USA Environment & Infrastructure Inc., requesting authorization to take Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), formerly known as Yuma clapper rail, and California black rail (*Laterallus jamaicensis coturniculus*) (rails), Fully Protected birds, for scientific research purposes consistent with conservation and recovery of the species. The Yuma Ridgway's rail is listed as Threatened under the California Endangered Species Act and Endangered under the federal Endangered Species Act, and the California black rail is listed as Threatened under the California Endangered Species Act.

John Green is planning to conduct surveys throughout the range of the rails in California, primarily in Southern California, in accordance with a standard protocol approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research activities consist of searching for vocalizing individuals of the rails and employing broadcasts of recorded, species-specific vocalizations to determine distribution and status of local populations. John Green and other qualified researchers would collect data by interpreting calls received from marsh birds that respond to broadcast recordings and by observing individual rails. There would be no attempt to capture individual rails or to approach nests of the rails, unless specifically approved by the Department. If any rails are found dead, they will be salvaged and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual rails or rail populations are expected.

The Department intends to issue a Memorandum of Understanding to John Green that would authorize qualified professional wildlife researchers, under specified conditions, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit for the Yuma Ridgway's rail.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after October 30, 2023, for an initial and renewable term of up to, but not to exceed five years. Contact: Justin Garcia, Justin.Garcia@wildlife.ca.gov, (916) 207-4957.

**DEPARTMENT OF FISH AND
WILDLIFE**

**PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
RESEARCH ON YUMA RIDGWAY’S RAIL
AND CALIFORNIA BLACK RAIL**

The Department of Fish and Wildlife (Department) received a proposal from Christopher P. Dodge, a wildlife biologist with the U.S. Bureau of Reclamation, requesting authorization to take Yuma Ridgway’s rail (*Rallus obsoletus yumanensis*), formerly known as Yuma clapper rail, and California black rail (*Laterallus jamaicensis coturniculus*) (rails), Fully Protected birds, for scientific research purposes consistent with conservation and recovery of the species. The Yuma Ridgway’s rail is listed as Threatened under the California Endangered Species Act and Endangered under the federal Endangered Species Act, and the California black rail is listed as Threatened under the California Endangered Species Act.

Christopher Dodge is planning to conduct surveys throughout the range of the rails within the lower Colorado River floodplain in California, in accordance with a standard protocol approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research activities consist of searching for vocalizing individuals of the rails and employing broadcasts of recorded, species-specific vocalizations to determine distribution and status of local populations. Christopher Dodge and other qualified researchers would collect data by interpreting calls received from marsh birds that respond to broadcast recordings and by observing individual rails. There would be no attempt to capture individual rails or to approach nests of the rails, unless specifically approved by the Department. If any rails are found dead, they will be salvaged and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual rails or rail populations are expected.

The Department intends to issue a Memorandum of Understanding to the Bureau of Reclamation, with Christopher Dodge as the Principal Investigator, that would authorize qualified professional wildlife researchers, under specified conditions, to carry out the proposed activities as part of the Lower Colorado River Multi-Species Conservation Program. The applicants are also required to have a valid federal recovery permit for the Yuma Ridgway’s rail.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested

parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after October 30, 2023, for an initial and renewable term of up to, but not to exceed five years. Contact: Justin Garcia, Justin.Garcia@wildlife.ca.gov, (916) 207-4957.

**DEPARTMENT OF FISH AND
WILDLIFE**

**PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
RESEARCH ON CALIFORNIA RIDGWAY’S
RAIL AND CALIFORNIA BLACK RAIL**

The Department of Fish and Wildlife (Department) received a proposal from Cullen A. Wilkerson, a biological consultant with BioMaAS, Inc., requesting authorization to take California Ridgway’s rail (*Rallus obsoletus obsoletus*), formerly known as California clapper rail, and California black rail (*Laterallus jamaicensis coturniculus*) (rails), Fully Protected birds, for scientific research purposes consistent with conservation and recovery of the species. The California Ridgway’s rail is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act, and the California black rail is listed as Threatened under the California Endangered Species Act.

Cullen Wilkerson is planning to conduct surveys throughout the range of the rails in California, primarily in the San Francisco Bay Area, in accordance with a standard protocol approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research activities consist of searching for vocalizing individuals of the rails and employing broadcasts of recorded, species-specific vocalizations to determine distribution and status of local populations. Cullen Wilkerson and other qualified researchers would collect data by interpreting calls received from marsh birds that respond to broadcast recordings and by observing individual rails. There would be no attempt to capture individual rails or to approach nests of the rails, unless specifically approved by the Department. If any rails are found dead, they will be salvaged and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual rails or rail populations are expected.

The Department intends to issue a Memorandum of Understanding to Cullen Wilkerson that would authorize qualified professional wildlife researchers, under specified conditions, to carry out the proposed activ-

ities. The applicants are also required to have a valid federal recovery permit for the California Ridgway's rail.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30–day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after October 30, 2023, for an initial and renewable term of up to, but not to exceed five years. Contact: Justin Garcia, Justin.Garcia@wildlife.ca.gov, (916) 207–4957.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY

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

ANNOUNCEMENT OF THE
DEVELOPMENTAL AND REPRODUCTIVE
TOXICANT IDENTIFICATION COMMITTEE
MEETING SCHEDULED FOR
DECEMBER 12, 2023;

NOTICE OF AVAILABILITY OF HAZARD
IDENTIFICATION MATERIALS FOR
BISPHENOL S (BPS)

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) will convene a meeting of the Developmental and Reproductive Toxicant Identification Committee (DARTIC) for possible listing of bisphenol S (BPS) under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq. (Proposition 65). OEHHA is also opening a 45–day public comment period on the hazard identification document for this chemical. **The public comment period will end on Monday, November 20, 2023.** A copy of the document is available on OEHHA's website at <https://oehha.ca.gov/proposition-65>.

Background

OEHHA is the lead agency for implementation of Proposition 65. The DARTIC advises and assists OEHHA in compiling the list of chemicals known to the state to cause reproductive toxicity as required by Proposition 65. (Health and Safety Code section 25249.8.) The DARTIC serves as the state's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.

A request for relevant information on the potential reproductive toxicity of this chemical opened on March 4, 2022, and closed on April 18, 2022. One submission was received and is posted on the OEHHA website at: <https://oehha.ca.gov/proposition-65/comments/comment-submissions-request-relevant-information-reproductive-toxicity>. OEHHA considered this submission in preparing the hazard identification document.

Public Meeting and Public Comment Period

BPS will be considered for possible listing under Proposition 65 as causing reproductive toxicity (female reproductive endpoint) at a public meeting scheduled for **Tuesday, December 12, 2023**. This hybrid meeting will be held in Sacramento and online, with the option of participating in person or via the internet. Participate in person at Byron Sher Auditorium 1001 I Street, Sacramento, CA or *register online to participate via Zoom*. The meeting will begin at 10:00 am and last until all business is conducted or until 5:00 pm.

The meeting agenda and detailed instructions for providing oral comment will be provided in a future public notice published in advance of the meeting.

All written comments must be submitted to OEHHA by electronic submission, mail, or hand-delivery, by **Monday, November 20, 2023**. OEHHA strongly recommends that comments be submitted electronically through our website at <https://oehha.ca.gov/comments> rather than in paper form. Alternatively, comments can be submitted in paper form, either by mail or delivered in person.

Mailed submission via United States Postal Service:

Attention: Kiana Vaghefi
Office of Environmental Health Hazard
Assessment
P.O. Box 4010
Sacramento, California 95812–4010

In–person delivery submission:

Attention: Kiana Vaghefi
 Office of Environmental Health Hazard
 Assessment
 1001 I Street, 12th Floor
 Sacramento, California 95814

OEHHA encourages all commenters to submit their comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.1 (<https://www.w3.org/WAI/standards-guidelines/wcag>) and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology.

All timely filed public comments will be provided to DARTIC members in advance of the meeting and will be posted on the OEHHA website at the close of the comment period.

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

If you would like to request a copy of the hazard identification document, or have any other questions regarding this announcement, please contact Kiana Vaghefi at Kiana.Vaghefi@oehha.ca.gov or 279-216-0002.

DECISION NOT TO PROCEED

DEPARTMENT OF WATER RESOURCES

(PURSUANT TO GOVERNMENT CODE
 SECTION 11347)

RE: NOTICE OF PROPOSED
 RULEMAKING CONCERNING
 REVISED ARCHITECTURAL AND
 ENGINEERING CONTRACTING

Pursuant to Government Code Section 11347, the Department of Water Resources hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on September 22, 2023, Register 2023, Number 38–Z. The proposed rulemaking concerned Revised Architectural and Engineering Contracting. (OAL Notice Z2023–0913–01.)

Any interested person with questions concerning this rulemaking should contact Kristen Martin at either (916) 712-6623 or by email at: aeregs@water.ca.gov.

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

**SUSPENSION OF ACTION
 REGARDING UNDERGROUND
 REGULATIONS**

**DEPARTMENT OF CORRECTIONS AND
 REHABILITATION**

(PURSUANT TO TITLE 1,
 SECTION 280, OF THE

CALIFORNIA CODE OF REGULATIONS)

On July 28, 2023, the Office of Administrative Law (OAL) received a petition challenging a memorandum titled “Inmate Docket Information” dated March 28, 2022, issued by the California Department of Corrections and Rehabilitation, as an alleged underground regulation. The memorandum states “it is the policy of the California Department of Corrections and Rehabilitation (CDCR) libraries to not provide prints outs of [docket information to litigants] in the library.”

On September 19, 2023, the California Department of Corrections and Rehabilitation certified to OAL that they would not issue, use, enforce, or attempt to enforce the challenged rule. Therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

**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 Resources Recycling and Recovery
 File # 2023–0919–01
 Covered Electronic Waste Recycling Fee

This emergency action from the Department of Resources Recycling and Recovery is a biennial adjustment of consumer electronic waste recycling fees applicable to covered electronic devices pursuant to Public Resources Code section 42464. The emergency is deemed pursuant to Public Resources Code section 42475.2(b).

Title 14
Amend: 18660.40
Filed 09/27/2023
Effective 01/01/2024
Agency Contact: Kris Chisholm (916) 322–2404

State Water Resources Control Board
File # 2023–0830–01
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 23
Amend: 645
Filed 09/20/2023
Effective 10/20/2023
Agency Contact: Kim Niemeyer (916) 341–5254

Fair Political Practices Commission
File # 2023–0920–05
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing.

Title 02
Amend: 18351
Filed 09/27/2023
Effective 09/27/2023
Agency Contact:
Amanda Apostol (916) 322–5660

Air Resources Board
File # 2023–0810–01
2022 State Area Designations

This action by the Air Resources Board amends the Area Designations for State Ambient Air Quality Standards as applied to some state areas based upon annual assessments of local compliance with ambient air quality standards for ozone and fine particulate matter, using the four available Area Designations of Nonattainment, Nonattainment–Transitional, Attainment, or Unclassified. Specifically, this action changes the area designations for ozone as follows: Santa Barbara County, within the South Central Coast Air Basin, from Nonattainment to Nonattainment–Transitional; Shasta County, within the Sacramento Valley Air Basin, from Nonattainment–Transitional to Nonattainment; Amador County, within the Mountain Counties Air Basin, from Nonattainment–Transitional to Nonattainment; Tuolumne County, within the Mountain Counties Air Basin, from Nonattainment to Nonattainment–Transitional; and the Lake Tahoe

Air Basin from Attainment to Nonattainment. This action also changes the area designation for fine particulate matter for Sutter and Yuba Counties, within the Sacramento Valley Air Basin, from Attainment to Nonattainment.

Title 17
Amend: 60201, 60210
Filed 09/22/2023
Effective 01/01/2024
Agency Contact:
Bradley Bechtold (916) 322–6533

State Water Resources Control Board
File # 2023–0816–01
OWTS policy and Conditional Waiver Renewal

This action under Government Code section 11353 amends the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS) and condition waiver renewal under Resolution 2023–0012, adopted by the State Water Resources Control Board on April 18, 2023.

Title 23
Amend: 2924
Filed 09/26/2023
Effective 09/26/2023
Agency Contact:
Gheed Abdul Sattar (916) 341–5911

Delta Stewardship Council
File # 2023–0809–01
Delta Levees

This action proposes to set priorities for levee maintenance and operation and improvement investments, and to require the Department of Water Resources to provide an annual report on investments for maintenance and operations, and improvement.

Title 23
Amend: 5001, 5012
Filed 09/21/2023
Effective 01/01/2024
Agency Contact: Eva Bush (916) 284–1619

Department of Veterans Affairs
File # 2023–0815–01
Interfacility Transfers

This proposed rulemaking action by the Department of Veterans Affairs adopts procedures for elective interfacility transfers and priority interfacility transfers.

Title 12

Adopt: 505.10

Amend: 510.9

Filed 09/27/2023

Effective 01/01/2024

Agency Contact: Andra Pechal (916) 272–4503

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit oal.ca.gov.