



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 4890 DEFINITIONS

The California Department of Food and Agriculture (Department) proposes to make an amendment to Title 3 of the California Code of Regulations (CCR) Section 4890 Definitions to expand the definition of the word “harvest.”

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 April 2, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than April 2, 2024. Submit comments to:

Erin Lovig, Senior Environmental Scientist
 Supervisor California
 Department of Food and Agriculture
 1220 N Street,
 Sacramento, CA 95814
Permits@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 amend Section 4890 pursuant to the authority vested by Sections 407, 81003, 81004, 81004.5, 81006, and 81013 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 81000, 81003, 81004, 81004.5, 81006, and 81013 of the Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of amending CCR Section 4890 is to amend the definition of the word “harvest” as recommended by the Industrial Hemp Advisory Board with consideration of requirements from federal regulations.

EXISTING LAWS & 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 which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC 81003, provides that except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

Existing law, FAC 81004, provides that except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

Existing law, FAC 81004.5, provides that before cultivating hemp for agricultural or academic research, an established agricultural research institution shall

register with the commissioner of the county in which it intends to cultivate.

Existing law, FAC 81006, obligates the Secretary to adopt sampling procedures and approve laboratories and laboratory testing methods.

Existing law, FAC 81013, provides that any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10–year period following the date of the conviction, to participate in the industrial hemp program.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

With these this amended definitions the industrial hemp harvest requirements will be clearer to the public. With this regulation, the State of California will be able to continue to regulate a growing industry with high quality industrial hemp production.

There are no existing, comparable federal regulations or statutes regulating the definition of “harvest” as it pertains to industrial hemp.

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 the definition of harvest, and it found that the proposed amendment is the only regulation dealing with this subject, and the Department is the only State agency which can designate the definitions for industrial hemp cultivation. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 4890 and has determined that it is not inconsistent or incompatible with existing state regulations.

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: The proposed action provide clarity to a preexisting program. 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 amendment of Section 4890. 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 proposed action provide clarity to a preexisting program 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 proposed action provide clarity to a preexisting program. 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 regulations may affect small business in terms of maintaining the high quality of hemp products sold.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that the amendment of Section 4890 (1) will have no 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) as stated above under ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT, will provide clearer requirements to the industrial hemp industry, as well as maintain high quality of industrial hemp production, (5) will have no impact on the state’s environment, and (6) is not expected to benefit workers’ safety.

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 amend 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 11. DEPARTMENT OF JUSTICE

AMENDMENTS TO CONFLICT-OF-
INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of Justice (“Department”), pursuant to Government Code section 87306 of the Political Reform Act (Gov.

Code, § 81000 et seq.), proposes to amend its conflict-of-interest code. The purpose of the amendments is to implement Government Code sections 87300 through 87302, and section 87306.

Government Code sections 87300 and 87302 require each government agency to adopt a conflict-of-interest code designating the agency personnel who must periodically file a Form 700 Statement of Economic Interests, disclosing certain economic interests. Designated personnel are those who make or participate in making governmental decisions that may foreseeably have a material financial effect on an economic interest. (Gov. Code, § 87302, subdivision (a).)

The Department proposes to amend its conflict-of-interest code to include employee positions that make or participate in making governmental decisions that may foreseeably have a material financial effect on an economic interest, as set forth in Government Code section 87302, subdivision (a). The Department proposes other changes to reflect organizational changes that have occurred since the code was amended to two years ago.

Any interested person may submit written statements, arguments, or comments related to the proposed amendments by submitting them in writing no later than **April 2, 2024** or at the conclusion of the public hearing, if one is requested, whichever comes later, to the agency contact set forth below. The Department has not scheduled a public hearing on the proposed amendments. However, it will hold a hearing if it receives a written request for a hearing from any interested person, or his or her representative, 15 days before the close of the written comment period.

The Department has prepared a written explanation (Statement of Reasons) for the proposed amendments and has made available the information on which the proposed amendments are based. Copies of the proposed amendments and the information on which the amendments are based are available at <https://oag.ca.gov/meetings/public-participation> or may be obtained by contacting the contact person set forth below.

The Department has determined that the proposed amendments will not impose a cost or savings on any state agency, or school district that is required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any non-discretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses, including small businesses.

The Department has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burden-

some to affected private persons than the proposed amendments.

All inquiries concerning this proposal should be directed to: Andrea Jaramillo at Department of Justice, 1300 I Street, Sacramento, California 95814, or (916) 210–6280, or Andrea.Jaramillo@doj.ca.gov.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

WET AREAS, MEADOWS, AND RESTORATION ACTIVITIES, 2024

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on April 9, 2024, at its regularly scheduled meeting commencing at 9:00 a.m., at the Auditorium on the first floor, RM 1–302, of the Natural Resources Building, 715 P Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code (GOV) § 11125.1(b), writings that are public records pursuant to GOV § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

Attendees may also participate via the online meeting platform or telephone conferencing. To participate via the online meeting platform please email PublicComments@bof.ca.gov by 4:30 p.m. on April 8, 2024, to request a link to the meeting. A link to the meeting will also be posted under the “Webinar Information” heading on the front page of the Board website, no later than 8:00 a.m. the morning of the hearing.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on April 9, 2024.

The Board will consider only written comments received at the Board office by that time and those

written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attention: Jane Van Susteren
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
715 P Street
Sacramento, CA 95814

Written comments may also be delivered via email at the following address:

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(pursuant to GOV 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* (FPA) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to “...adopt district forest practice rules... to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources...” of the state and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

During the 2023 call for Regulatory Review the California State Water Resources Control Boards raised an issue with the definitions for the terms “Meadows and Wet Areas” and “Wet Meadows and Other Wet Areas.” The two terms originated from different

Forest Districts, and have a different set of uses. The term “Meadows and Wet Areas” is used in the Forest Practice Rules to describe both areas that do not support a crop of trees and areas that can be covered by the restoration special prescription described in §913.4(e) (§933.4(e), 953.4(e)). “Wet Meadows and other Wet Areas” is used to define areas that require additional measures to prevent ecological impacts. The two terms have very similar definitions which rely on a combination of surface moisture and the presence of aquatic vegetation, grasses, or forbs. The existing definitions also do not account for shifts in climate trends. An area that is “moist on the surface” for most of a year with historically average precipitation may not meet that criterion in a drought year, and an area that is “moist on the surface” during a flood year may not provide the species habitat and other ecosystem services that a wet area is presumed to provide. The potential vegetation options in the existing definitions include aquatic plants, which are at least partially submerged in water, and grasses and forbs, which include both species that can only grow in saturated soils and species that can survive in a wide range of soil moisture levels. This lack of consistency means that the size of wet areas waxes and wanes from year to year leading to confusion about protections and an atmosphere of regulatory uncertainty.

Current regulations for the Aspen, and Meadows and Wet Areas restoration special prescription (§§913.4(e), 933.4(e), 953.4(e)) apply only to removal of trees from wet areas and meadows that are currently dominated by non-woody vegetation. The century-long exclusion of fire and other traditional ecological management tools from the forests of California has led to many meadows being overgrown by trees. Current regulation does not allow for restoration to the historical boundaries of meadows and wet areas, limiting the ability to expand these vital habitats.

The *problem* is that the definitions of the terms “Meadows and Wet Areas” and “Wet Meadows and Other Wet Areas” conflate “meadows” and “wet areas,” two disparate ecological systems with different management requirements. The two existing definitions also do not account for multi-year climate and rainfall trends. In wet years, an area could meet the surface moisture requirement and be dominated by dryland grass species, would fall under the definition for “Wet Meadows and Other Wet Areas,” and would merit the protections accorded to “Wet Meadows and Other Wet Areas.” In a dry year, a different area could lack the surface moisture requirement and be dominated by woody hydrophytic plants, would not meet the definition for “Wet Meadows and Other Wet Areas,” and would not merit those protections.

Additionally, within the “Aspen, Meadows and Wet Areas Restoration” special prescription as described

within 14 CCR §§ 913.4(e), (933.4(e), 953.4(e)) meadow restoration via conifer removal is restricted to areas that are currently meadows. As meadows are by definition dominated by grass species, meadows that have been overgrown by conifers due to historical shifts in forest management would not meet the definition and could not be restored using this regulatory pathway.

The *purpose* of the proposed action is to replace the defined term “Wet Meadows and Other Wet Areas” with the new defined term “Wet Areas,” to remove the defined term “Meadows and Wet Areas” and replace it with an undefined term for “meadows” and the new defined term “Wet Areas,” and to update the Aspen, Meadows, and Wet Areas Restoration Special Prescription to allow for restoration of the historical extent of meadows and wet areas.

The *effect* of the proposed action is to align definitions with appropriate ecological systems, allow for accurate protections of environmental resources in an uncertain climate, and expand the potential ecosystems eligible for restoration work.

The *benefit* of the proposed action is rules that allow for the protection of wet areas regardless of annual variation in rainfall and climate, expanded tools for the restoration of meadows and wet areas, and the production of definitions that are clearer, more consistent, and accurately reflect the operational protections required by the Rules.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations.

Otherwise, Board staff evaluated the balance of existing State regulations related to measures concerning meadows and wet areas during timber operations within State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: Chapter 8, Part 2, Division 4, Public Resources Code.

Regulations to which the proposed action was compared: Article 4, Subchapters 1, 4, 5, & 6, Chapter 4, Division 1.5, Title 14, California Code of Regulations.

**MANDATED BY FEDERAL
LAW OR REGULATIONS**

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations concerning meadows and wet areas during timber operations. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**OTHER STATUTORY REQUIREMENTS
(pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE
(pursuant to GOV § 11346.5(a)(5))**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT
(pursuant to GOV § 11346.5(a)(6))**

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non–discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing forest practice regulations related to the conduct of timber operations and will not result in any direct or indirect costs or savings to any state agency.

**HOUSING COSTS
(pursuant to GOV § 11346.5(a)(12))**

The proposed action will not significantly affect housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS, INCLUDING
ABILITY TO COMPETE**

(pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

**FACTS, EVIDENCE, DOCUMENTS,
TESTIMONY, OR OTHER EVIDENCE
RELIED UPON TO SUPPORT INITIAL
DETERMINATION IN THE NOTICE THAT
THE PROPOSED ACTION WILL NOT HAVE
A SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON BUSINESS**

(pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating forest practice in California that the Board brings to bear on regulatory development.

**STATEMENTS OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT (EIA)**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will improve the environment by allowing protection of sensitive habitats regardless of annual variation in precipitation and expansion of options for meadow restoration. The proposed action will also improve clarity in the enforcement of the

Forest Practice Rules. The proposed action will not affect the health and welfare of California residents or worker safety.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS
(pursuant to GOV § 11346.5(a)(9))

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No adverse impacts are to be expected.

BUSINESS REPORT
(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

The proposed regulation may affect small business, though small businesses, within the meaning of GOV § 11342.610, are not expected to be significantly affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

ALTERNATIVES INFORMATION

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attention: Jane Van Susteren
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244–2460
Telephone: (916) 619–9795

The designated backup person in the event Ms. Van Susteren is not available is Andrew Lawhorn, Forestry Assistant II for the Board of Forestry and Fire Protection. Mr. Lawhorn may be contacted at the above address or phone.

AVAILABILITY STATEMENTS
(pursuant to GOV § 11346.5(a)(16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using *UNDERLINE* to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>.

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 sections 3000, 3077, 3078.1, 3078.2, 3078.3, 3078.4, 3078.6, 3375.2, and 3379; adopt sections 3078.7, 3078.8, 3078.9, 3078.10, 3078.11, 3078.12, and 3078.13; and repeal sections 3074.3 and 3630 in the California Code of Regulations (CCR) Title 15, Division 3, regarding Community-Based Reentry Programs.

PUBLIC HEARING

Date and Time:

April 3, 2024 — 10:00 a.m. to 11:00 a.m.

Place:

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

Purpose:

To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **February 16, 2024**, and closes on **April 3, 2024**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpm@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

Josh Jugum
Telephone: (916) 445–2266
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

Neil Pollard
Telephone: (916) 531–2865
Division of Rehabilitative Programs

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.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

In accordance with Penal Code (PC) sections 5058 and 6252, these amendments will establish regulations concerning community-based programs, which include the Male Community Reentry Program (MCRP), the Female Community Reentry Program (FCRP; previously named the Custody to Community Transitional Reentry Program (CCTRP)), and the Community Participant Mother Program (CPMP).

The Alternative Custody Program (ACP), CPMP, and CCTRP were activated under the Division of Adult Institutions (DAI), however, the MCRP was activated under the Division of Rehabilitative Programs (DRP). This resulted in variances between eligibility requirements and program administration policies between the male and female programs. In 2021, the programs were reorganized and consolidated under DRP supervision. The proposed regulations reflect changes to provide consistency and increase equity between the male and female programs.

The CCTRP is renamed to FCRP. When first established, there was no equivalent program for male inmates. Consequently, there was no need to differentiate between men’s and women’s programs in the title.

Currently, there are no regulations for MCRP, FCRP, and CPMP. Establishing regulations for the programs ensures the programs are administered equitably and not subject to variance between institutions and the community facilities. Community-based programs are integral to the California Model and are expected to expand significantly over the next few years. Established regulations will ensure newly activated programs and facilities are consistent with the departmental mission to enhance public safety and promote the successful reintegration of the people in our care back to their communities.

The term “Enhanced Alternative Custody Program” (EACP) is created to encompass the programs administered by DRP: MCRP, FCRP, and CPMP. EACP participants are housed and supervised in a community facility administered by the DRP, which is a much more structured environment than ACP. Utilizing a contracted vendor, DRP provides rehabilitative programming that is mandatory for all participants. EACP participants are also provided with reentry resources, such as employment, housing, and medical care.

ACP is distinctly separate and different than EACP in terms of supervision, case management, and programming, requiring a regulatory distinction between the programs. ACP allows participants to serve their terms in the community, either in a private program facility or in a private residence. ACP participants are supervised by the Division of Adult Parole Operations (DAPO) in a manner similar to parolees.

The CPMP is a specialized program that allows pregnant individuals or mothers with child(ren) six years old or younger to be housed with their children in a safe and wholesome environment away from a prison setting. PC sections 3417–3420 contain specific provisions for the program, including eligibility and various notification requirements. Establishing regulations ensures the program is operated consistently with PC and provides an opportunity for family reunification to all eligible inmates. The program requires very specific regulations as to screening, eligibility, and daily operations to ensure the safety and welfare of the child(ren).

The revisions being made to CCR section 3375.2 are necessary to update the current regulations to remove the exclusion from inmates being housed in a Level I facility without gun coverage based on immigration status. Additionally, immigration status shall not impede placement in any program or service, including security-level housing, and DRP community-based re-entry facilities. The revision being made to section 3379 is necessary as the department no longer transfers inmates to Immigration and Customs Enforcement (ICE) for deportation hearing proceedings.

California Senate Bill (SB) 54, “The California Values Act” was signed into law on October 5, 2017, and took effect on January 1, 2018. Government Code (GC) Section 7284.10 is specific to CDCR and establishes that the department shall not restrict access to any in-prison educational or rehabilitative programming or credit earning opportunity on the sole basis of citizenship or immigration status, nor shall the department consider citizenship and immigration status as a factor in determining a person’s custodial classification level.

Currently, Title 15, Section 3630, Limitations of Parole Services, states that “qualified aliens” or “nonimmigrant aliens” who are paroled for less than one year are ineligible to receive or participate in a multitude of DAPO programs or services. Repealing this section will allow offenders on parole to be afforded additional rehabilitative services and assist in their transition back into the community, and bring the regulations into compliance with GC section 7284.10.

Section 3077 is also amended to remove participation restriction based in part on an Immigration and Customs Enforcement hold, in accordance with SB 54.

This action will:

- Establish eligibility and exclusionary criteria for inmate participation in an Enhanced Alternative Custody Program (EACP). An EACP is a voluntary program that allows eligible inmates to serve their sentence in the community in lieu of confinement in a state prison.
- Establish provisions to ensure that potentially eligible inmates at women’s institutions are identi-

fied and recruited for participation in the Community Participant Mother Program, and that all inmates at women’s institutions are aware of the availability of the program.

- Establish processes for applying to the program(s), assessing applications, providing notice to specified stakeholders, and determining program eligibility.
- Establish that a Case Conference Review shall be conducted, taking into consideration the totality of case factors, before any participating inmate shall be returned to prison.
- Repeal regulatory provisions that excluded inmates and parolees from participating in programming and/or receiving benefits or services based solely upon immigration status.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The department anticipates the proposed regulations will enhance inmate access to rehabilitative services and programs through lower security level placement. The proposed amendments will allow inmates the opportunity to qualify for lower security levels and increased access to rehabilitative services and programs, which will aid in public safety when inmates return to the community.

Inmates and the public will greatly benefit from participation in community programs. The programs provide a supervised and phased approach to community reentry upon release from prison. The programs provide rehabilitative programming similar to in-prison programs (e.g., substance abuse, anger management, family relationships, etc.) in the early phases, and build up to outside employment and education in the later phases. The programs often provide the opportunity to allow participants to transfer closer to their homes and families, which provides better access to visitation and other family reunification activities. The CPMP allows mothers to be housed with their child(ren) and continue as primary caretakers. This strengthens the bond between mother and child and avoids the potential emotional trauma for the child(ren) when placed in the foster care system. Community programs enhance public safety by reducing recidivism and providing inmates with skills and resources upon reentry to the community. The department does not anticipate that the proposed regulations will affect worker safety or the environment.

DOCUMENTS INCORPORATED BY REFERENCE

- CDCR Form 2226 (Rev. 10/23) Male Community Reentry Program Eligibility
- CDCR Form 2234–MCRP (Rev. 07/23) Male Community Reentry Program Application and Voluntary Agreement
- CDCR Form 2235 (Rev. 07/23) Female Community Reentry Program Screening
- CDCR Form 2235 (Rev. 07–23) ACP Screening
- CDCR Form 2234–FCRP (Rev. 10/23) Female Community Reentry Program Application and Voluntary Agreement
- CDCR Form 415 (Rev. 07/23) Community Participant Mother Program — Application
- CDCR Form 415–A (Rev. 07/23) Community Participant Mother Program — Notice to Child’s Caretaker/Guardian
- CDCR Form 415–B (Rev. 07/23) Community Participant Mother Program — Notice to County Children’s Services
- CDCR Form 415–C (Rev. 07/23) Community Participant Mother Program — Assessment of Application
- CDCR Form 415–D (Rev. 07/23) Community Participant Mother Program — Notification
- CDCR Form 415–E (Rev. 07/23) Community Participant Mother Program — Recommendation to Board of Parole Hearings for Retain/Return
- CDCR Form 415–F (Rev. 07/23) Community Participant Mother Program — Determination of Eligibility
- CDCR Form 415–H (Rev. 07/23) Community Participant Mother Program — Authorization and Release
- CDCR Form 415–J (Rev. 07/23) Community Participant Mother Program — Child Release Authorization
- CDCR Form 415–K (07/23) Community Participant Mother Program — Application Screening Worksheet
- CDCR Form 415–L (07/23) Community Participant Mother Program — Participant Placement Agreement
- CDC Form 128–B (04/74) General Chrono

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations

are not inconsistent or incompatible with existing 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 community-based reentry programs.

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 business 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. The proposed regulations may benefit the welfare of California residents by helping to reduce 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 sufficient-

ly 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. ARCHITECTS BOARD

RECIPROCITY REQUIREMENTS

NOTICE IS HEREBY GIVEN that the California Architects 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 their 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 Wednesday, April 3, 2024, by 5:00 p.m.**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 115.5, 5526, and 5552.5 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 115.5, 5550, and 5552.5, the Board is considering amending sections 121 and 124 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, Board regulations 16 CCR section 121 describe reciprocity licensure requirements for those

candidates who are already licensed in another jurisdiction, including foreign licensees. The current guidelines and requirements for licensure are unclear, obsolete and do not represent the current requirements for licensure.

This proposal would simplify the application process for a reciprocal architect license in California. The Board would make requirements for reciprocity licensure consistent with the licensure requirements for all applicants and remove outdated language.

In addition, the Board’s California Supplemental Examination (CSE), at 16 CCR section 124, describes the process to apply for and retake the CSE. The existing regulation does not specify the information asked for in the application to take the CSE, nor does it specify that a fee is required or where the fee can be located in regulation. This proposed regulation will correct those oversights.”

This regulatory proposal will amend 16 CCR sections 121 and 124. The amendments to the regulations through this proposed rulemaking are as follows:

Amend 16 CCR section 121 title to more clearly reflect the contents of the section.

Amend 16 CCR section 121 to remove language not related to the contents of the section.

Amend 16 CCR section 121(a)(1) to clarify requirements, remove unnecessary language, correct an unintended oversight of other states granting architectural registration, and direct candidates eligible under BPC section 115.5 to where document requirements are listed in regulation.

Amend 16 CCR section 121(a)(2) to clarify to whom this subsection applies, restructure and clarify required documentation, and remove outdated information related to the Intern Development Program (IDP).

Delete 16 CCR section 121 subsection (a) former paragraph (2) as it contains obsolete language referring to IDP and other reporting requirements.

Amend 16 CCR section 121(b)(1) to clarify architects can be registered or licensed and simplifying language.

Delete 16 CCR section 121(b)(2) and (3) as they pertain to requiring a National Council of Architectural Registration Boards (NCARB) Certificate separately but are now consolidated into subsection (b).

Amend 16 CCR section 124(b) to clarify the fee and eligibility requirements for the California Supplemental Examination (CSE).

Add 16 CCR section 124(b) subparagraphs (1)–(4) to clarify what information the CSE application must contain.

Anticipated Benefits of Proposal

This proposal would provide clarifying and simplified language specific to the filing for a reciprocal architect license in California. The Board would make requirements for licensure consistent for applicants

and remove outdated language. Language would be included clarifying what information must be provided on the CSE application and where to locate the CSE fee.

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.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations do not result in a fiscal impact to the state. This proposal clarifies the application process and documentation required for architectural licensure. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board has made the 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.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence that supports this determination. The Board has not considered proposed alternatives that would lessen any adverse economic impact on business and invites submission of such proposals.

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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses: The Board has determined that this regulatory proposal will not impact the creation of new jobs or businesses, the elimination of existing jobs or businesses, or the expansion of existing businesses in California.

Benefits of Regulation: The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by aligning licensure requirements with the national standards. This regulatory proposal does not affect worker safety, or the state’s environment.

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. Although small businesses owned by candidates of the Board may be impacted, any costs of compliance are a result of current law.

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.

Any interested person may submit written comments relevant to the above determinations at the Board’s office at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 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 2420 Del Paso Road, Suite 105, 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 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: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: 279.895.1246
Email Address: timothy.rodde@dca.ca.gov

The backup contact person is:

Name: Laura Zuniga
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: 916.471.0760
Email Address: laura.zuniga@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Materials regarding this proposal can be found at https://www.cab.ca.gov/news/laws/proposed_regulation.shtml.

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.cab.ca.gov/news/laws/proposed_regulation.shtml.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
PATTERSON CREEK ENGINEERED
LOG JAMS
(TRACKING NUMBER:
1653-2024-132-001-R1)
SISKIYOU

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 2/06/2024, that the Scott River Watershed Council proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves creating artificial log jams in the streams flow to create habitat for salmon, as well as the planting of native plants. The proposed project will be carried out on Patterson Creek, located approximately 0.5 miles above the Patterson Creek Highway 3 Bridge in Siskiyou County, California.

On January 2, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Patterson Creek Engineered Log Jams. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1A24002WNSI;

ECM PIN Number CW-892161) for coverage under the General 401 Order on 02/02/2024.

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

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

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**AIR TOXICS HOT SPOTS PROGRAM
NOTICE OF PUBLIC COMMENT PERIOD
AND WORKSHOPS ON A DRAFT
CANCER INHALATION UNIT RISK
FACTOR FOR ISOPRENE**

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document for public review that summarizes the carcinogenicity data and derives a cancer inhalation unit risk factor (IUR) for isoprene. Cancer IURs are used to estimate lifetime cancer risks associated with inhalation exposure to a carcinogen.

OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In response to this requirement, OEHHA develops unit risk factors for carcinogens, such as isoprene. The draft Isoprene cancer IUR document is being made available today on the OEHHA website. **The posting of the document will commence a 45-day public review period that will end on April 2, 2024.**

Public workshops will be held in Southern and Northern California at the following locations and times.

Northern California

March 15, 2024
9:00 a.m.–12:00 p.m.
Sierra Hearing Room
Cal EPA Building
1001 I Street

Sacramento, CA 95814
<https://video.calepa.ca.gov/>

Southern California

March 8, 2024
9:00 a.m.–12:00 p.m.
Room CC-2
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, CA 91765

After the close of the public comment period, the document may be revised as appropriate by OEHHA, and will be peer reviewed by the state’s Scientific Review Panel on Toxic Air Contaminants.

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

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below:

Dr. Rima Woods
Chief, Air Toxicology and Risk Assessment
Section
Office of Environmental Health Hazard
Assessment
1001 I Street, 12th Floor
Sacramento, CA, 95814
Email: Rima.Woods@oehha.ca.gov
Fax: (916) 323-2265
Telephone: (916) 322-2136

OEHHA encourages all submissions to be in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines (WCAG) 2.1 (see *the World Wide Web Consortium [W3C] WCAG 2 Overview*), and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology.

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

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <http://www.arb.ca.gov/srp/srp.htm>.

If you have any questions, please contact Dr. Rima Woods at Rima.Woods@oehha.ca.gov or at (916) 322-2136.

**SUSPENSION OF ACTION
REGARDING UNDERGROUND
REGULATIONS**

**DEPARTMENT OF CANNABIS
CONTROL**

OFFICE OF ADMINISTRATIVE LAW

SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS

(Pursuant to Title 1, section 280, of the
California Code of Regulations)

On December 6, 2023, the Office of Administrative
Law (OAL) received a petition challenging five docu-
ments as an alleged underground regulation:

1. Department of Cannabis Control, Email to Li-
censees, dated November 20, 2023.
2. Department of Cannabis Control, Posting of Up-
dates to Track and Trace Functionality on De-
partment Website.
3. Metrc Support Bulletin, Transfer Approvals,
CA_IB_2023_008, dated November 20, 2023.
4. Metrc Support Bulletin, Transfer Approvals,
CA_IB_2023_008, dated November 22, 2023.
5. Department of Cannabis Control, Email to Li-
censees, dated November 30, 2023.

These documents contain information regarding
a new transfer approval process within the cannabis
track and trace system.

On February 5, 2024, the Department of Cannabis
Control certified to OAL that it would not issue, use,
enforce, or attempt to enforce the challenged rule.
Therefore, pursuant to title 1, section 280 of the Cal-
ifornia 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 regula-
tions filed with the Secretary of State on the dates in-
dicated. 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.

Board of Vocational Nursing and Psychiatric
Technicians

File # 2023-1221-03

AB 1536: New School Program Approval Process

This Certificate of Compliance action finalizes
amendments to the regulations on the approval pro-
cess for nursing programs and psychiatric technician
programs (16 CCR §§ 2525, 2526, 2580, and 2581.) It
also finalizes the adoption of new regulations regard-
ing the fees associated with the approval process for
these programs (16 CCR §§ 2537.2 and 2590.2.) The
Certificate of Compliance action also makes minor
changes to the structure and substance of the forms
incorporated by reference.

Title 16
Adopt: 2537.2, 2590.2
Amend: 2525, 2526, 2580, 2581
Filed 02/06/2024
Effective 02/06/2024
Agency Contact: Mark Ito (916) 263-7851

Department of Food and Agriculture

File # 2023-1222-02

Queensland Fruit Interior Quarantine and Eradication
Area

In this certificate of compliance, the Department
makes permanent an interior quarantine for the
Queensland fruit fly, sets Ventura County as an erad-
ication area, and establishes the host list matching the
current United States Department of Agriculture list.

Title 03
Adopt: 3445, 3591.30
Filed 02/05/2024
Effective 02/05/2024
Agency Contact: Rachel Avila (916) 698-2947

Department of Food and Agriculture

File # 2023-1222-03

Zeugodacus tau Interior Quarantine, *Zeugodacus tau*
Eradication Area

This certificate of compliance action makes per-
manent emergency regulations creating an interior
quarantine for the fruit fly *Zeugodacus tau* (former-
ly *Bactrocera tau*), adds Ventura, Orange, and San
Diego counties to the list of eradication areas, and up-
dates the host list.

Title 03
 Adopt: 3444
 Amend: 3591.27
 Filed 02/07/2024
 Effective 02/07/2024
 Agency Contact: Rachel Avila (916) 698–2947

Department of Food and Agriculture
 File # 2023–1222–04
 Oriental Fruit Fly Eradication Area

This certificate of compliance amends the Oriental Fruit Fly Eradication Area to include Kern County.

Title 03
 Amend: 3591.2
 Filed 02/06/2024
 Effective 02/06/2024
 Agency Contact: Rachel Avila (916) 698–2947

State Water Resources Control Board
 File # 2024–0123–03
 Scott and Shasta River Watersheds Drought Emergency Requirements

This emergency action adopts regulations concerning Scott and Shasta River Watersheds drought requirements. The regulations authorize curtailments of diversions where flows are insufficient to protect fish. They allow for diversions for non–consumptive uses, minimum health and safety needs, and livestock watering as specified. The regulations establish a process for determining whether flows in the watershed are insufficient to support all water rights and the order of priority for curtailments as well as curtailment order reporting requirements, and provisions regarding penalties for violations of curtailment orders.

Title 23
 Adopt: 875, 875.1, 875.2, 875.3, 875.5, 875.6, 875.7, 875.8, 875.9
 Filed 02/01/2024
 Effective 02/01/2024
 Agency Contact: Marianna Aue (916) 327–4440

State Coastal Conservancy
 File # 2024–0103–01
 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 14
 Amend: 13800
 Filed 02/06/2024
 Effective 03/07/2024
 Agency Contact: Mary Small (510) 286–4181

Department of Health Care Access and Information
 File # 2023–1221–02
 Promotion of Competitive Health Care Markets; Cost and Market Impact Review

This change without regulatory effect corrects minor typographical and organizational errors found in recently adopted emergency regulation text.

Title 22
 Amend: 97431, 97438, 97442
 Filed 02/01/2024
 Agency Contact: Danielle Rogers (916) 326–3653

Department of Insurance
 File # 2023–1221–05
 Gender Non–Discrimination in Automobile Insurance Rating

This action by the Department of Insurance makes changes without regulatory effect by correcting cross–references necessitated by previous amendments to address gender non–discrimination in automobile insurance rating.

Title 10
 Amend: 2632.5., 2632.9.
 Filed 02/01/2024
 Agency Contact: George Teekell (415) 538–4390

Commission on Peace Officer Standards and Training
 File # 2023–1219–02
 Peace Officer Certificates

This action implements reforms under SB 2 (2021), amending regulations to provide for additional peace officer hiring eligibility and certification requirements and to provide additional standards for the Commission on Peace Officer Standards and Training to act against those certifications.

Title 11
 Amend: 1202
 Filed 01/31/2024
 Effective 01/31/2024
 Agency Contact: Michelle Weiler (916) 227–4870

Commission on Peace Officer Standards and Training
 File # 2023–1221–04
 Employment Status Notifications

This action by the Commission on Peace Officer Standards and Training (POST) amends employee status notification regulations to establish that any notice of appointment or separation submitted to POST more than 60 days after the initial date of appointment or separation must be accompanied by a letter of justification from the employing agency.

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Title 11
Amend: 1003, 1950
Filed 02/06/2024
Effective 02/06/2024
Agency Contact: Michelle Weiler (916) 227–4870

Department of Motor Vehicles
File # 2023–1221–01
Vehicle Dealers Location of Business Records

This regular rulemaking action amends the requirements for retention of original business records by vehicle dealers. The amendment specifies that vehicle dealers may create original electronic business records as well as original paper business records and clarifies that certain existing requirements applicable to electronic copies of business records also apply to original electronic business records.

Title 13
Amend: 272.02
Filed 02/05/2024
Effective 02/05/2024
Agency Contact: Randi Calkins (916) 282–7294

Office of the State Fire Marshal
File # 2023–1215–03
Fire Hazard Severity Zones Fire Hazard Severity Zones

This action by the Office of the State Fire Marshal (“Office”) relocates regulations currently located in Article 1 (commencing with Section 1280.00) of Subchapter 3.5 of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations (“CCR”) to Chapter 17 (commencing with Section 1280.00) of Title 19 of the California Code of Regulations. This action also revises the “State Responsibility Area Fire Hazard Severity Zones” maps, previously incorporated by reference within the regulation text of Section 1280.01 of Title 14 of the CCR.

Title 14, 19
Adopt: 2200, 2201
Repeal: 1280.1
Filed 01/31/2024
Effective 04/01/2024
Agency Contact: Jamie Sammut (916) 594–6192

State Allocation Board
File # 2023–1219–01
Leroy F. Greene School Facilities Act of 1998: CA Court Appeals

This action amends various existing regulations governing whether school districts may retain savings of grant funds that were not expended to complete a project. This action implements the holding in

San Bernardino City Unified School District v. State Allocation Board, 79 Cal.App.5th 12 (2022).

Title 02
Amend: 1859.2, 1859.70.2, 1859.103, 1859.104, 1859.184.1, 1859.199
Repeal: 1859.169.1
Filed 02/01/2024
Effective 02/01/2024
Agency Contact: Lisa Jones (916) 376–1753

Commission on Peace Officer Standards and Training
File # 2023–1218–02
Temporary Suspension of Certification

This rulemaking action by the Commission on Peace Officer Standards and Training amends regulations relating to the temporary suspension of peace officer certification.

Title 11
Amend: 1208
Filed 02/01/2024
Effective 02/01/2024
Agency Contact: Michelle Weiler (916) 227–4870

Commission on Teacher Credentialing
File # 2023–1222–06
PK–3 ECE Specialist Instruction Credential

This resubmittal action establishes preconditions, standards, and teaching performance expectations for candidates seeking the PK–3 Early Childhood Education (ECE) Specialist Credential, for children in grades PK through 3, and to standardize parameters for acceptable coursework to meet the PK–3 ECE Specialist Credential requirements.

Title 05
Adopt: 80067.1, 80067.2, 80067.3
Amend: 80067
Filed 02/07/2024
Effective 04/01/2024
Agency Contact:
Christina Villanueva (916) 327–8697

Department of Corrections and Rehabilitation
File # 2023–1215–05
Condemned Inmate Transfer Program

In this rulemaking action, the California Department of Corrections and Rehabilitation (CDCR) promulgates regulations which allow CDCR to transfer condemned inmates from San Quentin to other correctional facilities commensurate with the condemned inmate’s classification score. CDCR also promulgates regulations regarding deductions from condemned inmates’ income and the transfer of those deductions to the California Victim Compensation Board. Finally, CDCR amends regulations which discuss how secu-

rity threat group assessment applies to condemned inmates.

Title 15

Amend: 3023, 3075, 3097, 3122, 3161, 3375,
3375.2, 3375.3, 3375.4, 3375.5, 3376.1, 3377.2

Filed 01/31/2024

Effective 01/31/2024

Agency Contact: Josh Jugum (916) 445–2266

**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.