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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 13. DEPARTMENT OF MOTOR VEHICLES

SCHOOLS FOR TRAFFIC VIOLATORS

The Department of Motor Vehicles (department) proposes to amend Sections 345.02, 345.06, 345.07, 345.13, 345.18, 345.30, and 345.56, and repeal Section 345.42 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Schools for Traffic Violators.

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 **July 29, 2024**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/repeal these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 11202, 11202.5, 11204, 11206, 11208, 11210, 11211, and 11219.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 11200 requires the department to license traffic violator schools to provide traffic safety instructions to drivers specified under Vehicle Code sections 41501 and 42005, and to drivers who elect to attend a traffic violator school course. Goals of the traffic violator school include the reduction of traffic law violations and the reduction of traffic collisions.

Article 4.7 establishes rules related to participation in the traffic violator school program, including, among other things, application requirements for school owners, operators, and instructors, the approval of curriculum content, and reporting requirements. The department is proposing amendments to the following sections:

Section 345.02. Traffic Violator School Owners.

- Proposes to require school names be submitted for approval through the department’s internet portal rather than on an Approval for Traffic Violator School Name, form OL 612, and proposes to revise name approval criteria to remove criteria that may be subjective.

Section 345.07. Traffic Violator School Instructor Examination Requirements.

- Proposes to remove the requirement that an instructor examination be administered by the traffic violator school. The department is proposing that instructor examinations will be administered by the department.

Section 345.13. Additional Instructor License.

- Proposes to revise references to examinations being written. The department is proposing that instructor examinations be administered both electronically or in written format.

Section 345.18. Changes to Owner License.

- Proposes to remove references to a written request for a name approval and removes the requirement that the department notify the school of a name approval or disapproval. Name approvals will be conducted electronically through the department’s internet portal.

Section 345.30. Curriculum Content.

- Proposes to remove the requirement that completed student evaluations and quarterly reports be submitted to the department. The department is proposing that schools retain student evaluations and quarterly reports for three years.

Section 345.42. Quarterly Reporting of Traffic Violator School Activity.

- Proposes to repeal Section 345.42 due to lack of necessity and to ensure compliance with Section 345.30.

BENEFITS OF THE PROPOSED REGULATION

The department anticipates this action will benefit traffic violator schools by reducing their requirement to provide testing for their potential instructors and by reducing the number of documents they are required to provide the department on a regular basis. Additionally, centralized testing conducted through the department will benefit the welfare of California residents by ensuring the most knowledgeable applicants are licensed to instruct course participants.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

After conducting a review for any similar regulations, the department has found that these are the only regulations concerning Traffic Violator Schools. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

The department has conducted a search and has determined that there are no compatible federal regulations or statutes related to the operation of traffic violator schools.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

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

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. More specifically, the department does not antic-

ipate this action will have a cost impact on traffic violator schools.

- *Small Business Impact:* This action may impact small businesses.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department does not anticipate a significant statewide adverse economic impact that will directly affect businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

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

The department has made the initial determination that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This action will benefit traffic violator schools by reducing their requirement to provide testing for their potential instructors and will benefit the welfare of California residents by placing the instructor testing requirements on the department who can ensure the examinations are administered in a manner that ensures the integrity of the exam questions. Centralized testing procedures will benefit the welfare of California residents by ensuring the most knowledgeable applicants are licensed to instruct course participants. This action may also benefit traffic violator schools by reducing the number of documents they are required to provide the department on a regular basis.

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) 657–6469
 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, 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. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT
 CONSISTENCY DETERMINATION
 NUMBER 2080–2024–008–02

Project: Bogue Road Culvert Replacement Project

Location: Sutter County

Applicant: California Department of Water Resources

Background

California Department of Water Resources (DWR) proposes to remove and replace two undersized, deteriorated culverts with two larger, precast concrete box culverts. The Bogue Road Culvert Replacement Project (Project) involves exclusion fence installation, installation of an earthen berm, dewatering, excavation of existing culverts, installation of rock fill, installation of concrete box culverts, pouring concrete to secure precast pieces, backfilling with soil and re-vestment, re-paving of Bogue Road intersection, and post-construction site restoration and clean up. The new culverts will be approximately 100 feet long, 10 feet wide, and 3 feet high.

The Project will take place within the collecting canals at the corner of Bogue Road and Schlag Road

in Sutter County. The Project Site is located approximately 7 miles southwest of Yuba City and 1 mile east of the Sutter Bypass. The GPS coordinates of the Project are 39.098444, -121.735888.

The Project activities described above are expected to incidentally take¹ giant garter snake (*Thamnophis gigas*) (GGS) where those activities take place within the collecting canals of the Sutter Bypass. In particular, GGS could be incidentally taken as a result of clearing and grubbing; crushing; entombment; excavation; installation of erosion control and exclusion fencing; sediment deposition; materials stockpiling, laydown, and transport; removal of existing culverts; culvert placement; culvert backfill; placement of revetment; heavy equipment staging and operations; surveying and monitoring activities; hand crew operations; site clean-up; and mortality resulting from stress or injury associates with capture and relocation efforts. GGS is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(4)(E).)

According to the California Natural Diversity Database, GGS individuals are documented as present 0.46 miles from the Project site and there is suitable GGS habitat within and adjacent to the Project site. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of suitable GGS habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that GGS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of GGS.

According to the Service, the Project will result in the temporary loss of 0.06 acres of aquatic GGS habitat and 0.42 acres of paved upland GGS habitat. Construction of the Project will also result in the permanent loss of 0.05 acres of upland GGS habitat, and 0.03 acres of upland/other GGS habitat, totaling 0.08 acres of permanent habitat loss.

Table 1: Project Impact Acreages

Project Feature: Aggregate Road Base/Soil **Permanent Impacts (acres):** — **Temporary Impacts (acres):** 0.01

Project Feature: New Culvert Assemblages **Permanent Impacts (acres):** 0.03 **Temporary Impacts (acres):** —

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

Project Feature: Earthen Berms **Permanent Impacts (acres):** — **Temporary Impacts (acres):** 0.01

Project Feature: Rock Slope Protection **Permanent Impacts (acres):** 0.05 **Temporary Impacts (acres):** —

Project Feature: Dewatered Area **Permanent Impacts (acres):** — **Temporary Impacts (acres):** 0.05

Project Feature: Staging Area **Permanent Impacts (acres):** — **Temporary Impacts (acres):** 0.41

Totals: Permanent Impacts (acres): 0.08 **Temporary Impacts (acres):** 0.48

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 (USACE) consulted with the Service as required by the ESA. On March 19, 2024, the Service issued a biological opinion (Number 2024-0027994) (BO) to the USACE. The BO describes the Project, requires DWR to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

The ITS also requires DWR to implement and adhere to measures contained within the Project Biological Assessment (BA).

On May 1, 2024, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from DWR requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS and accompanying BO are consistent with CESA for purposes of the Project and GGS. (Cal. Regulatory Notice Register 2024, Number 20–Z, pages 662.)

Determination

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

Avoidance, Minimization, and Mitigation Measures

- 1) DWR will provide compensation associated with the permanent impact of rock placement in snake habitat by purchasing 0.05 mitigation credits at a 1:1 mitigation ratio. The mitigation credits will be purchased before impacts from the Project begin.

- 2) Temporarily disturbed areas shall be reseeded with an appropriate seed mix or otherwise treated to reduce erosion and/or siltation. Upon the completion of construction, any temporary fill, earthen dams, or construction debris will be removed, and disturbed areas will be restored to pre-project condition.
- 3) Work conducted in potential snake habitat will occur between May 1 and October 1. Work activities may also occur between October 1 and November 1 provided ambient air temperatures exceed approximately 75°F during work and maximum daily air temperatures have exceeded approximately 75°F for at least three consecutive days immediately preceding work and work has started no later than September 15.
- 4) A qualified biologist will inspect all equipment and infrastructure for wildlife before the start of each workday, including under and around all vehicles, heavy equipment, storage piles, exclusion fencing, trenches, and canals. Awareness training provided by a qualified biologist includes emphasis on checking equipment to avoid harming all wildlife.
- 5) A qualified biologist will survey the planned work areas 24 hours before conducting any work in upland habitat potentially supporting snake and will delineate these areas using high visibility flagging and/or fencing. Surveys will target the presence of snakes. Mowing may first be required to increase detectability of snake. Mowing height will be no lower than 6 inches.
- 6) Fencing will be installed along the action area to divert moving snakes away from the active construction zone. A qualified biologist will inspect the project site daily during the maintenance activities, including inspection of the fencing.

Monitoring and Reporting Measures

- 1) If a GGS is observed inside the action area by a qualified biologist or crew member, DWR maintenance staff members will stop work within 200 feet of the snake and allow the snake to leave on its own volition. Alternatively, individuals who can handle and relocate the snake (i.e., individuals who possess appropriate federal and California permits for these activities) may capture and relocate the snake. The Service and CDFW will be notified by telephone or email immediately of a snake observation in the action areas. If the snake does not voluntarily leave the action area and cannot be effectively captured and relocated unharmed (e.g., if the snake retreats into an underground burrow or below the water surface), activities that may impact the snake in its immediate vicinity will stop as needed to prevent harm

to the snake and the Service and CDFW will be consulted.

- 2) Documentation of worker awareness training, preconstruction surveys, and biological monitoring efforts will be submitted to the Service and CDFW on a weekly basis and at the completion of the project. A final monitoring report will be submitted to the Service and CDFW after project construction is complete.

Financial Security

The BO requires DWR to purchase mitigation credits before impacts from the project begin. Therefore, financial 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 GGS, provided DWR implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITS, BO, and BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the ITS, BO, and BA, DWR shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (b) and (c)).

CDFW’s determination that the Service ITS, accompanying BO, and BA are consistent with CESA is limited to GGS.

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION
NUMBER 2080-2024-009-02

Project: Biggs–West Gridley Water District Infrastructure Modernization and Canal Operation Decision Support Project

Location: Butte County

Applicant: Biggs–West Gridley Water District

Notifier: Daniel Robinson

Background

The Biggs–West Gridley Water District (Applicant) proposes to replace and modernize water delivery measurement and flow monitoring on the Applicant’s existing infrastructure at 139 individual locations along the water conveyance system. The Biggs–West Gridley Water District Infrastructure Modernization

and Canal Operation Decision Support Project (Project) includes upgrading customer delivery turnouts, upgrading canal headings to provide improved flow measurement, and installing real-time monitoring equipment at primary operational spills. Additionally, structural improvement activities under the proposed Project include the installation of new turnout facility components such as new weir boxes with mounting plates, new culverts and sluice gates, staff gauges, stilling wells, and lining of the bottom of two short sections of canal. For proposed construction and installation of new components, precast concrete structures will be used wherever possible. Excavation and removal of some of the existing components will be required for the proposed activities that involve structural improvements and ground disturbance. After removal of existing structures is complete, the new structures will be installed with placement of backfill around the new structures. The activities that do not require ground disturbance; the proposed stilling well installations will only include modification to existing structures.

The proposed Project site is located in the southwestern portion of Butte County, California. Surrounding the site is the Cherokee Canal which borders the northern side of the Applicant’s service area; the cities of Biggs and Gridley are located east of the site; Snake Creek and Gray Lodge Wildlife Area are located along the southern boundary; and Butte Creek and Butte Slough are west of the site.

The Project activities described above are expected to incidentally take¹ giant garter snake (*Thamnophis gigas*) (GGS) where those activities take place within the Project location described above. In particular, GGS could be incidentally taken as a result of construction activities including, but not limited to, excavation; mortality resulting from stress or injury associated with capture and relocation efforts; entombing/crushing of individuals on the surface and in burrows by vehicles/equipment; and vegetation clearing that exposes GGS to predation. GGS is designated as a threatened species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(4)(E).)

GGS individuals are documented as present within the Project site and there is occupied GGS habitat within and adjacent to the Project site. Because of the

proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of suitable GGS habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that GGS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of GGS.

According to the Service, the Project will result in the temporary loss of 0.020 acres of aquatic GGS habitat and 0.736 acres of upland GGS habitat, totaling 0.756 acres of temporary habitat loss. Construction of the Project will also result in the permanent loss of 0.017 acres of aquatic GGS habitat and 0.043 acres of upland GGS habitat, totaling 0.060 acres of permanent habitat loss.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the United States Bureau of Reclamation, Northern California Area Office (USBR) consulted with the Service as required by the ESA. On March 28, 2024, the Service issued a biological opinion (file Number 2022–0053838–S7–001) (BO) to the USBR. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The ITS also requires the Applicant to implement and adhere to measures contained within the Project Biological Assessment (BA).

On May 9, 2024, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from Daniel Robinson, on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and GGS. (Cal. Regulatory Notice Register 2024, Number 21–Z, page 686.)

Determination

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

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

Avoidance and Minimization Measures

- 1) A worker awareness training program will be conducted prior to initiation of construction activities. The program will educate all workers and site personnel who will be on-site for more than 30 minutes about identification of the GGS and appropriate actions to be taken in the event GGS are observed during construction. Information regarding the life history of GGS, the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, and a description of activities that qualify as “take” of the species will be provided.
- 2) Prior to initiation of ground disturbing work, the Applicant will submit to the Service and CDFW (Agencies) for approval the name and resume of an individual who will act as the designated biologist (Designated Biologist). The Designated Biologist will be responsible for supervising the monitoring of construction activities for compliance with avoidance and minimization measures. Resumes for all biological monitors who will be working under supervision of the Designated Biologist will also be submitted to the Agencies for approval.
- 3) A GGS handling and relocation plan (Relocation Plan) outlining appropriate procedures for GGS handling and relocation activities will be prepared for the proposed Project and provided to the Agencies for review and approval prior to commencement of construction. The plan will specify conditions under which the Designated Biologist or biological monitor may order work stop and re-start, approved monitoring equipment and processing procedures, and procedures for treating an injured animal should this occur, including veterinary treatment facilities and their location. Any GGS injured as a result of Project-related activities shall be taken immediately by the Designated Biologist or their designee to a wildlife rehabilitation or veterinary care facility approved by the Agencies in advance of the start of Project activities. The Applicant shall bear any costs associated with the veterinary treatment of injured GGS and shall notify the Agencies of the injury immediately, by telephone and email and subsequently through an incident report. Notification shall include the name of the facility to which the injured GGS was taken.
- 4) A spill prevention plan will be prepared to address the proper storage of any hazardous materials or petroleum products and fuels to be used in work activities and response measures, including appropriate response personnel and timing in the event of accidental release.
- 5) If a GGS is encountered during construction, all construction activities in the immediate vicinity of the sighting will cease until appropriate corrective measures have been completed or it has been determined that the GGS will not be harmed. GGS encountered during construction activities will be allowed to move away on their own or may be moved by the Designated Biologist in accordance with the approved Relocation Plan.
- 6) Best management practices will be implemented to minimize the potential for erosion and sedimentation into nearby waters.
- 7) Excavation and project work will be carried out by equipment located on top of the canal wherever possible. Previously disturbed areas (e.g., canal roads) will be used prior to using undisturbed adjacent vegetated areas where feasible.
- 8) Stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to identified construction staging areas and all operations will be confined to the minimal area necessary.
- 9) All project related vehicles will observe a 15 mile per hour speed limit within construction areas, except on existing paved roads where posted speed limits will apply.
- 10) All construction related holes will be covered to prevent entrapment of individuals. Excavations that cannot be covered will have an escape ramp placed within them and will be checked for entrapped wildlife.
- 11) Construction personnel will look beneath parked vehicles and equipment and around/in heavy equipment tires prior to starting or moving equipment.
- 12) Any excluded and dewatered habitat will remain dry for at least 48 hours and will be inspected by the Designated Biologist prior to excavation or fill.
- 13) Any dredged or excavated material shall be placed outside of designated GGS habitat.
- 14) For short-duration activities (i.e., less than 1 week), the following program shall be adhered to:
 - a) At least three weeks prior to scheduled ground disturbance, the involved work sites will be identified by the district and submitted to the Designated Biologist to survey and photo document pre-construction conditions.
 - b) The Designated Biologist will survey the list of work sites for the presence of burrows within excavation areas that may be utilized by GGS. If burrows are identi-

fied within the Project area during the pre-construction survey, the Designated Biologist will mark in-field areas requiring exclusion and submit an email to the district for exclusion implementation.

- c) At least one week prior to ground disturbance, exclusionary fencing shall be placed around the potential habitat to exclude it from use by GGS. A one-way exit option (i.e., Designated Biologist-approved cone or equivalent) will be placed in each excluded area to allow individuals to exit, but not re-enter, the excluded area. Areas that have been excluded will be checked once daily by the Designated Biologist or trained district staff for entrapped wildlife.
 - d) No more than 24 hours prior to the commencement of ground disturbing activities, the project area shall be surveyed by the Designated Biologist to document the presence or absence of GGS within the work area. This survey may occur directly before construction begins at a given site for the day.
- 15) No more than 24 hours prior to the commencement of construction activities within the canal and upland areas within 200 feet of the canal, the project area shall be surveyed by the Designated Biologist to document the presence or absence of the GGS. The project will be re-inspected by the Designated Biologist whenever a lapse of two weeks or greater has occurred. If any GGS are identified within the project area during the pre-construction survey, exclusionary fencing shall be placed around the habitat where the species was seen to identify areas to be avoided during construction activity.

Monitoring and Reporting Measures

- 1) Incidental take of GGS will be considered exceeded if the detection of two GGS at any individual work site or 20 dead or injured GGS overall are detected by biological monitors or other project personnel.
- 2) The Designated Biologist and biological monitors will maintain a log of construction monitoring activities. The log will contain the permits with attachments and signatures of all personnel who have successfully completed the worker awareness training program referenced above. All monitoring logs will include daily written observation and inspections records. These will summarize oversight activities and compliance inspections; provide survey results including observations of listed species and indications of their presence;

and specify monitoring activities required by the permit.

- 3) The monitoring logs will be housed on-site during work activities and be made available to the Agencies for inspection upon request. During periods of non-work, the logs will be available at the Applicant's office.
- 4) A quarterly report documenting all sites improved and overall Project progress will be submitted to the Agencies within one month prior to the close of a given quarter. The report will include:
 - a) A spreadsheet of all proposed work sites and their current status (completed, scheduled, pending, mid-work, etc.);
 - b) Pre- and post-construction photos for each improved site;
 - c) An updated compliance spreadsheet; and
 - d) A calendar of working days.
- 5) Restoration of habitat shall be monitored for one year following implementation.
- 6) A post-construction monitoring report documenting the restoration effort shall be submitted to the Agencies one year after implementation of restoration. The report shall include:
 - a) Photo documentation showing post-project area conditions;
 - b) Dates that construction occurred and when restoration was completed;
 - c) What materials were used, plantings (if specified in approved restoration plan) and justification of any substitutions to recommended guidelines;
 - d) Pertinent information regarding success in meeting project mitigation measures;
 - e) An explanation of failure to meet such measures, if any, and recommendations for remedial actions and approval from Agencies, if necessary;
 - f) Known project effects on federally listed species, if any;
 - g) Occurrences of incidental take of federally listed species, if any; and
 - h) Other pertinent information.
- 7) The Designated Biologist will submit all observations of listed species to the California Natural Diversity Database within 60 calendar days of the observation.
- 8) A post-construction monitoring report will be prepared by the Designated Biologist and submitted no later than 45 days after all mitigation measures are completed for all Project work covered in this document.

Financial Security

To offset impacts to the GGS, 0.926 acre of GGS conservation credits will be purchased at the Ridge Cut Giant Garter Snake Conservation Bank or other Service and CDFW–approved conservation or mitigation bank. This acreage will address both temporary and permanent impacts to aquatic and upland habitats suitable for GGS and is meant to offset those impacts on GGS. If GGS conservation credits cannot be secured before the start of work, the Applicant will provide financial security in the amount of \$100,000.00 using a CDFW and Service–approved financial mechanism prior to commencement of earthmoving, approved by the Agencies, and will purchase the conservation credits within 18 months of implementation of the proposed Project. Table 1 below contains a breakdown of proposed compensatory GGS conservation credits.

Table 1. Mitigation Ratios for Impacts to GGS Habitat

Impact Duration: Permanent **Habitat Type:** Aquatic **Impacted Acres:** 0.017 **Mitigation Ratio:** 3:1 **Credits Needed:** 0.051

Impact Duration: Permanent **Habitat Type:** Upland **Impacted Acres:** 0.043 **Mitigation Ratio:** 3:1 **Credits Needed:** 0.129

Impact Duration: Temporary **Habitat Type:** Aquatic **Impacted Acres:** 0.020 **Mitigation Ratio:** 0.5:1 **Credits Needed:** 0.010

Impact Duration: Temporary **Habitat Type:** Upland **Impacted Acres:** 0.736 **Mitigation Ratio:** 1:1 **Credits Needed:** 0.736

Total Impacted Acres: 0.816 **Total Credits Needed:** 0.926

Conclusion

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of GGS, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITS, accompanying BO, and the BA. 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 BO, or the Applicant amends the BA, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (b) and (c)).

CDFW’s determination that the Service ITS, accompanying BO, and BA are consistent with CESA is limited to GGS.

DEPARTMENT OF FISH AND WILDLIFE

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
BLACK OAK RANCH WATER
CONSERVATION PROJECT
2080–2024–012–01R
MENDOCINO**

The California Department of Fish and Wildlife (CDFW) received a notice on June 3, 2024 that Black Oak Ranch proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves constructing a 4–million–gallon pond for farm water storage and 800,000 gallons of water storage in tanks to serve the youth camp and retreat center on property, and reduce reliance on surface water diversion for the property’s water needs. Proposed activities will include, but are not limited to, pond excavation, grading, diversion installation. The proposed project will occur on the Black Oak Ranch, approximately 5 miles north of Laytonville, California in northern Mendocino County on Highway 101.

The National Marine Fisheries Service (NMFS) issued a federal programmatic biological opinion (PBO)(Service Ref. Number WCRO–2021–02830) in a memorandum to the U.S. Army Corps of Engineers on March 31, 2022 which considered the effects of the eligible restoration projects on multiple federally listed species. On February 24, 2024, the Black Oak Ranch applied to NMFS for inclusion of the proposed project under the PBO for state and federally threatened southern Oregon northern California Coast Coho salmon (*Oncorhynchus kisutch*).

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

DEPARTMENT OF HEALTH
CARE SERVICES

PROPOSED BH–CONNECT
ADDENDUM APPLICATION

This abbreviated public notice provides information of public interest regarding the California Department of Health Care Services’ (DHCS’) intent to submit to the Centers for Medicare & Medicaid Services (CMS) an addendum to the pending Section 1115 *Behavioral Health Community–Based Organized Networks of Equitable Care and Treatment (BH–CONNECT) demonstration* that aims to further strengthen the continuum of care for Medi–Cal members with significant behavioral health conditions.

DHCS is soliciting public input on the Section 1115 demonstration addendum application. A full draft of the proposed BH–CONNECT Addendum application and initial notice of public interest were posted on June 14, 2024 and are available on the *DHCS website*.

In October 2023, California submitted the pending BH–CONNECT demonstration application, which seeks to establish a robust continuum of evidence–based community services for people with significant mental health conditions and/or substance use disorders, with key supports for fidelity monitoring and implementation of treatment interventions. Through ongoing work with stakeholders and individuals with lived experience in late 2023 and through 2024, California identified additional opportunities to expand the continuum of care for Medi–Cal members with significant behavioral health needs who are experiencing long stays in an institutional setting, who are or who are at risk of experiencing homelessness, or need recovery–oriented residential care. These individuals have historically faced expansive challenges when leaving institutional settings or while experiencing homelessness, and are the members who stand most to gain in terms of recovery and community–stabilization by accessing services provided through BH–CONNECT, including those envisioned in this addendum.

California is now seeking to add an addendum to the BH–CONNECT application to further expand the care continuum for Medi–Cal members with significant behavioral health conditions. The addendum will offer two new options for county behavioral health plans to cover the following:

1. **Community Transition In–Reach Services.** County mental health plans will have the option to cover community–based in–reach services to support individuals in reintegrating into the community. The services will include a community–based, multi–disciplinary care transition team

that provides intensive pre– and post–discharge care planning and transitional care management services, as well as a targeted set of services offered by community–based providers to facilitate the transition to community living. Medi–Cal members who reside in an opt–in county, with significant behavioral health conditions, and who are experiencing or at risk of experiencing extended lengths of stay (120 days or more) in inpatient, residential, or subacute settings (including Institutions for Mental Disease) will qualify for Community Transition In–Reach Services for up to 180 days prior to discharge and for a transitional period after discharge.

2. **Room and Board in Qualified Residential Settings.** DHCS is seeking authority to provide Room and Board in Qualified Residential Settings for up to six months for individuals with significant behavioral health conditions and specified risk factors (e.g., experiencing or at risk of homelessness, transitioning out of institutional settings, or transitioning from carceral settings). Qualified Residential Settings will be limited in size to 16 beds or less and must be unlocked and voluntary. The Qualified Residential Settings will provide Medi–Cal covered, voluntary, recovery–oriented services. Qualified Residential Settings must meet statewide standards established by DHCS in consultation with stakeholders. Peer respite settings can be considered Qualified Residential Settings if they meet statewide standards established by DHCS and have services that align with Living Room Model standards or another minimum standard consistent with national best practices and research as determined by DHCS.

In conjunction with the BH–CONNECT addendum, DHCS is announcing its intent to clarify coverage for High Fidelity Wraparound (HFW) as a Medi–Cal service. HFW is an evidence–based treatment modality for children and adolescents with the most complex and significant mental health conditions. When clinically appropriate, it can be used as an alternative to residential treatment. HFW already is provided to some of the children and youth who meet the clinical criteria for the service, but providers typically must bill for discrete elements of the service; there is no consistent way to bill the service across the state. While HFW does not require Medicaid 1115 demonstration authority to implement, DHCS views it as a critical element of BH–CONNECT.

PUBLIC REVIEW AND
COMMENT PROCESS

The 30–day public comment period for the BH–CONNECT Addendum application is from June 14,

2024, through July 14, 2024. All comments must be received no later than 11:59 PM (Pacific Time) on July 14, 2024.

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

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

- Tuesday, June 25, 2024 — First Public Hearing
 - 3:30–4:30 p.m. PT
 - Department of Health Care Services
 - 1700 K Street, Room 1014, Sacramento, CA 95814
 - Register for Zoom conference link: https://manatt.zoom.us/webinar/register/WN_WmtEKY7YQ9W19Y2KOEt3bA
 - Please register in advance if you plan to attend in–person or if you plan to attend by Zoom to receive your unique login details and a link to add the hearing to your calendar
 - Call–in information: 833 548 0276 (Toll Free)
 - Webinar ID: 915 1321 2168
 - Passcode: 062524
 - Callers do not need an email address to use the phone option and do not need to register in advance
- Tuesday, July 2, 2024 — Second Public Hearing
 - 3:30–4:30 p.m. PT
 - Department of Health Care Services
 - 1515 K Street, Room 204, Sacramento, CA 95814
 - Register for Zoom conference link: https://manatt.zoom.us/webinar/register/WN_MbBcSeVHQCC3GBrc7DPyXw
 - Please register in advance if you plan to attend in–person or if you plan to attend by Zoom to receive your unique login details and a link to add the hearing to your calendar

- Call–in information 833 928 4608 (Toll Free)
 - Webinar ID: 924 7133 3204
 - Passcode: 070224
 - Callers do not need an email address to use the phone option and do not need to register in advance

If you would like to view the BH–CONNECT Addendum or notices in person, you may visit your local county welfare department (addresses and contact information available at: [https://www.dhcs.ca.gov/services/med–ical/Pages/CountyOffices.aspx](https://www.dhcs.ca.gov/services/med-ical/Pages/CountyOffices.aspx)). You may also request a copy of the proposed BH–CONNECT Addendum, notices, and/or a copy of submitted public comments, once available, related to the BH–CONNECT Addendum by requesting it in writing to the mailing or email addresses listed below.

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

Department of Health Care Services
 Director’s Office
 Attention: Tyler Sadwith
 P.O. Box 997413, MS 0000
 Sacramento, California 95899–7413

Comments may also be emailed to 115waiver@dhcs.ca.gov. Please indicate “BH–CONNECT Addendum” in the subject line of the email message.

To be assured consideration prior to submission of the BH–CONNECT Addendum application to CMS, comments must be received no later than 11:59 p.m. (Pacific Time) on July 14, 2024. Please note that comments will continue to be accepted after July 14, 2024, but DHCS may not be able to consider those comments prior to the initial submission of the BH–CONNECT Addendum application to CMS.

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

PETITION DECISIONS

AIR RESOURCES BOARD

May 30, 2024 *Sent via email*

Janet Cox, CEO
Climate Action California
janet@climateactionca.org

Will Brieger, Director
Climate Action California
will.brieger@350sacramento.org

Daniel Chandler, PhD
Climate Action California
dwchandl@gmail.com

Re: Petition for Rulemaking to Regulate Methane and Other Air Pollutants from California Livestock

Dear Ms. Cox, Mr. Brieger, and Mr. Chandler:

Thank you for submitting on behalf of Climate Action California the March 1, 2024, petition for rulemaking entitled “Petition for Rulemaking to Regulate Methane and Other Air Pollutants from California Livestock” to the California Air Resources Board (CARB or Board) and the California Department of Food and Agriculture (CDFA), pursuant to Government Code section 11340.6. CARB staff acknowledged receipt of the petition on March 1, 2024. CARB and CDFA appreciate the petitioners’ agreement to extend the deadline for response to May 30, 2024, and now jointly provide a response in this letter.

The petition requests CARB and CDFA take specific actions to reduce dairy and livestock operations’ emissions of methane, other greenhouse gases (GHG), and criteria pollutants, including through regulation of all dairies. The petition further requests CARB and CDFA measure dairy emissions, fund digesters and other mitigation, increase dry manure management systems, and provide technical assistance to dairies. The petition did not identify the provisions of the California Code of Regulations to be affected.

CARB and CDFA agree with the petitioners that methane, as a short-lived climate pollutant, has an outsize impact on climate change and that rapid mitigation is critical. Under state law known as Senate Bill (SB) 1383 (Lara, Stats. 2016, Ch. 395), California has set a target to reduce statewide methane emissions by 40% below 2013 emissions by 2030, and the more specific target to reduce dairy and livestock sector emissions by 40% below 2013 emissions by 2030 (“2030 target”). SB 1383 requires state actions to meet the target, including to analyze progress in meeting the target and to adopt regulations to meet the target if

certain conditions are met.¹ Across the state, agencies and stakeholders have made considerable efforts over the last decade to reduce methane. CARB’s work includes reducing methane through regulations.² CARB and CDFA’s work also includes implementing state programs to provide financial support and incentives, fund research to better understand dairy and livestock emissions sources, and identify additional methane emissions reduction strategies.

The State has made meaningful progress toward achieving California’s methane and greenhouse gas reduction targets and agrees with petitioners that more reductions are needed. Importantly, CARB and CDFA are committed to continuing this work to build on the progress achieved to date. However, as state agencies we must also follow the appropriate process before initiating a rulemaking pursuant to SB 1383, which requires more actions before regulations can be designed, adopted, and implemented.³

Based on CARB and CDFA’s review of the petition, public comments,⁴ relevant law, and facts regarding emissions reductions achieved to date and ongoing work to support reductions, CARB and CDFA are granting in part and denying in part this petition. Specifically, CARB and CDFA are:

- (1) Granting your petition, in part, by CARB and CDFA continuing to implement efforts to reduce methane and other pollutant emissions from livestock and dairy operations consistent with state law, including to:
 - a. Further assess through public engagement with stakeholders and community members whether statutory requirements are met and other considerations for initiating a regulatory design process pursuant to SB 1383, including evaluating data to better inform methane emission estimates and whether mandatory reporting requirements are appropriate;
 - b. Continue CDFA incentives and technical assistance programs for alternative manure management methods and digester projects;

¹ Health and Safety Code § 39730.7(b)(4).

² For example, CARB regulates methane from landfills and oil and gas operations. See Methane Emissions from Municipal Solid Waste Landfills, Cal. Code Regs., title 17, §§ 95460–95476; Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities, Cal. Code Regs., title 17, §§ 95665–95677.

³ Senate Bill 1383 (2016) adds Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the California Health and Safety Code, and adds Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, relating to methane emissions. SB 1383 authorizes CARB and CDFA to take regulatory action on methane emissions from dairy and livestock operations and enteric emissions after meeting certain prerequisites.

⁴ CARB, 2024 Livestock Methane Petition Public Comments, https://ww2.arb.ca.gov/approved-comments?entity_id=35671.

- c. Research and analyze nitrogenous emissions from dairy operations (including emissions of ammonia, nitrous oxide, and other NOx from soil nitrous oxide impacts); and
 - d. Research enteric emissions reduction options.
- (2) Denying your petition, in part, based on the ongoing work, by respectfully declining to immediately initiate rulemaking proceedings that would require all dairies in California to adopt some form of methane mitigation and adopt enteric emissions reduction measures; and denying your petition in part as to establishing stable funding to help dairies reduce methane given that CARB and CDFA do not appropriate state funding.

CARB intends to analyze and publicly engage with stakeholders and community members on the State’s progress toward satisfying the remaining SB 1383 prerequisites later this year. As part of this engagement process, CARB plans to host a public workshop in August 2024 to discuss these topics. We thank the petitioners for ideas on future actions and look forward to collaborating with the petitioners and all stakeholders to expediently achieve these important targets. This response letter explains the reasons CARB and CDFA are denying in part and granting in part the requests of the petitioners and summarizes the impacts of ongoing programs and the work needed to collect and analyze additional information.

I. Methane and Criteria Pollutant Emissions Must be Further Reduced

CARB agrees with the petitioners regarding the importance of reducing methane and criteria pollutants from the dairy and livestock sector. Methane is a significant short-lived climate pollutant. Dairy and livestock operations account for significant methane emissions and are significant contributors to statewide ammonia emissions which can lead to formation of ammonium nitrate, a component of particulate matter (PM) 2.5 emissions. This occurs in the San Joaquin Valley, where most dairy and livestock are located, and has a direct impact on many communities.

The State is responding to the challenge of methane emissions. The State has already funded incentives, technical assistance, research, and monitoring for methane emissions reduction projects and strategies for dairy and livestock operations for more than a decade. This work has been part of the State’s efforts to fulfill requirements of SB 1383, California’s law to urgently address short-lived climate pollutants. CARB adopted, and now implements, strategies and actions from the Short-Lived Climate Pollutant Emissions

Reduction Strategy (SLCP Strategy)⁵ to meet the 2030 target.

The 2022 Scoping Plan⁶ confirmed the need to reduce methane emissions from the dairy and livestock sector and identified and recommended multiple strategies to help achieve that end. Anaerobic digesters can maximize air and water quality protection, maximizing biomethane capture and directing biomethane toward decarbonization or as energy feedstock(s). Alternative manure management projects, including “dry” manure management, compost-bedded pack barns, increased pasturage, and implementing solid-liquid separation technologies into flush manure management systems can reduce emissions. Implementing strategies for enteric methane emissions that are cost-effective, scientifically proven, safe for animal and human health, acceptable to consumers, and that do not impact animal productivity, with financial incentives for these strategies as needed, can also reduce emissions. Finally, considering regulatory development to ensure that the 2030 target is achieved, once the conditions outlined in SB 1383 are met, is an important strategy for California to reduce emissions.

The time remaining before the target year of 2030 is a crucial period for CARB, CDFA, stakeholders, and the public and community members to continue strengthening ongoing engagement about the status of progress towards the target and what more should be done to achieve our climate targets while improving air quality.

II. Progress and Outcomes Towards 2030 Target

Public and privately funded investments in methane emissions reduction projects have achieved significant progress toward the 2030 target. The sector is expected to achieve nearly half of the target’s required reductions, even assuming no new projects are deployed.

To fulfill a requirement of SB 1383, CARB developed the Analysis of Progress toward Achieving the 2030 Dairy and Livestock Sector Methane Emissions Target (Analysis).⁷ The Analysis showed that the sector has achieved significant progress toward the 2030 target through a combination of methane emissions reductions projects from investments made through fiscal year (FY) 2019–20, and animal population changes, which together are expected to achieve up to 4.6

⁵ CARB, *Final Short-Lived Climate Pollutant Reduction Strategy* (March 2017), <https://ww2.arb.ca.gov/resources/documents/slcp-strategy-final>.

⁶ CARB, *2022 Scoping Plan for Achieving Carbon Neutrality* (December 2022), <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>.

⁷ CARB, *Final Analysis of Progress toward Achieving the 2030 Dairy and Livestock Sector Methane Emissions Target* (March 2022), <https://ww2.arb.ca.gov/resources/documents/dairy-livestock-sb1383-analysis>.

MMTCO₂e or about 51.1% of reductions necessary to achieve the 2030 target.

This projection assumed a continued annual decline of 0.5% in animal populations based on the trend from 2008 to 2017,⁸ and is expected to contribute approximately 2.3 MMTCO₂e of the estimated annual reductions. The remaining expected annual methane emissions reductions result from implementation of 123 anaerobic digesters, contributing about 1.9 MMTCO₂e, and 155 alternative manure management projects, contributing about 0.4 MMTCO₂e, at California dairy operations utilizing funding up through FY 2019–20.

The Analysis did not consider any additional funding for manure methane reduction projects beyond FY 2019–20. Subsequent state funding has been awarded to 22 additional digester projects and 53 additional alternative manure management projects, all of which are expected to be operational by the end of 2026. Combining these additional projects funded to date with those considered in the Analysis results in up to 353 state and privately funded manure methane emissions reduction projects since 2013. These projects, combined with expected methane emissions reductions resulting from continued animal population decline described in CARB’s Analysis, are expected to achieve as much as 5.0 MMTCO₂e in annual emissions reductions, or approximately 56% of the 9.0 MMTCO₂e target by 2030.

Understanding the significant progress that California has made and reliably estimating reductions that can be expected in the next few years as additional effective strategies are funded and implemented is critical to considering additional actions to meet the 2030 target. To meet the 2030 target, it is critical that the State continue to build on the progress achieved so far. CARB and CDFA will continue to evaluate the effectiveness and outcomes of these and other strategies funded to meet the 2030 target.

III. CARB Needs More Information Before It Can Make the SB 1383–Required Determinations to Regulate the Sector

Petitioners are correct that SB 1383 authorizes regulations to meet the 2030 target. However, more analysis is required before regulatory design consideration can begin consistent with state law. SB 1383 requires CARB to adopt and implement regulations, consistent with the Short–Lived Climate Pollutant Strategy, of dairy and livestock manure operations and enteric emissions to achieve the 2030 dairy methane emissions reduction target only once several activities are completed and specific determinations are made.⁹

⁸ Animal population change trends determined by evaluating the 2007, 2012, and 2017 U.S. Department of Agriculture Census of Agriculture Reports.

⁹ Health & Saf. Code § 39730.7, subdivision (b)(1)–(4).

Some of these activities have taken place, and others require further analysis before regulations can be designed and adopted for implementation.

One completed statutorily required activity is that CARB work with stakeholders to identify and address technical, market, regulatory, and other challenges and barriers to the development of dairy methane emissions reduction projects. The law requires CARB to provide a forum for public engagement across the state, to consider the development of methane emissions reductions protocols utilizing CDFA research, and to publicly report on this progress, as further specified in statute.¹⁰ The stakeholder and public engagement work and information on this progress are posted on CARB’s website.¹¹ The work completed through the Dairy Working Group and the methane emissions reduction offset protocol¹² is available online, as described below in this response. CARB and CDFA have considered and conducted significant research, yet more research needs to be done, as also described below in this response.

The statutorily required determinations to be made before implementation are relevant to the regulatory design and must be further analyzed and considered prior to the adoption of a regulation. CARB must determine that any regulation is technologically feasible,¹³ economically feasible (considering specific topics including milk and live cattle prices, markets for products from methane emissions reduction and electrical interconnection, and access to common carrier pipelines for biomethane generated),¹⁴ cost-effective,¹⁵ inclusive of provisions to minimize and mitigate potential leakage to other states and countries,¹⁶ and inclusive of an evaluation of the achievements made by incentives.¹⁷ The statute further requires the use of voluntary and incentive–based measures to achieve methane emission reductions from enteric emissions and requires specific determinations about impacts before regulations can be adopted to reduce enteric emissions.¹⁸ Research is ongoing to ensure that any new livestock feed or drug is safe and effective.

¹⁰ Health & Saf. Code § 39730.7, subdivision (b)(2) and (3).

¹¹ CARB, Dairy and Livestock Greenhouse Gas Emissions Working Group, <https://ww2.arb.ca.gov/our-work/programs/dairy-and-livestock-wg> (last visited May 3, 2024).

¹² CARB, *Compliance Offset Protocols*, <https://ww2.arb.ca.gov/our-work/programs/compliance-offset-program/compliance-offset-protocols/livestock-projects>.

¹³ Health & Saf. Code § 39730.7, subdivision (b)(4)(A).

¹⁴ Health & Saf. Code § 39607.7, subdivision (b)(4)(B).

¹⁵ Health & Saf. Code § 39670.7, subdivision (b)(4)(C).

¹⁶ Health & Saf. Code § 39670.7, subdivision (b)(4)(D).

¹⁷ Health & Saf. Code § 39730.7, subdivision (b)(4)(E).

¹⁸ Health & Saf. Code § 39670.7, subdivision (f).

CARB and CDFA are collecting and evaluating data on the California dairy and livestock sector from multiple sources to evaluate and maximize methane mitigation opportunities. These sources include publicly available data from other state and local agencies as well as other data sources. CARB has synthesized the data to identify industry trends, research needs and information gaps, evaluate incentive design and performance, forecast potential emissions reductions from current and emerging strategies, and analyze progress toward the 2030 target. Importantly, these data collection efforts, combined with public feedback, have helped identify a variety of mitigation strategies that have resulted in methane emissions reductions from a broad range of facilities.

As to the requirement for evaluating the progress of incentives, as described below, the State has implemented multiple incentives with public funds appropriated by the Legislature, including competitive cost-sharing grants for digester projects through the Dairy Digester Research and Development Program (DDRDP),¹⁹ non-digester projects through the Alternative Manure Management Program (AMMP),²⁰ and more recently, the Dairy PLUS program,²¹ which offers competitive grant funding for advanced manure management practices that reduce both methane emissions and nutrient surplus. CARB provides additional incentive support through its regulatory GHG emissions reduction programs, along with incentive programs from other state agencies including the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC), and federal programs.²² CARB would incorporate its evaluation of incentives into any regulation.

As to the requirements related to technological and economic feasibility, cost-effectiveness, and leakage, CARB needs additional information and analysis to make the remaining determinations. This includes information about the varied dairy and livestock operations, including facility characteristics, economic factors affecting milk and cattle prices, market opportunities for products generated by dairy and livestock manure management, and an improved, holistic understanding of emissions sources and tradeoffs from implementing methane reduction strategies. The State also needs more information about factors affecting emissions leakage and potential strategies to minimize or mitigate any potential leakage.

¹⁹ CDFA, *Dairy Digester Research and Development Program*, <https://www.caclimateinvestments.ca.gov/dairy-digester>.

²⁰ CDFA, *Alternative Manure Management Program*, <https://www.caclimateinvestments.ca.gov/alternative-manure>.

²¹ CDFA, *Dairy PLUS Program*, <https://www.cdfa.ca.gov/oefi/dairyplus/>.

²² Additional State funding and incentive support are described in Appendix B.

CARB and CDFA will continue to collaborate and analyze available data to make assessments and facilitate public stakeholder and community member engagement to determine an appropriate scope and design for any potential future regulation, including whether mandatory reporting requirements are appropriate. For these reasons, CARB is not immediately initiating a rulemaking that will require all dairy and livestock facilities to adopt a mitigation strategy until it has addressed these prerequisite statutory requirements. CARB and CDFA will analyze and publicly engage on the State’s progress toward satisfying the remaining SB 1383 prerequisites and look forward to working with stakeholders and community members to collaborate on next steps, research analysis, and strategy development before initiating this rulemaking.

The next sections summarize other state activities to implement SB 1383 and support methane and criteria emissions reductions.

IV. CARB and CDFA have Engaged in Significant Stakeholder Collaboration to Analyze Barriers and Recommend Solutions for Reductions and Policy Considerations

Stakeholder collaborations with state agencies have resulted in recommendations for strategies to reduce emissions and respond to barriers. SB 1383 directs CARB to work with stakeholders to “identify and address technical, market, regulatory, and other challenges and barriers to developing dairy methane emissions reduction projects.”²³ In response, CARB, in collaboration with CDFA, the CPUC, and the CEC, convened the Dairy and Livestock Greenhouse Gas Emissions Working Group²⁴ (Working Group) and its three subgroups focused on discussing barriers and solutions related to non-digester projects, digester projects, and research needs. From May 2017 through December 2018, the Working Group and its subgroups held 31 meetings to facilitate discussions among government, industry, academia, the environmental justice community, and the public. In November 2018, the subgroups presented final recommendations²⁵ on overcoming barriers to methane reduction projects and a research prospectus identifying potential research needs to the convening agencies.

Where able, CARB and CDFA have made progress on implementing recommendations from each of the three subgroups, including continued incentives and

²³ Health & Saf. Code § 39730.7, subdivision (b)(2)(A).

²⁴ CARB, *Dairy and Livestock Greenhouse Gas Emissions Working Group*, <https://ww2.arb.ca.gov/our-work/programs/dairy-and-livestock-wg>.

²⁵ California Dairy and Livestock Greenhouse Gas Reduction Working Group, *Recommendations to the State of California’s Dairy and Livestock Greenhouse Gas Reduction Working Group* (November 26, 2018), <https://ww2.arb.ca.gov/sites/default/files/2020-11/dairy-subgroup-recs-112618.pdf>.

implementation of additional manure methane emissions reduction projects, new strategy evaluation, improved understanding of existing strategies, manure product market assessment (including implementation of the Manure Recycling and Innovative Products Task Force),²⁶ and research implementation. Much of this work is described in the sections below. The Working Group and subgroups held publicly noticed meetings in Sacramento, Bakersfield, and Santa Rosa, which included options for remote participation and, in some cases, Spanish translation services to facilitate broader public engagement.

CARB and CDFA have continued to engage on these topics since forming the initial Working Group. In March 2022, CARB staff facilitated an all-day public workshop on Methane, Dairies and Livestock, and Renewable Natural Gas in California.²⁷ The workshop included 11 distinct topic sessions and two public comment periods.

Workshop topic sessions included:

- Statutory requirements for dairy and livestock methane emissions reductions,
- An overview of dairies in California (including operational, sectoral, and product trends, and environmental impacts and permitting requirements),
- Community perspectives on dairies, perspectives on the future of dairies in California (from environmental justice advocates and industry representatives),
- An overview of mitigation technologies, funding, and economics,
- An overview of the dairy and livestock GHG emissions working group and subgroups,
- An overview of CARB’s Low Carbon Fuel Standard (LCFS) Program and dairy pathways,
- An overview of findings from CARB’s 2022 analysis of progress toward the 2030 target, and
- Considerations for methane mitigation incentives and regulation.

The Working Group recommendations will continue to be relevant as CARB and CDFA analyze and publicly engage on the State’s progress toward satisfying the remaining SB 1383 prerequisites later this year.

²⁶ More information on the Manure Recycling and Innovative Products Task Force available at: <https://www.cdfa.ca.gov/oefi/mrip/>.

²⁷ CARB, *Workshop on Methane, Dairies and Livestock, and Renewable Natural Gas in California*, <https://ww2.arb.ca.gov/events/workshop-methane-dairies-and-livestock-and-renewable-natural-gas-california>.

V. Funding Supports Emissions Reductions, Research, Technical Assistance, and Inventory Improvements

Funding and incentive support of various strategies have been critical for methane emissions reductions from the California dairy and livestock sector and will likely continue to be critical. These funds have supported project implementation, research of new and emerging methane emissions reduction strategies, and technical assistance to stakeholders. Nearly all methane emissions reduction projects implemented have received state incentive funding and are among the most cost-effective greenhouse gas reduction projects.

Additionally, CARB’s Cap-and-Trade Program²⁸ and LCFS Program²⁹ are regulatory GHG emissions reduction programs that provide important additional support for digester projects, along with other state and federal cost sharing and incentive programs.³⁰

There is widespread agreement that stable funding is necessary to help dairies implement digesters and other methane mitigation measures, as well as engage in research and access technical assistance. CARB’s SLCP Strategy and 2022 Analysis of Progress Toward Achieving the 2030 Dairy and Livestock Sector Methane Emissions Target³¹ (Analysis) recognize this need and estimate total costs and the minimum annual Legislative appropriation needed to achieve the 2030 target. However, neither CARB nor CDFA make appropriations for such programs. To date, state and federal funding has been distributed through multiple mechanisms ranging from grants and cost-sharing programs that reduce construction costs to environmental crediting and energy product offtake agreements for electricity and biomethane.

New, long-term, stable funding could further accelerate the capture of California’s dairy manure and enteric methane emissions, direct captured biomethane to difficult-to-decarbonize sectors and accelerate the adoption of alternative manure management projects that provide climate and environmental co-benefits, including water quality improvements and conservation, reduction of synthetic fertilizer usage, im-

²⁸ CARB, *Cap-and-Trade Program*, <https://ww2.arb.ca.gov/our-work/programs/cap-and-trade-program>. California’s Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms (Cap-and-Trade) regulations are published at title 17, CCR, sections 95801 through 96022.

²⁹ CARB, *Low Carbon Fuel Standard*, <https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard>. California’s LCFS regulations are published at title 17, California Code of Regulations (CCR), sections 95480 through 95503.

³⁰ See Appendix B.

³¹ CARB, *Final Analysis of Progress toward Achieving the 2030 Dairy and Livestock Sector Methane Emissions Target* (March 2022), <https://ww2.arb.ca.gov/sites/default/files/2022-03/final-dairy-livestock-SB1383-analysis.pdf>.

provement of nutrient management, and groundwater protection.

CARB and CDFA will continue to work with relevant state agencies to track the progress achieved by state and federal incentives, and to report on the outcomes of that progress to demonstrate the effectiveness of stable funding mechanisms.

a) Dairy Digester Research and Development Program

CDFA's DDRDP³² was established in 2014 to award competitive grants for anaerobic digesters that result in manure methane emission reductions at California dairies while minimizing and mitigating other adverse environmental impacts over the minimum ten-year project operational life. DDRDP incentive grants fund up to 50% of the total project costs and up to \$1.6 million per project, or \$1 million per project if the awardee previously received an AMMP grant. Applicants must provide the remaining funds in eligible matching funds. To date, award recipients have provided \$489 million in matching funds.

DDRDP projects are among the most cost-effective GHG emissions reductions projects compared to other California Climate Investment (CCI) funded programs.³³ As of April 2024, there have been seven grant solicitations with \$227 million in total funding awarded to 140 projects producing renewable fuels, electricity, and hydrogen production feedstock. These projects are estimated to achieve 2.45 MMT-CO₂e³⁴ in annual methane emissions reductions at a cost of approximately \$29 per MTCO₂e, with approximately \$9 representing state investment. Importantly, 67% of project funds provide jobs, economic, environmental, and financial benefits to priority populations³⁵ as defined by the CCI Funding Guidelines.³⁶

In addition to methane emissions reductions, DDRDP project co-benefits may include nuisance reduction (odor, flies, pathogens, weed seeds), fossil fuel reduction or replacement, energy and fuel cost savings, renewable fuel and energy generation, compost production, fertilizer reductions, direction of biometh-

ane to hard-to-decarbonize sectors, and local and remote criteria pollutant reductions. The DDRDP program also promotes surface and groundwater quality protection by requiring digester designs that meet the most stringent water quality protection requirements. Program requirements and benefits are further outlined in the DDRDP.³⁷

b) Alternative Manure Management Program

CDFA's Alternative Manure Management Program (AMMP)³⁸ awards competitive grant funding to California dairy operations to implement non-digestion manure management practices that reduce methane emissions and maximize environmental benefits over the minimum five-year project lifetime. AMMP supports a diverse range of manure management practices that provide methane mitigation options to the wide variety of dairy operations across the state. Factors like size, management style, location and proximity to infrastructure, and economic feasibility impact manure management system selection. AMMP funds strategies to reduce manure methane emissions at operations where a digester may be infeasible through practices that reduce anaerobic management of manure, thereby reducing methane formation.

Eligible AMMP practices include increased pasture-based management, alternative manure storage including compost bedded pack barns or slatted floor pit storage manure collection, solid-liquid separation, and converting from flush manure management to solid manure management. AMMP incentive grants fund up to 100% of total project cost with a maximum award of \$750,000 per project. While strongly encouraged, matching funds are not required. As of April 2024, AMMP has awarded over \$106 million to 170 incentive and demonstration projects through six grant solicitations, with over \$20 million in matching funds proposed. Collectively, these projects are estimated to achieve approximately 0.3 MMTCO₂e in annual methane emissions reductions with 90% of 2020 and 69% of 2022 projects providing benefits to priority populations. In addition to methane emissions reductions, AMMP project co-benefits may include criteria and toxic pollutant emissions reductions, reduced odors, flies, and fossil fuel use, value added product production, and improved soil health, water use efficiency, and nutrient management.

Through careful tracking and consideration, CARB and CDFA have identified various effective alterna-

³² CDFA, *Dairy Digester Research and Development Program*, <https://www.caclimateinvestments.ca.gov/dairy-digester>.

³³ CARB, *2023 Annual Report: Cap-and-Trade Auction Proceeds*, https://ww2.arb.ca.gov/sites/default/files/auction-proceeds/cci_annual_report_2023.pdf.

³⁴ These estimates include the anaerobic digestion projects receiving Aliso Canyon Mitigation Settlement funds, which will result in an estimated additional 0.3 MMTCO₂e in annual methane emissions reductions. Since these projects count toward natural gas sector mitigation, they do not count toward the 2030 target.

³⁵ CARB, *2023 Annual Report: Cap-and-Trade Auction Proceeds*, https://ww2.arb.ca.gov/sites/default/files/auction-proceeds/cci_annual_report_2023.pdf.

³⁶ CARB, *Funding Guidelines for Agencies that Administer California Climate Investments* (August 2018), <https://ww2.arb.ca.gov/sites/default/files/auction-proceeds/2018-funding-guidelines.pdf>.

³⁷ CDFA, *Dairy Digester Research and Development Program*, <https://www.caclimateinvestments.ca.gov/dairy-digester>.

³⁸ CDFA, *Alternative Manure Management Program*, <https://www.caclimateinvestments.ca.gov/alternative-manure#:~:text=Alternative%20Manure%20Management%20Program%20provides%20financial%20incentives%20to,scrape%20manure%20collection%20and%20enhanced%20pasture-based%20management%20practices>.

tive manure management practices with scientifically proven manure methane emissions reduction effectiveness. However, emerging strategies require additional study before they can be incorporated into AMMP, assumed to be suitable for all operations, or proven to be sufficiently effective at achieving methane emissions reductions. This approach highlights the importance of the collaborative process CARB and CDFA use to evaluate potentially effective practices and strategies.

For example, aeration technology can potentially reduce lagoon methane emissions, but may be technologically infeasible and result in unintended nitrogenous emissions, including ammonia and nitrous oxide. Similarly, while CARB and CDFA support reducing or eliminating wet or lagoon-style manure in favor of “dry” management and affiliated methods, in some cases, this conversion may result in unintended air quality impacts. While conversion from flush management may reduce manure methane formation, widespread conversion to dry management may result in potential emissions tradeoffs including increased ammonia, particulate matter, nitrous oxide, and volatile organic compound emissions. These tradeoffs may result from manure composting, increased equipment usage, or increased usage of synthetic fertilizers. CARB and CDFA support future research to better understand these and other potential emissions tradeoffs before requiring significant reduction or elimination of liquid manure.

The efficacy and downstream impacts of manure and lagoon additives are uncertain, so requiring their use is premature. Composting manure with additives like biochar has demonstrated considerable mitigation potential but with uncertain upstream and downstream impacts. Similarly, the few lagoon additive experiments conducted to date have shown potential methane emissions reductions in the laboratory setting, but farm-scale research is needed before conclusions on their actual effectiveness can be drawn. Given the uncertainty surrounding potential downstream impacts on emissions, water quality, and forage production, more research on their overall effectiveness, benefits, and impacts is necessary before they can be considered viable methane emissions reduction strategies.

c) Dairy PLUS Program

The Dairy PLUS Program awards competitive grants to California dairy farms to implement advanced manure management practices that reduce methane emissions and nutrient surpluses. The California Dairy Research Foundation (CDRF), in collaboration with CDFA and other organizations, received \$85 million from the U.S. Department of Agriculture, to be awarded over five years, that provide incentives for dairy producers to adopt these advanced practices, assess associated GHG emissions reductions and nutrient benefits, provide outreach and technical as-

sistance, and develop climate-smart product markets. The Dairy PLUS Program will provide \$75 million in incentive funds through three solicitations.

Eligible Dairy PLUS Program primary practices include vermifiltration, solid-liquid separation through a weeping wall or assisted by flocculants and/or bead filters; secondary practices include subsurface drip irrigation and aerated composting. To date, CDFA and CDRF have awarded \$17.9 million to 15 projects, including 12 complementary AMMP projects and three complementary DDRDP projects. These projects are expected to reduce approximately 0.12 MMTCO₂e when combined with the associated AMMP and DDRDP projects over the project lifespans.³⁹

In addition to GHG emissions reductions, Dairy PLUS Program project co-benefits include criteria and toxic pollutant emissions reductions, soil health co-benefits, fossil fuel reductions, and improved nitrogen management which results in improved water quality protection and transforming manure into fertilizer and soil amendment that promotes soil health and carbon sequestration.

d) Livestock Enteric Methane Emission Reduction Research Program

Enteric strategies, especially feed additives, hold considerable methane mitigation potential and could make significant contributions toward the 2030 target. Though multiple additives and other enteric strategies are undergoing research and development, there are currently an insufficient number of commercially available and scientifically proven additives, preventing widespread adoption of effective strategies through voluntary action or by mandate.

To facilitate further adoption, CDFA’s Livestock Enteric Methane Emission Reduction Research Program (LEMER-RP)⁴⁰ awarded \$9.2 million in competitive grants to demonstration trials evaluating additives and dietary modifications with the potential to reduce dairy and livestock enteric methane emissions. These projects may help identify safe, effective feed additives and strategies with practical on-farm implementation potential. In total, six projects were funded and are being implemented.⁴¹ This research program is intended to inform regulatory approval of animal feeds, drugs, or feeding strategies that reduce livestock enteric methane emissions. Additionally, the

³⁹ Since Dairy Plus Program projects are highly interconnected with AMMP and DDRDP grants, it is not possible at this time to assess the share of the GHG emission reduction coming from AMMP, DDRDP and Dairy Plus Program individually.

⁴⁰ CDFA, *Enteric Methane Emission Reduction Programs*, <https://www.cdfa.ca.gov/oe/efi/enteric/>.

⁴¹ CDFA, *2023 Livestock Enteric Methane Emission Reduction Research Program (LEMER-RP) Projects Selected for Award Funds* (December 2023), https://www.cdfa.ca.gov/oe/efi/enteric/docs/LEMER-RP_Selected_Projects.pdf.

Food and Drug Administration is updating its animal feed review process and seeks legislative authority to develop a regulatory pathway for impact those that reduce enteric methane.⁴²

e) New Incentive Program for Enteric Emissions Reduction

In 2023, California allocated \$25 million to CDFA to develop an incentive program for producers adopting an enteric methane-reducing feed additive or strategy. However, budgetary constraints and uncertainty surrounding the availability of scientifically proven enteric reduction strategies reduced that allocation to \$2 million. The \$2 million is allocated for developing the framework of an evidence-based program focused on enteric methane reduction through feed additives in the event increased funding is later reallocated. CDFA intends to use this funding to develop an incentive program for reducing enteric emissions that broadly stimulates practices adoption and reduction tracking.

f) Programmatic Support Available for Livestock Projects

CARB regulatory GHG emissions reduction programs complement available state funding to offer additional support to digester projects through the Cap-and-Trade and LCFS programs. CARB adopted the Compliance Offset Protocol for Livestock Projects⁴³ (“Protocol”) for projects that install manure biogas capture and destruction technologies to generate saleable compliance offset credits under the Cap-and-Trade Program. The Protocol provides eligibility rules, methods to quantify GHG reductions, monitoring requirements, and procedures for preparing project data reports. The quantification method established by the Protocol was used to develop the framework for determining the lifecycle carbon intensity of fuel pathways associated with digester projects under the LCFS regulation, which allows such projects to generate marketable credits based on reported transportation fuel production. The CPUC also implements BioMAT and a biomethane procurement program to provide reliable revenue for the beneficial use of captured methane, consistent with the SLCP Strategy and SB 1440 (Hueso, Stats. 2018, Ch. 739). A list of programs contributing incentives to support dairy and livestock methane emissions reductions is provided in Appendix B.

⁴² U.S. Food and Drug Administration, *FDA Letter to Industry: Industry Encouraged to Contact FDA Regarding Novel Animal Foods with Drug Claims*, <https://www.fda.gov/animal-veterinary/resources-you/fda-letter-industry-industry-encouraged-contact-fda-regarding-novel-animal-foods-drug-claims>.

⁴³ CARB, *Compliance Offset Protocols*, <https://ww2.arb.ca.gov/our-work/programs/compliance-offset-program/compliance-offset-protocols/livestock-projects>.

g) Technical Assistance Available for Dairies

Technical assistance increases the accessibility of incentive funding to California livestock operations that otherwise may not have the resources or technical expertise to apply for and participate in climate-smart agriculture incentive programs. Assembly Bill (AB) 2377 (Irwin, Stats. 2018, Ch. 868)⁴⁴ authorized CDFA to administer a technical assistance grant program and required several climate-smart agriculture incentive programs, including AMMP, to make 5% of appropriated funding available for technical assistance including outreach and education, project design assistance, application assistance, implementation, and reporting. The Climate Smart Agriculture Technical Assistance Grant Program⁴⁵ prioritizes smaller farms and socially disadvantaged farmers and promotes, among other climate-smart agriculture practices, on-farm methane reduction and sustainability regardless of a farm’s size.

Applicants and award recipients receive free technical assistance for application, on-farm practice implementation, and project verification. For AMMP, technical assistance providers (TAPs) are located statewide, ensuring access to assistance to all who require it. TAPs work closely with CDFA program staff to train and coordinate outreach efforts through all grant phases. Technical assistance is also provided to Dairy Plus Program participants through a partnership with CDRF.

To assist CDFA’s grant programs in reaching a broader and more diverse audience, TAPs conduct workshops to provide information to local communities, with some offering non-English language assistance. They provide guidance on climate-smart agriculture practices and project design, and assist with administrative tasks, including completing grant applications, connecting recipients to vendors, on-farm practice implementation assistance, invoicing activities, verifying appropriate use of grant funds, and ensuring program requirements are met. CDFA staff also host public application assistance workshops which are available to TAPs and eligible farmers during grant solicitation periods. These workshops provide program overviews, discuss funding availability and eligible practices, and describe the application process.

h) Improvements to Emissions Modeling and Aerial Detection Efforts to Support Leak Detection and Repair

With the support of existing funding sources, CARB is refining its ability to identify methane emissions sources. This includes emissions from previously un-

⁴⁴ Assembly Bill 2377 (2018) adds Section 570 to the Food and Agricultural Code, relating to agriculture.

⁴⁵ CDFA, *Climate Smart Agriculture Technical Assistance*, <https://www.cdfa.ca.gov/oefi/technical/>.

identified sources and leaks from digesters and associated infrastructure. Remote sensing efforts, including aerial, satellite-based, and other remote sensing monitoring technology, can help support CARB to identify and quantify methane emissions sources and can also provide frequent monitoring that allows facilities to identify “fugitive” methane sources and, where feasible, fix leaking infrastructure. Additionally, remote sensing technology can help the State understand the impact of meteorological conditions on methane sources and refine modeling assumptions that can improve methane quantification statewide.

California’s Greenhouse Gas Emissions Inventory (AB 32 GHG Inventory) follows standards for sub-national and national inventory development and aligns with Intergovernmental Panel on Climate Change criteria and U.S. EPA methods. This approach allows for comparison of the state inventory with other sub-national and international inventories through common methodologies and requirements for accuracy, making it important to carefully consider changes to the inventory. CARB updated the 2021 AB 32 GHG Inventory (2023 edition)⁴⁶ to reflect the acceleration in the portion of dairy manure managed by anaerobic digesters. This shows that over 60 anaerobic digesters were operational and managed at least 8.9% of the statewide dairy population’s manure in 2021, leading to a reduction of over 1 MMTCO₂e per year attributable to digester adoption since 2017. The forthcoming GHG Inventory will incorporate the latest statewide population and digester project data, enabling a more accurate estimate of emissions reductions and progress toward the 2030 target achieved as of 2022. Additional facility-level detail and data sources could help improve current emissions estimates.⁴⁷ To this end, CARB is evaluating the best-available state and local data to determine its utility for model improvement and policy development.

Using currently available technologies is costly and technically and scientifically challenging. Accurately and continuously measuring air pollutant emissions at large area sources like each of California’s 1,100+ independent dairy operations is complicated. Comprehensive measurements that capture long-term and seasonal variability, as well as potential tradeoffs from implementing methane emissions reductions projects, require technical expertise, careful study design and planning, and specialized equipment designed for operation in extreme conditions (such as heat and dust). Each of these factors increases overall project cost. As

a result, a more straightforward approach is to estimate emissions using widely accepted data and methods, which is consistent with other national and sub-national emissions inventories. CARB is committed to continuous improvement of emissions inventories through new research, incorporation of best available data sources and technologies, and use of site-specific data where feasible.

i) Research

Research funded by the State on dairy and livestock methane and criteria emissions continues to inform a deeper understanding of the complexities of manure management and enteric fermentation to inform better program design and regulatory consideration. Extensive research to date, including research prescribed in the Working Group research prospectus, has included literature reviews, measurement campaigns, and model development to better understand emissions and emissions reduction strategies. These efforts have focused on the effectiveness of alternative manure management strategies, downstream emissions from anaerobic digestion, enteric fermentation, emissions characterization, and emissions model development. CARB and CDFA continue pursuing additional research to better understand potential emissions reduction strategies and their co-benefits, impacts, and potential emissions tradeoffs.⁴⁸

Notably, since 2022, CDFA has implemented two dairy research programs evaluating methane emissions reduction strategies. In addition to the enteric research described above, the California Livestock Methane Measurement, Mitigation and Thriving Environments Research Program (CLIM3ATE-RP)⁴⁹ awarded \$4.74 million in funds to research projects that evaluated methane emissions reduction strategy verification, alternative methane reduction strategies, and manure recycling and innovative products development. These studies include evaluation of AMMP project implementation costs and benefits, the potential for feed byproducts to reduce enteric methane emissions from dairy cows, developing a testing and reporting standard for measuring ruminant enteric methane emissions, evaluating the enteric methane emissions reduction potential of seaweed, and assessing pre- and post-project GHG and criteria air pollutants impact of DDRDP and AMMP projects.

Dairy and livestock operations are significant contributors to statewide ammonia emissions, which can lead to the formation of ammonium nitrate, a component of particulate matter (PM) 2.5 emissions, includ-

⁴⁶ CARB, *Greenhouse Gas Inventory*, <https://ww2.arb.ca.gov/our-work/programs/greenhouse-gas-inventory>.

⁴⁷ Amini, S, et al., *Evaluating California Dairy Methane Emission Factors Using Short-Term Ground-Level and Airborne Measurements* (2022). Partially CARB-funded mobile emissions monitoring campaign Contract 16RD018.

⁴⁸ More information on criteria pollutant related research is included in Appendix A.

⁴⁹ CDFA, *2022 California Livestock Methane Measurement, Mitigation and Thriving Environments Research Program* (CLIM3ATE-RP), <https://www.cdffa.ca.gov/oeffi/research/>.

ing in the San Joaquin Valley, where most California dairy and livestock are located. CARB is currently contracting a project that involves evaluating dairy digestate and nitrogenous emissions (for example, ammonia) from dairy operations. Additionally, there is an internal effort at CARB to develop and improve process-based modeling systems to help estimate ammonia emissions from livestock operations. Based on research and extensive air quality modeling conducted by CARB and other institutions, reducing ammonia emissions by up to 30% will not lower overall levels of PM_{2.5} in the San Joaquin Valley. Other strategies for reducing PM_{2.5} levels may be more effective than reducing ammonia emissions.⁵⁰ Note also that regulation, permitting, and enforcement actions related to non-methane emissions (including criteria pollutants, ammonia, and particulate matter) at dairy and livestock operations are typically the responsibility of the state's 35 air pollution control and air quality management districts (Air Districts). These local Air Districts review project proposals, perform health risk assessments, and determine health-protective, facility-specific operational requirements for stationary emissions sources, which can include dairy and livestock operations.

CARB is also evaluating ammonia and other criteria pollutant emissions from dairies to improve the emissions inventory. This work will evaluate existing dairy emission factors, spatial distribution of dairies in air quality modeling, and comprehensiveness of facility activity data, including cattle population. This effort will include emissions estimates for dairy manure land application to ensure a more holistic and robust sectoral inventory of air pollutant emissions. CARB is also evaluating ammonia and criteria air pollutant emissions from other livestock categories, including non-dairy cattle and silage.

CARB is working to fill knowledge gaps on ammonia emissions information, including conducting research on ammonia emissions from alternative manure management practices and from dairy manure lagoons. These studies will help inform development of CARB's ammonia emission inventory, state implementation plan(s), and community air protection programs while helping to understand how changes in manure management practices may achieve additional emission reductions. CARB has also developed a mobile measurement platform equipped with a state-of-the-science ammonia analyzer and other advanced

⁵⁰ PM_{2.5} can lead to direct health impacts. Long-term (months to years) exposure has been linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function growth in children. Additionally, PM_{2.5} emissions can impact attainment status of State and federal ambient air quality standards.

analytical instruments to improve the understanding of various ammonia sources in California.

In addition to the projects described above, in May 2024, CARB held a public workshop to kick-off the Soil Nitrogenous Emissions Subject Matter Expert Review Panel (SMERP).⁵¹ The SMERP, comprised of five technical experts, serves to independently evaluate existing data and science to improve our current understanding of nitrogenous emissions, including oxides of nitrogen (NO_x), nitrous oxide, and ammonia from soils, particularly in California. CARB intends to continue collecting and evaluating information on potential strategies to reduce criteria pollutant emissions, especially those that concurrently achieve GHG emissions reductions.

A comprehensive list and description of CARB and CDFA dairy and livestock research efforts is available in Appendix A.

VI. Determination and Conclusion

Therefore, after careful consideration of your petition, the relevant law, and the ongoing development of various initiatives by CARB and CDFA to support methane reductions at dairy and livestock operations, we have reached a decision on your petition pursuant to Government Code section 11340.7. The Code provides that a state agency “may grant or deny the petition in part and may grant any other relief or take any other action it may determine to be warranted by the petition.”⁵² We are denying your petition in part and granting other relief in part, as described above. Specifically, to grant in part as to ongoing work related to assessing the prerequisites to SB 1383 later this year and engaging with stakeholders and community members including at an August 2024 workshop, continuing to evaluate emissions data and conducting additional analyses of progress toward the 2030 target, continuing incentives and technical assistance work, and researching and supporting strategies to address criteria pollutants and methane emissions from the dairy and livestock sector, and to deny in part as to immediately initiating a rulemaking.

The record upon which this decision is based includes the petition and its exhibits, this letter, the materials referenced herein, and its attachments. While CARB is denying the petition to initiate a rulemaking immediately, CARB appreciates the petitioners' con-

⁵¹ CARB, *Subject Matter Expert Review Panel on Nitrogenous Emissions from Soils*, <https://ww2.arb.ca.gov/subject-matter-expert-review-panel-nitrogenous-emissions-soils>.

⁵² Government Code § 11340.7 provides that an agency addressing a petition shall “identify the agency, the party submitting the petition, the provisions of the California Code of Regulations requested to be affected, reference to authority to take the action requested, the reasons supporting the agency determination, an agency contact person, and the right of interested persons to obtain a copy of the petition from the agency.” This response fulfills those requirements.

tinued engagement as CARB makes further outreach and analysis regarding implementation of its dairy initiatives, including consideration of SB 1383 status.

In accordance with Government Code section 11340.7, subdivision (d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. The California Air Resources Board contact persons for this matter are Meena Kaypour, Attorney, available at (951) 848–6354 or Meena.Kaypour@arb.ca.gov, and Abigail May, Senior Attorney, available at (279) 208–7125 or Abigail.May@arb.ca.gov. The California Department of Food and Agriculture contact person for this matter is Haig Baghdassarian, Deputy Secretary and Chief Counsel, available at (916) 654–1393 or Haig.Baghdassarian@cdfa.ca.gov. Interested parties may obtain a copy of the petition upon request to Chris Hopkins, available at (279) 208–7347 or Chris.Hopkins@arb.ca.gov. Upon request, physical copies can be obtained from 1001 I Street, Sacramento, California, 95814.

Sincerely,

/s/

Steven S. Cliff, Ph.D., Executive Officer, California Air Resources Board

/s/

Karen Ross, Secretary, California Department of Food and Agriculture

Enclosures (2): Appendix A: Dairy and Livestock Research Summary

Appendix B: Programs Contributing Funding or Incentives to Support Dairy and Livestock Methane Emissions Reduction Projects

cc: Christine Birdsong, Undersecretary, California Department of Food and Agriculture
Virginia Jameson, Deputy Secretary, California Department of Food and Agriculture

Haig Baghdassarian, Deputy Secretary and Chief Counsel, California Department of Food and Agriculture

Tawny Mata, Director, Office of Environmental Farming and Innovation, California Department of Food and Agriculture

Liane M. Randolph, Chair, California Air Resources Board

California Air Resources Board Honorable Board Members

Ellen M. Peter, Chief Counsel, California Air Resources Board

Edie Chang, Deputy Executive Officer, California Air Resources Board

Chanell Fletcher, Deputy Executive Officer, California Air Resources Board

Rajinder Sahota, Deputy Executive Officer, California Air Resources Board

Matthew Botill, Chief, Industrial Sources Division, California Air Resources Board

Matthew Harrison, Branch Chief, Project Assessment Branch, California Air Resources Board

Abigail May, Senior Attorney, Legal Office, California Air Resources Board

Meena Kaypour, Attorney, Legal Office, California Air Resources Board

Appendix A

Dairy and Livestock Research Summary

To date, California Air Resources Board (CARB) and California Department of Food and Agriculture (CDFA) have funded or conducted multiple dairy and livestock research studies, literature reviews, measurement campaigns, and model development efforts. Those efforts are summarized below:

Research on Effectiveness of Alternative Manure Management Practices

- 1) Mitloehner, F. *Benchmarking of pre-AMMP dairy emissions* (2019). CDFA-funded UC Davis study.
- 2) Mitloehner, F. *Post-AMMP Dairy Emissions of GHG, Ammonia and Hydrogen Sulfide from a Pastured Dairy and Compost-Bedded Pack Barn Project* (2021). CARB-funded UC Davis study.
- 3) CARB used in-house eddy covariance monitoring equipment to assess the real-time, long-term methane emissions of three study dairies.

Research on Effectiveness of Digestate Land Application Emissions

- 4) Horwath, W. *Liquid and Soil Sample Collection and Analyses of Dairy Digestate and Lagoon Effluent during Storage and Land Application Phases* (in-progress). CARB-funded UC Davis study.
- 5) Zondlo, M. *Eddy Covariance Monitoring of Nitrogenous Emissions from Land Application of Manure and Digester Effluent* (in-progress). CARB-funded Princeton study.

Research on Biomethane Constituents

- 6) Kleeman, M. *Evaluation and Identification of Constituents Found in Common Carrier Pipeline Natural Gas, Biogas, and Upgraded Biomethane in California* (in-progress). CARB-funded UC Davis study.

Literature Reviews on Dairy and Livestock Manure Methane Reduction Strategies

- 7) Kaffka, S. *Evaluation of Dairy Manure Management Practices for Greenhouse Gas Emissions Mitigation in California, Final Technical Report to the State of California Air Resources*

Board (2016). CARB-funded UC Davis literature review.

- 8) Kaffka, S. et al., *Research and Technical Analysis to Support and Improve the Alternative Manure Management Program Quantification Methodology*, UC Davis California Biomass Collaborative (2020). CARB-funded UC Davis literature review.

Literature Reviews on Enteric Methane Reducing Strategies

- 9) Appuhamy, R. and Kebreab, E. *Characterizing California-Specific Cattle Feed Rations and Improve Modeling of Enteric Fermentation for California’s Greenhouse Gas Inventory* (2018). CARB Contract 16RD001.
- 10) Kebreab, E. and Feng, Xiaoyu, *Strategies to Reduce Methane Emissions from Enteric and Lagoon Sources* (2021). CARB-funded UC Davis literature review.

Onsite, Mobile, Flyover, and Satellite-based Emissions Measurement and Monitoring Campaigns

- 11) Amini, S, et al. *Evaluating California Dairy Methane Emission Factors Using Short-Term Ground-Level and Airborne Measurements* (2022). Partially CARB-funded mobile emissions monitoring campaign Contract 16RD018.
- 12) Duren, R. et al., *California Institute of Technology Jet Propulsion Laboratory (JPL) The California Methane Survey* (2020). Partially CARB funded JPL flyover-based monitoring campaign. CARB Contract 15RD028.
- 13) California Satellite Partnership. <https://ww2.arb.ca.gov/our-work/programs/california-satellite-partnership>.
- 14) Satellite Data Purchase Program. <https://ww2.arb.ca.gov/our-work/programs/satellite-data-purchase-program>.

California Dairy Emissions Model

- 15) Kebreab, E. *Development of the California Dairy Emissions Model* (2022). CARB-funded UC Davis model development.

Enteric Testing Standard Development and Calibration

- 16) Kebreab, E. *Development of a Testing Standard and a Mechanistic Model for Enteric Fermentation Methane Emissions* (in-progress). Ongoing CARB-funded UC Davis model and testing standard development.

Appendix B

Programs Contributing Funding or Incentives to Support Dairy and Livestock Methane Emissions Reduction Projects

Each of the following programs, organized by administering agency, have contributed funding or incentive support to dairy and livestock methane emissions reduction projects:

- California Air Resources Board:
 - *Cap and Trade Program*.
 - *Low Carbon Fuel Standard*.
- California Department of Food and Agriculture:
 - *Dairy Digester Research and Development Program*.
 - *Alternative Manure Management Program*.
 - *Dairy Plus Program*.
- California Public Utilities Commission:
 - *Bioenergy Market Adjusting Tariff* (BioMAT) (established pursuant to SB 1122).
 - *Biomethane Monetary Incentive Program* (AB 2313).
 - *Dairy Biomethane Pipeline Injection Pilot Projects* (SB 1383).
 - *Renewable Gas Procurement Program* (SB 1440).
- California Energy Commission:
 - *Clean Transportation Program*.
- United States Department of Agriculture — Rural Development:
 - *Rural Energy for America Program*.
- United States Department of Agriculture — Natural Resources Conservation Service:
 - *Environmental Quality Incentives Program*.
- United States Environmental Protection Agency:
 - *Renewable Fuel Standard Program*.

DEPARTMENT OF CANNABIS CONTROL

June 3, 2024
 Katie Enright
 Founder
 Lavinia, LLC
 9350 Trade Place, Suite A
 San Diego, CA 92126
kenright4@gmail.com

Dear Katie:

This letter is in response to your email entitled, “Request for Policy Change Regarding Regulation of Edibles and Concentrates” (Petition), submitted in accordance with Government Code section 11340.6 and received by the Department of Cannabis Control

(Department) on May 8, 2024. The substance of the petition is a request that the Department exercise the rulemaking authority granted by Business and Professions Code (BPC) section 26013 to harmonize its current regulations governing the manufacture of edible cannabis products and the manufacture of other cannabis-infused products (e.g., tinctures) by amending them to ensure that both product categories are subject to the same standards and requirements. The petition explains that existing regulations, particularly those concerning ingredients permitted to be used in manufacturing cannabis products, are far more restrictive for edible products, and the disparity between the two product categories hinders innovation and competition, favors producers of non-edible cannabis products, and ignores the needs and preferences of consumers.

Pursuant to Government Code section 11340.7, within 30 days of receipt of a valid petition, the Department shall either deny the petition on its merits or schedule the matter for public hearing in compliance with the notice and hearing requirements of the Administrative Procedure Act. In accordance with Government Code section 11340.7, the Department hereby denies your petition for the reasons stated below.

The Department is governed by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), codified in BPC section 26000, et seq. MAUCRSA distinguishes edible cannabis products from other products, expressly establishing higher standards for content, production, packaging, and labeling of edible products. (BPC § 26130, subdivision (c).) The Department’s existing regulation concerning the manufacture of edible cannabis products, California Code of Regulations (CCR), title 4, section 17301, further effectuates MAUCRSA’s clear intent by implementing additional requirements to ensure the safe consumption of edible products. This regulation was adopted because the Department recognized that edible cannabis products are made of the same ingredients (aside from cannabis components) as other regulated food products, produced using the same manufacturing processes as regulated food products, and consumed in the same manner as regulated food products. Thus, many of the public health risks associated with unsafe food and dietary supplement products also exist for edible cannabis products. It is for these reasons that CCR, title 4, section 17301(a) aligns the manufacturing standards for edible cannabis products with well-established, robust, and comprehensive federal food manufacturing standards.

Additionally, BPC section 26011.5 provides: “The protection of the public shall be the highest priority for the department in exercising licensing, regulatory, and disciplinary functions under this division. Whenever the protection of the public is inconsistent with other

interests sought to be promoted, the protection of the public shall be paramount.” The Department continues to believe that treating edible cannabis products more cautiously than other types of cannabis products is warranted due to the unique nature of edible products. Edible products frequently resemble non-cannabis-infused food products, leading to an increased possibility of unintentional consumption or accidental overconsumption. Research indicates that most calls regarding children and cannabis made to poison control hotlines in California are related to consumption of edible cannabis products. Further research ties increased emergency-room visits and hospitalizations among children and the elderly to consumption of edible cannabis products. Even if the claims regarding unfair competition, disparate treatment, and consumer preferences made in the petition are accurate, the Department finds requirements for edible cannabis products that are stricter than requirements for other cannabis products to be warranted in order to provide the highest possible level of public protection and mitigate, if not eliminate, the dangers associated with accidental consumption and overconsumption of edible cannabis products.

Thank you for your interest. Any interested party may obtain a copy of your petition by sending a request to regulations@cannabis.ca.gov.

Sincerely,

/s/

Eric Partington
Attorney IV

Cc: Office of Administrative Law

**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.

CalSavers Retirement Savings Board
File # 2024-0425-02
CalSavers Retirement Savings Program

In this timely Certificate of Compliance, the CalSavers Retirement Savings Board is amending regulations to require an Eligible Employer register-

ing with the CalSavers Retirement Savings Program to provide both their Federal Employer Identification Number and California Employer Payroll Tax Account Number.

Title 10
 Amend: 10002
 Filed 06/05/2024
 Effective 06/05/2024
 Agency Contact: Tristan Woolacott(916) 653-1744

Department of Justice
 File # 2024-0416-01
 Research Center Name Change

This action without regulatory effect amends several regulations within title 11 of the California Code of Regulations to revise existing references to the Department of Justice (DOJ) Research Center to reflect its renaming from DOJ Research Center to DOJ Research Services.

Title 11
 Amend: 756.2, 820, 828.4, 828.5, 828.6, 962, 964, 966, 967, 968, 999.228
 Filed 05/29/2024
 Agency Contact: Marlon Martinez (213) 269-6437

Department of Motor Vehicles
 File # 2024-0424-01
 Traffic Violator Schools

This action without regulatory effect renames the Occupational Licensing Status Information System (OLSIS), a database for students to look up traffic violator schools, to the Occupational Licensing Lookup (OLL).

Title 13
 Amend: 345.35, 345.40, 345.41, 345.50
 Filed 06/03/2024
 Agency Contact: Randi Calkins (916) 282-7294

Air Resources Board
 File # 2024-0418-02
 Heavy-Duty Engine and Vehicle Omnibus Regulation Amendments

This action by the Air Resources Board (“ARB”) amends the Heavy-Duty Engine and Vehicle Omnibus (“Omnibus”) regulation requirements that established more stringent Oxides of Nitrogen (NOx) and Particulate Matter (PM) exhaust emission standards for 2024 and subsequent model year (“MY(s)”) heavy-duty (“HD”) internal combustion engines for sale in California. Specifically, the amendments provide engine manufacturers additional compliance flexibilities during the 2024 to 2026 MY transition years to meet the Omnibus regulation requirements, while also maintaining the originally projected emission reduc-

tions; expand flexibility for manufacturers to commence projects to offset emissions in disadvantaged communities in the 2024 and 2025 MYs; and modify the definition of “California sales volume.”

Title 13
 Amend: 1956.8, 1971.1, 1971.5
 Filed 05/31/2024
 Effective 05/31/2024
 Agency Contact: Chris Hopkins (279) 208-7347

Board of Parole Hearings
 File # 2024-0419-01

Notice of Requirements for Parole Proceedings

In this action, the Board of Parole Hearings (Board) amends its regulations to conform them to amendments made to the governing statute by Assembly Bill 88 (Chapter 795, Stats. 2023). More specifically, the regulations are amended to require no more than 15 days’ notice to the Board, by victims’ family members, their counsel, their representatives, and their support persons, of their intention to attend a parole hearing. Previously, these individuals were required to provide 30 days’ notice of this intention. In addition, the amendments allow institution victim services representatives to attend parole hearings and to provide support services to victims and their families.

Title 15
 Amend: 2056, 2057, 2058, 2063
 Filed 05/31/2024
 Effective 07/01/2024
 Agency Contact:
 Suzanna Muradyan (916) 809-2498

Board of State and Community Corrections
 File # 2024-0417-01
 In-Custody Death Requirements

In this rulemaking action, the Board amends its regulations to require facility administrators to develop written policy and procedures to ensure the reporting of in-custody deaths to the Attorney General in compliance with Government Code section 12525, submit a copy of that report to the Board within 10 days of an in-custody death, submit a copy of the initial review report to the Board within 60 days of the in-custody death, and include specific information in the initial review report.

Title 15
 Amend: 1046
 Filed 05/30/2024
 Effective 07/01/2024
 Agency Contact: Amanda Ferreira (916) 445-5073

CALIFORNIA REGULATORY NOTICE REGISTER 2024, VOLUME NUMBER 24–Z

Contractors State License Board
File # 2024–0423–01
Battery Energy Storage Systems

This action amends the scope of work for two specialty license classifications — Class C–10 (electrical contractor) and Class C–46 (solar contractor) — as it relates to the installation of photovoltaic solar energy systems and battery energy storage systems.

Title 16
Amend: 810, 832.10, 832.46
Filed 06/05/2024
Effective 10/01/2024
Agency Contact: Mike Jamnetski (916) 255–2798

Dental Hygiene Board of California
File # 2024–0418–03
Faculty to Student Ratio

This action amends section 1105 by establishing a faculty to student ratio in regulation in order to maintain the current faculty to student ratio.

Title 16
Amend: 1105
Filed 05/29/2024
Effective 07/01/2024
Agency Contact:
Adina Pineschi–Petty (916) 576–5002

Department of Social Services
File # 2024–0419–06
CalWORKs 60–Month Time Limit

In this rulemaking action, the Department amends its regulation to replace the CalWORKs 48–month time limit with a 60–month time limit, pursuant to Assembly Bill 79 (Stats. 79, chapter 11), which amended Welfare and Institutions Code section 11454. The amendments also add the COVID–19 CalWORKs time limit exemptions pursuant to Executive Orders N–2920, N–69–20, and N–75–20. Further, the amendments update MAP amounts in the Handbook sections.

Title MPP
Amend: 40–107, 42–301, 42–302, 42–431, 44–133, 44–307, 44–316, 82–504, 82–833
Filed 06/03/2024
Effective 07/01/2024
Agency Contact: Everardo Vaca (916) 657–2363

Fish and Game Commission
File # 2024–0416–03
Exotic Game Mammals and Wild Pig Validation

In this rulemaking action, the Fish and Game Commission (FGC) regulates the take of exotic game mammals.

Title 14
Adopt: 375, 376, 377, 378, 379
Amend: 250, 251.5, 252, 257.5, 258, 350, 352, 353, 401, 465.5, 679, 708.13
Filed 05/29/2024
Effective 07/01/2024
Agency Contact: David Haug (916) 902–9286

State Allocation Board
File # 2024–0422–01
California Preschool, TK & FDK Facilities Grant Program; Extended Timelines

This action amends regulations and forms governing the California Preschool, Transitional Kindergarten (TK) and Full–Day Kindergarten (FDK) Facilities Grant Program to align with amendments to Education Code section 17375, primarily related to legislative funding extensions.

Title 02
Amend: 1860.2, 1860.3, 1860.4, 1860.16, 1860.18
Filed 06/03/2024
Effective 10/01/2024
Agency Contact: Lisa Jones (279) 946–8459

California Tahoe Conservancy
File # 2024–0419–02
Use of Conservancy Land

This action by the California Tahoe Conservancy (Conservancy) amends and adopts regulations relating to the use Conservancy lands, including temporary closures, vehicle parking, recreation, and damage to trees or vegetation.

Title 14
Adopt: 12030, 12131, 12132, 12133
Amend: 12052
Filed 05/29/2024
Effective 07/01/2024
Agency Contact: Casey Strong (530) 307–8006

Commission on Teacher Credentialing
File # 2024–0423–02
Cost Recovery Fees for Program Approval and Accreditation

This rulemaking action by the Commission on Teacher Credentialing seeks to update assessment of program approval and accreditation fees.

Title 05
Amend: 80692
Filed 06/05/2024
Effective 10/01/2024
Agency Contact: Lynette Roby (916) 324–3228

Public Employment Relations Board

File # 2024-0503-01

Addition to and Modification of Transit District Regulations

This action updates existing regulations regarding representation matters for transit districts and implements the Orange County Transit District Act, San Francisco Bay Area Rapid Transit Act, and Sacramento Regional Transit District Act, which establish collective bargaining rights for certain employees of these districts and were recently amended to confer on the Public Employment Relations Board the power to adjudicate unfair practice charges by and against these districts and unions representing employees of these districts.

Title 08

Adopt: 32019.1, 32019.2, 32019.5, 32019.6, 2019.7, 32019.8, 32096, 32613, 32613.5, 32614, 32614.1, 32614.2, 32614.3, 70050, 71091, 71690, 71695, 71698, 72000, 72000.5, 72001, 72005, 72010, 72020, 72025, 72030, 72035, 72040, 72045, 72050, 72055, 72060, 72065, 72070, 72075, 72080, 72085, 72090, 72095, 72100, 72105, 72110, 72115, 72120, 72125, 72130, 72135, 72140, 72145, 72147, 72150, 72155, 72160, 72165, 72170, 72175, 72180, 72185, 72190, 72195, 72200, 72205, 72215, 72220, 72225

Amend: 31001, 32018, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32090, 32091, 32092, 32093, 32094, 32100, 32105, 32110, 32111, 32115, 32120, 32125, 32130, 32132, 32135, 32136, 32140, 32143, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32312,

32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32615, 32612 renumbered as 32616, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32720, 32980, 71010, 71030, 71035, 71040, 71090, 71095, 71100, 71110, 71120, 71130, 71140, 71210, 71230, 71235, 71300, 71310, 71320, 71680, 71685

Repeal: 71026, 71027, 71050, 71055, 71060, 71070, 71080, 71115, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080.

Filed 06/05/2024

Effective 10/01/2024

Agency Contact:

Kimberly J. Procida

(916) 591-3167

**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.