



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

FRUIT FLY INTERIOR QUARANTINE

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) 3406 Mediterranean Fruit Fly Interior Quarantine, 3417 Mexican Fruit Fly Interior Quarantine, 3423 Oriental Fruit Fly Interior Quarantine, 3424 *Bactrocera zonata* Interior Quarantine, 3441 *Bactrocera correcta* Interior Quarantine, 3442 Malaysian Fruit Fly Interior Quarantine, 3444 *Zeugodacus tau* Fruit Fly Interior Quarantine, and 3445 Queensland Fruit Fly Interior Quarantine.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on September, 3, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than September, 3, 2024. Submit comments to:

Erin Lovig, Senior Environmental Scientist
 Supervisor
 California Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 1220 N Street,
 Sacramento, CA 95814
 (916) 403–6650
Permits@cdfa.ca.gov

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698–2947 or rachel.avila@cdfa.ca.gov.

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

AUTHORITY

The Department proposes to amend Sections 3406, 3417, 3423, 3424, 3441, 3442, 3444, and 3445 pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5301, 5302, and 5322 of the FAC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of amending the CCR Sections 3406 Mediterranean Fruit Fly Interior Quarantine, 3417 Mexican Fruit Fly Interior Quarantine, 3423 Oriental Fruit Fly Interior Quarantine, 3424 *Bactrocera zonata* Interior Quarantine, 3441 *Bactrocera correcta* Interior Quarantine, 3442 Malaysian Fruit Fly Interior Quarantine, 3444 *Zeugodacus tau* Fruit Fly Interior Quarantine, and 3445 Queensland Fruit Fly Interior Quarantine is to correct quarantine language, which currently does not accurately describe how the Department will respond when a single fly is more than 3 miles from any of the other finds or within one life cycle. In this situation, the find will only expand delimitation trapping and not extend the quarantine or be considered a satellite infestation.

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 401.5, states that the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.

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

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

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

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

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

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The implementation of these regulations will help prevent potential issues when future pest finds occur within a quarantine area. The Department following USDA guidelines will help prevent the spread of pests within California, which will prevent:

- direct damage to the agricultural industry growing host fruits
- indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets
- increased production costs to the affected agricultural industries
- increased pesticide use by the affected agricultural industries
- increased costs to the consumers of host fruits
- increased pesticide use by homeowners and others
- the need to implement a State interior quarantine
- the need to implement a federal domestic quarantine

There are no existing, comparable federal regulations or statute.

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

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Sections 3406, 3417, 3423, 3424, 3441, 3442, 3444, and 3445 and has determined that they are not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the state without any impact on small business.

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

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The Department has concluded that the amendmetn of Sections 3406, 3417, 3423, 3424, 3441, 3442, 3444, and 3445 (1) will have no significant impact on the creation or elimination of jobs in the state of California, (2) will have no impact on the creation or elimination of businesses within the state of California, (3) will have no impact on the expansion of businesses within the state of California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state’s environment, and (6) is not expected to harm or benefit workers’ safety.

The health and welfare of California residents: The proposed action will benefit the health and welfare of California residents as taking the correct action when a pest is found lowers the risk that the pests could spread into the local environment via the surrounding non–agricultural ecosystems. Infestations lead to increased costs to the consumers of host materials and increased pesticide usage.

The state’s environment: The proposed action will benefit the environment as taking the correct action when a pest is found lowers the risk that the pests could spread into the local environment via the surrounding non–agricultural ecosystems.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present alternatives during the written comment period.

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

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

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

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

**TITLE 5. DEPARTMENT OF
EDUCATION**

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

NOTICE IS HEREBY GIVEN that the California Department of Education, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on July 19, 2024, and closing on September 3, 2024, inclusive. All inquiries should be directed to the contact listed below.

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

Changes to the conflict–of–interest code include:

- Reordering of classifications to maintain alphabetical listing.
- Addition of new classifications previously not covered by the Conflict-of-Interest Code including, but not limited to, Labor Relations Manager II, Labor Relations Specialist, Nurse Consultant III (Specialist) and Senior Legal Analyst.
- Removal of classifications no longer used by the California Department of Education, including, but not limited to, Labor Relations Officer, Senior Architect, and Supervising Field Representative.
- Addition of disclosure categories to the State Special Schools Staff Service Manager (SSM) classification. Since this classification supervises the Staff Services Analyst and Associate Governmental Program Analyst (which were both added in this amendment), the SSM should also have the same disclosure categories.

Information on the code amendment is available on the agency’s internet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 3, 2024, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 19, 2024, by sending an email to regcomments@cde.ca.gov.

Written comments may be submitted via U.S. mail, fax, or email to:

Lorie Adame
California Department of Education
1430 N Street, Suite 5319
Sacramento, CA 95814
Fax: 916–322–2549
Email: regcomments@cde.ca.gov

The California Department of Education has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment, including a request for a public hearing, and any com-

munication required by this notice should be directed to: Lorie Adame, Regulations Coordinator, by telephone at 916–319–0860, or email at regcomments@cde.ca.gov.

TITLE 10. CALIFORNIA ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACT BOARD

ABLE PROGRAM TRUST

NOTICE IS HEREBY GIVEN that the California ABLE Act Board (“Board” or “CalABLE”) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the attention of the Contact Person as listed in this Notice no later than Tuesday, September 3, 2024. CalABLE, upon its own motion or at the request of any interested party, may thereafter adopt the proposed substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

PROPOSED REGULATORY ACTION

The Board proposes to amendments to Sections 9000, 9001, 9003, 9004, 9005 and 9006 of the California Code of Regulations (“regulations”) as permanent regulations. The regulations implement the Board’s responsibilities related to the California ABLE Program Trust (“Program” or “Trust”).

AUTHORITY AND REFERENCE

Authority: Section 4882, Welfare and Institutions Code. Section 4882 (a) allows the Board to adopt regulations in order to administer the Program.

Reference: Section 4875, Welfare and Institutions Code; Section 529A, Internal Revenue Code; Pub. L. 113–295, division B, title I, § 103; Sections 1.529A–0 through 1.529A–8 also issued under 26 United States Code 529A(g), 26 Code of Federal Regulations Section Part 1, Appendix 1

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Legislature enacted and the Governor signed Senate Bill (SB) 324 (Chapter 796, Statutes of 2015) and Assembly Bill (AB) 449 (Chapter 774, Statutes of 2015), which authorized the Board to develop and implement the Program, which is a financial savings

tool for qualified people with disabilities as defined in Section 529A of the Internal Revenue Code.

The Board is authorized under Welfare and Institutions Code section 4882 to adopt regulations as it deems necessary to implement the Program consistent with Section 529A of the Internal Revenue Code and federal regulations issued pursuant to that code to ensure that the Program meets all criteria for federal tax–exempt benefits.

These regulations, in part, provide the framework to allow eligible individuals to save and maintain their funds in the Trust while continuing to receive public means–tested benefits. Prior to the California ABLE Act, eligible individuals were subject to asset limits in order to continue receiving public means–tested benefits. Eligible individuals could only have \$2,000 in assets before their Supplemental Security Income was impacted. With the ABLE Act, they can now contribute up to \$18,000 per year and have up to \$100,000 in their ABLE accounts and still maintain eligibility for public means–tested benefits such as Supplemental Security Income and Medi–Cal.

The following rulemaking proposal includes adding or removing text from the regulations as it pertains to the following sections: definitions; limitations on contributions; change of designated beneficiary, program–to–program transfers, and rollovers; qualified distributions; and rollover distributions which are related to the administration of the Program.

The Board anticipates the proposed regulations will benefit qualified people with disabilities through the implementation and administration of the Program. The proposed regulations are compatible and consistent with the intent of the Legislature in adopting Welfare and Institutions Code section 4875 et seq.

SUMMARY OF PROPOSED REGULATIONS

1. **Section 9000** — The purpose of modifying this section is to add the definitions in Title 26 of Federal Regulations sections 1.529A–0 through 1.529A–8 to the existing definitions for Title 10, Chapter 14, Article 1.
2. **NOTE: Authority and Reference Citations** — This is a non–substantive change to update the Reference citations to include Pub. L. 113–295, division B, title I, § 103 and Sections 1.529A–0 through 1.529A–8 also issued under 26 United States Code 529A(g), 26 Code of Federal Regulations Section Part 1, Appendix 1.
3. **Deletion of Existing Section 9000** — The purpose of repealing the current language is to add the definitions in Title 26 of Federal Regulations sections 1.529A–0 through 1.529A–8 to the existing definitions for Title 10, Chapter 14, Arti-

cle 1, and correct the sentence structure with the addition.

4. **Section 9001(c)** — The purpose of this section is to conform the definition of “Authorized Legal Representative” with the description of this role found in Title 26 of Federal Regulations section 1.529A–2(1)(i)(B)–(C).
5. **Deletion of Existing Section 9001(c)** — The purpose of repealing the current language in this section is to remove a definition for “Authorized Legal Representative” that conflicts with Federal Regulations.
6. **Deletion of Existing Section 9001(d)** — The purpose of repealing the definition “Cash” is that this term is not used within the regulations.
7. **Deletion of Existing Section 9001(e)** — The purpose of repealing the definition “Contribution” is that it is defined in Title 26 of Federal Regulations section 1.529A–1(b)(2).
8. **Section 9001(d)** — The purpose of this section is to define “CFR.”
9. **Deletion of Existing Section 9001(f)** — The purpose of repealing the definition “Distribution” is that it is defined in Title 26 of Federal Regulations section 1.529A–1(b)(5).
10. **Deletion of Existing Section 9001(g)** — The purpose of repealing the definition “Earnings” is that it is defined in Title 26 of Federal Regulations section 1.529A–1(b)(6).
11. **Section 9001(e)** — The purpose of amending this section is to clarify the definition of “IRC” refers to the Internal Revenue Code of 1986 and that amendments to the Internal Revenue Code also apply.
12. **Section 9001(f)** — The purpose of amending this section is to use terms that are defined within the definition of a “Nonqualified Distribution.” Terms such as “disbursement” and “rollover” do not have a corresponding definition within the regulations. The amended definition for “Nonqualified Distribution” uses the terms “Distribution” and “Rollover” which are included in Section 9000 with the addition of Title 26 of Federal Regulations sections 1.529A–0 through 1.529A–8.
13. **Deletion of Existing Section 9001(i)** — The purpose of repealing the current language in this section is to remove a definition for “Nonqualified Distribution” that contains terms that are not defined such as “disbursement” and “rollover.”
14. **Section 9001(g)** — The purpose of amending this section is to update the definition for “Program Administrator” to the entity that provides program administrative services for the Board.

15. **Deletion of Existing Section 9001(j)** — The purpose of repealing the current language in this section is to remove a definition for “Program Administrator” that is no longer accurate with the Program launch in December 2018.
16. **Deletion of Existing Section 9001(k)** — The purpose of repealing the definition “Secretary” is that this term is not used within the regulations.
17. **Section 9001(h)** — The purpose of this section is to define “Sibling.”
18. **Section 9001(i)** — This is a non-substantive change to correct the Section number due to the deletion of the prior existing sections.
19. **Section 9001(j)** — The purpose of this section is to define “Tax Regulations.”
20. **Section 9003** — The purpose of this section is to conform the regulations with IRC section 529A and federal Tax Regulations, and to ensure that the Program will still be a qualified ABLE Program in the event of any changes in how limitations on contributions are defined.
21. **Deletion of Existing Section 9003(a)** — The purpose of repealing this section is to ensure that if the annual contribution limit were to ever be changed from the federal gift tax exclusion limit, the Program will comply with the IRC section 529A and federal Tax Regulations.
22. **Deletion of Existing Section 9003(b)** — The purpose of repealing this section is to ensure that if changes were made regarding maximum account balances at the federal level, the Program will comply with the IRC section 529A and federal Tax Regulations.
23. **Deletion of Existing Section 9003(c)** — The purpose of repealing this section is that there are exceptions to the annual contribution limit, making this section inaccurate.
24. **Deletion of Existing Section 9003(d)** — The purpose of repealing this section is that there are exceptions to the annual contribution limit, making this section inaccurate.
25. **Section 9004** — This is a non-substantive change to correct the Section title.
26. **Section 9004(a)** — The purpose of this section is to conform the regulations to IRC section 529A and federal Tax Regulations by specifying that both Program-to-Program Transfers and Rollovers are possible, and that Program-to-Program Transfers and Rollovers to non-siblings are not permitted. It also adds that roll over funds from an existing IRC section 529 account are possible as long as it is allowed by IRC section 529 and federal Tax Regulations, a provision that is currently scheduled to sunset at the end of 2025.
27. **Section 9004(b)** — The purpose of this section is to describe a change of Designated Beneficiary that is effective upon death.
28. **Deletion of Existing Section 9004(a)** — The purpose of repealing this section is that section 9004(a) will cover a change of Designated Beneficiary, along with Program-to-Program Transfers and Rollovers.
29. **Deletion of Existing Section 9004(b)** — The purpose of repealing this section is that section 9004(a) will cover Rollovers, along with a change of Designated Beneficiary and Program-to-Program Transfers.
30. **Section 9005(a)** — The purpose of this section is to describe that a qualified distribution includes both a distribution that is used to pay for the Qualified Disability Expenses of an Account Owner and a Rollover.
31. **Section 9005(b)** — The purpose of this section is to describe that a nonqualified distribution is any distribution that is not used to pay for a Qualified Disability Expense or a Rollover. This section also describes the potential consequences of a nonqualified distribution.
32. **Deletion of Existing Section 9005(a)** — The purpose of repealing the existing language in Section 9005(a) is that it only included Qualified Disability Expenses as a qualified distribution when a Rollover also qualifies. Additionally, Account Owners may use the Account for nonqualified distributions; however, there may be potential consequences which are described in Section 9005(b).
33. **Deletion of Existing Section 9005(b)** — The purpose of repealing the existing language in Section 9005(b) is to simplify the description of a Rollover which is now defined in Section 9000 with the addition of Title 26 of Federal Regulations section 1.529A-0 through 1.529A-8.
34. **Deletion of Existing Section 9006.** — The purpose of repealing this entire section is that there are multiple types of rollovers allowed with differences depending on whether the rollover is done for the same Account Owner, a Sibling, or from an existing IRC section 529 account.
35. **Section 9006.** — Non-substantive change to correct Section number due to the deletion of existing section 9006.

CITATIONS FOR PROPOSED REGULATIONS MANDATED BY FEDERAL LAWS OR FEDERAL REGULATIONS

Proposed regulation Sections 9000, 9001, 9003, 9004, 9005 and 9006 references sections, Section 529A, Internal Revenue Code; Pub. L. 113–295, division B, title I, § 103; Sections 1.529A–0 through 1.529A–8 also issued under 26 United States Code 529A(g), 26 Code of Federal Regulations Section Part 1, Appendix 1

The full text of the federal regulations referenced above are found in Section 529A, Internal Revenue Code; Pub. L. 113–295, division B, title I, § 103; Sections 1.529A–0 through 1.529A–8 also issued under 26 United States Code 529A(g), which is available online at <https://uscode.house.gov/view.xhtml?reg=granuleid:USC-prelim-title26-section529A&num=0&edition=prelim>.

The full text of the federal regulations referenced above are found in 26 Code of Federal Regulations Section Part 1, Appendix 1, which is available online at <https://www.treasurer.ca.gov/able/2020-22144.pdf>.

EVALUATION OF INCONSISTENCY AND INCOMPATIBILITY

CalABLE performed a search in the California Code of Regulations and the proposed regulations are neither inconsistent nor incompatible with existing regulation.

OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

No other matters prescribed by statute are applicable to the Board or to any specific regulation or class of regulations pursuant to Section 11346.5(a)(4) of the California Government Code pertaining to the proposed regulations or the Board.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Board has determined the proposed regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

The Board has determined that the adoption of the proposed regulations do not impose any additional cost or savings to any state agency, any costs to any lo-

cal agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq., any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

INITIAL DETERMINATION REGARDING ANY SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the adoption of the proposed regulations will not affect small businesses. Small businesses will not be enrolled in the program. As such, they will not be impacted by the proposed regulations.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Assessment of Effect on Jobs and Business Expansion, Elimination or Creation

Adoption of these proposed regulations will not create or eliminate jobs within California, nor create new businesses or eliminate existing businesses within California. The proposed regulations could likely impact the expansion of businesses currently doing business within the State of California.

Assessment of Effect to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

As stated above, the proposed regulations will benefit the health and welfare of California residents, specifically, qualified individuals with disabilities who will use this program for their financial betterment. The Board does not expect that the regulations will affect worker safety or the state's environment.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS.

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

COST IMPACT ON HOUSING

The proposed regulations will not have any effect on housing costs.

CONSIDERATION OF REASONABLE ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative to the regulations considered by the Board or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements with respect to alternatives to the proposed regulations during the written comment period. The Board does not believe that a reasonable alternative exists outside the amendments made here to the regulations to aid in streamlining changes so that the Program is consistent with federal authority and where the proposed changes seek to promote clarity of the Program for the benefit of the public at-large.

AGENCY CONTACT PERSONS

Written comments, inquiries, and any questions regarding the substance of the proposed regulations shall be submitted or directed to:

Thomas Martin, Executive Director
California ABLE Act Board
901 P Street, Suite 413
Sacramento, CA 95814
Telephone: (916) 653-1728
Email: thomas.martin@treasurer.ca.gov

The following person is designated as a backup contact person for inquiries only regarding the proposed regulations:

Madeline Handy
California ABLE Act Board
901 P Street, Suite 413
Sacramento, CA 95814
Telephone: (916-653-1728)
Email: madeline.handy@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulations to CalABLE. The written com-

ment period on the proposed regulations will end on Tuesday, September 3, 2024. All comments to be considered by CalABLE must be submitted in writing to the Agency Contact Person identified in this Notice by that time.

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

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Board's office at 901 P Street, Suite 413, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons, and Final Statement of Reasons and the proposed text, may be viewed on the website at <https://www.treasurer.ca.gov/able/>.

PUBLIC HEARING

No public hearing regarding the proposed regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to CalABLE at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the proposed regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, if one is held, and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Executive Director and will be mailed to those persons who submit writ-

ten comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Thomas Martin, Executive Director, California ABLE Act Board, 901 P Street, Suite 413, Sacramento, CA, 95814; telephone, (916) 653–1728. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION REGULATION 1201 — DEFINITIONS RELATED TO PEACE OFFICER CERTIFICATION

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code (GC) section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by September 3, 2024.

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to Katelynn Poulos, katelynn.poulos@post.ca.gov, or by letter to:

Commission on POST
Attention: Katelynn Poulos
860 Stillwater Road, Suite 100
West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which autho-

rizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2 (2021). SB 2 (2021) made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer eligibility requirements. SB 2 (2021) also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. While the peace officer eligibility requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes went into effect on January 1, 2023. POST continues to review and update processes and regulatory actions in response to the implementation of SB 2 (2021).

This rulemaking action clarifies and makes specific the definition of terms related to peace officer certification. The regulatory amendment proposed in this rulemaking action will provide additional clarity by providing definitions for additional terms related to peace officer certification: “Accusation,” “Cancelled Appointment,” “Cancelled Certificate,” “Conditional Certification,” “Default revocation,” “Denied Appointment,” “Denied Certificate Application,” “Revoked,” and “Stipulated Settlement.”

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will provide clarity by defining additional terms related to peace officer certification. This will increase the efficiency of the state of California in delivering services to stakeholders. Thus, law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in the state. The proposed amendments will have no impact on worker safety or the state’s environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

FORMS INCORPORATED BY REFERENCE

There are no forms incorporated by reference.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC §§ 17500 through 17630: None.

Other non–discretionary costs or savings imposed on local agencies: None.

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulation addresses requirements that are currently in place as they relate to understanding the status or validity of a peace officer’s certification and/or appointment and only affect law enforcement agencies. Additionally, the Commission’s main function to establish and maintain training standards for law enforcement has no financial effect on small businesses.

**RESULTS OF ECONOMIC IMPACT
ANALYSIS/ASSESSMENT**

POST concludes that it is (1) unlikely the proposal will create or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing clarity to terms that reflect the status of peace officer certification. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would

be no impact that would affect worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Katelynn Poulos, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630 at (916) 227–4894. General questions regarding the regulatory process may be directed to Ashley Anderson at (916) 970–4635.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at <https://post.ca.gov/Regulatory–Actions>.

**ADOPTION OF PROPOSED REGULATIONS/
AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designat-

ed in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

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

RECEPTION CENTER HEALTH CARE

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3999.98, and 3999.305 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 2, concerning Reception Center health care.

PUBLIC HEARING

A virtual public hearing will be held on September 4, 2024. Go to <https://cchcs.ca.gov/health-care-regs/> for the link to join the virtual hearing, or you may call (916) 701-9994 and enter phone conference ID 230 594 355 009# to join by phone (audio only) between the hours of 1:30 p.m. and 2:00 p.m. on September 4, 2024.

PUBLIC COMMENT PERIOD

The public comment period will close on **September 4, 2024, at 5:00 p.m.** Any person may submit public comments in writing (by mail or email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA,

95758, or by email to HealthCareRegulations@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2922

A. Burrell
Staff Services Manager II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691-2921

AUTHORITY AND REFERENCE

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

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Sections 4040(a)(2), 4076, 4170 and 4171(b), Business and Professions Code; Section 1157, Evidence Code; Section 11150 Health and Safety Code; Sections 3424 and 5054, Penal Code; *Perez, et al. v. Cate, et al.* (Number C05-05241 JSW), U.S. District Court, Northern District of California; and *Plata v.*

Newsom (Number C01-1351 JST), U.S. District Court, Northern District of California.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The CDCR proposes to amend sections 3999.98, and 3999.305 of the CCR, Title 15, Division 3, Chapter 2, governing Reception Center health care. Current Title 15 regulations no longer align with numerous recent revisions to the Reception Center health care assessment process, which is part of the Reception Center initial intake process for each person newly committed to the CDCR custody.

This action provides the following:

- That Reception Center initial health screenings are conducted or reviewed by a registered nurse when appropriate.
- That patients are provided with the option for more comprehensive screening tests as well as education about the screening tests.
- That staff are aware of procedures to follow when patients decline a screening test.
- Proper initial health screening of patients on Medication Assisted Treatment.
- Timely mental health screenings to newly committed patients.
- Reception Center dental screenings for newly committed patients.

**BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The Department anticipates the proposed regulations will benefit CDCR staff and the regulated public by helping to properly identify the health care needs of each person newly committed to the CDCR custody; provide continuity of pharmaceutical care for Medication Assisted Treatment patients; help patients make informed decisions about screening tests; and standardize the documentation of declined screening tests.

FORMS INCORPORATED BY REFERENCE

Not applicable.

**EVALUATION OF CONSISTENCY/
COMPATIBILITY WITH
EXISTING REGULATIONS**

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the

Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 17500-17630.

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because the proposed regulations relate strictly to the initial health screening of each person newly committed to the CDCR custody, which only affects staff and patients within CDCR.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed action relates strictly to the initial health screening of each person newly committed to the CDCR custody, which only affects staff and patients within CDCR.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

The proposed regulations will benefit the health and welfare of California residents and worker safety by providing a comprehensive initial health screening (which includes a timely mental health screening) to persons newly committed to the CDCR custody. The initial health screening will facilitate access to care and continuity of care to patients within CDCR.

The Department has determined that the proposed action will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses cur-

rently doing business in California because the proposed action relates strictly to the initial health screening of each person newly committed to the CDCR custody, which only affects staff and patients within CDCR.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will benefit the health and welfare of California residents and worker safety by providing a comprehensive initial health screening (which includes a timely mental health screening) to persons newly committed to the CDCR custody. The initial health screening will facilitate access to care and continuity of care to patients within CDCR.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed action will align Title 15 regulations with recent revisions to the Reception Center health care assessment process, which is part of the Reception Center initial intake process for each person newly committed to the CDCR custody; which only affects incarcerated persons and staff within CDCR.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed action will align Title 15 regulations with recent revisions to the Reception Center health care assessment process, which is part of the Reception Center initial intake process for each person newly committed to the CDCR custody; which only affects incarcerated persons and staff within CDCR.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has

been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

TITLE 16. BOARD OF OPTOMETRY

HOME RESIDENCE PERMITS ADOPT SECTION 1507.5 AND AMEND SECTION 1524

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than by Tuesday, September 3, 2024**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 137, 138, 3025, 3041, 3044, 3070.1, 3075, 3092, 3110, 3152, and 3152.5, of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 27, 30, 31, 136, 137, 138, 142, 144, 163.5, 480, 494.5, 495, 2544, 3041, 3041.3, 3055, 3070, 3070.1, 3075, 3077, 3078, 3092, 3110, 3151, 3151.1, 3152, and 3152.5, the Board is considering adopting section 1507.5 and amending section 1524 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Home Residence Permit program was established by Assembly Bill (AB) 458 (Nazarian, Chapter 425, Statutes of 2019), which became effective January 1, 2020, and amended Business and Professions Code (BPC) sections 3070.1 and 3152. Among other things, Section 3070.1 would allow an optometrist who is certified to use therapeutic pharmaceutical agents to obtain a home residence permit by submitting an application to the board and paying applicable fees and would establish a process for the issuance and renewal of home residence permits, including prescribing application, renewal, and delinquency fees.

BPC section 3070.1 authorizes the Board to prescribe how an optometrist can apply for a home residence permit. BPC section 3070.1 also authorizes the Board to prescribe the consumer notice that an optometrist must provide to a consumer prior to engaging in the practice of optometry at a home residence.

Existing regulations do not provide the process for issuing permits for optometrists to acquire a home residence permit nor do existing regulations provide for the consumer notice.

This proposal would set such standards in regulation by adopting the Home Resident Permit application at CCR section 1507.5 and proposed amendments at CCR section 1524.

Existing law at BPC section 3152(u), (v) and (w) set the home resident permit application fee, renewal fee, and delinquency fee at \$50, \$50, and \$25, respectively.

This proposal would also place these fee amounts in regulation, at CCR 1524.

Specifically, the Board’s proposal includes the following:

- *Adopt section 1507.5 of Article 2 of Division 15 of Title 16 of the CCR to establish all the following:*
 - (A) Initial application requirements, as specified.
 - (B) Renewal requirements, including that the home residence permit is valid for two years or until the optometrist’s license renewal date, as specified.
 - (C) The consumer notice required to be provided to each patient, either in-person or electronically. The notice requirements specifically include a minimum 14-point font requirement, and require the following information:
 - a. The name, license number, email address, telephone number, primary business address and normal business hours of the optometrist.
 - b. At a minimum the additional following information:
 - i. CONSUMER NOTICE

The practice of optometry in California is regulated by the California State Board of Optometry. The Board of Optometry receives and investigates all consumer complaints involving the practice of optometry. Complaints or grievances involving a California-licensed optometrist or optician should be directed in writing to:

California Department of Consumer Affairs
Board of Optometry
2540 Del Paso Road, Suite 105
Sacramento, CA 95834
Phone: 1-866-585-2666 or 916-575-7170
Email: optometry@dca.ca.gov
Website: optometry.ca.gov

PRESCRIPTIONS

Optometrists are required to provide patients with a copy of their ophthalmic lens prescriptions as follows:

- Spectacle prescriptions: Release upon completion of exam.
- Contact lens prescriptions: Release upon completion of exam or upon completion of the fitting process.

VOLUNTARY RELEASE OF PATIENT’S MEDICAL INFORMATION

The patient may choose to release their medical information related to the optometrist’s provision of optometry services to the Board of Optometry. This authorization is voluntary, and the medical information will only be used to investigate complaints and to conduct the Board of Optometry’s enforcement duties under Optometry Practice Act.

- (D) A requirement for each patient, or patient’s caregiver, to sign and acknowledge that they have received the consumer notice. This must be retained in the patient’s file.
- (E) A requirement that the authorization provided by the optometrist to the patient or patient’s caregiver to release the patient’s medical information to the Board shall be signed separately from the consumer notice signature requirement.
- *Amend section 1524 of Article 5 of Division 15 of Title 16 of the CCR to include fees for all of the following:*
 - (A) application fee for a home residence permit,
 - (B) the renewal fee for a home residence permit, and
 - (C) the delinquency fee for a home residence permit.

Anticipated Benefits of Proposal

The anticipated benefits of the home residence permit program are substantial and wide-reaching, positively impacting both regulatory alignment and public welfare. Here are the key advantages:

The proposal aims to implement the home resident permit program by adopting Title 16 CCR section 1507.5, aligning it with BPC section 3070.1. Amending Title 16 CCR section 1524 aligns it with BPC section 3152. This ensures that the Board’s home residence permit program is in full regulatory compliance. This alignment sets a solid foundation for seamless integration and operation.

Introducing new section 1507.5 establishes a comprehensive application and renewal process for the home residence permit program. These guidelines serve as a roadmap, providing specific direction and requirements for optometrists seeking a home residence permit.

Application and registration requirements for the home residence permit set minimum standards for ap-

plicants. This ensures that only qualified and capable individuals or are entrusted with providing optometric care at these home residences.

The institution of application, renewal, and delinquency fees for the home residence permit enables the Board to efficiently administer the program. This financial structure ensures that the program remains sustainable and well-supported.

The home residence program directly benefits all Californians but especially those residing in underserved, low-income, and rural areas of the state. By authorizing through regulation services to be provided to patients in their homes, optometrists will be able to increase access to optometric care. As a result, the proposed home residence program addresses a critical healthcare gap, ensuring that vulnerable populations have access to essential vision services within the comfort of their personal residences.

Increased access to optometric care has the potential to significantly improve the health outcomes of individuals in underserved communities. Early detection and intervention for vision issues can prevent more severe complications and enhance overall well-being.

This proposal complies with the legislative mandate to establish such standards and prioritizes public safety, efficient administration, and, most importantly, the health and well-being of Californians in need. This proposal represents a significant step towards ensuring equitable access to high-quality optometric care for all.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board anticipates up to 20 licensees will opt to apply for the initial home residence permit per year and will renew biennially.

Expenditures: The regulations are projected to result in workload and costs ranging from \$2,200 to \$14,600 per year and up to \$80,100 over a ten-year period.

The Board does not anticipate additional enforcement-related workload or costs resulting from the proposed regulations.

Revenues: The regulations are anticipated to result in annual initial and renewal permit revenues ranging from approximately \$1,000 to \$5,000 per year and up to \$30,000 over a ten-year period.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

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

This initial determination is based on the following facts:

The home residence permit program is exclusive to licensed optometrists in the State of California. The purpose of the home residence permit program is to expand access to eye care, especially to underserved communities in California.

Individuals opting to apply for a home residence permit will be required to apply for licensure and pay applicable fees, including:

- Home Residence Permit (Initial Application): \$50
- Biennial Renewal: \$50
- Delinquency Fee: \$25

The Board anticipates up to 20 licensees will opt to apply for the initial home residence permit per year and will renew biennially with costs ranging from approximately \$1,000 to \$5,000 per year and up to \$30,000 over a ten-year period.

Cost Impact on Representative Private Person or Business:

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

The regulations would allow California licensed optometrists to provide their services in home residences, positively benefiting California consumers by increasing access to eye care.

The Board anticipates up to 20 licensees will opt to apply for the initial home residence permit per year

and will renew biennially with costs ranging from approximately \$1,000 to \$5,000 per year and up to \$30,000 over a ten-year period.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The California State Board of Optometry has determined that this regulatory proposal will not have significant impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or,
- 3) the expansion of businesses currently doing business within the state.

This proposal would not have any of the above-referenced impacts as explained in the “Business Impact Estimates” section of this notice.

This new business model was created by legislation enacting BPC section 3070.1 and the proposed regulations only aim to improve access to care for consumers and better define existing laws and processes. Additionally, since home residence permits would be an optional service, it does not require startup costs that all licensees would be forced to implement.

Benefits of Regulation:

The California State Board of Optometry has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. The proposed regulations will implement a home residence permit program that directly benefits Californians residing in underserved, low-income, and rural areas of the state. By authorizing through regulation services to be provided through home residence permits, optometrists will be able to increase access to eye care.

This proposal will set minimum standards for home residence permits to meet and therefore ensure that only qualified and capable individuals are entrusted with providing optometric care at personal residences. This helps in effective enforcement, safeguarding the well-being of patients and the community.

This regulatory proposal does not affect or relate to either worker safety or the state’s environment as this proposal is not related to any of those issues.

Business Reporting Requirements:

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

Effect on Small Business:

The Board estimates minimal cost impacts a small business would necessarily incur in reasonable compliance with the proposed action.

The Board anticipates up to 20 licensees will opt to apply for the initial home residence permit per year and will renew biennially with costs ranging from approximately \$1,000 to \$5,000 per year and up to \$30,000 over a ten-year period.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2450 Del Paso Road, Suite 105, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 2450 Del Paso Road, Suite 105, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for

15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

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

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

CONTACT PERSONS

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

Name: Gregory Pruden

Address: California State Board of Optometry
2450 Del Paso Road, Suite 105

Sacramento, CA 95834

Telephone Number: 916–574–7808

Email Address: Gregory.Pruden@dca.ca.gov

The backup contact person is:

Name: Randy Love

Address: California State Board of Optometry
2450 Del Paso Road, Suite 105

Sacramento, CA 95834

Telephone Number: 279–895–1471

Email Address: Randy.Love@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at <https://optometry.ca.gov/lawsregs/propregs.shtml>.

**TITLE 21. DEPARTMENT OF
TRANSPORTATION — DIVISION OF
AERONAUTICS**

**AIRPORT GRANT ELIGIBILITY
REGULATION UPDATE**

The California Department of Transportation (Caltrans) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding this action.

PUBLIC HEARING

Caltrans will hold a public hearing on September 3, 2024, from 9:00 a.m. to 4:00 p.m. at the Basement Conference Room located at 1120 N Street, Sacramento, California. The Basement Conference Room is ADA-accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. Caltrans requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action to Caltrans. Comments may be submitted by email to aeronautics@dot.ca.gov.

Comments may also be mailed to:

Tarek Tabshouri
Office of Technical Services
Division of Aeronautics — Caltrans
1120 N Street
Sacramento CA 95814

Comments may also be Faxed to: (916) 653–9531.

The written comment period closes on **October 18, 2024**. Caltrans will consider only comments received by that date at the office location above, by email, or by FAX.

AUTHORITY AND REFERENCE

Public Utilities Code (PUC) Sections 2102, 21204, and 21243 authorize Caltrans to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Public Utilities Code Sections 21001, 21681, and 21683.

**INFORMATIVE DIGEST/ POLICY
STATEMENT OVERVIEW**

This rulemaking action adds new categories of airport projects that would be eligible for grant funding through the Caltrans Acquisition and Development (A&D) Program.

Public Utilities Code (PUC) Sections 21002, 21204, and 21243 authorize Caltrans to adopt regulations to further protect the public interest in aeronautics and aeronautical progress. Airport project categories that are currently eligible for A&D Program grants are set forth in PUC Sections 21207 and 21681(f) and in the California Code of Regulations (CCR) Title 21, Section 4061.

This regulatory action will amend CCR Title 21, Section 4061, to add new project categories. These project categories promote solar and other alternative energy sources for airports, reduce harmful emissions, promote electric aircraft operations, and enhance an airport’s ability to support emergency services, community outreach events, and educational programs.

**ANTICIPATED BENEFITS OF THE
PROPOSED REGULATION**

Anticipated benefits from this rulemaking include reducing reliance on fossil fuels, improving air quality, improving public safety, providing economic opportunities, promoting healthier communities, and creating a more equitable, sustainable, and resilient aviation transportation system.

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

Caltrans has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, Caltrans has concluded that these are the only regulations that apply to this proposal.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Caltrans has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None.
- Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As this proposal does not adjust grant program funding level, there would be no economic impact from this proposal. Should additional grant funding be made available, Caltrans concludes that it is: (1) unlikely that the proposal will eliminate any jobs, (2) likely that the proposal will create an unknown number of jobs for businesses, (3) likely that the proposal will create an unknown number of new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) likely that the proposal will result in the expansion of businesses currently doing business within the state. The extent of the impacts would depend on the future funding levels.

BENEFITS OF THE PROPOSED ACTION

This proposed action creates a regulatory pathway for airports to request grants for the operation of zero-emission vehicles and aircraft, facilitate the lowering of harmful emissions, improve access to emergency service operations, increase community aviation educational access, and create local clean energy sources. As such, this proposed action benefits the health and welfare of California residents, worker safety, and the state's environment by promoting safety, equity, sustainability, community health, and climate resilience. This proposed action puts California one step ahead in pursuing a low-carbon aviation transportation sector.

Caltrans has determined that the proposed action does not negatively affect small businesses and may have a positive effect on them by providing them new economic opportunities in the construction or airport services sectors, should funding levels be commensurate with project needs.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Tarek Tabshouri
 Division of Aeronautics — Caltrans
 1120 N Street
 Sacramento CA 95814
 Telephone: (916) 879-2965

The backup contact person for these inquiries is:

Carol Glatfelter
 Division of Aeronautics — Caltrans
 1120 N Street
 Sacramento CA 95814
 Telephone: (916) 879-7185

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Tabshouri at the above address.

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

Caltrans will have the entire rulemaking file publicly available throughout the rulemaking process. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations. Copies may be obtained by contacting Mr. Tabshouri at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, Caltrans may adopt the proposed regulations substantially as described in this notice. If Caltrans makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the regulations are adopted as revised. Please send requests for copies of any modified regulations to the attention of Tarek Tabshouri at the address indicated above. Caltrans will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Tabshouri at the above address.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Caltrans Aeronautics Program website at: <https://dot.ca.gov/programs/aeronautics>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

**FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
MIDDLE CREEK COHO ENHANCEMENT
PROJECT (PHASE 1) (TRACKING NUMBER:
1653-2024-140-001-R1)
SISKIYOU COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 28, 2024, that the Mid Klamath Watershed Council proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the creation of fourteen large woody debris structures and an off-channel hab-

itat pond. The proposed project will be carried out on Middle Creek, a tributary to Horse Creek along the Klamath River at Klamath River Mile 149, Siskiyou County, northern California.

On May 13, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Middle Creek Coho Enhancement Project (Phase 1). On May 29, 2024, supplemental information was provided, and the NOI was deemed complete. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No 1A24060WNSI; ECM PIN Number CW-894859) for coverage under the General 401 Order on June 21, 2024.

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

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

**DEPARTMENT OF FISH AND
WILDLIFE**

**FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
SCOTT RIVER WATERSHED PROCESS
BASED RESTORATION REPAIR AND
MAINTENANCE PROJECT (TRACKING
NUMBER: 1653-2024-141-001-R1)
SISKIYOU COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 1, 2024, that the Scott River Watershed Council proposes to carry

out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves continuing stewardship activities for previously authorized restoration projects such as maintaining beaver dam analogues and augmenting small woody debris and spawning gravels. The proposed project will be carried out on Sugar Creek, French Creek, and Patterson Creek, all tributary to the Scott River, within the Scott River Hydrologic Unit 105.42. The coordinates of the Project are 41.398064° N, 122.870192° W; 41.341006° N, 122.825019° W; and 41.506944° N, 122.929722° W.

On May 13, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Scott River Watershed Process Based Restoration Repair & Maintenance Project. On May 24, 2024, supplemental information was provided, and the NOI was deemed complete. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1A24058WNSI; ECM PIN Number CW-894808) for coverage under the General 401 Order on June 27, 2024.

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

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

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES RESEARCH ON CALIFORNIA BLACK RAIL

The Department of Fish and Wildlife (Department) received a proposal from Jonathan Feenstra, requesting authorization to take California black rail (*Laterallus jamaicensis coturniculus*; rail), a Fully Protected bird, for scientific research purposes consistent with conservation and recovery of the species. The rail is listed as Threatened under the California Endangered Species Act.

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

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

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after August 19, 2024, for an initial and renewable term of up to, but not to exceed five years. Contact: Justin Garcia, Justin.Garcia@wildlife.ca.gov (916) 207-4957.

DEPARTMENT OF FISH AND
WILDLIFE

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
MONITORING AND RESEARCH
AT CALIFORNIA LEAST TERN
NESTING COLONIES

The Department of Fish and Wildlife (Department) received a proposal from Kevin Clark of the San Diego Natural History Museum, requesting authorization to take California least tern (*Sternula antillarum browni*; tern), a Fully Protected bird, for scientific research purposes consistent with the protection and recovery of the species. The tern is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Kevin Clark is planning to conduct research and monitoring on the tern in San Diego County, in accordance with the methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The following research activities are proposed: harass by survey; locate, mark, and monitor nests using binoculars, spotting scopes, and walking transects; capture, band, and release chicks; collect or bury non-viable eggs; and salvage carcasses of chicks or adults. If any terns are found dead, they will be salvaged and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual terns or tern populations are expected.

The Department intends to issue a Memorandum of Understanding to Kevin Clark that would authorize qualified professional wildlife researchers, under specified conditions, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit and federal bird banding lab permit for the tern.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after a 30-day notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after July 19, 2024, for an initial and renewable term of up to five years. Contact: Hans Sin, Hans.Sin@wildlife.ca.gov, Phone (858) 539-9022.

DEPARTMENT OF FISH AND
WILDLIFE

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
MONITORING AND RESEARCH
AT CALIFORNIA LEAST TERN
NESTING COLONIES

The Department of Fish and Wildlife (Department) received a proposal from Robert Patton requesting authorization to take California least terns (*Sternula antillarum browni*; tern), a Fully Protected bird, for research purposes consistent with protection and recovery of the species. The tern is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Robert Patton is planning to conduct research on the tern throughout San Diego County, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The following research activities are proposed: locate, monitor, and mark nests using binoculars, spotting scopes, and walking transects; handle and mark eggs; capture, band, measure, and release terns; remotely monitor nests and terns using cameras; and salvage abandoned eggs and carcasses. If any terns are found dead, they will be salvaged and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual terns or tern populations are expected.

The Department intends to issue a Memorandum of Understanding to Robert Patton that would authorize qualified professional wildlife researchers, under specified conditions, to carry out the proposed activities. The applicant is also required to have a valid federal recovery permit and federal bird banding lab permit for the tern, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after July 19, 2024 for an initial and renewable

term of up five years. Contact: Hans Sin, Hans.Sin@wildlife.ca.gov, Phone (858) 539-9022.

**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.

Cradle to Career Data System

File # 2024-0605-02

Conflict-of-Interest Code

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

Title 05
Adopt: 101000
Filed 07/09/2024
Effective 07/09/2024
Agency Contact: Arti Wasu (916) 323-2324

Department of Conservation

File # 2024-0628-01

SB 1137 First Emergency Implementation
Regulations

This action without regulatory effect repeals section 1765.11, and makes corresponding amendments to the headings of all other sections, of Article 2.5 [concerning Health Protection Zones around new oil and gas wells] of Subchapter 2 of Chapter 4 of Division 2 of Title 2 of the California Code of Regulations as a result of the withdrawal, on June 27, 2024, of Referendum 1940 (22-0006).

Title 14
Amend: 1765, 1765.1, 1765.2, 1765.3, 1765.4, 1765.4.1, 1765.5, 1765.5.1, 1765.6, 1765.7, 1765.8, 1765.9, 1765.10
Repeal: 1765.11
Filed 07/08/2024
Agency Contact: Christine Hansen (916) 694-7577

California Apprenticeship Council

File # 2024-0523-01

Apprentice Dispatch Request 230.1

In this rulemaking action, the Council amends its regulation to set forth the information required to be included in a contractor's request to dispatch apprentices.

Title 08
Amend: 230.1
Filed 07/03/2024
Effective 10/01/2024
Agency Contact: Glen Forman (415) 407-7637

Fish and Game Commission

File # 2024-0521-01

Waterfowl hunting

This rulemaking action by the Fish and Game Commission adjusts the dates for the 2024-2025 season for various California waterfowl hunting zones.

Title 14
Amend: 502
Filed 07/03/2024
Effective 07/03/2024
Agency Contact: Jennifer Bacon (916) 902-9285

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

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