



California Regulatory Notice Register

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AUGUST 23, 2024

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DEPARTMENT OF FISH AND WILDLIFE

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(Continued on next page)

***Time-
Dated
Material***

DEPARTMENT OF FISH AND WILDLIFE

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(Tracking Number: 1653-2024-145-001-R3), Sonoma County. 1091

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 1092

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

SECTION 3425. MELON FRUIT FLY INTERIOR QUARANTINE

SECTION 3436. BACTROCERA ALBISTRIGATA INTERIOR QUARANTINE

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) 3425 Melon Fruit Fly Interior Quarantine and 3436 Bactrocera albistrigata 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 October 7, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than October 7, 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.

AUTHORITY

The Department proposes to amend Sections 3425 and 3436 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 proposed regulations will establish additional details and criteria as to when and under what circumstances a quarantine designation would be triggered for the Melon Fruit Fly (*Bactrocera cucurbitae*) and White Striped Fruit Fly (*Bactrocera albistrigata*), as well as define the quarantine areas and the duration of the quarantine. The proposed regulations will also establish an appeal process for the quarantine designation area.

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

There are no existing, comparable federal regulations or statutes.

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 3425 and 3436 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.

Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code sec. 17500 et seq. (Gov. Code sec. 11346.5(a)(6).): 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 this action only provides authority for state quarantine activities and does not require reporting, recordkeeping, or compliance by businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that the Sections 3425 and 3436 amendment (1) will have no significant impact on the creation or elimination of jobs in the state of California, (2) will have no impact on the creation or elimination of businesses within the state of California, (3) will have no impact on the expansion of businesses within the state of California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to 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 11. DEPARTMENT OF JUSTICE

DIVISION 5. FIREARMS REGULATIONS CHAPTER 10. AMMUNITION

The Department of Justice (Department) proposes to amend sections 4282 and 4285 of title 11, division 5, chapter 10 of the California Code of Regulations concerning the ammunition purchase fee.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before 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 regulatory action. The written comment period closes on October 8, 2024, at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Q. Farris
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2377
bofregulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Sections 30352 and 30370, Penal Code.
Reference: Sections 26710, 28180, 30352 and 30370, Penal Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Prior to the passage of Proposition 63 of 2016 (The Safety for All Act) and Senate Bill Number 1235 (SB 1235) (Regular Session 2015–2016), the sale or transfer of ammunition was not regulated in California. Although Penal Code section 30305 prohibited an individual from owning or possessing ammunition if they were prohibited from owning or possessing a firearm, the Department had no mechanism to regulate the sale of ammunition.

Proposition 63 and SB 1235 authorized the Department to complete an ammunition eligibility check or to verify that an individual's Certificate of Eligibility (COE) is valid when the individual purchases or transfers ammunition from or through an ammunition vendor.

The Department is authorized to write regulations to interpret and make specific certain Penal Code sections regulating the sale and transfer of ammunition. (Pen. Code, §§ 30352, 30370.) On June 24, 2019, the Office of Administrative Law approved the Department's regulations regarding ammunition purchases or transfers and filed them with the Secretary of State. (OAL File Number 2019–0517–07.) These regulations created a process for the Department to make a determination to either approve or reject an ammunition purchase or transfer.

As authorized by Penal Code section 30370, subdivision (e), the regulations also established a \$1.00 fee for a Standard Ammunition Eligibility Check (SAEC) and \$1.00 fee for a COE Verification check. This fee has not been sufficient to cover the Department's operating costs for the ammunition authorization program.

Effective January 1, 2024, the Department may raise the fee for a SAEC and COE Verification check to cover the reasonable regulatory and enforcement costs for operating the ammunition authorization program. (Pen. Code, § 30370, subdivision (e).)

Effect of the Proposed Rulemaking:

The proposed regulation raises the fee for a SAEC and COE Verification check from \$1.00 to \$5.00.

Anticipated Benefits of the Proposed Regulations:

An ammunition purchase or transfer completed in the state of California must be conducted through a licensed ammunition vendor unless otherwise exempted.¹ Prior to the sale or transfer, an ammunition vendor will initiate an eligibility check to ensure the purchaser or transferee is not prohibited from possessing ammunition. The Department's regulations benefit public safety by creating a process which will ensure

an individual prohibited by state law from possessing ammunition will be unable to purchase or transfer ammunition.

Raising the fee for a SAEC and COE Verification check from \$1.00 to \$5.00 will help cover the Department's reasonable regulatory and enforcement costs for operating the ammunition authorization program.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the fee for a SAEC and COE Verification check.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department's Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department estimates that raising the fees will increase the Department's annual fee revenue by \$4,704,080.00 per year.

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

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

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

Cost impacts on representative person or business: The cost to an individual depends on the number of ammunition purchases the person makes in a year. If an individual elects to purchase all their ammunition for the entire year at once, their annual cost will increase from \$1.00 to \$5.00.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: The Department has made an initial determination 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.

¹ A licensed firearms dealer is automatically deemed a licensed ammunition vendor. (Penal Code, § 30385, subdivision (d).)

Firearms dealers and ammunition vendors are already charging the \$1.00 COE Verification fee (Cal. Code Regs., title 11, § 4285) and the \$1.00 SAEC fee (Cal. Code Regs., title, § 4282). Increasing the fee to \$5.00 does not impose any additional costs on these businesses.

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents because they help fund the process that ensures an individual prohibited by state law to possess ammunition will be unable to purchase or transfer ammunition.
- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.

Business report requirement: None.

Small business determination: The Department has determined that this proposed action does not affect small businesses. Although the majority of ammunition vendors are small businesses, raising the fee they collect from individual purchasers and transferers of ammunition does not impose any additional costs on these businesses.

CONSIDERATION OF ALTERNATIVES

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

Raising the ammunition fees to \$5.00 is necessary to help cover the Department’s reasonable regulatory and enforcement costs for operating the ammunition authorization program.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Q. Farris
 Department of Justice
 P.O. Box 160487
 Sacramento, CA 95816
 (916) 210-2372
bofregulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

G. Mac
 Department of Justice
 P.O. Box 160487
 Sacramento, CA 95816
 (916) 210-2322
bofregulations@doj.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. 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. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. 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, a copy of the Final Statement of Reasons will be available on the Department's website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>.

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the Department), proposes to amend sections 3331 and 3348 of Title 15, Division 3, Chapter 1, regarding incarcerated person's access to showers.

PUBLIC HEARING

Date and Time:

October 14, 2024 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
Room 113
9272 Laguna Springs Dr. — Building G-1
Elk Grove, CA 95758

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **August 23, 2024** and closes on **October 11, 2024**. Any person may submit written comments by mail addressed to the prima-

ry contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

Josh Jugum
Telephone: (279) 223-2317
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
Telephone: (279) 223-2316
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

Melanie Bruns
Telephone: (279) 223-3537
Division of Adult Institutions

AUTHORITY AND REFERENCE

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

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

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director

to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Penal Code 2084.3, which took effect on October 8, 2023 as a result of the passage of Assembly Bill 353, established that incarcerated persons shall be permitted to shower at least every other day. This rulemaking action will implement the requirements of this statute.

This action will:

- Establish that incarcerated persons shall be permitted to shower at least every other day. Previously, incarcerated persons were permitted to shower at least three days per week.

**SPECIFIC BENEFITS ANTICIPATED BY
THE PROPOSED REGULATIONS**

The department anticipates the proposed regulations will improve the health and wellbeing of incarcerated persons by allowing them to keep themselves clean.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

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

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

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

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

EFFECT ON HOUSING COSTS

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

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

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

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

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

EFFECT ON SMALL BUSINESSES

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

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on the state’s environment or worker safety, or the welfare of California residents. The proposed regulations may benefit the health and welfare of incarcerated persons by allowing them to keep themselves clean, which may promote health and wellbeing.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention

of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

TITLE 16. BOARD OF PHARMACY

PHARMACY TECHNICIAN CERTIFICATION PROGRAMS

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments, relevant to the action proposed, in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Persons in this Notice, must be received by the Board at its office by October 7, 2024.

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 that person's 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 Persons" in this notice.

The Board may, after holding a hearing if requested and considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations 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 will be available for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code (BPC) sections 4005 and 4202, the Board proposes amending section 1793.65 of Division 17 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists, and pharmacy technicians (BPC section 4000, et seq.). The Board's mandate and mission are to protect the public (BPC section 4001.1).

Existing law at BPC section 4202 establishes the requirements for obtaining a pharmacy technician

license and includes four pathways to licensure. One of these pathways is certification by a pharmacy technician certifying organization offering a pharmacy technician certification program accredited by the National Commission for Certifying Agencies that is approved by the Board.

Existing regulation at CCR section 1793.65 specifies that the pharmacy technician certification programs approved by the Board are the Pharmacy Technician Certification Board (PTCB) and the National Healthcareer Association, and establishes a December 31, 2024 sunset date for these program approvals.

BPC section 139 requires the Department of Consumer Affairs (DCA) to develop a policy regarding examination development and validation, and occupational analysis. The section further requires that every board within DCA have a method for ensuring that every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation, which must include:

1. A description of the occupational analysis serving as the basis for the examination;
2. Sufficient item analysis data to permit a psychometric evaluation of the items;
3. An assessment of the appropriateness of prerequisites for admittance to the examination; and
4. An estimate of the costs and personnel required to perform these functions.

The DCA Licensure Examination Validation Policy (which has been established to meet the mandate of BPC section 139) provides in part that, generally, an occupational analysis and examination outline should be updated every five years to be considered current.

Statutory changes, effective January 1, 2017, updated the provisions for authorized pharmacy technician certification programs by expanding authorization to programs accredited by the National Commission for Certifying Agencies. (Prior provisions of the law limited the provisions to certification by the Pharmacy Technician Certification Board.) In response to the change, the Board promulgated regulations to identify the Board-approved programs. Although the Board initiated the rulemaking in 2017, for a variety of reasons, the regulation did not become effective until January 1, 2023.

The Board has contracted with the DCA Office of Professional Examination Services (OPES) to conduct evaluation of the two pharmacy technician certification programs to ensure compliance with the provisions of BPC section 139. While the work to conduct the evaluations is underway, it is anticipated that the evaluation results will not be available until Fall 2024. Given this anticipated timing, the Board determined that it was appropriate to extend the current sunset

date of the program approvals to ensure this pathway to licensure remains in place.

This proposal will amend section 1793.65 of Article 11 of Division 17 of Title 16 of the CCR to extend the current program sunset date from December 31, 2024 to June 30, 2026 (18 months) to allow sufficient time for the OPES evaluations to be conducted, consideration of the results by the Board, and completion of a subsequent rulemaking. This will ensure that the current approved pharmacy technician certification programs remain a valid pathway for licensure for pharmacy technician applicants during that process.

Anticipated Benefits of Proposal

Protection of the public is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions. The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents.

This proposal extends the current December 31, 2024 sunset date by 18 months (to June 30, 2026) to allow sufficient time for the OPES evaluations to be conducted, consideration of the results by the Board, and completion of subsequent rulemaking. Extending the current sunset date will ensure that the two certification programs continue to be pathways to licensure for pharmacy technicians. Maintaining this licensure pathway allows pharmacy technician applicants the flexibility to determine which of the two programs is best for them. The benefit to the consumers of California is that their health and welfare may be better served by an increased number of pharmacy technicians in the industry. When there is an increase in the number of licensed pharmacy technicians, each pharmacy can hire the staff necessary to meet their consumers’ needs.

This regulatory proposal does not affect worker safety or the state’s environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board conducted a search of any similar regulations on this topic and 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/Savings to State Agencies or Costs/Savings in Federal Funding to the State: The regulations do not result in a fiscal impact to the state. The Board already accepts these two certification programs, and this pro-

posal allows the Board to continue to do so while the program evaluation is completed.

The regulations do not result in a fiscal impact to the state in the form of federal funding or any cost or savings to any state agency.

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

The proposed amendment extends the current December 31, 2024 sunset date by 18 months (to June 30, 2026). This extension may result in continued revenue for the certification programs, as pharmacy technician applicants will be able to continue completing the programs. This is a benefit to the programs and not an adverse effect.

Cost Impact on Representative Private Person or Business:

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not:

- (1) create jobs within California;
- (2) eliminate jobs within California;
- (3) create new businesses within California;
- (4) eliminate existing businesses within California; and
- (5) expand businesses currently doing business in the State of California.

The Board determined that this proposal will not create or eliminate jobs or businesses. The proposed amendment extends the current December 31, 2024 sunset date by 18 months (to June 30, 2026). The benefit to the consumers of California is that their health and welfare may be better served by an increased number of pharmacy technicians in the industry. When there is an increase in the number of licensed

pharmacy technicians, each pharmacy can hire the staff necessary to meet their consumers' needs.

This regulatory proposal does not affect worker safety or the state's environment.

Business Reporting Requirements.

This regulatory proposal does not require businesses to file a report with the Board.

Effect on Small Business:

While the Board does not have, nor does it maintain, data to determine if any of its licensees (pharmacies and clinics) are a "small business", as defined in Government Code section 11342.610, the Board has determined that the proposed regulatory action will not affect small businesses. The two certification programs approved by the Board are not small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, as effective and less burdensome to affected private persons than the proposal described in this Notice, or 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—relevant to the above determinations — in writing, at the address listed below for the *Contact Persons*, during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF INITIAL 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 upon which the 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, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, or from the Board of Pharmacy's website at http://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.

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 persons designated in this Notice as the Contact Persons 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: Lori Martinez
 Address: Board of Pharmacy
 2720 Gateway Oaks Drive, Suite 100
 Sacramento, CA 95833
 Phone Number: (916) 518-3100
 Fax Number: (916) 574-8618
 Email Address:
PharmacyRulemaking@dca.ca.gov

The backup contact person is:

Name: Julie Ansel
 Address: Board of Pharmacy
 2720 Gateway Oaks Drive, Suite 100
 Sacramento, CA 95833
 Phone Number: (916) 518-3100
 Fax Number: (916) 574-8618
 Email Address:
PharmacyRulemaking@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 of Pharmacy's website at: https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION/
VETERINARY MEDICAL BOARD**

REGARDING THE 2025 CALIFORNIA
BUILDING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 2, CHAPTER 12
(DCA 01/24)

Notice is hereby given that the Veterinary Medical Board (Board) proposes to adopt changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The Board is proposing building standards related to veterinary premises.

PUBLIC COMMENT PERIOD

Reference: Government Code Sections 11346.5(a)(1), 11346.5(a)(15) and 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **August 23, 2024**, until midnight on **October 7, 2024**.

Comments may be submitted to the Board via:

Email: Justin.Sotelo@dca.ca.gov

U.S. Mail postmarked no later than **October 7, 2024**:

Veterinary Medical Board
 Attention: Justin Sotelo
 1747 N. Market Blvd., Suite 230
 Sacramento, CA 95834

Note: Only comments received in an accessible format will be viewable via the Board's website.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by California Building Standards Commission

(CBSC) to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, the Board may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Board adopts, amends, or repeals the regulation(s). The Board will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The purpose of these building standards is to implement, interpret, or make specific the provisions of Business and Professions Code Sections 4853 and 4854.

The Board is proposing this regulatory action based on Business and Professions Code Section 4808.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws and Regulations

The Veterinary Medical Board (Board) licenses, regulates, and investigates complaints against five different license categories in California, totaling approximately 44,000 licensees. These licensing categories include veterinary premises, veterinarians, university veterinarians, registered veterinary technicians (RVTs), and veterinary assistant controlled substance permit (VACSP or permit) holders. It is the Board's duty to enforce and administer the California Veterinary Medicine Practice Act (Chapter 11 (commencing with section 4800) of Division 2 of the Business and Professions Code (BPC) (Practice Act). The Board is authorized to establish reasonably necessary regulations for the enforcement of the Practice Act (BPC section 4808).

Existing law requires all veterinary premises to be registered with the Board (BPC section 4853) and conform to the minimum standards established by the

Board (BPC section 4854). Current regulations specify the requirements for the licensee manager (veterinarian), fixed veterinary premises, small animal fixed premises, small animal mobile clinics, and small animal vaccination clinics.

Minimum practice management standards for veterinary premises are established under Article 4 of Division 20 of Title 16 of the CCR. Building standards associated with veterinary facilities (to be amended to "veterinary premises") are established under Chapter 12 of Part 2, Title 24 of the CCR.

Summary of Effect

The Board has determined that some building standards associated with veterinary premises are currently contained under Title 16 of the CCR and some veterinary practice management standards are contained under Title 24 of the CCR. This proposal, along with a separate regulatory proposal by the Board, would ensure that building standards and related exemptions are only contained under Title 24 and that practice management standards are only contained under Title 16. This proposal also includes clarifying and organizational amendments to section 1251 of Chapter 12 of Part 2 of Title 24.

Comparable Federal Statutes or Regulations

The Board has determined that there are no existing comparable federal statutes or regulations.

Policy Statement Overview

This proposal will ensure that building standards and practice management standards associated with veterinary premises are contained under the appropriate areas of the CCR.

Evaluation of Consistency

The Board has determined that the proposed standards are neither inconsistent nor incompatible with existing state regulations.

**OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS**

Reference: Government Code Section 11346.5(a)(4).

None.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).

The Board has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

The Board has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).

This is one of two companion rulemaking actions that, when completed, will not substantively change the law, but will instead transfer building standards and related exemptions from Title 16 of the CCR and place them into Title 24, while also removing veterinary practice management standards from Title 24 and placing them in Title 16. Because the action will simply result in a reorganization of the location of existing regulations, the Board does not anticipate impacts on business.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

The regulatory proposal does not impose a new reporting requirement.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

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.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Reference: Government Code Section 11346.5(a)(10).

The Board has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The proposal is not anticipated to create or eliminate jobs within the State of California because it does not impose requirements of a sufficient magnitude to create or eliminate businesses or licensees.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

This is one of two companion rulemaking actions that, when completed, will not substantively change the law, but will instead transfer building standards and related exemptions from Title 16 of the CCR and place them into Title 24, while also removing veterinary practice management standards from Title 24 and placing them in Title 16. Because the action will simply result in a reorganization of the location of existing regulations, the Board does not anticipate impacts on business.

C. The expansion of businesses currently doing business within the State of California.

The proposal will not affect the expansion of businesses currently doing business within the State of California because it does not impose additional hiring requirements for owners or a managing licensee (veterinarian) over a veterinary premises.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

This proposal, along with a separate regulatory proposal by the Board, will ensure that building standards and related exemptions associated with veterinary premises are only contained under Section 1251 of Part 2, Title 24, and that veterinary practice management standards associated with veterinary premises are only contained under Title 16.

**ESTIMATED COST OF COMPLIANCE OF
STANDARDS THAT WOULD
IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).
N/A.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
The Board has determined that no reasonable alternative 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 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.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the Board's website: www.vmb.ca.gov/laws_regs/proposed_regs.shtml

Reference: Government Code Section 11346.5(a)(19).

Interested parties 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 at the Board's website: www.vmb.ca.gov/laws_regs/index.shtml

Reference: Government Code Section 11346.5(a)(21).

The Board shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

**BOARD CONTACT PERSON FOR
PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Justin Sotelo
Veterinary Medical Board
1747 North Market Blvd., Suite 230
Sacramento, CA 95834
Telephone: (916) 905-5511
Email: Justin.Sotelo@dca.ca.gov

**BOARD CONTACT PERSON FOR
SUBSTANTIVE OR TECHNICAL
QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Justin Sotelo, Policy Specialist
Veterinary Medical Board
Department of Consumer Affairs
(916) 905-5511
Justin.Sotelo@dca.ca.gov

Back up Contact:

Matt McKinney, Deputy Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
(916) 282-3529
Matthew.McKinney@dca.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT
INCONSISTENCY DETERMINATION
NUMBER 2080-2024-014-06**

Project: Upper Santa Ana River Wash Habitat
Conservation Plan
Location: San Bernardino County
Applicant: San Bernardino Valley Water
Conservation District

Background

San Bernardino Valley Water Conservation District (SBVWCD) proposes to implement certain activities that received take authorization under the fed-

eral Endangered Species Act (ESA) through the Upper Santa Ana River Wash Habitat Conservation Plan (Wash Plan or HCP) and United States Fish & Wildlife Service (USFWS) Incidental Take Permit (ITP) TE78703D–0 issued July 2020. The Wash Plan’s geographical area is in southwestern San Bernardino County, California, approximately 1 mile downstream of the Seven Oaks Dam, and encompasses approximately 4,892.2 acres, extending approximately 6 miles westward from Greenspot Road in the City of Highland to Alabama Street in the City of Redlands (Wash Plan Area). The Wash Plan proposes at least 64 activities (collectively, Covered Activities) in the Wash Plan Area over a 30–year permit term. These Covered Activities include new and existing aggregate mining, water conservation, wells and water infrastructure, transportation, flood control, trails, habitat enhancement and monitoring, and agricultural projects. Activity categories include new construction, existing operations and maintenance (O&M), and habitat enhancement activities.

SBVWCD is the permittee and proposes to convey permit take authority to other entities (Participating Entities) under a Certificate of Inclusion (COI). These Participating Entities are: City of Redlands/Redlands Municipal Utility District, City of Highland, San Bernardino Valley Municipal Water District, East Valley Water District, Cemex Inc., and Robertson’s Ready–Mix.

Because Covered Activities are expected to result in take of a species designated as endangered under the federal ESA, SBVWCD prepared the Wash Plan as part of its ITP application pursuant to section 10(a)(1)(b) of the federal ESA. On July 13, 2020, the USFWS issued an ITP (TE78703D–0) to SBVWCD. Issuance of a 10(a)(1) permit is a Federal action subject to ESA Section 7 consultation. The USFWS completed intra–Service formal Section 7 consultation as required by the ESA. In July 2020, USFWS issued a biological opinion (FWS–SB–08B0318–20F1299) (BO) to the USFWS that analyzed the final version of the Wash Plan. The BO describes the Wash Plan and associated Covered Activities and requires SBVWCD to comply with the terms of the BO and its incidental take statement (ITS).

On July 9, 2024, the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITP and Wash Plan are consistent with California Endangered Species Act (CESA) such that further authorization under CESA is not required in order to take Slender–horned spineflower, Santa Ana River woolly–star, and San Bernardino kangaroo rat. For the reasons specified below, CDFW has determined that the ITP, Wash

Plan, and accompanying BO/ITS are not consistent with CESA.

Determination related to Slender–horned spineflower and Santa Ana River woolly–star

Slender–horned spineflower¹ (*Dodecahema leptoceras*) and Santa Ana River woolly–star² (*Eriastrum densifolium subsp. sanctorum*) are present within the Wash Plan Area, which contains suitable habitat and known occurrences. The Wash Plan identifies that both species may be incidentally or directly taken as a result of conservation activities, vegetation removal, grading, filling, excavation, and operation and staging of vehicles and heavy equipment.

After review and consideration of the ITP, Wash Plan, and accompanying BO/ITS, CDFW has determined that the ITP and ITS, and accompanying Wash Plan and BO, are not consistent with CESA for authorizing take of Slender–horned spineflower and Santa Ana River woolly–star. This determination is based on CDFW’s assessment that the subject documents do not meet the conditions set forth in Fish and Game Code section 2080.1, subdivision (a), for authorizing incidental take of Slender–horned spineflower and Santa Ana River woolly–star.

For CDFW to determine consistency with CESA under Section 2080.1 of the Fish and Game Code, a person must have a federal incidental take permit (federal ITP) under Section 10 of the federal ESA, or an incidental take statement under Section 7 of the federal ESA (federal ITS). Moreover, only a federal ITP or federal ITS that authorizes taking of an endangered species or threatened species is eligible for a consistency determination (Fish & Game Code, § 2081.1, subdivision (a)). Here, neither the ITP related to the Wash Plan, nor the ITS related to the BO, authorizes take of the Santa Ana River woolly–star or the Slender–horned spineflower. In fact, the ITP states in Authorization and Condition I that “[t]ake of plant species is not prohibited under the [federal ESA] and *is not authorized by this permit*” (underline added). The ITS exempts take only for coastal California gnatcatcher, cactus wren, and San Bernardino kangaroo rat. The ITS does not exempt take of the two plants in question. Therefore, because neither the ITP nor ITS authorizes take of the two plants, the ITP and ITS are not consistent with CESA with respect to take of Slender–horned spineflower and Santa Ana River woolly–star. Accordingly, as a matter of law, CDFW cannot issue a consistency determination for these two species and must issue a separate permit for SBVWCD to be authorized to take the two plants under CESA.

¹ See Cal. Code Regs. Title 14 § 670.2, subdivision (a)(26)(D).

² See *Id.*, subdivision (a)(26)(A).

Determination related to San Bernardino kangaroo rat (*Dipodomys merriami parvus*)

According to the Wash Plan, the Covered Activities are expected to temporarily impact 109.1 acres and permanently impact 570.9 acres of San Bernardino kangaroo rat (SBKR) habitat. Covered Activities such as creation of trails, habitat enhancement activities, and O&M activities of wells, channels and ongoing mining are described as temporary impacts while Covered Activities such as new mining, road widening, and new drainage facilities are considered permanent. Potential take of SBKR from Covered Activities was calculated based on the distribution of modeled habitat suitability categories (high, medium, low, very low, and ecological process areas), and known occurrences from various trapping datasets ranging from 1999–2011. The Wash Plan emphasizes that the habitat assessment was qualitative, and that SBKR may be found in all types of habitats within the species’ historic distribution. Mitigation in the Wash Plan would consist of habitat conserved by the District and City of Redlands (District Conserved Land), management actions conducted on Bureau of Land Management (BLM) properties and a small area of previously conserved lands (District Managed Lands), and habitat conserved by San Bernardino County Flood Control District (SBCFCD) under a separate implementing agreement and federal incidental take permit. Habitat conservation would occur across various modeled habitat qualities.

The measures in the Wash Plan and accompanying BO for SBKR include, among others:

- New construction in areas assessed as medium or high quality habitat for SBKR would be avoided if feasible. For projects where the exact location of the facility has not been determined the relevant Permittee or Participating Entity must consider alternatives outside of medium or high quality areas. If the selected alternative is in a medium or high quality area, the project proponent must demonstrate to the Permittee and the USFWS why it could not be located in a lower quality habitat. Participating Entities would provide information in their Certificate of Inclusion application substantiating a determination that locating their proposed project in a lower quality habitat was not possible.
- If a ground–disturbing activity from new construction or O&M occurs in an area assessed as medium or high quality for SBKR, and is equal to or less than three acres, a temporary exclusionary fence meeting USFWS standards would be placed and maintained around the perimeter of the site. The area inside the fence would be trapped for SBKR by a qualified biologist during the five nights preceding the ground disturbance.

Any trapped animals would be relocated to the nearest undisturbed habitat outside the construction area.

- When new construction or O&M activities with temporary ground disturbance occurs in SBKR habitat, the top 20 inches of soil/substrate would be segregated, preserved, and placed back in the same location in a suitable configuration.
- Prior to grading dirt access roads, other than roads within mining operations areas, a qualified biologist would trap the road and 15 meters on either side during the five nights preceding the grading. Trapped animals would be held until the completion of grading and then returned to the location where they were trapped.
- The Applicant would provide for the conservation and management of the Wash Plan Preserve that would be composed of San Bernardino County Flood Control (Flood Control) Conserved Lands (185.7 acres), District Conserved Lands (777.6 acres), and District Managed Lands (695.8 acres³). Flood Control Conserved Lands are those lands owned and conserved by Flood Control. District Conserved Lands are those lands conserved by the Conservation District and the Participating Entities. The District and Flood Control Conserved Lands would be permanently protected by a conservation easement or other legal instrument acceptable to USFWS. District Managed Lands are BLM lands that would be managed by SBVWCD for the benefit of the Covered Species. SBVWCD has entered into an agreement with BLM to allow the Conservation District to manage the BLM lands for the benefit of the Covered Species consistent with rest of the Wash Plan Preserve.

After review and consideration of the ITP, Wash Plan and accompanying BO/ITS, CDFW has determined that the ITP and ITS, and accompanying Wash Plan and BO, are not consistent with CESA for authorizing take of San Bernardino kangaroo rat. This determination is based on CDFW’s assessment that the subject documents do not meet the conditions set forth in Fish and Game Code section 2080.1, subdivision (a) for authorizing incidental take of San Bernardino kangaroo rat. CDFW arrived at its determination for the reasons mentioned below:

1. *Insufficient Information to Assess Impacts of Covered Activities:* The ITP, in Authorization and Condition K, refers to descriptions of Covered Activities in Chapter 2 of the Wash Plan with estimated acres of impacts presented in Chap-

³ A value of 696.8 acres is used here, but a value of 696.2 and 696.2/696.1 is also found in the HCP and BO, respectively.

ter 4. Included descriptions are incomplete, containing broad and insufficient information for CDFW to evaluate impacts to SBKR. The Wash Plan requires a “Project Definition” to only include the location, footprint, and type of impact. These certain projects are proposed to occur at an unspecified time within the 30-year term of the ITP. Missing information needed to identify and analyze impacts *for each project* proposed as a Covered Activity includes but is not limited to: preliminary and final project designs, access routes, project commencement and completion dates, frequency of O&M activities, staging and stock piling areas, proposed materials, and a clear description of specific project activities which may result in take such as grubbing, grading, pile driving, drilling, filling, trenching, and excavation. The absence of this information is the result of Participating Entities not yet engaging in project specific planning, design and environmental review. Without this information, CDFW is unable to concur with the estimated quantities of impacts noted in Chapter 4 of the Wash Plan. Without a clear identification of impacts, CDFW cannot conclude that such impacts will be fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2).

2. *Unreliable SBKR Habitat Suitability Model:* CDFW disagrees with the SBKR habitat suitability model used by the Wash Plan. According to the Wash Plan, the SBKR habitat suitability model uses four variables (topography, geology, vegetation cover, and aeriels) combined with Boolean (and/or) operators to generate areas of high, moderate, and low suitable habitat for SBKR and was supported by subsequent systematic surveys conducted from 2012–2014 to refine the mapping of suitable habitat, various SBKR positive occurrences from 1999–2009 with additional project-specific surveys from 2018–2020. Certain areas were identified as having no potential habitat suitability. To CDFW’s knowledge, this is not an open-source model for others to use. CDFW has determined the SBKR habitat suitability model is not a reliable application for estimating take or quantifying SBKR habitat within the Wash Plan. CDFW arrived at its determination for the reasons mentioned below:

The SBKR habitat suitability model does not describe what the habitat suitability categories represent in terms of SBKR abundance or SBKR use of the landscape (e.g. burrowing habitat, refugia, movement corridor, etc.). As described, the suitability model does not account, select, or value anthropogenic disturbances such as dirt roads. Based on recent project related survey and trap-

ping results within the Wash Plan Area which occurred after finalization of the Wash Plan and its modeling (i.e. Robertson’s Ready–Mix Phase One and Enhanced Recharge 3B), the modeled habitat is in disagreement with the presence of animals. These recent survey and trapping results suggest that the SBKR habitat suitability model Low habitat suitability, or even No habitat suitability areas are not directly correlated with low density or absence of SBKR. While some animals were present in areas modeled as high suitability, a greater number of animals were trapped more recently in areas modeled as very low to low suitability and trapping results showed a number of these animals along dirt roads and areas of artificial disturbance. Disturbed habitat, such as dirt roads provide open ground with sparse vegetation, and often adjacent loose sandy substrate, which may be exploited by SBKR for movement and burrowing, respectively. These recent project related findings either indicate higher suitability than expected, unattributed value from functional usage, or an incorrect assumption of what low suitability means in terms of species occupation.

Based on the Wash Plan, the SBKR habitat suitability model primarily informed both the Covered Activities impact analysis and mitigation determination. Projects with permanent impacts to areas of high suitability result in higher mitigation, but as recent survey and trapping results showed, an abundance of SBKR may use and occupy modeled low-quality habitat, which is not reflected in the Wash Plan’s mitigation values. As a result, the Wash Plan likely underestimates the acres of impacts to SBKR by relying on these models. Not only does the Wash Plan underestimate the impacted acres, but the Wash Plan’s mitigation strategy does not appear to take into consideration impacts to connectivity between conservation areas, which is crucial to maintaining the species genetic diversity and durability of populations on the landscape. For the reasons mentioned above, CDFW has determined the SBKR habitat suitability model is not a reliable application estimating take or quantifying SBKR habitat within the Wash Plan. Therefore, CDFW cannot find that the impacts will be fully mitigated as required by Fish and Game Code section 2081 subdivision (b)(2).

3. *Insufficient Minimization Measures:* The ITP, in Authorization and Conditions K and M, and Wash Plan describe avoidance and minimization measures for SBKR. However, as explained above, the habitat suitability models upon which the avoidance measures rely do not appear reliable. As a result, the avoidance and minimization measures

will not be implemented in certain habitats that may contain SBKR resulting in greater impacts to SBKR than estimated in the Wash Plan. For example, the Wash Plan states active translocation and monitoring of animals would only occur in habitat modeled as medium-to-high quality habitat of more than three acres. SBKR are known and documented within the Wash Plan to use all qualities of habitat, additionally SBKR benefit from certain anthropogenic disturbances including dirt roads to traverse their habitat. Limiting implementation of translocations and monitoring to medium-to-high qualities of habitat overlooks individuals occupying the remainder of the landscape in lower qualities of habitat. As a result, impacts to and take of SBKR are likely to be greater than what the Wash Plan estimates. Additionally, in recent CDFW ITPs, CDFW has required the following minimization measures (abbreviated) in addition to what has been discussed in the Federal ITP and HCP: either updated or recent habitat mapping and species surveys, burrow mapping, discussions and CDFW approval of translocation sites and potential enhancement, and post-translocation monitoring of the species. These CDFW requirements are regardless of habitat quality. For these reasons, CDFW cannot find that the impacts will be minimized and fully mitigated as required by Fish and Game Code section 2081 subdivision (b)(2).

4. *Lack of CDFW Approval Authority:* Because of the Wash Plan's 30-year implementation period, the Wash Plan makes certain assumptions and estimates on a variety of topics germane to assessing impacts and mitigation. In some instances, the Wash Plan requires the Applicant or the Participating Entities to secure future approval from USFWS. The ITP and Wash Plan do not provide CDFW with any authority to review and approve the various conditional take minimization and mitigation measures, nor do they require the Applicant to provide notification to CDFW for issues or changes related to conditions that were assumed in the ITP and Wash Plan including: final project descriptions/designs, any updated habitat mapping and/or trapping results, designated biologist approval, project related trapping or relocation results, project implementation reports, submission of completed design plans, notification of project suspension, post-construction implementation and compliance reporting. A specific example that affects mitigation is the approval process for habitat acquisition and location of mitigation. Because CDFW is not involved in the aforementioned approval process, mitigation for individual projects will occur in lo-

cations that are currently unknown. As a result, CDFW is unable to review the proposed conservation lands to ensure they meet biological suitability and property acceptability to appropriately mitigate for project specific impacts. Since the ITP and Wash Plan do not provide CDFW with approval authority or notification, CDFW cannot ensure that assumptions or estimates were accurate, that measures will be properly implemented, or that they will be successful, and cannot find that impacts will be minimized and fully mitigated as required by Fish and Game Code section 2081 subdivision (b)(2).

5. *Inability to Ensure Conservation of Certain Mitigation Lands:* The ITP, in Authorization and Condition K, refers to Chapter 5 of the Wash Plan for mitigation of the Project. The Wash Plan states that 695.8 acres of these proposed mitigation lands, referred to as "District Managed Lands" are owned by the BLM and the Woolly-star Preserve Area (45.29 acres). BLM land is subject to a multiple-use mandate, which does not guarantee in-perpetuity conservation. Furthermore, the multiple-use mandate can result in land management that is harmful to the long-term existence of the species on the landscape. Chapter 6.4.1 of the Wash Plan acknowledges that a future change in use of District Managed Lands could occur as a result of BLM land use decisions, leaving further questions as to whether these lands will be managed in perpetuity for the benefit of the species. The Wash Plan proposes management of replacement lands if this change occurs. However, no replacement for the 695.8 acres is identified and CDFW is not aware of any suitable replacement habitat. So it's unclear if a replacement can be found. Therefore, CDFW cannot find that the impacts will be fully mitigated as required by Fish and Game Code section 2081 subdivision (b)(2).
6. *Unproven Mitigation Strategies:* Authorization and Condition K of the ITP requires adherence to Chapter 2 of the Wash Plan which briefly discusses habitat enhancement projects in currently unoccupied areas that will be used for mitigation after habitat enhancement is complete. Most of these projects have not started, and no information exists to indicate the likelihood that the habitat enhancement projects will successfully provide replacement habitat for SBKR or if these proposed lands may become occupied by SBKR. In addition, the Wash Plan does not discuss the amount of current SBKR occupied mitigation land available. Consequently, the Wash Plan and ITP lack sufficient information for CDFW to find that the impacts will be fully mitigated as re-

quired by Fish and Game Code section 2081 subdivision (b)(2).

As mentioned in the BO, there are three substantial, but disjunct, populations of SBKR in San Bernardino and Riverside Counties. The largest of the three populations resides in and around the Santa Ana River. Given the reasons above such as the lack of information concerning impacts by Covered Activities, indications that the Wash Plan’s habitat quality models do not accurately determine species occupancy and abundance, and lack of evidence that habitat enhancement would be successful in establishing species occupation, there is insufficient information for CDFW to determine that authorizing take of SBKR associated with implementation of, and in compliance with the ITP/Wash Plan will, or will not, jeopardize the continued existence of SBKR. CDFW anticipates that as the numbered items above are resolved, the information derived from that process will indicate whether the continued existence of SBKR will, or will not be jeopardized.

For the reasons described above, CDFW has determined there is substantial evidence that the ITP, ITS, and related Wash Plan and BO are not consistent with CESA as it pertains to the incidental take of Slender-horned spineflower, Santa Ana River woolly-star, and San Bernardino kangaroo rat.

terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Butano Creek Habitat Enhancement at Camp Butano. 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 2CW456331) for coverage under the General 401 Order on 5/6/2024.

The District 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 District 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 District 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
 BUTANO CREEK HABITAT
 ENHANCEMENT AT CAMP BUTANO
 (TRACKING NUMBER:
 1653–2024–143–001–R3)
 SAN MATEO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 8/1/2024, that the San Mateo Resource Conservation District (District) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves installing two types of large wood features and a backwater alcove to improve habitat conditions for listed species and other aquatic wildlife. The proposed project will be carried out on Butano Creek, located at Camp Butano, Pescadero, San Mateo County, California.

On 3/22/2024, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
 CONSISTENCY DETERMINATION
 REQUEST FOR WILLOW CREEK STAGE 0
 LOW TECH HABITAT ENHANCEMENT
 (TRACKING NUMBER:
 1653–2024–145–001–R3)
 SONOMA COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 8/13/2024, that the Gold Ridge Resource Conservation District (District) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves employing low-tech approaches, such as felling trees and debris jams, to enhance habitat for out-migrating juvenile coho salmon. The proposed project will be carried out on Willow Creek, located along Willow Creek Road, Sonoma County, California.

On 7/1/2024, 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 Willow Creek Stage 0 Low Tech Habitat Enhancement. 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 1B24087WNSO) for coverage under the General 401 Order on 7/25/2024.

The District 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 District 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 District will have the opportunity to submit under Fish and Game Code section 1652.

**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.

Board of Pharmacy

File # 2024-0805-03

Independent HIV Preexposure Prophylaxis
Furnishing

In this emergency rulemaking action, the Board of Pharmacy amends its HIV preexposure prophylaxis regulations to require that documentation of preexposure prophylaxis furnished and services provided shall be maintained in patient records, in the record system maintained by the pharmacy, for a minimum of three years from the date when the preexposure prophylaxis was furnished.

Title 16

Amend: 1747

Filed 08/14/2024

Effective 08/14/2024

Agency Contact: Lori Martinez (916) 244-6648

Department of Housing and Community
Development

File # 2024-0731-02

Mobilehome Residency Law Protection Program

This emergency rulemaking action repeals the requirement that the Department of Housing and Community Development (Department) use a request-for-proposals process to contract with one or more nonprofit legal services providers to provide legal advice and representation to mobilehome residents concerning alleged Mobilehome Residency Law violations. Instead of a request-for-proposals process, the amended regulation provides that the Department may award contracts in compliance with California public contracting requirements, as applicable, and the Mobilehome Residency Law Protection Act.

Title 25

Amend: 4916

Filed 08/12/2024

Effective 08/12/2024

Agency Contact: Jenna Kline (916) 841-5286

Department of Corrections and Rehabilitation

File # 2024-0701-01

Youth Offender Camp Pilot Program Expansion

This action by the Department of Corrections and Rehabilitation (“Department”) — submitted to the Office of Administrative Law (“OAL”) for filing with the Secretary of State and for printing in the California Code of Regulations — amends Section 3999.30, a pilot program that established the Youth Offender Program at Growlersburg Conservation Camp, by expanding the pilot program to Pine Grove Youth Conservation Camp. This filing is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code (“APA”) pursuant to Penal Code section 5058.1 and is not subject to review by OAL, as the conditions set forth in Penal Code section 5058.1(b) have been met and the Department Director has certified in writing that the regulation applies to a pilot program that qualifies for exemption under said section. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1(c) and shall lapse by operation of law two years after the commencement of the pilot program (i.e., July 27, 2025) pursuant to Penal Code section 5058.1(d).

Title 15
 Amend: 3999.30
 Filed 08/07/2024
 Effective 08/07/2024
 Agency Contact: Renee Rodriguez (916) 445–2220

California Coastal Commission
 File # 2024–0702–04
 Annual Increases to Permit Fees & Major Public Works Threshold

This action by the California Coastal Commission adjusts the threshold amount to qualify as a major public works or energy project and the fees for permit applications and other filings.

Title 14
 Amend: 13012, 13055
 Filed 08/14/2024
 Agency Contact: Claire Wilkens (415) 904–5225

Department of Pesticide Regulation
 File # 2024–0703–01
 Mill Assessment

This action without regulatory effect by the Department of Pesticide Regulation updates mill assessment rates on pesticide products to align with Food and Agricultural Code section 12841(f), as amended by Assembly Bill 2113 (Stats. 2024, chapter 60, section 17).

Title 03
 Amend: 6386
 Filed 08/14/2024
 Agency Contact: Lauren Otani (916) 445–5781

Board of Vocational Nursing and Psychiatric Technicians
 File # 2024–0702–02
 Disciplinary Guidelines

In this rulemaking action the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) updates its disciplinary guidelines.

Title 16
 Amend: 2524, 2579.10
 Filed 08/14/2024
 Effective 10/01/2024
 Agency Contact: Antoinette Wood (916) 214–5014

California Horse Racing Board
 File # 2024–0715–03
 Firearms

This action by the California Horse Racing Board (“CHRB”) amends the existing Firearms regulation under California Code of Regulations (“CCR”) Title 4 section 1875 by adding ammunition, non–powder guns, and any device or instrument which expels a

projectile through air pressure, gas pressure, or spring action to the prohibited items. Furthermore, this action also amends the title of this regulation to “Weapons and Ammunition” to better reflect the totality of prohibited items.

Title 04
 Amend: 1875
 Filed 08/09/2024
 Effective 10/01/2024
 Agency Contact: Rick Pimentel (916) 274–6043

Fish and Game Commission
 File # 2024–0702–03
 Klamath River Basin Sport Fishing

This rulemaking action by the Fish and Game Commission (“Commission”) institutes a complete closure of the Klamath River fall–run Chinook Salmon (“KRFC”) in–river recreational fishery for the 2024 season to provide maximum protection of KRFC following recent projections showing Chinook Salmon abundance in California’s ocean waters to be at historic lows. This action also clarifies that the South Fork Trinity River downstream of the South Fork Trinity River bridge at Hyampom to the confluence with the Trinity River is closed to the catch–and–release of KRFC, and makes changes to numbering, abbreviated terminology, capitalization, and punctuation.

Title 14
 Amend: 7.40
 Filed 08/14/2024
 Effective 08/14/2024
 Agency Contact: David Haug (916) 902–9286

Department of Motor Vehicles
 File # 2024–0626–01
 Environmental License Plates

This action proposes to amend the application for environmental and special interest license plates and clarifies the rules regarding environmental license plate configurations to reduce department discretion and comply with current first amendment law.

Title 13
 Adopt: 206.00, 206.16
 Amend: 205.00, 206.00 [renumbered to 206.02], 206.02 [renumbered to 206.04], 206.04 [renumbered to 206.06], 206.06 [renumbered to 206.08], 206.08 [renumbered to 206.10], 206.10 [renumbered to 206.12], 206.12 [renumbered to 206.14]
 Repeal: 206.20, 206.22, 206.30, 206.35, 206.40, 206.50, 206.52, 206.54, 206.56, 206.58, 206.60
 Filed 08/08/2024
 Effective 08/08/2024
 Agency Contact: Randi Calkins (916) 282–7294

Speech–Language Pathology and Audiology and
Hearing Aid Dispensers Board
File # 2024–0702–01
Continuing Education Requirements

This rulemaking action by the Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board amends regulations relating to continuing education requirements for hearing aid licensees.

Title 16
Amend: 1399.140, 1399.140.1, 1399.144
Filed 08/14/2024
Effective 10/01/2024
Agency Contact: Maria Liranzo (916) 905–5441

**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.