



# California Regulatory Notice Register

REGISTER 2025, NUMBER 23-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 6, 2025

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

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$409.00 (annual price). To order or make changes to current subscriptions, please call (800) 328–4880. The Register can also be accessed at <https://oal.ca.gov>.

## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

#### CONFLICT-OF-INTEREST CODES

##### AMENDMENT

MULTI-COUNTY: Coachella Valley Water District  
Golden Gate Bridge, Highway  
and Transportation District  
Pacific Library Partnership

A written comment period has been established commencing on June 6, 2025, and closing on July 21, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest codes will be submitted to the Commission's Executive Director for their review, unless any interested person or their duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest codes, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon their own motion or at the request of any interested person, will approve, or revise and approve, or re-

turn the proposed to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than July 21, 2025. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-hernandez@fppc.ca.gov](mailto:aspiller-hernandez@fppc.ca.gov).

## AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-hernandez@fppc.ca.gov](mailto:aspiller-hernandez@fppc.ca.gov).

## TITLE 2. STATE LANDS COMMISSION

### MARINE INVASIVE SPECIES ACT ENFORCEMENT AND HEARING PROCESS

The California State Lands Commission (Commission) will consider whether to amend Marine Invasive Species Act enforcement regulations, described below, after considering all comments, objections, or recommendations regarding the proposed action.

#### WRITTEN COMMENT PERIOD

Any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes on July 21, 2025. Submit written comments to:

Raya Nedelcheva  
Senior Environmental Scientist  
California State Lands Commission  
Division of Environmental Science, Planning, and  
Management  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825

Written comments may also be submitted by email to [cslc.regulations@slc.ca.gov](mailto:cslc.regulations@slc.ca.gov). Please include “**Article 4.9 Comments**” in the subject line of the email.

#### PUBLIC HEARING

Commission staff has not scheduled a public hearing for this proposed action. However, the Commission will hold a public hearing, pursuant to Government Code section 11346.8, if it receives a written request for a public hearing from any interested person, or authorized representative, no later than 15 days prior to the close of the written comment period.

#### AUTHORITY AND REFERENCE

*Authority:* Public Resources Code sections 71201, 71201.7, 71203, 71204, 71204.3, 71205, 71205.3, 71206,

71207, and 71216 provide the Commission with the authority to adopt regulations as necessary to implement the Marine Invasive Species Act.

*Reference:* Public Resources Code sections 71200, 71201, 71207, 71216, 71217, and Section 11506, Government Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of this proposed regulatory action is to amend the administrative enforcement process for violations of the Marine Invasive Species Act (Act; Public Resources Code section 71200 et seq.).

#### *Summary of Existing Laws and Effect of the Proposed Action*

Public Resources Code section 71201, subdivision (d) declares that the purpose of the Act is to move the state expeditiously toward elimination of the discharge of nonindigenous species (NIS) into the waters of the State or into waters that may impact the waters of the State. Public Resources Code section 71201.7 provides authority for the Commission to adopt regulations. Pursuant to this authority, the Commission adopted Articles 4.5 (Title 2 of the California Code of Regulations, section 2270 et seq.), 4.6 (Title 2 of the California Code of Regulations, section 2280 et seq.), 4.7 (Title 2 of the California Code of Regulations, section 2291 et seq.), 4.8 (Title 2 of the California Code of Regulations, section 2298.1 et seq.) and 4.9 (Title 2 of the California Code of Regulations, section 2299.01 et seq.). These regulations, particularly Articles 4.6 through 4.8, represent a comprehensive set of requirements, both operational (ballast water and biofouling management) and administrative (reporting and recordkeeping), to help prevent vessel-borne introductions of NIS into state waters. Article 4.9 (Title 2 of the California Code of Regulations, section 2299.01 et seq.) provides for enforcement of these requirements, including procedures the Commission shall undertake in assessing administrative civil penalties as allowed by Public Resources Code section 71216.

Article 4.8, “Biofouling Management to Minimize the Transfer of Nonindigenous Species from Vessels Arriving at California Ports” (Title 2 of the California Code of Regulations, section 2298.1 et seq.), took effect on October 1, 2017. These regulations require both operational (i.e., biofouling management) and administrative (i.e., reporting and recordkeeping) management of vessel biofouling to reduce the risk of NIS introduction into state waters. Amendments to Article 4.7, “Performance Standards and Compliance Assessment for the Discharge of Ballast Water for Vessels Operating in California Waters” (Title 2 of the California Code of Regulations, section 2291 et seq.), took effect on January 1, 2022. These regulations require

vessels to comply with federal ballast water discharge performance standards and to monitor the functionality of ballast water treatment systems.

The effect of the proposed amendments will be to codify transparent enforcement procedures and to assess administrative civil penalties for violations of biofouling and ballast water management requirements.

*Objectives and Anticipated Benefits of the Proposed Action*

If a person intentionally or negligently fails to comply with any of the regulations in Title 2 of the California Code of Regulations, section 2280 et seq. (Article 4.6), section 2291 et seq. (Article 4.7), section 2298.1 et seq. (Article 4.8), or any requirements under Public Resources Code section 71200 et seq., Public Resources Code section 71216 authorizes the Commission to assess administrative civil penalties in an amount not exceeding twenty-seven thousand five hundred dollars (\$27,500) per violation per day. The proposed amendments to Article 4.9 would implement policies and procedures for assessing these penalties and make specific the provisions of Public Resources Code section 71216 with regard to Title 2 of the California Code of Regulations, section 2298.1 et seq., section 2291 et seq., and Public Resources Code section 71200 et seq. The proposed amendments to Article 4.9 will help the State achieve the purpose of the Act by deterring violations of biofouling management and ballast water performance standards provisions using an administrative civil penalty mechanism.

Although compliance with the Act and associated regulations by the regulated community is high, every noncompliant vessel poses a threat of introducing NIS and risks harming California’s coastal environment, coastal economy, and public health. Commission staff has determined that a transparent and consistent process for assessing penalties will reduce violations of the Act by providing tools to enforce the provisions of Title 2 of the California Code of Regulations, section 2298.1 et seq., section 2291 et seq., and Public Resources Code section 71200 et seq. Reducing violations of biofouling management requirements and ballast water performance standards will help protect the waters of the state from NIS introductions and associated impacts.

The objectives of this rulemaking are to:

- (1) establish the penalties for noncompliance with vessel biofouling management requirements and ballast water performance standards and deter violations; and
- (2) apply an administrative civil penalty process in a consistent way, allowing parties to forecast each step.

To achieve the first objective, these proposed amendments place violations of Title 2 of the California Code

of Regulations, section 2298.1 et seq. and section 2291 et seq. into the previously identified classes of violations, established by the original adoption of Article 4.9 in 2017, and tied to specific vessel operational and administrative requirements.

The proposed amendments achieve the second objective by revising the Commission’s process before and after initiating an enforcement action and the procedures all parties must follow. The proposed amendments identify the type of notification for different violations and the pre-enforcement process between the Commission and the cited party followed by enforcement proceedings under the Administrative Procedure Act. These procedures will help ensure that administrative civil penalties, when sought, are pursued in accordance with steps codified and referenced in this proposed action.

The proposed amendments also repeal references to reporting forms that were previously required but are now repealed and replace the repealed forms with references to currently required forms.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations*

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. As part of the development of the proposed amendments, Commission staff evaluated whether there were any other regulations concerning the process for assessing administrative penalties for violations of the Act. The regulations already established in Article 4.9 address some ballast water violations under Title 2 of the California Code of Regulations, section 2280 et seq., but not biofouling and ballast water performance standards requirements under Title 2 of the California Code of Regulations, section 2298.1 et seq and section 2291 et seq., respectively. Ballast water and biofouling management each have distinct legal requirements under the Act and associated regulations. The proposed amendments to Article 4.9 are therefore necessary to add procedures to existing law to address biofouling management, ballast water performance standards, and reporting/recordkeeping violations. No other state regulations provide for such procedures.

DETERMINATION ON MAJOR  
REGULATION DESIGNATION

Commission staff has determined that the proposed regulatory action is not a major regulation, as defined by Government Code section 11342.548. This proposed action establishes a specific process for assessing administrative penalties and enforcing violations under the Act. The costs associated with implementation of the proposed regulations would be in the form of penalties assessed on cited parties due to violations of existing law and the additional staff time needed

to conduct enforcement actions. The estimated cost to industry for the implementation of the proposed regulations is a maximum of \$340,500 per year.

The majority of owners of vessels that operate in California are international companies and not California businesses. The affected industry will consist mainly of non-California based international businesses. These regulation amendments will not affect the ability of California businesses to compete with other states and will not make it more costly for California businesses to produce goods and services here.

#### DIFFERENCES FROM FEDERAL REGULATIONS

This proposed action is promulgated pursuant to Public Resources Code section 71216. Although the federal government regulates vessel-mediated introductions of NIS, Commission staff proposes these regulations under separate state authority granted by the California Legislature. This proposed action will implement an administrative civil penalty procedure to assist in enforcing existing state laws and regulations. Because this proposed action applies to the function of state law, no duplication or conflict with federal regulations is expected.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Commission staff, acting on behalf of the Commission, has made the following determinations:

##### LOCAL MANDATE

Commission staff has determined that this proposed amendment does not impose any mandates on local agencies or school districts.

##### FISCAL IMPACTS

Commission staff has determined that the proposed regulatory action imposes no mandates or costs requiring state reimbursement to any local agency or school district pursuant to Government Code section 17500 et seq. No other non-discretionary costs or savings imposed on local agencies are anticipated.

Commission staff has determined that the proposed action will have no impact on costs or savings to any state agency.

Commission staff has determined that the proposed action will have no impact on costs or savings in federal funding to the State.

##### HOUSING COSTS

Commission staff has determined that this proposed action will have no impact on housing costs.

#### STATEMENT REGARDING ADVERSE ECONOMIC IMPACTS DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE

Commission staff has determined that the proposed regulations will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

Any costs associated with the proposed regulations stem from existing law. The regulated community has been obligated to comply with the statutes and regulations of the Act for several years. The proposed regulations merely establish provisions to assess penalties for violations of standards already implemented.

The overall economic impact of this regulation is estimated to be a maximum of approximately \$340,500 in penalties per year for the entire shipping industry that calls at California ports (see Worksheet for STD.399 Calculations contained within the rulemaking record). Penalties will only apply to vessel owners that have vessels in violation. This cost is insignificant compared to the current costs of operation in California ports. For example, a partial estimate of the average cost of a container vessel calling at the Port of Los Angeles in 2023, including dockage and pilotage fees, was about \$58,061.<sup>1,2</sup> The average cost is likely much higher, as there are other fees associated with the total costs of a port call, but Commission staff could not obtain reliable values and they are not included in this estimate.

#### SMALL BUSINESS DETERMINATION

The Commission staff finds that the adoption of this proposed action will not have a significant adverse economic impact on small businesses. Any costs stem from violations of existing provisions of the Act and associated regulations. The proposed regulations outline the processes and procedures for enforcing violations and assessing administrative penalties under the Act and its associated regulations. Continued compli-

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<sup>1</sup> This estimate includes an average port call length of 4.5 days for a container vessel about 150,000 gross registered tons in size.

<sup>2</sup> The numbers used for the cost calculations were obtained from the Pacific Merchant Shipping Association in June 2023.



ance with the Act and regulations will add no economic burden to small businesses.

### BUSINESS REPORTING REQUIREMENT

It is necessary for the health, safety, or welfare of the people of this state that this regulation, which requires a report, apply to businesses.

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Through the Economic Impact Assessment, Commission staff has determined that the proposed regulations:

- (1) will have no impact upon the creation or elimination of jobs within the State of California;
- (2) will have no impact upon the creation of new businesses or elimination of existing businesses within the State of California;
- (3) will have no impact upon the expansion of businesses currently doing business within the State of California; and
- (4) will have no impact upon worker safety within the State of California.

Commission staff has determined that the proposed regulations will benefit:

- (1) the state's environment by:
  - increasing compliance with pre-existing law, thereby reducing the risk of NIS introductions into California waters;
  - reducing the likelihood of future environmental, human health, and economic impacts resulting from the introduction and establishment of new NIS.

The proposed regulations meet the purpose of the Act (Public Resources Code section 71201, subdivision (d)): "...to move the State expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state..."

- (2) the health and welfare of California residents by ensuring that vessels operating within California waters comply with the provision of the Act. This will reduce the risk of vessel-mediated introductions of:
  - pathogens and parasites; and
  - harmful and invasive nonindigenous species (e.g., harmful algal blooms and toxic diatoms)

The health and welfare of California residents will benefit significantly from the adoption and implementation of the proposed regulations.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission 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 Commission invites interested persons to submit comments on potential alternatives to the proposed regulations during the written comment period.

### CONTACT PERSONS

Direct inquiries concerning the substance of the proposed regulation to:

Raya Nedelcheva  
Senior Environmental Scientist  
California State Lands Commission  
Division of Environmental Science, Planning, and Management  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825–8202  
Telephone: (916) 574–2568  
Facsimile: (916) 574–1950  
Email: [cslc.regulations@slc.ca.gov](mailto:cslc.regulations@slc.ca.gov)

or:

Nina Tantraphol  
Staff Attorney  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825–8202  
Telephone: (916) 574–0452  
Facsimile: (916) 574–1855  
Email: [cslc.regulations@slc.ca.gov](mailto:cslc.regulations@slc.ca.gov)

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Raya Nedelcheva  
Senior Environmental Scientist  
California State Lands Commission  
Division of Environmental Science, Planning, and Management  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825–8202  
Telephone: (916) 574–2568  
Facsimile: (916) 574–1950

Email: [cslc.regulations@slc.ca.gov](mailto:cslc.regulations@slc.ca.gov)

## TITLE 11. DEPARTMENT OF JUSTICE

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

Commission staff will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Sacramento office listed above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, including the economic impact assessment, and relevant sources of information upon which the proposed rulemaking is based. Interested parties may obtain copies of any of the aforementioned files by contacting Raya Nedelcheva as listed above, or by visiting the website listed below.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT OF ORIGINALLY PROPOSED REGULATIONS

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If Commission staff makes any substantial and sufficiently related modifications to the proposed text, the modified text with changes clearly indicated will be available to the public for at least fifteen days prior to the date that the Commission considers adopting the regulations. Interested parties shall send requests for copies of any modified regulations to the attention of Raya Nedelcheva at the address indicated above. The Commission will accept written comments on the modified regulations for fifteen days after the date that they are available.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, interested parties may obtain a copy of the Final Statement of Reasons by contacting Raya Nedelcheva at the address, telephone number, or email address listed above or by accessing the website listed below.

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed rulemaking, the initial statement of reasons, the proposed text of regulations, the economic impact assessment, relevant documents, and any future changes or modifications to the proposed text can be accessed through our website at: <http://www.slc.ca.gov/>

### CIVIL FINES FOR FIREARMS DEALERS

The Department of Justice (Department) proposes to repeal existing section 4016, amend existing sections 4017 (renumbered to 4010), 4018 (renumbered to 4011), 4019 (renumbered to 4012), 4021 (renumbered to 4013), 4022 (renumbered to 4014), 4023 (renumbered to 4015), and 4024, and adopt new sections 4016, 4017, 4018, 4019, 4020 of Title 11, Division 5, Chapter 2 of the California Code of Regulations (CCR) concerning California firearm dealers.

### 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 **July 22, 2025, at 5:00 p.m.** Only written comments received by this time will be considered. Please submit written comments to:

A. Mendoza

California Department of Justice

P.O. Box 160487

Sacramento, CA 95816

916-210-2337

[bofregulations@doj.ca.gov](mailto: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: Section 26715, 26720, 26800, and 27310, Penal Code.

Reference: Section 26715, 26720, 26800, 26915, and 27310, Penal Code.



INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

**Summary of Existing Laws and Regulations:**

Existing law allows the Department to inspect firearm dealers at least every three years to ensure compliance with any applicable state law. (Penal Code, § 26720.) Existing law subjects a license to sell, lease, or transfer firearms to forfeiture for a violation of regulations on the transfer of firearms, except for violations of specified provisions relating to the storage and inspection of firearms. (Penal Code, § 26800, subdivision (a).) The Department may also remove any dealer from the Centralized List if they knowingly or with gross negligence violate a provision listed in Penal Code section 16575. (Penal Code, § 26715, subdivision (b)(1).)

Effective January 1, 2024, Penal Code section 26800, subdivision (b), authorizes the Department to assess a civil fine against a firearm dealer, in an amount not to exceed one thousand dollars (\$1,000), for any breach of any applicable state law. The Department may assess a civil fine, in an amount not to exceed three thousand dollars (\$3,000), for a violation of a prohibition or requirement of Article 2 (commencing with Penal Code section 26800) that subjects the license to forfeiture under subdivision (a), for either of the following:

- (1) The licensee has received written notification from the Department regarding the violation and subsequently failed to take corrective action in a timely manner;
- (2) The licensee is otherwise determined by the Department to have knowingly or with gross negligence violated the prohibition or requirement.

Pursuant to Penal Code section 26800, subdivision (c), the Department may adopt regulations setting fine amounts and providing a process for a firearm dealer to appeal a fine assessed pursuant to subdivision (b).

**Effect of the Proposed Rulemaking:**

The proposed regulations provide a clear and concise structure for the Department to identify violations during inspections of California firearm dealers, assess civil fines based on the level of severity of a violation, and implement a plan of action for the licensee to correct a violation (if applicable). These regulations will incorporate by reference a list detailing the potential violations and related civil fines. These proposed regulations would also provide specific processes regarding payment of civil fines and appeals. This proposed rulemaking will impact licensees who are not in compliance with current licensing laws, and set standards for removing a dealer from the Centralized List for serious violations.

**Anticipated Benefits of the Proposed Regulations:**

These proposed regulations would allow the Department to enforce the provisions, prohibitions, and requirements set forth in Penal Code section 26800. California has passed some of the strongest gun safety measures in the nation. But those laws only work if the Department can enforce compliance. These regulations will increase compliance from firearm dealers. These regulations will make specific all aspects regarding the process for assessing civil fines for firearm dealers — including definitions, inspections, the assessment and collection of fines, appeals process, and the various considerations that determine the severity of a violation. These regulations allow for lesser violations to be corrected without assessing a civil fine and more serious violations, such as finding an assault weapon, subject to a civil fine and corrective action. Imposing civil fines and permitting a firearm dealer to correct violations creates the opportunity for the Department to educate firearm dealers, while not having to take the extreme measure of revoking a firearm dealer's license for any violation. Additionally, having well-regulated firearm dealers protects California's health, safety, and welfare. Ensuring firearms are being sold and transferred safely and legally in California is essential for protecting the public from the potential dangers of firearms.

**Comparable Federal Regulations:**

***27 CFR § 478.73 Notice of revocation, suspension, or imposition of civil fine.***

(a) Basis for action. Whenever the Director has reason to believe that a licensee has willfully violated any provision of the Act or this part, a notice of revocation of the license, ATF Form 4500, may be issued. In addition, a notice of revocation of the license, on ATF Form 4500, may be issued whenever the Director has reason to believe that a licensee fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee). In addition, pursuant to *18 U.S.C. 922(t)(5)* and *18 U.S.C. 924(p)*, a notice of revocation, suspension, or imposition of a civil fine may be issued on ATF Form 4500 whenever the Director has reason to believe that a licensee has knowingly transferred a firearm to an unlicensed person and knowingly failed to comply with the requirements of *18 USC 922(t)(1)* with respect to the transfer and, at the time that the transferee most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrat-

ing that transfer to the transferee or their receipt of a firearm would violate 18 U.S.C. 922(d), 922(g), or 922(n) (as applicable), or State, local, or Tribal law; or that a licensee has violated 18 U.S.C. 922(z)(1) by selling, delivering, or transferring any handgun to any person other than a licensee, unless the transferee was provided with a secure gun storage or safety device for that handgun.

(b) Issuance of notice. The notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The Director shall afford the licensee 15 days from the date of receipt of the notice in which to request a hearing prior to suspension or revocation of the license, or imposition of a civil fine. If the licensee does not file a timely request for a hearing, the Director shall issue a final notice of suspension or revocation and/or imposition of a civil fine on ATF Form 5300.13, as provided in § 478.74.

**18 U.S.C. 922(t)(5)** (*Inserted for additional context relating to 27 CFR § 478.73*)

(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that transfer of a firearm to or receipt of a firearm by such other person would violate subsection (d), (g), or (n) (as applicable) of this section or State, local, or Tribal law, the Attorney General may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$5,000.

The proposed regulations create a process for the Department to inspect California firearm dealers, identify violations and corrective action to be taken, and assess civil fines based on the severity of a violation. This differs from 27 CFR section 478.73, which deals specifically with license forfeiture, suspension, and imposition of civil fines for illegal firearms transfers, sales, and deliveries (e.g., a licensed firearm dealer knowingly transfers a firearm to a prohibited person without a background check). The proposed regulations impose civil fines for a much broader scope of violations — ranging from less-severe violations (e.g., failure to post a required sign), to most-severe and egregious violations, which are committed with gross negligence (e.g., straw purchase).

**27 CFR § 478.74 Request for hearing after notice of suspension, revocation, or imposition of civil fine.**

If a licensee desires a hearing after receipt of a notice of suspension or revocation of a license, or imposition of a civil fine, the licensee shall file a request,

in duplicate, with the Director of Industry Operations within 15 days after receipt of the notice of suspension or revocation of a license, or imposition of a civil fine. On receipt of such request, the Director of Industry Operations shall, as expeditiously as possible, make necessary arrangements for the hearing and advise the licensee of the date, time, location, and the name of the officer before whom the hearing will be held. Such notification shall be made no less than ten days in advance of the date set for the hearing. On conclusion of the hearing and consideration of all the relevant presentations made by the licensee or the licensee's representative, the Director shall render a decision and shall prepare a brief summary of the findings and conclusions on which the decision is based. If the decision is that the license should be revoked, or, in actions under 18 USC 922(t)(5) or 924(p), that the license should be revoked or suspended, or that a civil fine should be imposed, a certified copy of the summary shall be furnished to the licensee with the final notice of revocation, suspension, or imposition of a civil fine on ATF Form 5300.13. If the decision is that the license should not be revoked, or in actions under 18 USC 922(t)(5) or 924(p), that the license should not be revoked or suspended, and a civil fine should not be imposed, the licensee shall be notified in writing. During the hearing, the licensee will have the opportunity to submit facts and arguments for review and consideration; offers of settlement will not be entertained at the hearing but may be made before or after the hearing.

The proposed regulations offer a process for licensees to appeal civil fines imposed by the Department. This process would require the licensee to submit a form to the Department within 30 days from the date the citation was issued. All appeals will be conducted in accordance with the Administrative Procedures Act (Government Code section 11500 et seq.). This is similar to 27 CFR § 478.74, which states if a licensee desires to appeal a suspension, revocation or a civil fine, a hearing is required to be coordinated and held at a location given to the licensee.

#### **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 civil fines for firearm dealers.

#### **Forms Incorporated by Reference:**

- Firearm Dealer Civil Violation List (form BOF 1050, Orig. 01/2026). Sections affected: 4017.
- Firearm Dealer Appeals Form (form BOF 1112, Orig. 01/2026). Sections affected: 4016 and 4020.

**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 Bureau of Firearms needs one permanent Associate Governmental Program Analyst for the Training, Information and Compliance Section to track violations and fines issued, follow up on corrective actions with Field Representatives, and distribute notices to the industry. The cost is \$139,000 annually.

The Department will assess a civil fine if a dealer is found in violation of any applicable law. Therefore, any money the Department collects due to assessing civil fines on firearm dealers will be new revenue.

The estimated impact is difficult to predict because the assumption underlying the impact is that firearm dealers will take additional steps to comply with state law to avoid paying penalties. Based on past audits and investigations, the Department estimates the impact will be minimal as most firearm dealers comply with most state law requirements.

*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 Department is unaware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Civil fines will only be assessed when licensees violate the law. Civil fines range from \$100 to \$3,000, depending on the severity of the violation. The fine amounts are high enough to motivate compliance, but reasonable enough as to not cause extreme financial hardship (e.g., business closure; employee lay-offs).

*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.

**Results of the Economic Impact Assessment (EIA):**

The Department concludes that it is unlikely that the proposal will create or eliminate jobs within the state, unlikely that the proposal will create new businesses or eliminate existing businesses within the state,

and 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 by increasing compliance from firearm dealers. Having well-regulated firearm dealers directly protects the health and welfare of California. Ensuring firearms are being sold and transferred safely and legally in California is essential for protecting the public from the potential dangers of firearms.
- (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 the proposed action affects small businesses. However, the cost impact would only affect licensees who violate the law.

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.

The Department has determined the proposed regulations are the most effective way to assess civil fines for firearm dealers.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

A. Mendoza  
California Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
916–210–2372  
[bofregulations@doj.ca.gov](mailto: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 pro-

posed action may be directed to the following backup contact person:

S. Villareal  
California Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
916–210–2364  
[bofregulations@doj.ca.gov](mailto: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 forms incorporated by reference, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the forms, 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 web-

site at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain a written copy of the Final Statement of Reasons.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of this Notice, the express terms, the forms incorporated by reference, 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 14. BOARD OF FORESTRY AND  
FIRE PROTECTION**

**VEGETATION TREATMENT IN THE  
WATERCOURSE AND LAKE  
PROTECTION ZONE**

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

**PUBLIC HEARING**

The Board will hold a public hearing on July 24, 2025, at its regularly scheduled meeting commencing at 9:00 a.m., in the Natural Resources Building, 715 P Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code (GOV) § 11125.1(b), writings that are public records pursuant to GOV § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

Attendees may also participate via the online meeting platform or telephone conferencing. To participate via the online meeting platform please email [PublicComments@bof.ca.gov](mailto:PublicComments@bof.ca.gov) by 4:30 p.m. on July 23, 2025, to request a link to the meeting. A link to the meeting will also be posted under the “Webinar Information” heading on the front page of the Board website, no later than 8:00 a.m. the morning of the hearing.

## WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. All written comments must be received by the Board office via mail, facsimile, email, or hand delivery no later than the end of the day **July 24, 2025**.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attention: Daniel Craig  
Regulations Program Manager  
P.O. Box 944246  
Sacramento, CA 94244–2460

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

Board of Forestry and Fire Protection  
Attention: Daniel Craig  
715 P Street  
Sacramento, CA 95814

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

[PublicComments@BOF.ca.gov](mailto:PublicComments@BOF.ca.gov).

## AUTHORITY AND REFERENCE (pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14) 14 CCR § 1122)

Authority cited: Authority cited: Sections 4551, 4551.5, 4552, 4553, 4562.7 and 21000(g), Public Resources Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (pursuant to GOV 11346.5(a)(3)(A)–(D))

Title 14 California Code of Regulations, Article 6, Intent of Watercourse and Lake Protection, 14 CCR §§ 916, [936, 956] states “The purpose of this article is to ensure that Timber Operations do not potentially cause significant adverse site-specific and cumulative Impacts to the beneficial uses of water, native aquatic and Riparian-associated species, and the beneficial functions of Riparian zones; or result in an unauthorized take of listed aquatic species; or threaten to cause violation of any applicable legal requirements.” It also states “It is the intent of the Board to restore, enhance, and maintain the productivity of Timberlands while providing appropriate levels of consideration for the quality and beneficial uses of water relative to that productivity. Further, it is the intent of the

Board to clarify and assign responsibility for recognition of potential and existing Impacts of Timber Operations on Watercourses and lakes, native aquatic and Riparian-associated species, and the beneficial functions of Riparian zones and to ensure all plans, exemptions and emergency notices employ feasible measures to effectively achieve compliance with this article.”

The term “Watercourse and Lake Protection Zone” (WLPZ) refers to a strip of land along both sides of a Watercourse or around the circumference of a lake or spring, where additional practices may be required for protection of the quality and beneficial uses of water, fish and Riparian wildlife habitat, the preservation of other forest resources and for controlling erosion. Section, §§ 916, [936, 956] et seq identifies prescriptive regulations addressing Timber Operations within the WLPZ. These protections address timber falling, use of ground-based equipment, vegetation remaining after timber operations, and other prescriptive watercourse and riparian protections for wildlife and the beneficial uses of water, Beginning in January of 2023 the Board’s Forest Practice Committee began discussions with public and agency stakeholders to address reducing fire intensity within WLPZs. Current vegetation densities within these WLPZs continues to increase the probability of higher intensity fire within these zones. As a result of site conditions and current regulations, riparian buffer areas in forests are often carrying high fuel loads, which lead to greater fire intensity in riparian forests. High intensity wildfire results in an increase in erosion and resultant increase in the sediment loads in streams, with broader impacts to water quality, bank and channel stability, wildlife habitat, and the survival of rare species. In fact, fire severity is a much stronger determinant for soil and watershed responses to fire than the presence of fire itself, and wildfire in these areas is more severe than it was historically. With the impacts of climate change resulting in additional changes in fire regimes and watershed function, work to protect riparian corridors from catastrophic wildfire is particularly relevant.

Decades of fire suppression have impacted forest conditions such that forest fuel loads are increasing, contributing to higher fire intensities. Timber harvesting and fuel reduction activities are increasingly becoming fundamental disturbances on the landscape and in sensitive areas such as riparian corridors to reduce fire intensity. The goal is not the complete suppression of fire across the landscape; rather the modification of fuel densities to help reduce the intensity of fire, so that it is a beneficial ecological element within the forested landscape. Environmental considerations are especially important to consider when evaluating fire impacts on the riparian area and watercourse. Several environmental concerns arise regarding soil and water quality, light and energy dynamics, and wildlife



habitat and conservation. As a result, in sites with high risk for high severity fire which would severely impact watershed processes, the potential impacts from fuel reduction efforts may represent lower long-term impacts.

Harvest in watercourse and lake protection zones is possible under §§ 916.1, [936.1, 956.1] as an in lieu practice. However, this in lieu practice has had difficulties in implementation due to a lack of clear guidelines for review team staff. Rather than an established top-down regulatory program that represents a consistent interpretation of the scientific literature on this subject, the review team staff are responsible for independently reviewing the scientific literature and deciding on harvests in the WLPZ. In lieu practices to reduce WLPZ fuel loads have been used very rarely. There is a need for a scientifically supported regulatory framework for wider implementation of fuel reduction in the WLPZ.

The rule plead as presented adds an additional regulatory subsection (§§ 916.13, [936.13, 956.13] to Article 6. The Board has added this section to provide regulation to accomplish the goal of fuel reduction within the WLPZ. The intent of this rule plead is to adopt a standard rule to allow ground-based harvest operations within the WLPZ for the purpose of reducing overall fuel loads and the horizontal and vertical continuity of fuels which contribute to the spread of wildland fire within these zones and reduce the intensity of wildland fire, providing protection for the beneficial uses of water, riparian zones and riparian habitats.

The **problem**: Current Forest Practice Rules limit operations in the Watercourse Lake and Protection Zones (WLPZ). The use of heavy equipment for felling or yarding trees or for the modification of horizontal and vertical vegetative fuel loads is not permitted. Considering the change in forest stand conditions due to the suppression of wildland fire, associated riparian areas and the nearby watercourses have increased vegetative fuel loads, which increases the severity and intensity of wildland fire across the landscape. Efforts to reduce vegetative fuel loads has been occurring across the landscape with the intent to reduce the effect wildland fire has on the forested landscape, however, efforts to reduce fuel loads within the riparian areas have not been commensurate; thus, fire intensity has been high or severe in these areas effecting waterways and wildlife functions of the riparian areas. Current regulations were developed at a time when equipment used for timber harvesting had limited capabilities and a higher level of concern for ground disturbance. Additionally, forest conditions and fuel loading was significantly less than they are today. Lastly, climatic conditions did not have as much of an influence on wildland fires as they do today due to climatic changes such as global warming. There is a need for a sci-

entifically supported regulatory framework for wider implementation of fuel reduction in Watercourse and Lake Protection Zones.

The **purpose**: This rule plead provides a regulatory process by identifying the regulatory guidance to RPFs and review teams. RPFs will have regulatory guidelines needed to facilitate fuel reduction and timber operations within the WLPZ while providing for the beneficial uses of water and wildlife values within the riparian zone. Both the RPF preparing a timber harvesting document, and the reviewing agencies will have a better understanding of the protective measures to be utilized in the development of and use of heavy equipment use within the WLPZ for the purpose of fuels reduction and timber harvesting while protecting the beneficial uses of water and wildlife species. The goal of this rule section is to facilitate the reduction of fuel loads contributing to wildland fire while maintaining the protection of the resources of California. Additionally, these prescriptive regulations will help reduce discussion during the review of timber harvest plans since review agencies and departments have assisted with the development of the rule language.

The **effect** of the proposed action is to: 1) provide clarity to RPFs and reviewing agencies on prescriptive processes allowable for the use of heavy equipment within the WLPZ for the reduction of fire fuels and timber harvesting within the WLPZ, while maintaining riparian functionality; 2) provide the option for landowners to modify fuel loading within the WLPZ, potentially reducing fire intensity in the WLPZ; 3) provide prescriptive and enforceable guidelines to be implemented by providing clear language for timber harvesting preparation and multiagency review; 4) provide enforceable standards for the protection of the beneficial uses of water and wildlife habitats.

The **benefit** of the proposed action is the potential reduction of the vertical and horizontal continuity of fuel loads which contribute to the intensity and spread of wildfire within riparian zones while maintaining for the protection of the beneficial uses of water and wildlife habitats associated with riparian zones. These regulations as written provide a comprehensive regulatory scheme which allows for the clear and consistent application and enforcement of the Forest Practice Rules related to heavy equipment use within the WLPZ.

ARE PROPOSED REGULATIONS  
INCONSISTENT OR INCOMPATIBLE WITH  
EXISTING STATE REGULATIONS  
(Pursuant to GOV § 11346.5(a)(3)(D))

The Board of Forestry and Fire Protection is responsible for developing and reviewing regulations for forest management. During the development of

this rulemaking the Board worked with other agencies and conducted a search for any related regulations and found that the regulations addressed in this rulemaking are the only regulations specific to watercourse and lake protection. The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### MANDATED BY FEDERAL LAW OR REGULATIONS

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

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

There are no comparable Federal regulations related to regulating equipment use in timber operations near watercourses on private land. No existing Federal regulations meeting the same purpose as the proposed action were identified.

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

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

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

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

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

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

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

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

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

The proposed action will not result in costs to any State agency. The proposed action represents an expansion of existing regulations related to the beneficial uses of water, native aquatic and Riparian–associated species, and the beneficial func-

tions of Riparian zones and will not result in any direct or indirect costs or savings to any state agency.

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

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

The proposed action will not significantly affect housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

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

#### FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))

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

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

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

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));

- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will allow for the reduction of horizontal and vertical fuel loads existing in the Watercourse & Lake Protection Zone with the goal of decreasing fire intensity within these zones. This will improve the health, welfare and safety for fire fighters engaged in fire suppression activities. The Beneficial uses of water and riparian functions for wildlife will benefit from the reduction of horizontal and vertical fuel loads which contribute to increased fire intensity.

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

Persons engaged in timber harvesting and vegetation management will have an opportunity to manage the horizontal and vertical fuel loads within Watercourse and Lake Protection Zones due to the regulations developed under this rule plead. The rule plead only provides an opportunity for land management and does not increase cost impacts on businesses or persons.

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

The proposed action does not impose a business reporting requirement.

**SMALL BUSINESS**  
(defined in GOV 11342.610)

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

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

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

**CONSIDERATION OF ALTERNATIVES**

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

**CONTACT PERSON**

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

Board of Forestry and Fire Protection  
Attention: Daniel Craig  
Regulations Program Manager  
P.O. Box 944246  
Sacramento, CA 94244–2460  
Telephone: (916) 653–8007

The designated backup person in the event Mr. Craig is not available is Jane VanSusteren Regulation program Coordinator for the Board of Forestry and Fire Protection. Mrs. VanSusteren may be contacted at the above address or phone.

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

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the

originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who submitted comments during the public comment period, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### FINAL STATEMENT OF REASONS

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

#### INTERNET ACCESS

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

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### COMPASSIONATE RELEASE

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3076, 3076.1, 3076.2, 3076.5, 3999.98, and 3999.99; repeal sections 3076 and 3076.4; and adopt section 3999.209 of the California Code of Regulations (CCR), Title 15, Division 3, Chapters 1 and 2 concerning compassionate release

#### PUBLIC HEARING

A virtual public hearing will be held on July 21, 2025. To join the virtual hearing, follow this link: <https://cchcs.ca.gov/health-care-regs/> or you may call (916) 701-9994 and enter phone conference ID 897 188 655# to join by phone (audio only) between the hours of 1:30 p.m. and 2:00 p.m. on July 21, 2025.

#### PUBLIC COMMENT PERIOD

The public comment period will close on **July 21, 2025**. Any person may submit public comments in writing (by mail or email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to [CDCRHealthCareRegulationsandPolicySection@cdcr.ca.gov](mailto:CDCRHealthCareRegulationsandPolicySection@cdcr.ca.gov) before the close of the comment period.

#### CONTACT PERSON

Please direct any inquiries regarding this action to:

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

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

#### AUTHORITY AND REFERENCE

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

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

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

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

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

References cited pursuant to this regulatory action are as follows: Sections 28(b) and 32, California Constitution; Sections 290, 679.03, 1170, 1170.18(c), 1172, 1172.1, 1172.1(a), 1172.2, 2085.5, 3003, 3041, 3043, 3043.1, 3043.2, 3043.25, 3043.3, 3051, 3053.2, 3055, 3058.8, 3605, 5054, and 5065.5, PC; and *Plata v. Newsum* (Number C01–1351 JST), U.S. District Court, Northern District of California

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDCR and CCHCS propose to amend sections 3076, 3076.1, 3076.2, 3076.5, 3999.98, and 3999.99; repeal sections 3076 and 3076.4; and adopt section 3999.209 of the CCR, Title 15, Division 3, Chapters 1 and 2 governing compassionate release. Current Title 15 regulations lack sufficient guidance and no longer align with PC section 1172.2, which was enacted in 2023. The code introduced significant reforms to the compassionate release process, expanding eligibility and specifying required actions. Thus, CDCR and CCHCS have concluded that substantive regulatory changes are required to interpret and implement PC section 1172.2.

This proposed action will:

- Ensure that CDCR and CCHCS provide procedural due process to affected patients in accordance with state law.
- Improve the CDCR and CCHCS’ handling of proper preparation and documentation and ensure timely processing and coordination of compassionate release referrals throughout the process.
- Improve departmental transparency, patient health, safety, and well-being, and staff accountability.
- Bring CDCR into compliance with the statutory criteria set forth in PC section 1172.2 for compassionate release.

### BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed changes will benefit the health and welfare of CDCR patients and staff and protect worker safety by clarifying and standardizing the compassionate release procedures and rules for CDCR staff to promptly identify, assess, and track patients who are eligible for compassionate release. The regulations will establish standard processes, timelines, and requirements for CDCR staff to timely assess, evaluate, and refer patients for com-

passionate release, ensuring continuing patient health, safety, and well-being. This regulation change will not impact the State’s environment, as the proposed regulations relate strictly to the internal management of CDCR institutions.

### FORMS INCORPORATED BY REFERENCE

- CDCR 128–C, Medical–Psychiatric–Dental (Chrono) (Rev. 03/25).
- CDCR 3038, Notification and Authorization to Incarcerated Person Regarding Compassionate Release (Rev. 05/25).
- CDCR 3039, Waiver of Defendant’s Physical or Remote Presence at Compassionate Release Hearing (Rev. 05/25).
- CDCR 7385–CR, Authorization for Release of Protected Health Information — Compassionate Release (Rev. 05/25).

### EVALUATION OF CONSISTENCY/ COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

### LOCAL MANDATES

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

### FISCAL IMPACT STATEMENT

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

### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because this regulatory action relates strictly to clarifying and standardizing the com-



passionate release process, which only affects staff and patients within CDCR.

### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because this regulatory action relates strictly to clarifying and standardizing the compassionate release process, which only affects staff and patients within CDCR.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed changes will benefit the health and welfare of CDCR patients and staff and protect worker safety by clarifying and standardizing the compassionate release procedures and rules for CDCR staff to promptly identify, assess, and track patients who are eligible for compassionate release. The regulations will establish standard processes, timelines, and requirements for CDCR staff to timely assess, evaluate, and refer patients for compassionate release, ensuring continuing patient health, safety, and well-being. This regulation change will not impact the State's environment or safety, as the proposed regulations relate strictly to the internal management of CDCR institutions.

In accordance with Government Code (GC) section 11346.3(b), the Department has made the following assessments regarding the proposed regulation:

#### *1. Creation or Elimination of Jobs within the State of California*

The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing jobs within the State of California. The proposed regulations clarify and standardize the compassionate release process, which only affect staff and patients within CDCR.

#### *2. Creation of New or Elimination of Existing Businesses within the State of California*

The Department does expect that the proposed regulations will have an impact on the creation of new or the elimination of existing businesses within the State of California. The proposed regulations clarify and standardize the compassionate release process, which only affect staff and patients within CDCR.

#### *3. Expansion of Businesses Currently Doing Business within the State of California*

The Department does not expect that the proposed regulations will have an impact on the expansion of businesses currently doing business within the State

of California. The proposed regulations clarify and standardize the compassionate release process, which only affect staff and patients within CDCR.

### BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed changes will benefit the health and welfare of CDCR patients and staff and protect worker safety by clarifying and standardizing the compassionate release procedures and rules for CDCR staff to promptly identify, assess, and track patients who are eligible for compassionate release. The regulations will establish standard processes, timelines, and requirements for CDCR staff to timely assess, evaluate, and refer patients for compassionate release, ensuring continuing patient health, safety, and well-being. This regulation change will not impact the State's environment, as the proposed regulations relate strictly to the internal management of CDCR institutions.

### 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. This regulation change relates strictly to clarifying and standardizing the compassionate release process, which only affects CDCR staff and patients.

### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because this regulatory action relates strictly to clarifying and standardizing the compassionate release process, which only affects staff and patients within CDCR.

### CONSIDERATION OF ALTERNATIVES

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

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other ev-

idence provided that would alter the CDCR’s initial determination to proceed with this action.

#### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

### TITLE 16. BOARD OF NATUROPATHIC MEDICINE

#### DELEGATION OF FUNCTIONS

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

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than by Monday, July 21, 2025**, or must be received by the Board at the hearing, should one be scheduled.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 3621 and 3622 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 3621 and 3626, the Board is considering adopting section 4201 of title 16 of the California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Board of Naturopathic Medicine (“Board”) licenses, regulates, and investigates complaints against naturopathic doctors in California, totaling approximately 1,500 licensees. The Board is a state agency vested with the authority to regulate the practice of naturopathic doctors (Bus. & Prof. Code, § 3612). The Board’s mandate and highest priority is to protect the public (Bus. & Prof. Code, § 3620.1). It is the Board’s duty to enforce and administer the Naturopathic Doctors Act (Chapter 8.2 (commencing with section 3610 of Division 2 of the Business and Professions Code (BPC)) (Act). The Board is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC § 3622.)

Business and Professions Code section BPC section 3621(e) provides:

“The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter.” (Emphasis added.)

The Board has adopted a few regulations in Division 40 of tile 16 of the California Code of Regulations

(16 CCR) that specify the Executive Officer’s duties, including: (1) 16 CCR section 4208 (complaint disclosures), (2) 16 CCR section 4242 (issuance of citation and fines), (3) 16 CCR section 4246 (setting fine amounts), (4) 16 CCR section 4250 (contest of citations), (5) 16 CCR section 4252 (granting extensions of time for correction under orders of abatement), and, (6) 16 CCR section 4254 (issuance of citations for unlicensed activity). However, the Board currently does not have a regulation that prescribes the overall day-to-day duties commonly assigned to Executive Officers or Executive Directors in the Department of Consumer Affairs (Department). Other boards within this Department have specified their Executive Officer’s duties in regulation.

To address this problem, this proposal would formally delegate the day-to-day duties and functions of the Board’s Executive Officer, as specified, and centralize all delegated duties in one location through the adoption of 16 CCR section 4201 in Article 1 of Division 40 of the Board’s regulations.

#### **Anticipated Benefits of Proposal**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The objective of this proposal is to ensure that the Board’s regulations accurately reflect the duties delegated to the Board’s Executive Officer in compliance with the laws related to the Board’s jurisdiction in one convenient location. This helps avoid licensee and staff confusion about who is authorized to make decisions on behalf of the Board. This also helps ensure transparency, legal compliance and accuracy in the Board’s operations and a well-informed public.

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 has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

### **DISCLOSURES REGARDING THIS PROPOSED ACTION**

#### **FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None. The proposed regulations do not result in a fiscal impact to the state. This proposal conforms the regulation regarding the Executive Officer’s duties to current law and

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

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

**Nondiscretionary Costs/Savings to Local Agencies:** None.

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

**Mandate Imposed on Local Agencies or School Districts:** None.

**Significant Effect on Housing Costs:** None.

#### **BUSINESS IMPACT ESTIMATES**

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

This initial determination is based on the following facts:

The proposed regulatory changes are administrative and help to ensure transparency, legal compliance, and accuracy in the Board’s operations. This proposal conforms the regulation regarding the Executive Officer’s duties to current law and Board enforcement-related practices. The Board does not anticipate that any businesses, including any businesses employing naturopathic doctors, would be impacted by an action to merely formalize delegations to its Executive Officer.

#### **Cost Impact on Representative Private Person or Business**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This determination is based upon the facts set forth in the “Business Impact Estimates” section above.

### **RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:**

#### **Impact on Jobs/Businesses**

The Board has determined that this regulatory proposal will not have any impact on the following:

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

- (4) The proposal makes administrative changes in conformity with current law and Board enforcement–related practices.

**Benefits of Regulation:**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents.

The objective of this proposal is to ensure that the Board’s regulations accurately reflect the duties delegated to the Board’s Executive Officer in compliance with the laws related to the Board’s jurisdiction in one convenient location. This helps avoid licensee and staff confusion about who is authorized to make decisions on behalf of the Board. This further ensures transparency, legal compliance and accuracy in the Board’s operations and a well–informed public.

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

**Business Reporting Requirements**

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

**Effect on Small Business**

The Board has determined that the proposed regulations will not affect small businesses as stated in the “Business Impact Estimates” section of this Notice. Any costs of compliance are a result of current law. This proposal simply conforms the regulation regarding the Executive Officer’s duties to current law and Board enforcement practices and would not affect small businesses.

**CONSIDERATION OF ALTERNATIVES**

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at the California Board of Naturopathic Medicine, 1747 North Market Boulevard, Suite 240, Sacramento, CA 95834, and to the attention of either of the persons listed under the section “Contact Persons” listed below, during the written comment period, or at the hearing if one is scheduled or requested.

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

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Boulevard, Suite 240, Sacramento, CA 95834.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the 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 either of the persons 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 Persons named below or by accessing the website listed below.

**CONTACT PERSONS**

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

Name: Rebecca Mitchell, Executive Officer

Address: California Board of Naturopathic  
Medicine  
1747 North Market Boulevard, Suite 240  
Sacramento, CA 95834  
Telephone Number: (916) 928–5862  
Fax Number: (916) 928–4787  
Email Address: [Rebecca.Mitchell@dca.ca.gov](mailto:Rebecca.Mitchell@dca.ca.gov)

The backup contact person is:

Name: Raquel Oden, Program Analyst  
Address: California Board of Naturopathic  
Medicine  
1747 North Market Boulevard, Suite 240  
Sacramento, CA 95834  
Telephone Number: (916) 928–4785  
Fax Number: (916) 928–4787  
Email Address: [Raquel.Oden@dca.ca.gov](mailto:Raquel.Oden@dca.ca.gov)

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at [https://www.naturopathic.ca.gov/laws/proposed\\_regulations.shtml](https://www.naturopathic.ca.gov/laws/proposed_regulations.shtml)

## TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### SAFER CONSUMER PRODUCTS REGULATIONS — SB 502 (2022) MANDATED FRAMEWORK REGULATIONS AMENDMENTS

**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC) proposes to amend sections 69503.5, 69504, 69504.1, 69505.1, and 69506.1 of articles 3, 4, 5, and 6, chapter 55 of division 4.5 of title 22 of the California Code of Regulations [Safer Consumer Products (SCP) regulations]. These proposed amendments are required by Senate Bill (SB) 502 (Chapter 701, Statutes of 2022), which added a new petition pathway under the SCP regulations. The regulatory amendments allow DTSC to list a Priority Product and rely on publicly available studies or evaluations of alternatives in lieu of an Alternatives Analysis to proceed directly to regulatory response and adds mandated additional applicability to the petition process.

#### COMMENT PERIOD

A public comment period for the rulemaking has been established commencing on June 6, 2025, and closing on July 21, 2025. Statements, arguments, or contentions regarding the rulemaking and/or supporting documents must be submitted in writing or presented orally or in writing at a public hearing, if a hearing is requested, in order for them to be considered by DTSC before it adopts these regulations.

Written comments may be submitted electronically through the SCP Information Management System, CalSAFER at: <https://calsafer.dtsc.ca.gov>. While DTSC prefers comments be submitted through the CalSAFER system, interested persons may also submit their comments in an email to: [SaferConsumerProducts@dtsc.ca.gov](mailto:SaferConsumerProducts@dtsc.ca.gov) or through the DTSC regulations email address at [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov). Please include the DTSC reference number for this regulation in the subject of your message. Direct hard-copy written comments to Office of Legislation and Regulatory Review, as specified below.

#### PUBLIC HEARING

A public hearing has not been scheduled for this rulemaking. However, DTSC will conduct a hearing if a written request for a public hearing is received from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8. Submit a written request for a public hearing in an email to [SaferConsumerProducts@dtsc.ca.gov](mailto:SaferConsumerProducts@dtsc.ca.gov) or to the Office of Legislation and Regulatory Review, as specified below.

#### Notice Pertaining to Accessibility and Reasonable Accommodation

All documents related to these regulations can be made available in alternate format (i.e., Braille, large print, etc.) or in another language, as requested, in accordance with State and Federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact the staff person below. Note: the range of assistive services available may be limited if requests are made less than 10 business days prior to a public hearing.

Office of Legislation and Regulatory Review  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812–0806  
Fax Number: (916) 324–1808  
Phone Number: (279) 895–5179



TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

## AUTHORITY AND REFERENCE

This regulation is being adopted under the following authorities: Health and Safety Code (HSC) sections 25253 and 58012 (added by Gov. Reorg. Plan Number 1, § 146, eff. July 17, 1991).

This regulation implements, interprets, or makes specific the following statutes: HSC sections 25252 and 25253.

## INFORMATIVE DIGEST

### Policy Statement Overview

#### Background and Effect of the Proposed Regulatory Action

The SCP regulations were adopted in October 2013 to meet the statutory requirements outlined in HSC sections 25252 and 25253. The regulations outline a science-based process for evaluating Chemicals of Concern in consumer products and safer alternatives by:

- Establishing a list of Candidate Chemicals and specifying criteria by which these may be designated Chemicals of Concern;
- Establishing a process to identify and prioritize product and Candidate Chemical combinations that may be listed as Priority Products;
- Requiring manufacturers of a product listed as a Priority Product to notify DTSC within 60 days of the listing regulation's effective date;
- Requiring manufacturers of a Priority Product to determine how best to reduce exposures to the Chemical(s) of Concern in the product;
- Allowing DTSC to identify and require implementation of Regulatory Responses following completion of an Alternatives Analysis, if needed; and
- Creating a process for persons to petition DTSC to add chemicals to the Candidate Chemicals list, add or remove Candidate Chemicals lists in their entirety, or to add or remove a product-chemical combination from the Priority Products List.

SB 502 authorizes DTSC to rely on all or part of one or more applicable publicly available studies or evaluations of alternatives in lieu of an Alternatives Analysis to proceed directly to regulatory response. The process to proceed directly to regulatory response includes the following elements:

- The evaluation or study relied upon must meet reliability criteria; namely, it must be published in a scientifically peer reviewed report or other literature, published in a report of the U.S. Na-

tional Academies, or published in a report by an international, federal, state, or local agency that implements laws governing chemicals. The evaluation or study must also include a study design appropriate to the hypothesis being tested and be sufficient to support the study propositions.

- The proposal to proceed directly to regulatory response must address any relevant factors that may be addressed as part of a regulatory response. The specified factors are:
  - the extent that the regulatory response addresses adverse impacts
  - the ability of end users to understand regulatory responses that include information or directions
  - adverse ecological impacts of the regulatory response on sensitive receptors or additional burdens imposed on sensitive subpopulations
  - existing federal or California regulatory requirements applicable to the chemicals in the product
  - the cost of the regulatory response to the responsible entity
  - the practical capacity of the responsible entity to comply with the regulatory response
  - the management and cleanup costs imposed on public agencies by the ongoing sale of the Priority Product
  - DTSC's administrative burden to oversee the regulatory response
  - the ease of enforcing the regulatory response
- If the study or evaluation relied upon does not address one or more of these factors, DTSC may augment the study or evaluation with additional information that addresses these factors.

The proposal to proceed directly to regulatory response may be combined with a proposal to list a chemical-product combination as a Priority Product. DTSC must provide public notice, an opportunity for comments from the public and responsible entities, and responses to all comments received. Following public notice and comment period, DTSC would make a formal determination of whether the studies or evaluations are applicable and meet the reliability criteria, and whether the relevant factors have been addressed. DTSC must publish a summary of its determination and specify whether DTSC plans to proceed to regulatory response. After the formal determination, DTSC may issue regulatory responses.

SB 502 also mandates DTSC to amend sections 69504 and 69504.1 of title 22 of the California Code of Regulations to allow a person to petition the department for a regulatory response pursuant to subdi-

vision (d). Such a petition must include the studies or evaluations relied on, a description of how the studies satisfy the reliability criteria described above, and a demonstration of the relevant regulatory response factors addressed.

### Benefits of the Proposed Regulatory Action

These amendments add an additional applicability to the petition process whereby the public may petition the department to add a product–chemical combination to the Priority Products list that will proceed directly to regulatory response in lieu of requiring an Alternatives Analysis. The amendments also make other required modifications to the existing regulatory framework to allow DTSC to use the new statutory authority. This petition process enables interested parties, including individuals, industry, organizations, educational institutions, and government agencies, to present DTSC with information that a product–chemical combination poses a threat and provide information about existing safer chemical alternatives or engineering substitutes to ameliorate that threat. This engagement provides DTSC additional avenues for gathering information about the California consumer product market, in turn contributing to DTSC’s goal to reduce and prevent potential adverse health and environmental impacts.

### Existing Laws and Regulations

The SCP regulations established a unique approach to regulating Chemicals of Concern in consumer products that grants DTSC authority to take actions to protect people and the environment when such actions are outside the scope of other regulatory programs. DTSC has assessed all applicable state and federal laws and regulations, as well as international treaties or agreements with the force of domestic law and has determined that no state or federal regulations overlap or conflict with this proposal.

### Related State Laws and Regulations

The only related state laws and regulations are the existing SCP regulations adopted to meet the statutory requirements outlined in HSC sections 25252 and 25253. The existing regulations compel manufacturers of a Priority Product to determine how best to reduce exposures to the Chemical(s) of Concern in the product, often through an Alternatives Analysis, and allow DTSC to identify and require implementation of regulatory responses when the Alternatives Analysis is completed. These proposed regulations do not overlap or conflict with the existing requirements because the new authority granted in HSC section 25253 allows DTSC to rely on a study or evaluation to proceed directly to regulatory response.

### Comparable Federal Regulation or Statute

These regulations are not based on, identical to, or in conflict with any federal regulations.

### Document Incorporated by Reference:

None.

### OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE

### California Environmental Quality Act (CEQA) Compliance

DTSC has determined that this rulemaking would be exempt from CEQA (Public Resources Code Section 21000, et seq.) under the common sense exemption available under title 14, California Code of Regulations, section 15061(b)(3). A draft Notice of Exemption (NOE) is available for review during the public comment period upon request and will be filed with the State Clearinghouse if the regulation is finalized.

### California Environmental Policy Council Review

Under the provisions of HSC section 25252.5, the California Environmental Policy Council (CEPC) reviewed the framework SCP regulations prior to their adoption in October 2013 (the CEPC Resolution may be viewed at: <http://www.calepa.ca.gov/cepc/>). Under HSC Section 25252.5(f), the CEPC determined that the proposed regulations would not have any significant adverse impact on public health or the environment and could be adopted by DTSC without undergoing a multimedia life cycle evaluation.

DTSC determined that further review by the CEPC is not warranted for this rulemaking because the requirements of HSC section 25252.5 apply only to the creation of the SCP program and not regulations that may be required to implement this program.

### Peer Review

This proposed regulation does not require external scientific peer review because it does not contain a scientific element nor is it based in science. It clarifies and implements existing statutory authority.

### DISCLOSURES REGARDING THE PROPOSED ACTION

DTSC has determined that adoption of this regulation will not impose a local mandate or result in costs or savings for any local agency or school district subject to state reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

**Mandate on Local Agencies and School Districts:** None.

**Costs or Savings to Any State Agency:** None. However, reviewing and considering potential future petitions that may arise as a result of this regulation would generate minor and absorbable costs for DTSC.

**Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance With**

**Government Code sections 17500 through 17630:** None.

**Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.

**Cost or Savings in Federal Funding to the State:** None.

**Cost Impacts on Representative Private Persons or Businesses:** DTSC 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 Effect on Housing Costs:** None.

**Effect on Small Businesses:** DTSC determined that small business will not be affected because the proposed amendments add mandated additional applicability to an existing petition process and clarify existing authority established by SB 502 (2022).

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

DTSC concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) unlikely that the proposal will create an unknown number of jobs (3) unlikely that the proposal will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

**Benefits of the Regulation on the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:** DTSC has determined that the adoption of this regulation potentially benefits the health and welfare of California residents, worker safety, or the State’s environment. Providing an additional petition pathway may increase DTSC’s ability to address adverse health and environmental impacts of a Priority Product.

## CONSIDERATION OF ALTERNATIVES

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

DTSC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulation or CEQA documents may be directed to Cathy Valentine of DTSC at 510–540–3837 or [Cathy.Valentine@dtsc.ca.gov](mailto:Cathy.Valentine@dtsc.ca.gov), or if unavailable, David Rist of DTSC at 510–540–3763 or [David.Rist@dtsc.ca.gov](mailto:David.Rist@dtsc.ca.gov). However, such oral inquiries are not part of the rulemaking record.

## AVAILABILITY OF TEXT OF PROPOSED REGULATIONS, INITIAL STATEMENT OF REASONS, AND OTHER RULEMAKING DOCUMENTS

Copies of the Notice of Proposed Action, Initial Statement of Reasons, all the information upon which this proposal is based, and the express terms of the proposed regulation (also known as the proposed regulatory text) are posted to DTSC’s website at <https://dtsc.ca.gov/dtsc-proposed-regulations/> and will be made available for viewing at the Office of Legislation and Regulatory Review, as specified below.

Office of Legislation and Regulatory Review  
Department of Toxic Substances Control  
1001 I Street  
Sacramento, California 95814–2828

The text of the proposed amendment contains the following formatting features:

- The symbol “\*\*\*\*\*” means that intervening text not proposed for amendment is not shown.
- Proposed additions are indicated in single underlining to show where the new text is being added.
- Proposed deletions (repeals) are indicated as a strikethrough to show where the existing text is being removed.

After the close of the comment period, DTSC may adopt the proposed regulation. If substantial, sufficiently related changes are made to the regulatory text, the modified full text (with the changes clearly indicated) will be made available for comment for at least 15 days prior to adoption. Only persons who request to be notified of any modifications to the proposed text, submit written or oral comments (comments submitted at a hearing, if one is held, or comments submitted to DTSC), will be sent a copy of the modified text, if substantial, sufficiently related changes are made.

Once DTSC finalizes the regulatory text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials. A copy of the Final Statement of Reasons will also be posted on DTSC’s website at <https://dtsc.ca.gov/dtsc-proposed-regulations/>, along

with the date the regulation is filed with the Secretary of State and the effective date of the regulation.

ALL OTHER QUESTIONS/COMMENTS/  
INQUIRIES/UPDATES

Please direct all written comments, procedural inquiries, and requests for documents by mail or email to the Office of Legislation and Regulatory Review, as specified above. To be included in this regulation package’s mailing list and to receive updates for this rulemaking, please email your request to [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

**PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES**

**LOST RIVER SUCKER AND  
SHORTNOSE SUCKER IN  
SISKIYOU AND MODOC COUNTIES**

The U.S. Geological Survey (USGS) which is funded by the U.S. Bureau of Reclamation (USBR) and U.S. Fish and Wildlife Service is requesting authorization to conduct research capturing Lost River Sucker (*Deltistes luxatus*) and Shortnose Sucker (*Chasmistes brevirostris*), Fully Protected Fishes, to conduct surveys and research, and ultimately improve survival of these fish, consistent with the protection and recovery of the species. The applicant and the associated parties have a valid United States Fish and Wildlife Service (Service) Section 10 recovery permits (TE–007907–18) and/or a Biological Opinion (2019 U.S. Fish and Wildlife Biological Opinion for the Klamath Project) for research on Lost River Sucker and Shortnose Sucker, Fully Protected Species. The proposed research is being conducted by USGS and its partners in support of the ongoing study for the recovery of the endangered suckers in the Klamath Basin. The USGS proposes the use of trammel nets, seines, long-handled dip nets, and electrofishers to evaluate survival and population contribution of suckers and the use of trammel nets (adults), fyke nets (juveniles), and plankton drift nets (larvae) to quantify entrainment. Adult and juvenile suckers will be identified, measured, enumerated and scanned for Passive Integrated Transponder (PIT) tags. If no PIT tag is present, one will be implanted so that recruitment into the

adult spawning population can be monitored in future years. Internal acoustic tags may also be used. Tissue samples will be collected for genetic and age analysis. Juvenile specimens may be collected for pathology activities. Only experienced personnel will conduct sampling. Detailed prescriptions for sampling and handling suckers will be included in the applicant’s Fully Protected Species Memorandum of Understanding (MOU), if issued. Additional locations and/or methods may be authorized by the Department for future projects. Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected Fish after 30 days’ notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected Fish, it would issue the authorization in the form of a MOU by June 13, 2025 for an initial term through December 31, 2030. This MOU has the option to be renewed upon expiration.

**DEPARTMENT OF  
FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR UPPER NOYES VALLEY  
CREEK PROCESS BASED RESTORATION  
PROJECT (TRACKING NUMBER:  
1653–2025–162–001–R1)  
SISKIYOU COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on May 20, 2025, that the Scott River Watershed Council (Council) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves constructing up to 50 beaver dam analogs to maximize groundwater recharge and support efforts to reintroduce beaver. The proposed project will be carried out on Noyes Valley Creek, within the Scott River Hydrologic Area 105.42, Siskiyou County, California.

On April 28, 2025, 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 Upper Noyes Valley Creek Process Based Restoration Project. 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 1A25055WNSI) for coverage under the General 401 Order on 5/12/2025.

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

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Council 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.

State Lands Commission  
File # 2025–0502–04  
Conflict-of-Interest Code

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

Title 02  
Amend: 2970  
Filed 05/27/2025  
Effective 06/26/2025  
Agency Contact: Sarah Hutson (916) 574–1910

Department of Motor Vehicles  
File # 2025–0411–02  
Secondary Review Referral Form

This action by the Department of Motor Vehicles makes changes without regulatory effect by amend-

ing the Secondary Review Referral Notice, form DL 209A, incorporated by reference in title 13, section 16.06, to allow applicants for driver's licenses to request a secondary review online in addition to the existing phone request option.

Title 13  
Amend: 16.06  
Filed 05/21/2025  
Agency Contact: Randi Calkins (916) 282–7294

Commission on Peace Officer Standards and Training  
File # 2025–0411–04  
Employment Status Notifications

In this regular rulemaking action, the Commission on Peace Officer Standards and Training (POST) seeks to amend regulation section 1003 of Title 11 to incorporate a revised version of the Affidavit of Separation, POST 2–357, and update how agencies shall report to POST serious misconduct by peace officers.

Title 11  
Amend: 1003  
Filed 05/21/2025  
Effective 05/21/2025  
Agency Contact: Katelynn Poulos (916) 227–4894

Department of Fish and Wildlife  
File # 2025–0411–07  
LSAA Suspension or Revocation

The action establishes a process by which the Department may suspend or revoke a Lake or Streambed Alteration Agreement (LSAA) if the Department determines the permittee is not in compliance with the terms of their agreement or fails to submit a timely status report when a report is required.

Title 14  
Adopt: 723  
Filed 05/23/2025  
Effective 07/01/2025  
Agency Contact: Mike Randall (916) 902–9109

Department of Food and Agriculture  
File # 2025–0414–01  
Guava Root–Knot Nematode Exterior Quarantin

This action establishes an exterior quarantine to prevent the spread of guava root–knot nematode (*Meloidogyne enterolobii*).

Title 03  
Adopt: 3289  
Filed 05/27/2025  
Effective 07/01/2025  
Agency Contact: Rachel Avila (916) 698–2947



Department of Food and Agriculture

File # 2025–0417–01

Fuel Specifications and Labeling of Natural Gas

This regular rulemaking action by the California Department of Food and Agriculture adopts fuel specification requirements for natural gas used as motor vehicle fuel and amends labeling requirements pertaining to natural gas motor vehicle fuel dispensers.

Title 04

Adopt: 4192.1, 4192.2

Amend: 4206

Repeal: 4207

Filed 05/22/2025

Effective 07/01/2025

Agency Contact: Andrew Adkins (714) 680–7880

Fish and Game Commission

File # 2025–0422–02

Commercial California Halibut and White Seabass  
Set Gill Nets

This regulatory action by the Fish and Game Commission (“Commission”) adopts a regulation establishing set gill net standards for commercial California halibut and white sea bass to reduce bycatch and marine mammal entanglements, and prevent the expansion of set gill net gear.

Title 14

Adopt: 174.1

Filed 05/23/2025

Effective 05/23/2025

Agency Contact: David Haug (916) 902–9286

**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](https://oal.ca.gov).