



# California Regulatory Notice Register

REGISTER 2025, NUMBER 43-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 24, 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 11. DEPARTMENT OF JUSTICE**

**GUN SHOW INSPECTIONS**

The Department of Justice (Department) proposes to adopt sections 4500, 4510, 4511, 4512, 4513, 4520, 4521, and 4522 of Title 11, Division 5, Chapter 15 of the California Code of Regulations concerning gun shows.

**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 **December 9, 2025, at 5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

S. Villareal  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210–2364  
[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: Sections 26805, 26815, 27200, 27310, and 30348, Penal Code.

Reference: Sections 16620, 16800, 26525, 26805, 26815, 27200, 27205, 27210, 27220, 27235, 27305, 27310, 27320, and 30350, Penal Code.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

**Summary of Existing Laws and Regulations:**

Under existing law, firearm and ammunition transactions at California gun shows shall be conducted in accordance with applicable state and federal laws. (Pen. Code, § 27310, subdivision (a); see also §§ 26805, 30348.)<sup>1</sup> Transfers and sales must be completed through a licensed firearms dealer or ammunition vendor. (§§ 26805, 30348.) Firearm and ammunition transfers and sales require a background check, and a firearms transaction is subject to a mandatory ten-day waiting period prior to delivering the firearm to the purchaser. (§§ 26805, 30348; see also § 26815, subdivision (a).)

In addition to licensed firearms dealers, ammunition vendors, *Exempted Federal Firearms Licensees*, and manufacturers, “gun show traders” may also participate in gun shows. (§§ 16620, 26525.) However, a gun show trader must have a valid federal firearms license and a current Certificate of Eligibility (COE),<sup>2</sup> and all firearms sales must be completed through a licensed dealer. (§§ 16620, 26525.) In addition, gun show traders may sell only “used firearms,” may not sell handguns, may not sell at more than 12 gun shows in any calendar year, may not sell more than 15 used firearms at any single gun show, and may not sell more than 75 used firearms in any calendar year. (§ 26525.)

No person shall produce or otherwise organize a gun show unless they pass a background check and obtain a license from the Department. (§§ 16800, 27200.) To become a licensed gun show producer, an applicant must certify that they are familiar with gun show laws, obtain at least \$1 million of liability insurance, pay an annual \$85 fee, and provide an annual list of the gun shows that the applicant plans to produce. (§ 27200.)

Gun show producers must enter into a written contract with each gun show vendor selling firearms or ammunition at the show (§ 27235), post signs explaining gun show laws at the entrances of the event (§ 27240), and submit a list of all prospective vendors to the Department (§§ 27210, subdivision (c), 27220). The producer or facility’s manager must also prepare an event and security plan and submit that plan to the

<sup>1</sup> All references are to the Penal Code unless otherwise indicated.

<sup>2</sup> A COE confirms the applicant is not prohibited from possessing firearms. (§ 26710.)

Department and the law enforcement agency with jurisdiction over the facility. (§ 27210.)

All firearms carried onto the premises of a gun show by members of the public must be checked, cleared of ammunition, secured in a way that they cannot be operated, and have an identification tag or sticker attached. (§ 27340.)

The Department must annually inspect a minimum of one-half of all gun shows in the state. (§ 27310, subdivision (c).) The Department must post any violations by a firearms dealer or ammunition vendor discovered during an inspection on the Department’s website for 90 days after the violation is identified. (§ 27310, subdivision (d).) By May 1 of each year — since 2024 — the Department must prepare and submit a report to the Legislature summarizing its gun show inspection and enforcement efforts. (§ 27310, subdivision (e).)

As of May 1, 2024, gun show signage requirements were amended to include the signage requirements for gun show producers (§ 27240, subdivision (a)(7)–(14)). There are also additional gun show vendor certification requirements (§ 27305, subdivisions (b) & (c)). The criminal sanctions and penalties for gun show producers (§ 27245) and vendors (§27350) that violate gun show laws were also increased.

#### Effect of the Proposed Rulemaking:

The proposed regulations provide condensed and clear requirements for gun show producers and gun show vendors (including firearm dealers, ammunition vendors, *Exempted Federal Firearms Licensees*, manufacturers, and gun show traders). The proposed regulations:

- explain the process to apply for a gun show producer license;
- provide the format for providing the annual calendar, the event and security plan, the revised event and security plan (if needed), and the list of prospective gun show vendors to the Department;
- explain what documents gun show producers must have in their possession and make available for inspection;
- provide requirements for gun show vendors, such as clarifying documents that must be on site and requirements for safely displaying firearms and ammunition at a gun show.

#### Anticipated Benefits of the Proposed Regulations:

Despite California’s laws regulating gun shows, some gun show vendors and attendees engage in unlawful activity. For example, in April 2023, Special Agents with the Department’s Bureau of Firearms observed four vendors at a Sacramento gun show selling illegal large-capacity magazines and prohibit-

ed weapons.<sup>3</sup> Also, in March 2022, Special Agents observed a person convicted of a violent felony purchasing an AR–15 style ghost gun kit at a San Bernardino gun show, despite being prohibited for life from possessing or owning firearms.<sup>4</sup> Unserialized firearms and ammunition were subsequently discovered at this person’s residence pursuant to a search warrant, and the person was charged with multiple felony counts. Additional examples of illegal activity at gun shows can be found on the Department’s website at <https://oag.ca.gov/ogvp/gun-show-enforcement>, and the most recent gun show inspection report can be found on the Department’s website at <https://oag.ca.gov/system/files/media/ab2552-bof-gun-show-report-2024.pdf>.

Regular inspections by the Department protect public safety both at gun shows and in our communities. Enforcement efforts target illegal sales and purchases of firearms and ammunition, such as sales to people who are prohibited from owning firearms and sales of illegal weapons.

The gun show producer licensing process ensures that producers are eligible to possess a firearm, are familiar with applicable laws, and maintain liability insurance. Review by the Department of all prospective gun show vendors ensures that the vendors possess valid licenses and are thus eligible to sell and/or display firearms or ammunition at the gun show. By ensuring that all gun show laws are followed, these regulations may help to reduce firearm deaths and injuries.

#### Comparable Federal Regulations:

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

#### Determination of Inconsistency/Incompatibility with Existing State Regulations:

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

#### Forms Incorporated by Reference:

- Event and Security Plan (Form BOF 104, rev. 07/2025);
- Revised Event and Security Plan (Form BOF 104A, orig. 07/2025);
- List of Prospective Gun Show Vendors Offering Firearms or Ammunition for Sale or Display (Form BOF 105, rev. 07/2025); and,

<sup>3</sup> Office of the Attorney General <<https://oag.ca.gov/ogvp/gun-show-enforcement>>.

<sup>4</sup> Office of the Attorney General <<https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-charges-against-prohibited-felon-possession>>.

- Annual Calendar of Gun Shows or Events (Form BOF 106, rev. 07/2025).

**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 fiscal impact of the regulations includes the costs to the Bureau of Firearms to process the gun show producer applications (including the BOF 106) and review the BOF 104 and BOF 105. The amount of time varies for review of the forms depending on the number of vendors listed on the BOF 105. A Crime Analyst II (CA II) spends approximately four hours reviewing the BOF 104 and BOF 105 and validating licenses.

Once the CA II reviews and validates potential vendors, the CA II will produce an Approval Letter for managers to approve. After the approval letter is signed, the CA II sends the producers a copy of the approval letter via email. Based on the 2024/2025 benefit and salary range for a CA II (\$33.69 per hour), and assuming four hours of review and approval for each BOF 104 and BOF 105 for approximately 55 gun shows next year, the fiscal impact will be approximately \$7,411.80 (\$33.69 CA II hourly rate \* 4 hours of review per application \* 55 gun shows for 2025).

The fiscal impact of gun show inspections was accounted for in the AB 2061 Budget Change Proposal (2020). The Department requested two (2) positions and \$152,000 from the Dealers' Record of Sale Special Account in 2021–22, \$600,000 in 2022–23, and \$445,000 annually thereafter to inspect gun shows per the mandates of Chapter 273, Statutes of 2020 (AB 2061). The Department requested two (2) Field Representatives to perform compliance inspections on gun show producers and vendors. This includes annual overtime necessary to perform the inspection of licensees, including proper signage and identification, the lawful performance of firearm and ammunition transactions, and the security of facilities. Field Representatives report any suspected criminal activity to Special Agents so that Special Agents may address any potential safety concerns or apprehensions.

*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:* A gun show producer must pass a background check and obtain a license from the Department. (§§ 16800,

27200.) A COE confirms the applicant is not prohibited from possessing firearms. (§§ 27200, subdivision (b), 26710.) Initial fees for a COE are \$71.00 with an ongoing cost of \$22.00 annually. Gun show producers must also pay an \$85 annual fee, which is set by statute. (Pen. Code, § 27200, subdivision (e).)

The regulations do not impose any costs on gun show vendors.

*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 (1) unlikely that the proposal will create or eliminate jobs within the state; (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state; and (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- The proposal would benefit the health and welfare of California residents by clarifying existing statutory requirements concerning the Department's oversight over gun shows. The regulations protect public safety by ensuring that all gun show laws are followed;
- The proposal would not benefit worker safety because it does not regulate worker safety standards; and,
- 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:* According to the Department's records, as of August 2025, there are seven (7) active gun show producers. Therefore, the Department estimates that the total number of businesses that may be directly impacted by these regulations is ten (these numbers are subject to change as new producers are approved and others are denied).

Based upon documents submitted to and verified by the Department, no active gun show producer has more than one permanent location; nearly all are incorporated only in California with one gun show producer in Utah. All gun show producers are independently owned with no more than 15 employees. Therefore, using the consolidated small business definition in Government Code section 11346.3, subdivision (b)(4)(B), as a guide, the Department estimates



that all current gun show producers are considered “small businesses.”

### CONSIDERATION OF ALTERNATIVES

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

The Department has determined the proposed regulations are the most effective and least burdensome way to regulate gun show producers and vendors. Penal Code section 27200, subdivision (b)(3), requires a gun show producer applicant to provide an annual list of the gun shows or events that the applicant plans to promote, produce, sponsor, operate, or otherwise organize during the year for which the COE is issued, including the date, time, and location of the gun shows or events. Before a scheduled event, they must provide an event and security plan and list of prospective vendors. A revised event and security plan must be provided if significant changes are made. The Department will then verify the information provided and generate a letter to send to the producer stating which vendors on the list can or cannot participate at the show.

Four forms were created to ensure the gun show producers report the required information. There are no costs associated with requiring the use of these prescribed forms.

### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

S. Villareal  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210–2364  
[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 proposed action may be directed to the following backup contact person:

L. Baladjay–Fretland  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210–2366  
[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 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>. Please refer to the contact information listed above to obtain copies of these documents.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the 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. FISH AND GAME COMMISSION

### RECREATIONAL TAKE OF GROUND FISH

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 702, 7071 and 8587.1 of the California Fish and Game Code, and to implement, interpret or make specific sections 200, 205, 265, 1802, 7071 and 8585.5 of said Code, and 50 Code of Federal Regulations (CFR) Part 660, Subpart G, sections 660.350, 660.351, 660.352 and 660.360, proposes to amend sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55, Title 14, California Code of Regulations, relating to the recreational take of rockfish, cabezon, greenling and lingcod.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

Current regulations establish season dates and depth constraints, and recreational bag limits for federal groundfish species that vary by species or species groups and are designed to keep harvest within federally established allowable limits. Section 1.91 defines the species considered federal groundfish. Sections 27.25, 27.30, 27.35 and 27.40 currently set forth season dates, and depth constraints for the four groundfish management areas (GMA) north of Point Conception (34°27’ North latitude). Section 28.55, Rockfish (Genus *Sebastes*), currently sets forth the bag limits, and methods of take for all rockfish species.

### PROPOSED CHANGES

The California Department of Fish and Wildlife (Department) recommends that the Commission use regular rulemaking authority to incorporate emergency regulations it adopted in August 2025 to amend the recreational rockfish, cabezon, and greenling (RCG) and lingcod season structure regulations. The amend-

ments restored fishing access to all depths in state waters north of Point Conception from April 1 to December 31, implemented a 2–fish sub–bag limit for canary rockfish, and added sunset rockfish to cryptic–species vermilion/sunset rockfish management unit. The proposed regulations would amend sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55, through a “certificate of compliance” action. The proposal is necessary for regulations in state waters (0 to 3 miles from shore) to be consistent and complementary with regulations in federal waters (3 to 200 miles from shore), to keep catches of canary rockfish and vermilion/sunset rockfish within federally established harvest limits, and for the benefit of the public’s general welfare.

On June 9, 2025, the Pacific Fishery Management Council (PFMC) posted online a draft quillback rockfish stock assessment in waters off California, an assessment that is more robust than the previous one conducted in 2021. The newest assessment considers all available data sources, including newly available California–specific life history information. Results of the assessment indicate the California stock is healthy and not overfished as was indicated by the 2021 quillback rockfish stock assessment that was data–moderate. Therefore, the previous conservation emergency identified in 2021 no longer exists and the associated depth–based fishery constraints are unwarranted.

Following formal review and approval of the 2025 stock assessment for use in federal management, which occurred between July and September 2025, the National Marine Fisheries Service took an inseason federal regulatory action to remove the federal fishery depth restrictions in place since October 2023. The federal action, effective September 18, 2025, replaced the depths and season structure for boat–based RCG and lingcod fishing in federal waters (3 to 200 miles from shore) with all–depth fishing from the California/Oregon border (42° North latitude) to Point Conception (34°27’ North latitude) during the open season in these GMAs, April 1 to December 31. Adopting through a regular rulemaking the regulatory amendments in the August 2025 emergency rulemaking will continue to restore recreational fishing opportunities to distribute recreational fishing efforts, consistent with the September 18, 2025 federal regulations.

It is important to have consistent and complementary state and federal regulations establishing harvest limits, season dates, depth constraints and other management measures. Inconsistency in state and federal rules hinders enforcement, increases angler confusion, and precludes a comprehensive approach to resource management.

## BENEFITS OF THE PROPOSED REGULATIONS

The benefits of the proposed regulations are sustainable management of RCG and lingcod resources and promotion of businesses that rely on recreational groundfish fishing.

Fishing is an outdoor activity that can provide several health and welfare benefits to California residents. Anglers and their families benefit from fresh fish to eat and from the benefits of outdoor recreation, including exercise. People who fish have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans, and fishing can be a family tradition and a bonding activity.

## CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The California Legislature has delegated authority to the Commission to adopt recreational fishing regulations (California Fish and Game Code, sections 200 and 205). The proposed regulations are consistent with the Commission's regulations in Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other state regulations related to the recreational take of groundfish.

## PUBLIC PARTICIPATION

### Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before January 29, 2026 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on February 6, 2026.** If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

### Meetings

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, December 10, 2025, and may continue at 8:30 a.m., on Thursday, December 11, 2025. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile

device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in-person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, February 11, 2026, and may continue at 8:30 a.m., on Thursday, February 12, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in-person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

## AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or Sherrie Fonbuena at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Senior Environmental Scientist Specialist, Melanie Parker, Department of Fish and Wildlife, ([Groundfish@wildlife.ca.gov](mailto:Groundfish@wildlife.ca.gov)),**



**has been designated to respond to questions on the substance of the proposed regulations.**

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

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. The proposal to modify the recreational RCG and lingcod season structure regulations to restore access to all depths in state waters north of Point Conception will expand

fishing opportunities for anglers and sport fishing businesses (e.g., commercial passenger fishing vessel businesses) targeting groundfish. No new fees are imposed as a result of the proposed regulations, nor are any indirect costs imposed on anglers or sport fishing businesses. No adverse economic impacts are anticipated as a result of implementing a 2-fish sub-bag limit for canary rockfish and adding sunset rockfish to cryptic-species vermilion/sunset rockfish management unit.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California. The proposal to modify the recreational RCG and lingcod season structure regulations to restore access to all depths in state waters north of Point Conception will expand fishing opportunities for anglers and sport fishing businesses (e.g., commercial passenger fishing vessel businesses) targeting groundfish similar to those in effect prior to October 2023, but it is expected that the time out on the water will remain largely the same, which would not create a significant increase in economic activity that would warrant the need for additional labor for commercial passenger fishing vessels. No new fees are imposed as a result of these regulations, nor are any indirect costs imposed on anglers or sport fishing businesses. No impacts to jobs or businesses are anticipated as a result of implementing a 2-fish sub-bag limit for canary rockfish and adding sunset rockfish to cryptic-species vermilion/sunset rockfish management unit. The proposed regulations do not bring any additional benefits to worker safety. Fishing is an outdoor activity that can provide several health and welfare benefits to California residents. Anglers and their families benefit from fresh fish to eat and from the benefits of outdoor recreation, including exercise. People who fish have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans, and fishing can be a family tradition and a bonding activity. The Commission anticipates benefits to the state's environment by adopting scientifically-based RCG and lingcod seasons, depth constraints, and bag and possession limits to provide for the maintenance of sufficient populations of RCG and lingcod species to ensure their continued existence.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposal to modify the recreational RCG and lingcod season structure regulations to restore access to all depths in state waters north of Point Conception will restore fishing opportunities for anglers targeting groundfish similar to those in effect prior October 2023. No new fees are imposed as a result of these regulations, nor are any indirect costs imposed on anglers. No cost impacts are anticipated as a result of implementing a 2–fish sub–bag limit for canary rockfish and adding sunset rockfish to cryptic–species vermilion/sunset rockfish management unit.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission anticipates no direct effect on the cost or savings to state agencies or the cost or savings in federal funding to the state in terms of implementation, monitoring, and enforcement activities for the Department; however, they could potentially affect annual license revenue if anglers previously stopped purchasing licenses as a result of depth restrictions enacted in October 2023 and decide to purchase licenses after the proposed amendments become effective.

Estimating effort is difficult, as there is no groundfish–specific report card. A general California fishing license covers multiple species and is valid for 365 days regardless of when the license is purchased. It’s unclear whether anglers ceased fishing altogether or shifted to other available species as a result of groundfish depth restrictions enacted in October 2023, since the groundfish depth restrictions coincided with closures to the recreational salmon fishery and new limitations in other fisheries, further complicating an impact analysis. Overall, any effect on license sales will likely be neutral or positive — if license sales go up by 0.1% as a result of these regulations, then the anticipated revenue increase would be approximately \$81,000.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

## EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

## CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

## TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

### ALLEGATIONS OF HEALTH CARE STAFF MISCONDUCT

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3999.225, 3999.228, 3999.230 and 3999.235; repeal section 3999.231 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 2, Article 5; and adopt Article 5.1 and Section 3999.239 into the CCR, Title 15, Division 3, Chapter 2.

## PUBLIC HEARING

A virtual public hearing will be held on December 9, 2025. Go to <https://cchcs.ca.gov/health-care-regs/> for the link to join the virtual hearing, or you may call (916) 701–9994 and enter phone conference ID 726 777 604# to join by phone (audio only) between the hours of 11:00 a.m. and 11:30 a.m. on December 9, 2025.

## PUBLIC COMMENT PERIOD

The public comment period will close on **December 9, 2025, at 5:00 p.m.** Any person may submit public comments in writing (by mail or email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to [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 4040(a)(2), 4076, 4170 and 4171(b), Business and Professions Code; Section 1157, Evidence Code; Section 11150 Health and Safety Code; Sections 3424 and 5054, Penal Code; *Perez, et al. v. Cate, et al.*, (Number C05–05241 JSW), U.S. District Court, Northern District of California; and *Plata v. Newsom* (Number C01–1351 JST), U.S. District Court, Northern District of California.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDCR proposes to amend California Code of Regulations (CCR), Title 15, Division 3, Chapter 2, Subchapter 2, Article 5, Sections 3999.225, 3999.228, 3999.230, and 3999.235; repeal section 3999.231; and adopt Article 5.1 and Section 3999.239 governing allegations of misconduct against health care staff. Current Title 15 regulations do not reflect improvements made to the Department’s handling of health care staff misconduct allegations involving incarcerated and supervised persons, which includes improvement of departmental transparency, integrity, and staff accountability. Additionally, CDCR must comply with expanded Armstrong Court Orders (*Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94–cv–02307 CW on September 8, 2020) that call for reforms to the Department’s staff complaint, investigation, and discipline processes to ensure that CDCR completes unbiased, comprehensive investigations into all allegations of staff misconduct for class members under the Armstrong Remedial Plan and the Americans with Disabilities Act (ADA).

This proposed action will:

- Significantly improve the Department’s handling of health care allegations of staff misconduct involving incarcerated and supervised persons.
- Improve departmental transparency, integrity, and staff accountability.
- Bring CDCR into compliance with expanded Armstrong Court Orders (*Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94–cv–02307 CW on September 8, 2020) that call for reforms to the Department’s staff complaint, investigation, and discipline processes.
- Ensure that CDCR completes unbiased, comprehensive investigations into all allegations of staff misconduct for class members under the ADA.

## BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed regulations will benefit CDCR staff and the regulated public by helping to properly and, in a timely fashion, investigate allegations of health care staff misconduct toward an incarcerated or supervised person.

## FORMS INCORPORATED BY REFERENCE

Not applicable.

## EVALUATION OF CONSISTENCY/ COMPATIBILITY WITH EXISTING REGULATIONS

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

## LOCAL MANDATES

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

## FISCAL IMPACT STATEMENT

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

## EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because the proposed regulations only affect a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

## SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed action will not have a significant statewide adverse

economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed action only affects a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed regulations will benefit the health and welfare of Californians, and worker safety by deterring unethical or unsafe behavior; identifying and correcting hazardous practices; promoting adherence to established medical protocols; and enhancing trust between Department staff and incarcerated and supervised persons. This regulation will not have an impact on the State's environment, as the State's environment is not impacted by the administration of the allegations of staff misconduct against health care staff program.

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

### 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 or the elimination of existing jobs within the State of California.

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

The Department does not expect that the proposed regulations will have an impact on the creation of new businesses or the elimination of existing businesses within the State of California.

### 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.

## BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will benefit the health and welfare of Californians, and worker safety by deterring unethical or unsafe behavior; identifying and correcting hazardous practices; promoting adherence to established medical protocols; and enhancing trust between Department staff and incarcerated and supervised persons. This regulation will not have an impact on the State's environment, as the State's environment is not impacted by the administration of the allegations of staff misconduct against health care staff program.

The Department anticipates the proposed regulations will benefit CDCR staff and the regulated public by helping to properly, and in a timely fashion, investigate allegations of health care staff misconduct toward an incarcerated or supervised person.

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

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed action only affects a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

#### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed action only affects a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

#### CONSIDERATION OF ALTERNATIVES

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

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

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

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available

on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

### TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

#### BIOMETRIC DEVICE UPDATES

**NOTICE IS HEREBY GIVEN** that the Bureau of Automotive Repair (Bureau) is proposing to take the rulemaking action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be received by the Bureau at its office no



later than **Monday, December 15, 2025**, or must be received by the Bureau at the hearing, should one be scheduled.

## AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 9882 and 9888.5 and Health and Safety Code (HSC) section 44002, to implement, interpret, and make specific BPC sections 9884.7, 9888.2 and 9888.5, and HSC sections 44002, 44003, 44005, 44010, 44011, 44011.3, 44012, 44012.1, 44013, 44014, 44014.5, 44014.7, 44015 and 44032, the Bureau proposes adopting the following changes to California Code of Regulations (CCR) Title 16, Division 33, Chapter 1, Articles 2.5 and 5.5.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR or Bureau), serves as the state agency responsible for licensing automotive repair dealers (ARDs), Smog Check stations, STAR stations, Vehicle Safety Systems Inspection (VSSI) stations, and their respective inspectors, repair technicians, and adjusters. The mission of both DCA and the Bureau — and therefore the main purpose of any regulatory proposal — is consumer protection, which includes ensuring “all Californians are informed, empowered, and protected.” (DCA, About Us <[https://www.dca.ca.gov/about\\_us/index.shtml](https://www.dca.ca.gov/about_us/index.shtml)> [as of July 30, 2025].)

The Bureau administers and implements the Smog Check Program and the VSSI Program.

The Smog Check Program aims to reduce air pollution from mobile sources, including passenger vehicles, by requiring vehicles to meet specific Smog Check inspection standards. Licensed testing locations determine whether vehicles meet these standards through inspections that include an emissions test. Smog Check inspectors, who are also licensed through the Bureau, conduct these inspections.

Smog Check inspectors use one of two different inspection systems depending on a vehicle’s age, weight, and fuel type. The BAR–97 Emissions Inspection System (BAR–97 EIS) primarily measures tailpipe emissions from model year 1999 and older vehicles. The On–Board Diagnostic Inspection System (BAR–OIS) primarily collects electronic emissions control system data from model year 2000 and newer vehicles.

Certified vendors build the BAR–97 EIS and BAR–OIS hardware and software to BAR’s specifications, in accordance with Health and Safety Code section 44036 and 16 CCR section 3340.17. BAR certifies inspection equipment that passes its testing for

use by Smog Check stations. Certified hardware for both systems includes a biometric component, specifically a palm vein scanner. This scanner prevents unauthorized use of inspection equipment and verifies the identity of the inspector conducting the inspection. Inspectors submit their biometric data to BAR at a station or a BAR field office. BAR encrypts this data immediately upon collection, in accordance with industry best practices, to prevent misuse. The Smog Check Manual requires a camera and biometric device for each BAR–97 EIS and BAR–OIS and lists the required model number for biometric equipment.

The VSSI Program verifies that vehicle safety systems operate as designed. According to the authorizing statute (AB 471, Low, Chapter 372, Statutes of 2021), the VSSI program “promote[s] the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components”. The program establishes inspection criteria and standards for specific vehicle safety systems and components, and the issuance of vehicle safety systems inspection licenses to stations and technicians who conduct these inspections.

The VSSI program also uses biometric security measures to prevent fraud. Technicians begin inspections by scanning their palm using a biometric scanner. As with the Smog Check inspection process, this step ensures that the licensed technician associated with the inspection is the individual who actually performs it. VSSI technicians submit their biometric data to the Bureau at a station or a Bureau field office. BAR encrypts the data upon collection, in line with industry best practices, to prevent unauthorized access or misuse.

Fujitsu, the manufacturer of the biometric palm vein scanner listed in the Smog Check Manual and VSSI Manual (Manuals), has developed a new model of the palm vein scanner. The model currently listed in the Manuals is no longer being manufactured.

The Bureau proposes amending the Manuals and existing sections 3311.1 and 3340.45 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations as follows:

- Update the Smog Check Manual and the VSSI Manual, incorporated by reference in the regulation sections, to read “Fujitsu palm vein scanner sensor model FAT13FPS01 *or newer...*”, which will allow for the use of both the existing/current model (no longer manufactured but still available and in use) and the new model, as well as the use of any subsequent models Fujitsu makes in the future.
- Amend the regulation sections (CCR sections 3311.1 and 3340.45) to update the version dates of the VSSI Manual and Smog Check Manual, both of which are incorporated by reference.

***Documents Incorporated by Reference***

- Vehicle Safety Systems Inspection Manual, dated April 2025.
- Smog Check Manual, dated April 2025.

ANTICIPATED BENEFITS OF THE  
PROPOSED REGULATION

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

By implementing these regulatory changes, Smog Check and VSSI stations will have the ability to use available approved palm vein scanner models to comply with the biometric equipment standards.

Existing stations will have the option to continue using the original model and will also be able to use a new model if their original one breaks and they are unable to obtain a replacement in the currently approved model, or if they just chose to upgrade to the new model. New stations will be able to choose which version to acquire based on station needs and preferences, as well as availability. The current model is still effective and available, but with the new release, BAR wants to ensure that stations have the option to use the new model as well as the currently approved model.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

***Evaluation of Consistency and Compatibility with Existing State Regulations***

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

DISCLOSURES REGARDING THE  
PROPOSED ACTION

FISCAL IMPACT ESTIMATES

The Bureau has made the following determinations:

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None. The regulations do not result in a fiscal impact to the state.

The Bureau anticipates the implementation, administration, and enforcement of the proposed regulatory changes will have no fiscal impact.

The 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

BAR made the initial determination that the proposed regulations will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other States. This proposal is intended to ensure that Smog Check and VSSI stations are able to use the most up-to-date equipment.

*Cost Impact on Representative Private Person or Business:*

The Bureau 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 proposal is intended to ensure that Smog Check and VSSI stations are able to use the most up-to-date equipment. The newer scanners cost the same as the original, so there will be no economic impact.

RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS

BAR has determined that this regulatory proposal will not:

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

**Benefits of Regulation:**

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

By implementing these regulatory changes, Smog Check and VSSI stations will have the ability to use available approved palm vein scanner models to comply with the biometric equipment standards.

Existing stations will have the option to continue using the original model and will also be able to use a new model if their original one breaks and they are unable to obtain an exact replacement, or if they just chose to upgrade to the new model. New stations will be able to choose which version to acquire based on station needs and preferences, as well as availability. The current model is still effective and available, but

with the new release, BAR wants to ensure that stations have the option to use the new model as well as the currently approved model.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

### **Business Reporting Requirements**

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

### **EFFECT ON SMALL BUSINESS**

The Bureau has determined that the proposed regulations will not adversely affect small businesses. Although small businesses owned by licensees of the Bureau may be impacted (positively), this proposal is not anticipated to result in increased workload or costs to small businesses.

This proposal is intended to ensure that Smog Check and VSSI stations are able to use the most up-to-date equipment. The newer scanners cost the same as the original, so there will be no economic impact.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), BAR must determine that no reasonable alternative to this proposed regulatory action 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 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, relevant to the above determinations, to the Bureau in writing at 10949 North Mather Boulevard, Rancho Cordova, California 95670 during the written comment period, or at the hearing if one is scheduled or requested.

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

The Bureau 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, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Automotive Repair, 10949 North Mather Boulevard, Rancho Cordova, California 95670.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

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

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

### **CONTACT PERSONS**

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

Holly Helsing  
Bureau of Automotive Repair  
10949 North Mather Boulevard  
Rancho Cordova, CA 95670  
Telephone: (916) 403-8600  
Email: [Holly.Helsing@dca.ca.gov](mailto:Holly.Helsing@dca.ca.gov)

The backup contact person is:

Tessa Miller  
Bureau of Automotive Repair  
10949 North Mather Boulevard  
Rancho Cordova, CA 95670  
Telephone: (916) 403–8600  
Email: [Tessa.Miller@dca.ca.gov](mailto:Tessa.Miller@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 Bureau’s website at <https://www.bar.ca.gov/Regulatory-Actions>.

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR DAVID BECK LTPBR  
BUILD PROJECT (TRACKING NUMBER:  
1653–2025–177–001–R3)  
SONOMA COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on October 10, 2025, that the David Beck (Applicant) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves installing up to 25 hand built channel spanning structures in the stream channel. The proposed project will be carried out on Green Valley Creek, located at 9707 Ross Station Road, Sebastopol, Sonoma County, California.

On August 27, 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 David Beck LTPBR Build 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 1B25077WNSO) for coverage under the General 401 Order on 10/6/2025.

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

#### DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR MEYER–HUSBAND  
MILL CREEK HABITAT ENHANCEMENT  
PROJECT (TRACKING NUMBER:  
1653–2025–172–001–R1)  
MENDOCINO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on October 13, 2025, that the Mendocino County Resource Conservation District (MCRCD) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves construction of three large wood structures within the stream channel to create refugia, deposit and sort spawning gravels, and develop complex wood shelter to support juvenile salmonids. The proposed project will be carried out on Mill Creek, tributary of the Navarro River, within the Mendocino Coast Hydrologic Unit 113.50, Mendocino County, California.

On August 13, 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 Meyer–Husband Mill Creek Habitat Enhancement 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 1B25121WNME) for coverage under the General 401 Order on October 7, 2025.

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

## DEPARTMENT OF FISH AND WILDLIFE

### CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NUMBER 2080–2025–006–05

**Project:** Ocean Breeze Ranch Project

**Location:** County of San Diego

**Applicant:** Ocean Breeze Ranch LLC

**Notifier:** HELIX Environmental Planning, Inc.

#### Background

Ocean Breeze Ranch, LLC (Applicant) proposes to develop 329.3 acres of the 1,402.5-acre Project site into a residential community and a separate, privately owned and operated equestrian facility within the community of Bonsall in unincorporated San Diego County, California. The Ocean Breeze Ranch Project (Project) includes the construction of 396 single-family homes, stormwater detention facilities, roads, and other infrastructure related to residential development, in addition to seven park sites and multi-use trails. Project activities will include grubbing and grading of the areas of the Project site to be developed for housing, trench digging, blasting, pile driving, road construction, tree removal, and other activities. It will also include 0.48 acres of riparian habitat restoration and 58.3 acres of upland habitat restoration and enhancement efforts.

The residential development is divided into three distinct planning areas. Residential development in the western site area (Planning Areas 1 and 2) also includes water/wastewater systems and one sewer pump station, with associated connections to existing adjacent (off-site) Rainbow Municipal Water District fa-

cilities. Additional uses in the western residential areas include seven park sites totaling 14.32 acres, as well as trail segments that extend into the Project site and connect to the future off-site San Luis Rey River Trail alignment (which will be constructed by San Diego County as a separate project). Residential development in the eastern portion (Planning Area 3) includes a gated neighborhood consisting of 13 lots with sizes ranging from approximately five to 7.5 acres, as well as one 19-acre estate parcel. It will also include improved equestrian areas consisting of existing barns, stables, exercise and veterinary facilities, and a small office.

The Project includes a network of internal access roads, including public streets in the western residential sites and private/gated roadways in the eastern residential sites. Connections to existing off-site roadways will include two connections to West Lilac Road from the western (public) access roads, one gated (private) connection to Dulin Road from Planning Area 3 at the northeastern site boundary, and one connection to West Lilac Road from the estate parcel adjacent to Sullivan Middle School.

Approximately 832.2 acres of the Project site will be preserved as biological open space and placed within a conservation easement with the CDFW and United States Fish and Wildlife Service (USFWS) identified as third-party beneficiaries.

The Project activities described above are expected to incidentally take<sup>1</sup> least Bell's vireo (*Vireo bellii pusillus*) where those activities take place within suitable habitat (i.e., tamarisk scrub, southern willow scrub, mule fat scrub, and southern cottonwood-willow riparian forest communities) adjacent to the San Luis Rey River and its onsite unnamed tributaries. In particular, least Bell's vireo could be incidentally taken by reducing and disrupting foraging, courtship, or breeding behavior, or by causing adults to abandon nests, resulting in the loss of fertile eggs or nestlings. In addition, least Bell's vireo could be forced from their breeding territory into adjacent habitat that may be less suitable, where they would be at risk of predation, starvation, or other injury. Least Bell's vireo is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and an endangered species pursuant to the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (a)(5)(I).)

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



During protocol–level surveys for least Bell’s vireo in 2015 and 2016, four least Bell’s vireo territories were documented within the Project’s direct impact area and surrounding 500–foot buffer. Construction of the homes, stormwater detention facilities, roads, and other infrastructure related to residential development will occur immediately adjacent to territories for least Bell’s vireo. Because the Applicant is unable to work outside of the least Bell’s vireo nesting season, and because least Bell’s vireo typically returns to established breeding territories year after year, the Project, by causing disruptions and interruptions to breeding behavior, will likely result in reproductive suppression or cause least Bell’s vireo to avoid an established breeding territory. The United States Fish and Wildlife Service (USFWS) determined that least Bell’s vireo is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of least Bell’s vireo.

According to the USFWS, the Project will result in the temporary loss of 12.1 acres of mule fat scrub, southern willow scrub, and tamarisk scrub habitat. Construction of the Project will also result in the permanent loss of 0.19 acres of mule fat scrub, southern willow scrub, and tamarisk scrub.

Because the Project is expected to result in take of a species designated as endangered under the federal ESA, the United States Army Corp of Engineers (USACE) consulted with the USFWS as required by the ESA. On September 15, 2022, the USFWS issued a biological opinion (file Number 2022–0006653–S7–FR–002–SD) to the USACE. On September 17, 2024, the USFWS issued a reinitiation and conference opinion which revised portions of the biological opinion to include conservation measures necessary for compliance with the California Endangered Species Act. A second reinitiation of the biological opinion was issued July 16, 2025, to add a security commitment. The original biological opinion dated September 15, 2022, the reinitiation and conference opinion dated September 17, 2024, and the second reinitiation dated July 16, 2025, are collectively referred to hereafter as the “BO”. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

On September 8, 2025, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from HELIX Environmental Planning, Inc., on behalf of the Applicant, requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS and accompanying BO are consistent with CESA for purposes of the Project and least Bell’s vireo. (Cal. Reg. Notice Register 2025, Number 39–Z, page 1227.)

## Determination

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

### *Avoidance, Minimization, and Mitigation Measures*

- 1) To offset permanent impacts to 0.19 acres and indirect impacts (e.g., construction noise) to 12.1 acres of suitable least Bell’s vireo *breeding habitat*, the Applicant will create 0.48 acres and enhance and/or restore 3.03 acres within the biological open space prior to or concurrent with initiation of Project impacts. The Applicant will submit a draft Wetland Revegetation Plan for approval by the USFWS and CDFW prior to initiating Project impacts. All but 0.01 acre of the impacts to breeding habitat are located within critical habitat. Temporary indirect impacts (e.g., construction noise) to an additional ~22.11 acres of *potential foraging habitat* (i.e., coastal sage scrub) within designated critical habitat will be offset by 11.6 acres of the enhancement and restoration located within designated critical habitat and 30.12 acres located outside, but adjacent to designated critical habitat.
- 2) The Applicant will submit a final Upland Restoration Plan for approval prior to initiating Project impacts. The Applicant will record a conservation easement over the biological open space in favor of an entity approved by the USFWS and CDFW. The USFWS and CDFW will be named as a third–party beneficiaries in the conservation easement, and the terms of the easement will be approved by the USFWS and CDFW prior to its execution. The Applicant will submit the draft conservation easement to the USFWS and CDFW for review and approval prior to initiating Project impacts and will submit the final easement and evidence of its recordation to the USFWS and CDFW within 90 days after receiving approval.

- 3) Clearing and grubbing of riparian habitat will occur outside of the least Bell's vireo breeding season (defined as March 15 through September 15) to the maximum extent practicable to avoid potential impacts to nesting least Bell's vireo. Clearing of riparian habitat may only occur during this period once a USFWS– and CDFW–approved biologist has conducted a minimum of three focused surveys, on separate days, to determine the presence of nesting least Bell's vireo. Each survey will cover suitable least Bell's vireo habitat (e.g., southern riparian forest, southern willow scrub, etc.) within the work area and within 500 feet of the work area. Surveys will begin a maximum of 7 days prior to initiating the vegetation clearing and grubbing, and one survey will be conducted the day immediately prior to the initiation of work. If an active least Bell's vireo nest is observed, a 300–foot buffer will be established wherein no Project activities will occur until the nest is no longer active.
  - 4) The Applicant will ensure all brush management activities within the fuel modification zone immediately adjacent to coastal sage scrub and riparian habitat within the biological open space occur outside of the least Bell's vireo breeding season (March 15 through September 15). The Homeowners' Association (HOA) will be responsible for the long–term maintenance of brush management in these areas. To ensure that this work is perpetually completed within the appropriate timeframe (i.e., outside of the least Bell's vireo breeding season), the Applicant will include these timing restrictions in the HOA's Covenants, Conditions, and Restrictions document as part of the sale package.
  - 5) Prior to initiation of Project activities, a USFWS– and CDFW–approved biologist will supervise the placement of temporary orange construction fencing or equivalent along the boundary of the development area as shown on the approved grading plans. Temporary fencing will be installed in all locations of the Project where grading or clearing is within 100 feet of native habitats or within 100 feet of designated preserved areas. The location and design for fencing will be recommended, and subsequent installation will be monitored, by a USFWS– and CDFW–approved biologist. All construction activities will take place only within the fenced area, and all staging areas will be located within existing roads if outside the fenced area.
  - 6) An employee education program will be developed and implemented by a USFWS– and CDFW–approved biologist. Each employee (including temporary contractors and subcontractors) will receive a training/awareness program prior to working on the Project. They will be advised of the potential impact to listed species and the potential penalties for taking such species. At a minimum, the program will include the following topics: occurrence of the listed and sensitive species in the area (including photographs), their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of federal and state laws, reporting requirements, and Project features designed to reduce the impacts to these species and promote continued successful occupation of the Project area.
  - 7) The Applicant will ensure pets and other domestic animals will not be present in the work area at any time to avoid impacts to least Bell's vireo.
  - 8) To avoid attracting predators of least Bell's vireo, the Applicant will ensure the Project area is kept as clean of debris as possible. All food–related trash items will be enclosed in sealed containers and regularly removed from the Project area.
  - 9) To minimize indirect effects to least Bell's vireo and its designated critical habitats, the Applicant will ensure all nighttime lighting during construction and all nighttime lighting of the completed Project is shielded and directed away from riparian and upland habitat adjacent to the development.
  - 10) To minimize indirect effects from the introduction of non–native species, appropriate native plants will be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian areas. The Applicant will not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas adjacent and/or near native habitat areas. Species listed on the Cal–IPC Inventory will not be used within the landscaped areas. This list includes such species as: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping adjacent to native habitat areas will not use plants that require intensive irrigation, fertilizers, or pesticides. All water generated from the Project will be treated within the Project footprint.
- Monitoring and Reporting Measures*
- 1) A USFWS– and CDFW–approved biologist will supervise and monitor grading activities to prevent damage to biological resources that are intended to be protected and preserved. The bi-

ologist will be on site during clearing activities that are in or within 100 feet of native biological habitat or within 100 feet of designated preserved areas during clearing and grading activities. The biologist will flush any least Bell's vireo out of areas to be directly impacted by Project implementation and will have authority to temporarily halt clearing activities or construction activities if necessary to protect least Bell's vireo or their nests. If there are impacts to least Bell's vireo habitat outside the Project footprint, the biologist must report them immediately to the USFWS and CDFW.

- 2) The Applicant will implement a USFWS– and CDFW–approved Resource Management Plan (RMP) for the biological open space. The RMP will address the management of the biological open space, including measures to minimize indirect effects from recreational use of the trails adjacent to the biological open space. The Applicant will also establish a non–wasting endowment for an amount approved by the USFWS and CDFW based on a Property Analysis Record or similar cost estimation method to secure the ongoing funding for the RMP by an agency, non–profit organization, or other entity approved by the USFWS and CDFW. Prior to initiating Project impacts, the Applicant will submit a revised draft RMP and identify the land manager to the USFWS and CDFW, identifying the separate conservation easement and RMP endowment fund holder to the USFWS and CDFW. The Applicant will submit the final plan to the USFWS and CDFW and transfer either (a) startup funds to the Resource Manager, or (b) the funds for the non–wasting endowments, at least 15 days prior to starting construction.

The BO requires the Applicant to submit monitoring reports to the USFWS. Although not a condition of the BO, CDFW requests a copy of the monitoring reports. The reports should include the dates construction occurred and the success of revegetation and restoration.

#### *Financial Security*

The Applicant shall provide performance security for full implementation of the second reinitiation of the biological opinion, dated September 17, 2024, as it pertains to least Bell's vireo before Project impacts occur. The performance security shall be a form determined and approved by the USFWS and CDFW, in the amount sufficient to ensure adequate funding for completion of the mitigation measures. CDFW has determined that the security amount for the obligations deemed consistent herein is \$535, 975.

#### *Conclusion*

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

CDFW's determination that the USFWS ITS and accompanying BO are consistent with CESA is limited to least Bell's vireo.

### **DEPARTMENT OF FISH AND WILDLIFE**

#### **CESA CONSISTENCY DETERMINATION REQUEST FOR 05–IH610 SOLOMON CANYON SHOULDER WIDENING AND RUMBLE STRIPE PROJECT 2080–2025–008–05 SANTA BARBARA COUNTY**

The California Department of Fish and Wildlife (CDFW) received a notice on October 6, 2025, that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves widening of road shoulders and additional improvement work. Proposed activities will include, but are not limited to, road widening, installing edge–line rumble stripe, upgrading guardrail transitions, extending guard rails, raising the road profile in two locations, culvert repair and replacement, relocating or removing select utility poles and other fixed objects, and associated riparian restoration. The proposed project will occur on State Route 1 between Solomon Road postmile (PM) 36.3, near the town of Orcutt to PM 49.2 in the city of Guadalupe in northern Santa Barbara County.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO)(Service Ref. Number 08EVEN00–2021–F–0001) in a memorandum Caltrans on June 4, 2021, which considered the effects of the proposed project on state threatened and federal-

ly endangered Santa Barbara County distinct population segment of California tiger salamander (*Ambystoma californiense*). On September 30, 2025, the Service issued an amendment to the BO (2022–0048057–S7).

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

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF 15–DAY PUBLIC AVAILABILITY OF PROPOSED CHANGES TO DPH–18–007 CHILDHOOD LEAD POISONING PREVENTION PROGRAM–LEAD EXPOSURE RISK FACTORS

**PUBLIC PROCEEDINGS:** Pursuant to Government Code section 11346.8(c) and Title 1 California Code of Regulations, Section 44, notice is hereby given that the California Department of Public Health (Department) has changed the text for the proposed regulations regarding **Lead Exposure Risk Factors (DPH–18–007)**, and is making the changed text available for public comment prior to adoption, amendment or repeal of the resulting regulations. The original 45–Day Notice was published in the May 23, 2025 California Regulatory Notice Register (Notice Register 2025, Number 21–Z).

The following documents are being added to the rulemaking record:

1. Modified Text with Methodology of Changes.
2. Supplement to the Initial Statement of Reasons.

A copy of the proposed text is enclosed. This notice document, the proposed text, and the supplement to the initial statement of reasons are available on the Department’s Internet website. These documents are also available for inspection upon request at: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, between the hours of 8:00 a.m. to 5:00 p.m.

**WRITTEN COMMENT PERIOD:** Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on November 7, 2025, which is hereby designated as the close of the written comment period. Comments received after this date

will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email to: [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov);
2. By fax transmission: (916) 440–5747;
3. By Postal Service to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814; or,
4. Hand–delivered to: Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier “**Lead Exposure Risk Factors DPH–18–007**,” the author’s name, and mailing address.

**PUBLIC HEARING:** The Department will hold a virtual public hearing on November 7, 2025. The hearing will be held via Microsoft Teams ® from 10:00 a.m. to 12:00 p.m., and may be accessed at the following link:

**Microsoft Teams:**

<[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZDdINGQ0NGItZ-jBjNy00MzMmLTkzNmUtMzZhY2MxYT-MxNWY1%40thread.v2/0?context=%7b%22Tid%22%3a%221f311b51-f6d9-4153-9bac-55e0ef9641b8%22%2c%22Oid%22%3a%22b08887dd-f521-46f2-b50c-fb0cb540700b%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDdINGQ0NGItZ-jBjNy00MzMmLTkzNmUtMzZhY2MxYT-MxNWY1%40thread.v2/0?context=%7b%22Tid%22%3a%221f311b51-f6d9-4153-9bac-55e0ef9641b8%22%2c%22Oid%22%3a%22b08887dd-f521-46f2-b50c-fb0cb540700b%22%7d)>

**Meeting ID:** 211 293 931 366 2.

**Passcode:** Vw7xE36W.

**Dial in by phone:** +1 916–306–8051,,626444563#  
United States, Sacramento.

**Find a local number:**

<<https://dialin.teams.microsoft.com/78c43e68-2867-4a4f-af8d-e771e376b3ee?id=626444563>>

**Phone conference ID:** 626 444 563#

During the hearing, any person may present oral statements or arguments relevant to the proposed action described in this notice. The Department requests but does not require persons who make oral comments during the hearing to also submit a written copy of their testimony as follows:

1. By email to: [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov);
2. By fax transmission to: (916) 440–5747;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier “**Lead Exposure Risk Factors DPH–18–007**” in the subject line to facilitate the timely identification and review of the comment.

To request a copy of this notice, the regulation text, and any of the regulatory documents or an alternate format of these documents be mailed to you, please call (279) 217–0764, or the California Relay Service at 711, or write to the Office of Regulations, 1415 L Street, Suite 500, Sacramento CA 95814, or send an email to [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov). Upon specific request, these documents will be made available in Braille, large print, or on computer disk.

**INQUIRIES:** Inquiries regarding the subject matter in this notice may be directed to: Carrie McNeil, Center for Healthy Communities, at (510) 890–2614 or via email at [carrie.mcneil@cdph.ca.gov](mailto:carrie.mcneil@cdph.ca.gov).

Inquiries about the regulations process may be directed to: Hannah Strom–Martin, Office of Regulations, at (279) 217–0764 or via email at [hannah.strom-martin@cdph.ca.gov](mailto:hannah.strom-martin@cdph.ca.gov).

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS OF CANDIDACY GERRY’S CURLY–LEAVED MONARDELLA (MONARDELLA SINUATA SUBSP. GERRYI)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the California Fish and Game Code (Fish and Game Code), the California Fish and Game Commission (Commission), at its October 8–9, 2025 meeting, accepted for consideration the petition submitted to list Gerry’s curly–leaved monardella (*Monardella sinuata* subsp. *gerryi*) as an endangered species under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on its determination and acceptance of the petition, the Commission is also providing notice that Gerry’s curly–leaved monardella is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition and minutes of the October 8–9, 2025 Commission meeting are on file and available for public review on the Commission’s

website at [fgc.ca.gov](http://fgc.ca.gov). If you would prefer to view the documents at the Commission’s office, please make an appointment by phone at (916) 653–4899 or by sending an email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).

Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, Habitat Conservation Planning Branch, Attention: Native Plant Program Specialist, Kristi Lazar or email [nativeplants@wildlife.ca.gov](mailto:nativeplants@wildlife.ca.gov) with “Gerry’s curly–leaved monardella” in the subject line. Alternatively, comments or data may be submitted by mail to P.O. Box 944209, Sacramento, CA 94244–2090. Submitting information via email is preferred.

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS OF CANDIDACY PACIFIC POCKET MOUSE (PEROGNATHUS LONGIMEMBRIS PACIFICUS)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the California Fish and Game Code (Fish and Game Code), the California Fish and Game Commission (Commission), at its October 8–9, 2025 meeting, accepted for consideration the petition submitted to list Pacific pocket mouse (*Perognathus longimembris pacificus*) as a threatened or endangered species under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on its determination and acceptance of the petition, the Commission is also providing notice that Pacific pocket mouse is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition and minutes of the October 8–9, 2025 Commission meeting are on file and available for public review on the Commission’s website at [fgc.ca.gov](http://fgc.ca.gov). If you would prefer to view the documents at the Commission’s office, please make an appointment by phone at (916) 653–4899 or by sending an email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).



Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, Wildlife Branch, via email at [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov) with “Pacific pocket mouse” in the subject line. Alternatively, comments or data may be submitted by mail to CDFW Wildlife Branch P.O. Box 944209, Sacramento, CA 94244–2090. Submitting information via email is preferred.

## DECISION NOT TO PROCEED

### FISH AND GAME COMMISSION

#### NOTICE OF DECISION NOT TO PROCEED

**PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN** that the Fish and Game Commission decided not to proceed with the amendment of sections 5.75 and 27.85, Title 14, California Code of Regulations, regarding Recreational Striped Bass Harvest Size Limits, Notice File Number Z2025–0722–02, which was published August 1, 2025 in California Notice Register 2025, Number 31–Z, pages 968–971.

Any interested person with questions concerning this rulemaking should contact David Haug by calling (916) 653–4899, or by email at [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).

The Commission will also publish this Notice of Decision Not to Proceed on its website.

## RULEMAKING PETITION DECISIONS

### DEPARTMENT OF PUBLIC HEALTH

#### DENIAL OF ANA\C PETITION (P–24–02) TO AMEND REGULATIONS

#### VIA ELECTRONIC MAIL

Attention: Dr. Marketa Houskova, DNP, MAIA, BA,  
RN

Chief Executive Officer of the American Nurses  
Association\California

[CEO@anacalifornia.org](mailto:CEO@anacalifornia.org)

Thank you for your petition on behalf of the American Nurses Association\California (ANA\C) requesting that the California Department of Public Health (CDPH) amend provisions of California Code of Reg-

ulations, title 22, to expand organized medical staff membership in general acute care hospitals to include advanced licensed providers. As set forth below, CDPH denies this petition pursuant to Government Code section 11340.7.

Any interested person may petition a state agency to request the adoption, amendment, or repeal of a regulation under Government Code section 11340.6. ANA\C submitted its petition to CDPH by a May 21, 2024 letter. (CDPH petition Number P–24–02.) CDPH received public input on this petition during the January 28, 2025, public hearing and the related public comment period.

#### Discussion

##### 1. Authority

Health and Safety Code section 1275 authorizes CDPH to adopt, amend, or repeal regulations related to the licensure of general acute care hospitals. ANA\C seeks to amend regulations relating to the composition of the organized medical staff at general acute care hospitals. As a result, CDPH has jurisdiction over the petition’s subject matter.

##### 2. Petitioner’s Request

ANA\C’s petition does not propose specific language amending California Code of Regulations, title 22. Rather, ANA\C requests that CDPH amend unspecified provisions of title 22 to expand hospital medical staff membership to include advanced licensed providers, with emphasis on “Advanced Practice Registered Nurses,” which the petition defines as Nurse Practitioners (NP), Certified Registered Nurse Anesthetists (CRNA), Certified Nurse Midwives (CNM), and Clinical Nurse Specialists (CNS).

##### 3. Bases for Denial

CDPH recognizes the importance and complexity of the issues raised by ANA\C, other interested parties, and the public. Additionally, CDPH acknowledges that it may need to revise certain provisions of California Code of Regulations, title 22, governing medical staffing to align with Assembly Bill Number 890<sup>1</sup> (AB 890).

ANA\C’s broad regulatory change request, extending to all advanced licensed providers, is not, however, consistent with AB 890’s statutory updates to the Business and Professions Code (BPC). BPC sections 2837.103 and 2837.104 establish a new certification process for nurse practitioners (NPs) that satisfy certain experience, training, and other requirements. These BPC sections also specifically enumerate medical staffing eligibility rights for the NPs who satisfy this new certification process.

<sup>1</sup> (Assem. Bill Number 890, approved by Governor, September 29, 2020 (2019–2020 Reg. Sess.).)

Contrary to the specific and targeted medical staffing provisions in BPC sections 2837.103 and 2837.104, the petition’s proposal would extend medical staff privileges to all advanced licensed providers, directly undermining the legislative intent of AB 890 to restrict medical staffing eligibility to select certified nurse practitioners with advanced experience, training, and qualifications. As such, CDPH lacks authority to amend medical staffing regulations as ANA\C requests because it is beyond what the Legislature has enacted.

Accordingly, CDPH denies the petition’s specific language requests to expand staff privileges to include advanced licensed providers. CDPH will determine whether it needs to amend its medical staff regulations to conform with the BPC statutory updates discussed above. In doing so, CDPH will consider the overall concerns raised in your petition, as well as any additional stakeholder input received during the rulemaking process set forth under the Administrative Procedure Act (Chapter 3. 5 of the Government Code, section 11340 et seq.).

#### Availability of the Petition

Under Government Code section 11340.7, subdivision (d), any interested person has the right to obtain a copy of the petition submitted to the agency. Copies of this petition for regulatory action are available at the CDPH Office of Regulations website at: [https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions\\_for\\_Regulatory\\_Action.aspx](https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions_for_Regulatory_Action.aspx). A copy of this decision will be posted on this same web page.

Interested persons may also request a copy of the petition by contacting the CDPH Office of Regulations by email: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov), by phone: (916) 558–1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814. When submitting such a request, please reference Petition P–24–02.

#### CDPH Contact Person

CDPH appreciates your interest in the rulemaking process. If you have any questions, please contact me by email: [keith.vanwagner@cdph.ca.gov](mailto:keith.vanwagner@cdph.ca.gov), by phone: (916) 558–1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814.

Sincerely,

/s/

Keith E. Van Wagner  
Senior Assistant Chief Counsel and Privacy Officer  
Office of Legal Services

cc: Dr. Erica Pan, MD, MPH, FIDSA, FAAP,  
Director, CDPH  
Maral Farsi, CDPH  
Susan Fanelli, CDPH  
Christine Siador, CDPH  
Mandi Posner, CDPH  
Chelsea Driscoll, CDPH

## DEPARTMENT OF PUBLIC HEALTH

### DENIAL OF CANA PETITION (P–23–002) TO AMEND REGULATIONS

#### VIA ELECTRONIC MAIL

Attention: Sandra Bordi, DNP, CRNA  
President of the California Association of Nurse  
Anesthesiology (CANA)

c/o Monica Miller

Sacramento Advisors, LLC

[mmiller@sacadv.com](mailto:mmiller@sacadv.com)

Thank you for your petition on behalf of the California Association of Nurse Anesthesiology (CANA) requesting that the California Department of Public Health (CDPH) amend California Code of Regulations, title 22, sections 70529, subdivision (b), 70701, subdivision (a)(1)(E), and 70703, subdivision (a)(1), to expand organized medical staff membership in general acute care hospitals to include licensed independent practitioners. As set forth below, CDPH is denying the petition pursuant to Government Code section 11340.7.

Under Government Code section 11340.6, any interested person may petition a state agency to request the adoption, amendment, or repeal of a regulation. CANA submitted its petition to CDPH by a December 8, 2023 letter. (CDPH petition Number P–23–002.) CDPH received public input on this petition during the May 8, 2024 public hearing and the related public comment period.

#### Discussion

##### 1. Authority

Health and Safety Code section 1275 authorizes CDPH to adopt, amend, or repeal regulations related to the licensure of general acute care hospitals. CANA seeks to amend regulations relating to the composition of the organized medical staff at general acute care hospitals. As a result, CDPH has jurisdiction over the petition’s subject matter.

##### 2. Petitioner’s Request

CANA requests that CDPH amend the below regulations to expand organized medical staff membership to include licensed independent practitioners, as follows:

**a. Section 70529, subdivision (b)**

All physicians, dentists, ~~and~~ podiatrists, *and licensed independent practitioners competent in their respective fields and worthy in professional ethics*, providing services in the outpatient unit shall be members of the organized medical staff. All other health care professionals providing services in outpatient settings shall meet the same qualifications as those professionals providing services in inpatient services.

**b. Section 70701, subdivision (a)(1)(E)**

Membership on the medical staff which shall be restricted to physicians, dentists, podiatrists, ~~and~~ clinical psychologists, *and licensed independent practitioners* competent in their respective fields, worthy in character and in professional ethics. No hospital shall discriminate with respect to employment, staff privileges or the provision of professional services against a licensed clinical psychologist within the scope of his/her licensure, or against a licensed physician and surgeon or podiatrist on the basis of whether the physician and surgeon or podiatrist holds an M.D., D.O. or D.P.M. degree, *or against a non-physician practitioner on the basis of the category of license or certification held by such practitioner*. Wherever staffing requirements for a service mandate that the physician responsible for the service be certified or eligible for certification by an appropriate American medical board, such position may be filled by an osteopathic physician who is certified or eligible for certification by the equivalent appropriate American Osteopathic Board.

**c. Section 70703, subdivision (a)(1)**

The medical staff shall be composed of physicians, *independent licensed practitioners*, and, where dental or podiatric services are provided, dentists or podiatrists.

The petition asserts several statutory and policy arguments. First, the petition states that Business and Professions Code (BPC) sections 2282, subdivision (b), and 2283, subdivision (a), give hospitals the flexibility to determine the composition of, and to include non-physicians on, their medical staff. The petition claims the identified regulations are no longer consistent with statute due to Assembly Bill 890<sup>1</sup> (AB 890) and its changes to the BPC as reflected in BPC sections 650.01, 805, 805.5, and 2837.103. As a result, the petition argues, these conflicts render the regulations void and unenforceable under Government Code section 11342.2.

The petition also states that at the federal level, the Centers for Medicare and Medicaid Services (CMS) has promulgated policy statements that support medical staff privileges for non-physician practitioners. Finally, the petition asserts that the requested regulatory changes are necessary to ensure the medical staff benefit from the expertise and experience of non-physician practitioners, especially in the case of Certified Registered Nurse Anesthetists (CRNAs), who may be the only anesthesia provider at some rural health facilities.

**3. Bases for Denial**

CDPH recognizes the importance and complexity of the issues CANA raised and the information CANA, other interested parties, and the public have presented. Additionally, CDPH acknowledges that it may need to revise certain title 22 medical staffing regulations to align with AB 890.

The petition's specific proposed regulatory language changes are not, however, consistent with AB 890's statutory updates to the BPC. BPC sections 2837.103 and 2837.104 establish a new certification process for nurse practitioners (NPs) that satisfy certain experience, training, and other requirements. These BPC sections also specifically enumerate medical staffing eligibility rights for the NPs who satisfy this new certification process.

Contrary to the specific and targeted medical staffing provisions in BPC sections 2837.103 and 2837.104, the petition's proposed language would extend medical staff privileges to all independent licensed practitioners, directly undermining the legislative intent in AB 890 to restrict medical staffing eligibility to those select nurse practitioners certified for meeting elevated experience, training, and other requirements. As such, CDPH lacks authority to amend the medical

<sup>1</sup> (Assem. Bill Number 890, approved by Governor, September 29, 2020 (2019–2020 Reg. Sess.).)

staffing regulations as CANA requests to expand beyond what the Legislature has enacted.

Accordingly, CDPH denies the petition’s specific language requests to expand staff privileges to include independent licensed practitioners. CDPH will determine whether it needs to amend its medical staff regulations to conform with the BPC statutory updates discussed above. In doing so, CDPH will consider the overall concerns raised in your petition, as well as any additional input of stakeholders during the rulemaking process set forth under the Administrative Procedure Act (Chapter 3. 5 of the Government Code, section 11340 et seq.).

#### Availability of the Petition

Under Government Code section 11340.7, subdivision (d), any interested person has the right to obtain a copy of the petition submitted to the agency. Copies of this petition for regulatory action are available at the CDPH Office of Regulations website at: [https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions\\_for\\_Regulatory\\_Action.aspx](https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions_for_Regulatory_Action.aspx). A copy of this decision will be posted on this same web page.

Interested persons may also request a copy of the petition by contacting the CDPH Office of Regulations by email: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov), by phone: (916) 558–1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814. When submitting such a request, please reference Petition P–23–002.

#### CDPH Contact Person

CDPH appreciates your interest in the rulemaking process. If you have any questions, please contact me by email: [keith.vanwagner@cdph.ca.gov](mailto:keith.vanwagner@cdph.ca.gov), by phone: (916) 558–1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814.

Sincerely,

/s/

Keith E. Van Wagner

Senior Assistant Chief Counsel and Privacy Officer  
Office of Legal Services

cc: Sandra Bordi, [sandrabordi@icloud.com](mailto:sandrabordi@icloud.com)

Alison Trejo, [atrejo@hollandparlette.com](mailto:atrejo@hollandparlette.com)

Kate Bowles, [KBowles@hansonbridgett.com](mailto:KBowles@hansonbridgett.com)

Melanie Rowe, [mrowern@yahoo.com](mailto:mrowern@yahoo.com)

Dr. Erica Pan, MD, MPH, FIDSA, FAAP, Director,  
CDPH

Maral Farsi, CDPH

Susan Fanelli, CDPH

Christine Siador, CDPH

Mandi Posner, CDPH

Chelsea Driscoll, CDPH

## DEPARTMENT OF SOCIAL SERVICES

### SUBJECT: NOTICE OF DECISION ON PETITION FILED UNDER GOVERNMENT CODE SECTION 11340.6

Dear Lisa Worthen and Lisa McDaniel,

This letter is in response to your September 9, 2025, Petition for Rulemaking — Revision to Title 22, Division 12, Chapter 1, Child Care Center Regulations (Petition), submitted pursuant to *section 11340.6* of the California Government Code (GOV). The Petition requests that the California Department of Social Services (Department) promulgate regulations to amend the definitions of “infant”, “toddler”, and “preschool child”. Specifically, the Petition proposes the following definitions:

Infant: Birth through 17 months.

Toddler: 18 months through 35 months.

Preschool child: 36 months through enrollment in kindergarten.

Attachment A is a copy of the Petition. The Department has the authority to adopt, amend, and repeal regulations pursuant to the California Child Day Care Facilities Act (Cal. Health and Safety Code (HSC), section 1596.70 et seq.). After review and consideration, the Department respectfully denies the request for the following reasons:

#### 1. The Proposed Definitions are Inconsistent with the Statutory and Regulatory Framework, Which Already Provides Flexibility in Transitions Between Age Components

The Department’s Child Care Licensing statutes, regulations, and standards set forth a comprehensive health and safety framework applicable to different age components and connected to the existing definitions of infant, toddler component, and preschool age children. Pursuant to Assembly Bill (AB) 2131, Chapter 910, Statutes of 2022, as part of the process toward adoption of a single license for child care centers, licensing requirements include components for serving infant, toddler, preschool, and schoolage children. In addition, licensing laws already provide a toddler component for children between the ages of 18 and 36 months that enhance the ability to transition children from one age group to the next. (HSC section 1596.951; Cal. Code Regs. (CCR), title 22, section 101151 et seq.; (PIN) 24–02–CCP.) The existing framework allows child care centers the flexibility to transition children within this age group when they are developmentally ready, while still retaining important health and safety requirements.

The Petition’s request to change the definitions of “infant” and “preschool child” would also create stat-



utory inconsistencies within the Child Day Care Facilities Act. Existing regulations define an “infant” as a child under two years of age. (CCR, title 22, section 101152(i)(1).) The Legislature has adopted statutes in the Child Day Care Facilities Act setting forth requirements applicable to infants as defined as children under two years of age. (See e.g., AB 605, Chapter 574, Statutes of 2018, establishing the Department’s single license framework for new infant to schoolage child care center licenses.)

In addition, the Petition’s request to define “preschool child” as “36 months through enrollment in kindergarten” conflicts with HSC section 1597.059(b), which defines “preschool age children” for purposes of this section as follows:

“... children who are enrolled in a child day care center licensed by the department and who are not enrolled in either an infant care center or a schoolage child day care center, as these terms are defined in Title 22 of the California Code of Regulations.”

This definition of “preschool-age child” is also used in the CCR and the Department’s Written Directives for the Care of Toddlers. (CCR, title 22, section 101152(p)(2); (PIN) 24–02–CCP.)

The Petition’s proposed definitions applicable to child care centers would also create inconsistency in the Child Day Care Facilities Act between child care centers and family child care homes, which are governed by Chapter 3 of Division 12 of the CCR.

## 2. The Effect of the Petition’s Proposed Definition of “Infant” Would be to Place all Children Aged 18 to 24 Months in Preschool, Regardless of their Developmental Stage

The Petition’s request to change the definition of “infant” to “birth through 17 months” would result in placing all children aged 18 to 24 months in preschool, regardless of their developmental stage, and no longer having the option for this group of young children to remain in an infant care environment.

Infant classrooms have the lowest staff-to-child ratios, meaning that children are receiving the highest level of interaction and individualized care. (CCR, title 22, section 101416.5.) Infant classrooms also have greater support, such as infant needs and services plans which detail individualized plans for feeding, napping, and toilet-training, if applicable. (CCR, title 22, section 101419.2.) Infant care staff are trained in infant cardiopulmonary resuscitation (CPR), safe sleep practices, and other safety protocols tailored to this age group. (CCR, title 22, sections 101416.2, 101429.)

Children aged 18 to 24 months still have high dependence on caregivers, limited verbal communication, and are vulnerable to injury and illness. Children between 18 and 24 months of age exhibit rapid physical development — walking, climbing, reaching — with-

out the cognitive maturity to recognize danger. Children develop at different rates physically, emotionally, and socially and many remain dependent on caregivers for feeding, diapering, and sleep routines. Keeping the infant definition from birth to 2 years allows for children between the ages of 18 and 24 months to remain in infant classrooms when they would benefit developmentally. At this crucial stage in childhood, remaining in an infant classroom could be vital for their health and safety, their emotional regulation, and developmental success.

Further, the Petition’s proposed change to the definition of “infant” is unnecessary because there is already flexibility for this group of young children to be included in a toddler component as described in Section 3.

## 3. The Proposed Definition of “Toddler” is Unnecessary and Duplicative Because Existing Statutory and Regulatory Framework Provides Flexibility for Toddler Component for Children between the Ages of 18 and 36 Months

The Petition’s request to define “toddler” as “18 months through 35 months” is unnecessary and duplicative because current licensing requirements provide for a toddler component for children between the ages of 18 and 36 months.

The Department’s Written Directives for the Care of Toddlers in licensed child care centers published pursuant to Child Care Program Provider Information Notice (PIN) 24–02–CCP, establish health and safety standards including components for serving children of different ages. The standards define “toddler component” as a program designed for children between the ages of 18 and 36 months of age and set out requirements for the toddler component.

The existing Toddler Component option already allows child care centers to transition infants who are developmentally ready to an environment with older toddlers and preschool children. It also allows children who are not developmentally ready for preschool to remain in an infant classroom where they can receive greater support, such as assistance with feeding or diapering. (PIN) 24–02–CCP)

Accordingly, the Department denies the Petition to initiate rulemaking. This letter constitutes the Department’s written decision and statement of reasons pursuant to Government Code section 11340.7. In accordance with Government Code *section 11340.7(d)*, a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. Interested persons have a right to obtain a copy of the Petition from the Department. The Department’s contact person on this matter and the person from whom a copy of the Petition may be obtained is Oliver Chu, Office of Regulations De-



velopment, 744 P Street, Sacramento, CA 95814, (916) 657–2586.

The Department appreciates your participation in the regulatory process and your interest in the Department’s work.

Sincerely,  
/s/

SHANICE ORUM  
Assistant Deputy Director  
Community Care Licensing Division  
Attachment A: Petition for Rulemaking  
cc: Office of Administrative Law

**SUMMARY OF  
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

Department of Food and Agriculture  
File # 2025–1007–01  
Prohibited Noxious Weed Seed

In this emergency action, the Department amends its regulation to add *Orobanche (Phelipanche) aegyptiaca* (Egyptian broomrape) to the list of prohibited noxious weed seed, which is a term defined in Section 52257 of the Food and Agricultural Code.

Title 03  
Amend: 3854  
Filed 10/10/2025  
Effective 10/10/2025  
Agency Contact: Rachel Avila (916) 698–2947

California Student Aid Commission  
File # 2025–0905–02  
Golden State Teacher Grant Program

This file and print action amends regulations pertaining to the Golden State Teacher Grant Program to create a new criterion for counting credited school years toward the service requirement based upon revocation of the grant recipient’s federal employment authorization. This action is exempt from the Administrative Procedure Act (APA) pursuant to Education Code section 69617(h)(3).

Title 05  
Amend: 30527  
Filed 10/14/2025  
Effective 10/14/2025  
Agency Contact:  
Synequeen Alasa–as (916) 464–6411

Civil Rights Council  
File # 2025–0918–05  
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 Secretary of State and printing only.

Title 02  
Repeal: 11005  
Filed 10/09/2025  
Effective 11/08/2025  
Agency Contact:  
Alexandria Sadler (916) 204–5082

Native American Heritage Commission  
File # 2025–0908–02  
Conflict–of–Interest

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

Title 02  
Amend: 48000  
Filed 10/09/2025  
Effective 11/08/2025  
Agency Contact:  
Michelle A. Carr (916) 653–4082

Board of Chiropractic Examiners  
File # 2025–0902–04  
Filing of Addresses and Contact Information

This action amends the details regarding contact information a licensee must submit to the board for its directory, aligning with statutory changes.

Title 16  
Amend: 303  
Filed 10/14/2025  
Effective 01/01/2026  
Agency Contact: Kristin Walker (916) 574–7784

California Health Benefit Exchange  
File # 2025–0829–02  
Identity Verification Requirement

This regular rulemaking action by the California Health Benefit Exchange (Covered California) amends the procedures used to verify the identity of an appli-

cant and expands the types of documentation that may be used as proof of identity.

Title 10

Amend: 6464

Filed 10/13/2025

Effective 10/13/2025

Agency Contact:

Jameson Mitchell (916) 954–3372

State Water Resources Control Board

File # 2025–0902–02

Incorporate Applicable Provisions of Statewide Plans and Policies

This action under Government Code section 11353 amends the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) to incorporate applicable provisions of statewide policies and plans adopted by the State Water Resources Control Board, correct typographical errors, and make the Basin Plan web accessible.

Title 23

Adopt: 3929.22

Filed 10/14/2025

Effective 10/14/2025

Agency Contact: Jamie Pratt (805) 549–3761

Department of Motor Vehicles

File # 2025–0904–02

Lien Sales — Vehicle Valuation by the Department

In this action the Department of Motor Vehicles adopts a method to value vehicles for lien sale purposes as well requiring an application and fee for processing.

Title 13

Adopt: 158.50

Filed 10/14/2025

Effective 01/01/2026

Agency Contact: Randi Calkins (916) 282–7294

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