



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: San Francisco International Airport Community Roundtable

STATE AGENCY: Gambling Control Commission Franchise Tax Board

A written comment period has been established commencing on February 27, 2026, and closing on April 13, 2026. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

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

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

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than April 13, 2026. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

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

**TITLE 4. DEPARTMENT OF  
CANNABIS CONTROL**

MULTIPACK CANNABIS GOODS

Notice is hereby given that the Department of Cannabis Control (Department) proposes to adopt the amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a virtual public hearing on **Tuesday, April 14, 2026**, beginning at **10:00 a.m.**

Attendees may participate via WebEx online meeting platform or telephone conferencing. To participate via WebEx online meeting platform, please contact Lilly Quynn at 1-844-612-2322 or [outreach@cannabis.ca.gov](mailto:outreach@cannabis.ca.gov) by 4:30 p.m. on Monday, April 13, 2026, to request a link to the meeting. A link to the meeting will also be posted on the Department's website no later than 9:00 a.m. the day of the hearing.

For those who wish to attend the hearing in person, including those who require reasonable accommodations, limited seating will be available in the Department Hearing Room, 2920 Kilgore Road, Rancho Cordova, CA 95670. Please contact Lilly Quynn at 1-844-612-2322 or [outreach@cannabis.ca.gov](mailto:outreach@cannabis.ca.gov) by 4:30 p.m. on Monday, April 13, 2026, to request to attend the hearing in person or by 4:30 p.m. on Tuesday, March 31, 2026, if reasonable accommodations are necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the dates noted above until all testimony is submitted or 12:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action by mail or email to:

Department of Cannabis Control  
Legal Affairs Division  
2920 Kilgore Road  
Rancho Cordova, CA 95670  
Email: [publiccomment@cannabis.ca.gov](mailto:publiccomment@cannabis.ca.gov)

The written comment period closes on **Monday, April 13, 2026**. To be considered by the Department, a comment must be received by **April 13, 2026**.

AUTHORITY

Business and Professions Code sections 26013 and 26130.

REFERENCE

Business and Professions Code sections 26011.5, 26070, 26100, 26104, 26110, and 26120.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

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

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) (Bus. & Prof. Code, § 26000 et seq.) generally governs commercial cannabis activity in California. The provisions of California Code of Regulations (CCR), title 4, division 19 further implement, interpret, and make specific many MAUCRSA statutes. These existing laws establish testing requirements for cannabis goods, require specific labeling information, and provide for tracking the movement of cannabis goods throughout the supply chain. The changes proposed in this rulemaking action would establish a new category of cannabis good and provide testing, labeling, and tracking requirements associated with the new category.

*Evaluation of Inconsistency with Federal Laws*

The United States Drug Enforcement Administration lists cannabis as a Schedule 1 Drug under the Controlled Substances Act (21 U.S.C. § 812). This means that commercial cannabis activity is illegal under federal law. However, California, through the MAUCRSA and other laws, has decriminalized the cultivation, sale, and possession of cannabis goods for persons aged 21 or older and for medicinal patients.

*Objectives and Anticipated Benefits of the Proposed Regulations*

The objective of this proposed regulation is to provide a compliant pathway for cannabis licensees to meet consumer demand for an expanded variety of products, while ensuring proper public health and safety guards remain in place. The proposed regulations will support the legal cannabis market by providing licensees with additional flexibility in the types of cannabis goods they may produce and sell. At the same time, customers will have access to a wider array of cannabis goods that may be more desirable or convenient than the cannabis goods that are currently being sold. The proposed regulations will ensure that the regulatory laboratory testing requirements currently applied to cannabis goods can also effectively be applied to multipack cannabis goods.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations*

After careful evaluation, the Department has determined that the proposed changes are not inconsistent or incompatible with existing regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

- Mandate on local agencies or school districts: None.
- Cost to any local agency or school district required to be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any state agency: The Department will incur costs of approximately \$250,000 to update the track and trace system to account for the additional product category. Costs are absorbable within existing budgetary authority. The proposed regulations are not expected to have any fiscal impact on any other state agency.
- Other nondiscretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the state: None.
- Effect on housing costs: None.
- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or business: \$800 in initial costs and up to \$2,600 in ongoing annual costs for businesses that choose to produce multipacks.

*Results of the Economic Impact Assessment*

The Department believes this proposal will result in an increase of approximately 260 jobs and will not result in the loss of any jobs. The Department believes that the proposed regulations would not result in the creation or elimination of businesses in California. The Department believes the proposed regulations would encourage the expansion of businesses in the State by increasing retail sales of cannabis, which would bring opportunities for expansion for all businesses in the licensed cannabis supply chain.

The Department believes the proposed regulations would benefit the health and welfare of California residents, worker safety, and the state’s environment by making the licensed market more competitive with the unlicensed market. The licensed market participants follow health and safety protocols, worker safety requirements, and environmental protection regulations, while the unlicensed market participants do not. To the extent that unlicensed cannabis operations cause negative environmental impacts as well as other social costs, the proposed regulations would indirectly benefit California’s workers, environment, and public health and welfare.

*Determination of Effect on Small Business*

The proposed regulations would affect approximately 2,736 businesses, approximately 97 percent of which are estimated by the Department to be small businesses. These businesses include licensed cannabis manufacturers, distributors, retailers, and testing laboratories.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), 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, as effective and less burdensome to affected private persons than the proposed action, or more cost-effective to affected private persons and equally effective in implementing the statutory policies or other provisions of law.

CONTACT PERSONS

Inquiries concerning the proposed rulemaking action may be directed to:

Nicole Niermeyer  
 Department of Cannabis Control  
 2920 Kilgore Road  
 Rancho Cordova, CA 95670  
 916-465-9025  
[Regulations@cannabis.ca.gov](mailto:Regulations@cannabis.ca.gov)

The backup contact person for these inquiries is:

Lullette McManus  
Department of Cannabis Control  
2920 Kilgore Road  
Rancho Cordova, CA 95670  
916–465–9025  
[Regulations@cannabis.ca.gov](mailto:Regulations@cannabis.ca.gov)

AVAILABILITY OF THE INITIAL  
STATEMENT OF REASONS,  
PROPOSED REGULATION TEXT, AND  
RULEMAKING FILE

The Department will make the entire rulemaking file, including all documents relied upon, available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests to inspect or copy the rulemaking file to the contact person(s) listed above.

AVAILABILITY OF CHANGED OR  
MODIFIED 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 that 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 adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. The Department will accept written comments on the modified regulations for the duration of the period of public availability.

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Upon its completion, the Department will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

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 highlighted, as well as the Final Statement of Reasons, when completed,

and modified text and notices thereof, if any, may be accessed via the Department's website at <https://www.cannabis.ca.gov/cannabis-laws/rulemaking/>.

**TITLE 20. ENERGY COMMISSION**

POU CAPACITY  
PAYMENT IMPLEMENTATION

INTRODUCTION

The California Energy Commission (CEC) proposes to implement Assembly Bill (AB) 1373 (Garcia, Chapter 367, Statutes of 2023) by adopting Sections 1395 and 1396 in Title 20 in the California Code of Regulations (CCR), after considering all comments, objections, and recommendations regarding the proposed regulations.

AB 1373 requires the Department of Water Resources (DWR) to determine whether local publicly owned electric utilities (POUs) in the California Independent System Operator (ISO) Balancing Authority Area (BAA) serving end-use customers have procured resources through the Electricity Supply Strategic Reliability Reserve Program (ESSRRP) in any given month to meet an identified reliability need. AB 1373 further requires the CEC to assess a capacity payment annually on each POU in the California ISO BAA that, during the same month, fails to meet its minimum planning reserve margin (PRM) and deposit those payments into the DWR's Electricity Supply Strategic Reliability Reserve Fund (Fund). These regulations will define the process for assessing the new capacity payment and depositing of monies into the Fund.

PUBLIC COMMENT PERIOD

Interested persons or their authorized representatives may submit written comments during the written public comment period for the proposed regulation that will be held from February 27, 2026, through 5:00 p.m. on April 14, 2026. Any interested person may submit written comments to the CEC for consideration on or prior to 5:00 p.m. on April 14, 2026. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely.

Written comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit the e–commenting page on the CEC’s *AB 1373 Capacity Payment to Implementation docket*, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?doctetnumber=24–OIR–01>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with Title 20, California Code of Regulations, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include the docket number 24–OIR–01 in the subject line and email your comment to [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

A paper copy may be sent to:

California Energy Commission  
Docket Unit  
Docket Number 24–OIR–01  
715 P Street, MS–4  
Sacramento, CA 95814

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding contact list or provide a valid email or mailing address with your comments.

A public hearing has not been scheduled. However, any interested person or their authorized representative may request, no later than 15 days prior to the close of the written public comment period specified above, a public hearing pursuant to Government Code Section 11346.8.

#### STATUTORY AUTHORITY AND REFERENCE

Water Code Section 80714 authorizes the CEC to adopt regulations as necessary to implement, interpret, and make specific Water Code Section 80714 and 80720.

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

##### Summary of existing laws and regulations:

Assembly Bill 205 (Committee on Budget, Chapter 61, Statutes of 2022) established the Strategic Reliability Reserve (SRR), a group of programs intended to support the state’s electric grid during extreme and emergency events that fall outside typical planning standards. The SRR provides state funding to secure conventional generation, efficiency upgrades at exist-

ing natural gas plants, demand response,<sup>1</sup> distributed generation,<sup>2</sup> and long–duration energy storage.<sup>3</sup> These resources may be called on by the state to provide incremental capacity additions or reduce load during an extreme event, when there could be insufficient energy resources to cover load.

DWR manages the ESSRRP, which is one of three programs comprising the SRR. The CEC administers two additional programs, the Distributed Electricity Backup Assets Program<sup>4</sup> and the Demand Side Grid Support Program.<sup>5</sup>

DWR implements the ESSRRP via the Fund<sup>6</sup> to provide additional generation capacity to support grid reliability and has procured temporary power generators and extended the availability of existing generation plants planned for retirement under this program. The combination of these ESSRRP resources provides more than 3,000 megawatts (MW) of generation capacity to support the grid in extreme events, such as heat waves and natural disasters.

Good utility practice includes planning for and contracting resources to meet electricity demand under a variety of conditions. This practice is typically referred to as “resource adequacy.” If load–serving entities or POUs in the California ISO BAA do not meet their resource adequacy obligations, this could threaten grid reliability, particularly during extreme events, such as those caused by excessive heat in California or across the western United States, and wildfires that threaten transmission lines.

Among other things, AB 1373 established a new fee structure for POUs in the California ISO BAA that fail to meet system resource adequacy requirements

<sup>1</sup> Demand response is the provision of wholesale and retail electricity to customers with the ability to choose to respond to time–based prices and other incentives by reducing or shifting electricity use, particularly during peak demand periods, so that changes in customer demand become a viable option for addressing pricing, system operations and reliability, infrastructure planning, operation and deferral, and other issues. (See Yee Yang, Chie Hong and Kristen Widdifield. 2024. *Pre-rulemaking for Capacity Payments, Implementation of Assembly Bill 1373*. California Energy Commission. Publication Number: CEC–200–2024–009.) <https://efiling.energy.ca.gov/GetDocument.aspx?tn=256585&DocumentContentId=92395>.)

<sup>2</sup> A distributed generation system involves small amounts of generation located on a utility’s distribution system for the purpose of meeting local (substation level) peak loads and/or displacing the need to build additional (or upgrade) local distribution lines. (*Id.* at page 3, footnote 2.)

<sup>3</sup> Long–duration energy storage is any system that is able to discharge energy at its rated power output for more than four hours. (*Id.* at page 3, footnote 3.)

<sup>4</sup> Pub. Resources Code, §§ 25791 and 25791.5.

<sup>5</sup> Pub. Resources Code, § 25792.

<sup>6</sup> See Water Code, § 80720.

during a month in which ESSRRP resources are triggered to meet an identified reliability need.<sup>7</sup>

In addition, AB 1373 requires that the CEC, in consultation with the California Public Utilities Commission (CPUC), submit a report to the Legislature on or before January 31, 2024, that includes, among other things, an assessment as to whether each POU in the California ISO BAA exceeded, met, or failed to meet its PRM in 2023.<sup>8</sup> Upon submission of that report, and on or before January 30, 2027, the CEC must assess a capacity payment on any POU in the California ISO BAA that fails to meet its PRM in the same month in which DWR resources from the ESSRRP were used to meet an identified reliability need.<sup>9</sup>

AB 1373 further authorizes the CEC to adopt regulations to implement section 80714 of the Water Code, which sets forth the CEC’s obligation to assess capacity payments on POUs in the California ISO BAA under the circumstances described above.<sup>10</sup>

As set forth in the legislation, three agencies, DWR, the CEC, and CPUC, have specific roles in implementing AB 1373:

- *DWR* will identify when resources have been called through the ESSRRP and whether those resources have been used in a given month to meet an identified reliability need. *DWR* will also provide information on resource costs.
- *CEC* and *CPUC* must determine a capacity payment calculation method based on the monthly cost of the resources procured using money from *DWR*’s Fund relative to the capacity in which the load-serving entity was deficient in its system resource adequacy requirements.
- *CEC* must assess capacity payments for each POU in the California ISO BAA annually and deposit those payments into *DWR*’s Fund.<sup>11</sup>
- *CPUC* must assess capacity payments for all *CPUC*–jurisdictional load-serving entities and annually deposit those payments into *DWR*’s Fund.<sup>12</sup>

**Effect of the proposed regulation:**

The proposed regulations would establish the process *CEC* staff will use to: determine whether a POU in the California ISO BAA owes a capacity payment, including the collection of relevant data; calculate the

<sup>7</sup> Water Code, § 80714; Department of Water Resources, “Statewide Water and Energy,” <https://water.ca.gov/Programs/Statewide-Water-and-Energy>.

<sup>8</sup> Water Code, § 80714, subdivision (d).

<sup>9</sup> *Id.*, subdivision (a).

<sup>10</sup> *Id.*, subdivision (c).

<sup>11</sup> The specific account is the Local Publicly Owned Electric Utility Capacity Payment Account.

<sup>12</sup> The specific account is the Load-Serving Entity Capacity Payment Account.

amount of any payment; and notify the POU of its payment obligation. In addition, the proposed regulations would establish the procedure for a POU in the California ISO BAA to contest *CEC* staff’s determination, should it choose to do so, and describe the actions the *CEC*’s Executive Director may take in response to staff’s determination.

**Difference from existing comparable federal regulation or statute:**

These proposed regulations do not duplicate or conflict with any federal statute or regulations contained in the Code of Federal Regulations. There are no existing federal regulations that require capacity payments for POUs that fail to meet their minimum PRM.

**Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments:**

The objective of the proposed rulemaking is to implement the *CEC*’s statutory requirements under AB 1373. This includes determining a capacity payment calculation for POUs in the California ISO BAA that are deficient in meeting their system resource adequacy requirements. Further, the *CEC* must assess capacity payments and deposit them into the appropriate fund once collected.

Implementation of the proposed regulations will benefit consumers by bolstering resource adequacy to ensure sufficient capacity is procured to meet customer electricity demand and reserves, thereby contributing to a more reliable electric system. Further, the proposed regulations will provide a transparent process for assessing whether or not POUs in the California ISO BAA have met their resource adequacy obligations and PRM, and whether or not a capacity payment should be assessed to deficient POUs in the California ISO BAA when ESSRRP resources are called to meet a system reliability need.

As a result, POUs in the California ISO BAA will be held responsible for not meeting system resource adequacy requirements and financially liable, should the *CEC* determine there is a deficiency. This will further incentivize the POUs in the California ISO BAA to conduct careful planning efforts in order to ensure they meet their PRMs so as to avoid having to remit a payment. Further, consumers will experience the health, safety, and environmental benefits of a reliable grid by avoiding electricity blackouts.

**Consistency or compatibility with existing state regulations:**

The *CEC* has conducted a search for any other regulations in this area and has concluded there are no existing comparable state regulations. Therefore, the *CEC* has determined that the proposed regulations are neither inconsistent nor incompatible with any existing state regulations.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

The CEC does not propose to incorporate by reference any documents.

**MANDATED BY FEDERAL  
LAW OR REGULATIONS**

The proposed regulation is not mandated by federal law or regulations.

**OTHER STATUTORY REQUIREMENTS**

The CEC is not aware of any other statutory requirements that are relevant to the proposed regulations.

**LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose a mandate on local agencies or school districts that require state reimbursement pursuant to Government Code Sections 17500 et seq.

**FISCAL IMPACTS**

The CEC has made the following initial determinations:

- Cost or savings to any state agency: The CEC will incur costs associated with enforcing the proposed regulations, providing guidance to POUs in the California ISO BAA, and administering program calculations and other requirements. These costs are estimated to be \$64,964 for each year in FY 26–27 and ongoing. Costs include 25% of one Electric Generation System Specialist I amounting to \$51,060 and 5% of one Program and Project Supervisor amounting to \$13,904. No savings to the CEC have been identified.
- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq: The POUs in the California ISO BAA, which qualify as local governmental agencies, may incur some administrative costs, which are calculated below. The costs from this mandate would not be required to be reimbursed. The regulations would not impose a mandate on any school district that would require reimbursement.
- Other non–discretionary costs or savings imposed upon local agencies: Full implementation of the new requirements is expected to result in up to \$2,163 per year for each POU in the California ISO BAA, or a total of \$69,216 for all 32 POUs in the California ISO BAA. These numbers represent 30 hours of work for each POU in the California ISO BAA being performed by a staff

person with a loaded salary of \$150,000/year (or \$72.11/hour). No cost savings have been identified for POUs in the California ISO BAA.

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

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS, INCLUDING  
ABILITY TO COMPETE**

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

**COST IMPACTS ON REPRESENTATIVE  
PERSON OR BUSINESS**

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

**STATEMENT OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT**

Based on its analysis, the CEC has concluded that the proposed regulations: (1) will not create jobs within California, (2) will not eliminate jobs within California, (3) will not create new businesses in California, (4) will not eliminate existing businesses within California, and (5) will not result in the expansion of businesses currently doing business within the state.

The proposed regulations will benefit consumers, the health and welfare of California residents, worker safety, and the state’s environment by:

- Bolstering resource adequacy by incentivizing the POUs in the California ISO BAA to procure sufficient capacity to meet customer electricity demand and reserves, thereby contributing to a more reliable electric system.
- Not running the ESSRRP’s fossil fuel power plants that otherwise may be brought back online in times of energy deficiency.
- Providing a transparent process for assessing whether POUs in the California ISO BAA have met their resource adequacy obligations and PRM and whether a capacity payment should be assessed to deficient POUs in the California ISO BAA when ESSRRP’s resources are called to meet a system reliability need.

### REPORTING REQUIREMENTS

The proposed regulations do not impose reporting requirements on any businesses.

### EFFECT ON SMALL BUSINESS

The proposed regulations do not impact any small businesses because the proposed regulations will not impact businesses of any size in California. Impacted POU's are classified as local government entities rather than businesses.

### SIGNIFICANT EFFECT ON HOUSING COSTS

None.

### ALTERNATIVES STATEMENT

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

No reasonable alternatives to the proposed regulation have been proposed that would lessen any adverse impact on small business or that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute being implemented.

The CEC considered the following alternative:

Instead of imposing a 30-day deadline to submit requests for review in cases in which POU's in the California ISO BAA disagree with CEC assessments of PRM deficiencies, the CEC considered imposing a 15-day deadline. CEC staff determined that reducing the deadline to 15 days would not provide POU's with sufficient time to adequately gather documentation to dispute CEC findings.

### CONTACT PERSONS

Questions should be addressed to:  
Ross Daley, Rulemaking Coordinator  
Executive Office  
[Ross.Daley@energy.ca.gov](mailto:Ross.Daley@energy.ca.gov)  
+1 916 980 7949

OR:

Kristen Widdifield, Electric Reliability Specialist  
Policy and Project Lead  
Energy Assessments Division  
[EAD@energy.ca.gov](mailto:EAD@energy.ca.gov)  
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### COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC has prepared an initial statement of reasons for the proposed regulations. To obtain a copy of the initial statement of reasons, the express terms of the proposed regulations, and all the information upon which the proposed rulemaking is based, please visit the CEC's *AB 1373 Capacity Payment to Implementation docket*, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-01>, or contact the contact person listed above.

### AVAILABILITY OF CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from CEC Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

### COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the CEC's *AB 1373 Capacity Payment to Implementation docket*, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-01>.

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The CEC maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents

prepared by the CEC for this rulemaking, including this Notice of Proposed Action, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, as well as many other documents in the rulemaking file have been posted in the CEC's *AB 1373 Capacity Payment to Implementation* docket, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-01>.

**INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING**

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the CEC's *AB 1373 Capacity Payment to Implementation* docket, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-01>. The subscription sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you do not wish to subscribe but still would like to receive documents and notices, please contact the public advisor listed in this notice to be placed on the mailing list for hard copies.

**TITLE 22. DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION**

**DUE DATE FOR SKILLED NURSING FACILITY ANNUAL CONSOLIDATED REPORTING**

**SECTION 97046.4**

The Department of Health Care Access and Information (HCAI) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

Pursuant to the Health and Safety Code (HSC) § 128734.1, HCAI has established guidance and reporting requirements for skilled nursing facilities and the organization that operates, conducts, owns, manages or maintains them regarding the compilation and submission of Annual Consolidated Financial Reports (ACFRs). Pursuant to HSC § 128734.1, skilled nursing facilities (SNF) are required to submit an ACFR to HCAI each fiscal year.

Current regulations state that the ACFRs are due within four months of the organization's fiscal year-end. Most organizations have a fiscal year-end of December 31 which makes the ACFRs due at the end of April. California Code of Regulations (CCR) Section 97046.5 provides an additional 90-day ex-

tension upon request, making the final due date for these organizations the end of July. Stakeholder input has indicated that there are several issues with this due date including 1) it is the same due date as the Long-Term Care Annual Financial Disclosure Report (LAFDR) which creates a staffing crunch for Certified Public Accountant (CPA) firms, 2) data from the LAFDR flows into the ACFR and often times is not available by the current due date, 3) most companies only engage their CPA once to audit financial statements and to prepare tax returns (with extension these are due in mid-October). This makes the required financial documents not available for submission to HCAI until late October. Therefore, the current due date does not coincide with the availability of the documents required for organizations to comply with HSC Section 128734.1.

HCAI is proposing to amend California Code of Regulations (CCR) Section 97046.4 to change the due date from "within four months of the organization's fiscal year-end" to "within eight months of the organization's fiscal year-end". Assuming a December 31 fiscal year-end, this will make the ACFRs due at the end of August, and November with an extension.

HCAI anticipates these proposed regulations to be effective for fiscal years ending on or after January 1, 2026. The effective date of the proposed amendment will be the applicable effective date pursuant to Government Code § 11343.4.

**I. PUBLIC HEARING**

HCAI has not scheduled a public hearing on this proposed action. However, HCAI will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

**II. WRITTEN PUBLIC COMMENT PERIOD AND CONTACT PERSON**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. All comments must be received by HCAI no later than 5:00 p.m. on April 14, 2026.

Inquiries and written comments regarding the proposed action should be addressed to the primary contact person named below. Comments delivered by email are suggested. Comments may also be hand delivered or mailed.

Lexie Bloyd, Audit Supervisor  
 Information Services Division  
 Department of Health Care Access and Information

Telephone: (916) 326–3833  
Email: [lexie.bloyd@hcai.ca.gov](mailto:lexie.bloyd@hcai.ca.gov)  
Mailing address: 2020 West El Camino Avenue,  
Suite 1100, Sacramento, CA 95833–1880

Inquiries and comments may also be directed to the backup contact person at the same mailing address:

Ty Christensen, Audit Manager  
Information Services Division  
Telephone: (916) 326–3856  
Email: [ty.christensen@hcai.ca.gov](mailto:ty.christensen@hcai.ca.gov)

Comments should include the author’s name, U.S. Postal Service address, and email address, if applicable, for HCAI to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

### III. AUTHORITY AND REFERENCE

Authority: California Health and Safety Code, Section 128810.

Reference: California Health and Safety Code, Sections 128734.1

### IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### A. *Summary of Existing Law*

Pursuant to the Health and Safety Code (HSC) § 128734.1, HCAI has established guidance and reporting requirements for skilled nursing facilities and the organization that operates, conducts, owns, manages or maintains them regarding the compilation and submission of Annual Consolidated Financial Reports (ACFRs). Pursuant to HSC § 128734.1, skilled nursing facilities (SNF) are required to submit an ACFR to HCAI each fiscal year. Current regulations state that the ACFRs are due within four months of the organization’s fiscal year–end.

#### B. *Policy Statement Overview/Specific Benefits of the Proposed Regulations*

HCAI is proposing to amend CCR Section 97046.4 to change the due date from within four months of the organization’s fiscal year–end to within eight months of the organization’s fiscal year–end to allow for the required documents to be compiled. We anticipate these proposed regulations to be effective for fiscal years ending on or after January 1, 2026.

#### C. *Determination of Inconsistency/Incompatibility with Existing Law*

As required by Government Code Section 11346.5(a)(3)(D), HCAI evaluated the language contained in the proposed regulation and determined these proposed regulations are not inconsistent with or incompatible with existing state regulations. HCAI

also determined there are no comparable federal regulations or statutes.

#### D. *Documents Incorporated by Reference*

There are no documents incorporated by reference in these proposed regulations.

### V. DISCLOSURES REGARDING THE PROPOSED ACTION

HCAI has made the following initial determinations:

- A. Mandate on local agencies and school districts: None.
- B. Cost or savings to any state agency: None. Costs are absorbable with current resources.
- C. Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- D. Other nondiscretionary costs or savings imposed on local agencies: None.
- E. Cost or savings in federal funding to the state: None.
- F. Cost impact on a representative person or business: None.
- G. Statewide adverse economic impact directly affecting business and Individuals: HCAI has made an initial determination that the regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.
- H. Significant effect on housing costs: None.
- I. Effect on small business: No skilled nursing facilities match the small business definition stated in Government Code Section 11342.610.
- J. Business Reporting Requirement: HCAI determined it is necessary for the welfare of the people of the State of California that this regulation, which requires a report, apply to business.
- K. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### VI. STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ANALYSIS (EIA)

HCAI prepared an Economic Impact Analysis in the Initial Statement of Reasons and concludes that:

- A. this regulatory action will not create jobs within the state;
- B. this regulatory action will not eliminate jobs within the state;
- C. this regulatory action will not create new businesses;

- D. this regulatory action will not eliminate existing businesses;
- E. this regulatory action will not affect the expansion of businesses currently doing business in the state; and,
- F. the benefits to the public are that changing the due date will lead to more complete, accurate documents that HCAI will make available to the public.

VII. REASONABLE ALTERNATIVES

HCAI must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of HCAI 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.

VIII. AVAILABILITY OF EXPRESS TERMS, INITIAL STATEMENT OF REASONS, AND INFORMATION UPON WHICH PROPOSED RULEMAKING IS BASED

HCAI will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address given for the contact persons. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed changes to the regulations, the initial statement of reasons, and an economic impact analysis contained in the initial statement of reasons.

IX. AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL

After considering all timely and relevant comments received, HCAI may adopt the proposed regulations substantially as described in this notice. If HCAI 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 HCAI adopts the regulations as revised.

Please send requests for copies of the modified text to the listed contact person. The modified text will also be available on the website at <https://hcai.ca.gov/about/laws-regulations/>. HCAI will accept written comments on the modified regulations for 15 days after the date on which they are made available.

X. AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons, including all the comments and responses, will be available, after its completion, through the HCAI website at <https://hcai.ca.gov/about/laws-regulations/>. The Final Statement of Reasons will also be available for review from the designated contact person.

XI. AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Action, Initial Statement of Reasons, the text of the proposed regulations in italics and strikeout, and any documents incorporated by reference can be accessed through HCAI's website at <https://hcai.ca.gov/about/laws-regulations/>.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NUMBER 2080–2026–002–02

**Project:** Lurline Creek Check and Siphon Replacement

**Location:** Colusa County

**Applicant:** Glenn–Colusa Irrigation District

**Notifier:** Provost & Prichard Consulting Group (as represented by Amy Giacomini)

BACKGROUND

Glenn–Colusa Irrigation District (Applicant) will remove and replace the current, degraded, check and siphon structure on its main irrigation water supply canal where it crosses under Lurline Creek. The Lurline Creek Check and Siphon Replacement Project (Project) includes: 1) Construction of a temporary bypass channel for Lurline Creek during construction activities, including clearing and grubbing vegetation; 2) Removal of two concrete vehicle crossing bridges over Lurline Creek, the existing check and siphon structures, and the existing overflow spillway; 3) Placement of rock slope protection underlain with geotextile fabric within the bed of Lurline Creek which will replace the existing concrete lining; 4) Placement of rock slope protection along the banks of Lurline Creek above the ordinary high water mark; and 5) Construc-

tion of a concrete, low water vehicle crossing on the banks and bed of Lurline Creek immediately downstream of the new check and siphon structure.

The Project is located at the intersection of Lurline Creek and the Applicant’s Main Canal approximately 3.5 miles west of the town of Cortena in Colusa County (Latitude 39.21718° North, Longitude 122.25386° West). The site is located on land owned by the Applicant and is accessed by a gravel road running along the top of the bank of the Main Canal. Neighboring land parcels are used for agricultural purposes, including orchards to the northwest and irrigated rice fields in all other directions.

The Project activities described above are expected to incidentally take<sup>1</sup> giant garter snake (*Thamnophis gigas*) where those activities take place within the upland and aquatic habitats present on the Project site. In particular, giant garter snake could be incidentally taken as a result of construction activities including, but not limited to, excavation; crushing or entombment of individuals on the surface or in burrows by vehicles or equipment; and increased risk of mortality resulting from predation, injury, or stress with capture and relocation efforts or vegetation clearing. Giant garter snake is listed as threatened under both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(4)(E)).

Giant garter snake individuals have been documented as present within the perimeter of the Project site and there is suitable giant garter snake habitat within and adjacent to the Project site. Because of the proximity of the nearest documented occurrence of the giant garter snake, the connection of Lurline Creek through areas of documented occurrence, and the presence of suitable giant garter snake aquatic and upland habitats within the Project site, the United States Fish & Wildlife Service (Service) determined that giant garter snakes were reasonably certain to occur within the Project site and that Project activities were expected to result in the incidental take of the species.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the U.S. Army Corps of Engineers (USACOE) consulted with the Service as required by the ESA. On April 8, 2025, the Service issued a biological opinion (file Number 2024–0043207–S7–001) (BO) to the USACOE. The BO describes the Project, requires the

<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”).

Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. According to the Service, the Project will result in the temporary loss of 0.85 acres of giant garter snake habitat. Construction of the Project will also result in the permanent loss of 0.101 acres of aquatic and upland giant garter snake habitat.

On April 18, 2025, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from Shaylea Stark, 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 giant garter snake. (Cal. Reg. Notice Register 2025, Number 18–Z, page 584.) On May 14, 2025, CDFW determined that the ITS and accompanying BO were consistent with CESA and issued a Consistency Determination (CD) (Number 2080–2025–004–02).

Because the Project met the take limit of one dead or injured giant garter snake authorized under the above–mentioned BO and CD and the take limit in the BO would be exceeded if at least one other giant garter snake is injured or killed, the USACOE reinitiated consultation with the Service as required by the ESA. On January 9, 2026, the Service issued a reinitiated BO/ITS (2024–0043207–S7–001–R001) (RBO) in which they increased the amount of take, resulting in injury or death, of giant garter snake to two individuals with one instance of take having already occurred. The RBO/ITS does not place a limit on the number of giant garter snakes that may be taken in the form of hunt, pursue, catch, or capture for the purposes of relocation out of the Project area unharmed.

On January 14, 2026, the Director of CDFW received a notice from Amy Giacomini, on behalf of the Applicant, requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS and accompanying RBO are consistent with CESA for purposes of the Project and giant garter snake. (Cal. Reg. Notice Register 2026, Number 5–Z, page 134.)

## DETERMINATION

CDFW has determined that the ITS, along with its accompanying RBO, is consistent with CESA as to the Project and giant garter snake because the mitigation measures contained in the ITS and accompanying RBO 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 giant garter snake will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITS and accompanying RBO 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 giant garter snake. The mitigation measures in the ITS and accompanying RBO include, but are not limited to, the following:

*Avoidance, Minimization, and Mitigation Measures*

- 1) Prior to initiating construction activities, including staging and mobilization, all personnel associated with Project construction will attend a mandatory Worker Environmental Awareness Program training, conducted by a designated biologist, to aid workers in identifying special status resources that may occur in the action area.
- 2) Prior to the start of any preconstruction surveys, the resumes and relevant experience of qualified biologists (a person who has demonstrated knowledge and experience with the relevant species and their habitats and possesses the appropriate collecting/handling permits or a biologist working under the direct supervision of a biologist possessing the appropriate collecting/handling permits) will be submitted to CDFW for approval. Approved biologists will be able to implement the measures described below and will have authority to stop work authority when necessary to address issues related to protection of giant garter snake and other special status species encountered in the Project area.
- 3) Prior to the start of any activities in the Project area, a Giant Garter Snake Exclusion Fence and Rescue and Relocation Plan will be prepared and submitted to the Service and CDFW for approval. It will contain exclusion fence design and location, the locations of relocation sites on a map, the number of giant garter snakes that may require relocation, and quality of suitable habitat (aquatic and terrestrial) including invasive and non-native species present, available upland burrows, suitable prey items, and potential barriers for movement.
- 4) During the active season for giant garter snakes (between May 1 and September 30), a designated biologist will conduct two giant garter snake pre-construction surveys within the Project area and within 200 feet of the Project area with the first survey occurring 15 days before the second survey. These surveys will occur during the day when water temperatures are at 68°F or more and air temperatures are at 75°F or more when giant garter snakes would be considered most active. The information collected from the first pre-construction survey will serve primarily to alert the biologist of the general level of giant garter snake activity in the action area, and the second survey will serve to minimize potential for take of giant garter snake when installing exclusion fencing. These surveys will be completed prior to the start of construction, installation of the exclusion fence, burrow excavation, and dewatering of aquatic habitat.
- 5) At least 14 days prior to the start of burrow excavation and relocation, dewatering aquatic habitat, and construction activities, and at least 14 days prior to the giant garter snake's inactive season (i.e., by September 17), a giant garter snake exclusion fence will be installed around the Project area. The intent of the exclusion fence is to allow the giant garter snake to leave the area prior to the start of construction activities. The design of the fence will include, and is not limited to, one-way exit doors or exit funnels at ground level; burying the fence a minimum of 6 inches below ground surface; placing the fence a minimum of 24 inches away from any vegetation or solid surfaces (i.e., rocks or tree trunks) that could be used as a ladder by the giant garter snake; extending the fence to a height of not less than 3 feet above the ground surface; and turning all open ends of the fence by 180– degrees for at least 10 feet. Fence design and location must be approved by the Service and CDFW prior to installation. Fence installation will be supervised by a designated biologist, and the exclusion fence will be monitored daily.
- 6) At least 14 days after the exclusion fence is installed and prior to the start of the Project and the inactive season, burrows and other upland refugia that have the potential to be impacted by Project activities will be excavated by hand under the supervision of a designated biologist. Designated biologists will have discretion to determine which specific burrows and other upland refugia will be excavated, and burrows and upland refugia that do not have the potential to be impacted will not be excavated. If needed, equipment will be used to assist with excavation. The primary intent of the excavation is for a designated biologist to salvage any giant garter snakes within the exclusion fence and relocate them to an approved area outside of the Project area and exclusion fence. The secondary intent of the excavation is to remove any potential upland refugia for the giant garter snake to deter them from using the Project during construction.
- 7) Suitable giant garter snake aquatic habitat (e.g., canal, drainages, and ditches) will be dewatered prior to any Project construction activities in suitable aquatic habitat, which will all occur during the giant garter snake's inactive season

(October 1–April 30). The aquatic habitat will be dewatered for a minimum of three consecutive days prior to the start of construction and will be monitored by the designated biologist. Dewatering will be limited to the immediate Project area and shall ensure that alternative aquatic habitat is available. Prior to the placement of any fill, a designated biologist will visually survey the area for giant garter snake.

- 8) Vehicles will observe a 15–mph speed limit while on unpaved access routes.
- 9) Workers will inspect areas beneath parked vehicles, equipment, and materials prior to mobilization. If a giant garter snake is detected, the individual will either be allowed to leave of its own volition or will be captured by a designated biologist and relocated out of harm’s way to the nearest suitable habitat beyond the influence of the Project area.
- 10) All open trenches, holes, sumps, and other excavations more than 6 inches deep will be provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each workday. If escape ramps cannot be provided, then holes or trenches will be covered with plywood or similar materials. If at any time a trapped giant garter snake is discovered, a designated biologist will be notified to move the individual outside of the Project area.
- 11) Temporary impacts will be mitigated on–site through habitat improvements. Approximately 238 square feet of snake berms will be constructed along the northeast side of the site, which will provide additional and improved upland refugia once small mammals burrow within it. Additionally, hydroseed made of approximately 70–80 percent native grass seeds (such as annual fescue, California brome, blue wild rye, and needle grass), and approximately 20–30 percent native forb seeds (such as yarrow, tomcat clover, and Spanish lotus) will be installed over 8,826 square feet of upland habitat above the ordinary high–water mark, not including roadways.
- 12) The permanent loss or degradation of suitable habitat for the giant garter snake will be compensated for by purchasing 0.187 acres of conservation credits for giant garter snake at a Service– and CDFW–approved conservation bank with a service area that covers the Project.

*Monitoring and Reporting Measures*

- 1) A designated biologist or monitor will conduct a pre–activity clearance survey each day and remain onsite during initial vegetation clearing and ground disturbing activities conducted within suitable habitat for giant garter snake. If a giant

garter snake is observed within the action area, the contractor will stop work and allow the individual to leave the Project area of its own volition, or it will be captured by the designated biologist and relocated out of harm’s way to an approved area.

- 2) For those components of the action that will result in habitat degradation or modification whereby incidental take in the form of harm is anticipated, the USACOE shall provide a precise accounting of the total acreage of habitat impacted to the Service after completion of construction.
- 3) The USACOE shall immediately contact the Service to report direct encounters between giant garter snake and Project workers and their equipment whereby incidental take in the form of, harm, injury, or death occurs. If the encounter occurs after normal working hours, the USACOE shall contact the Service at the earliest possible opportunity the next working day. When injured or killed individuals of the listed species are found, the USACOE shall follow the steps outlined in the Salvage and Disposition of Individuals section in the RBO.
- 4) For those components of the Project that will require the capture and relocation of giant garter snake, the USACOE shall immediately contact the Service to report the action. If capture and relocation need to occur after normal working hours, the USACOE shall contact the Service at the earliest possible opportunity the next working day.
- 5) The presence of any federal special status species will be reported to a designated biologist, who will submit the occurrence to the California Natural Diversity Database. If necessary, the Designated Biologist will report the occurrence to CDFW and the Service.

*Although not a condition of the RBO, CDFW requests a copy of the monitoring reports as well. The reports should include dates construction occurred and the success of revegetation and restoration.*

*Financial Security*

The RBO requires the Applicant to submit a financial security, prior to the start of the Project and any ground disturbing activities, in an amount and method approved by CDFW equal to the entire cost to install the berm, hydroseed the 8,826 square feet of upland habitat described above, and purchase the 0.187 conservation bank credits if not already purchased. The Applicant estimated that the total cost for these activities amounted to \$31,240. CDFW reviewed and approved this amount and received an executed letter of credit from the Applicant on September 16, 2025, in the amount of \$31,240.

The Service did not require additional mitigation or financial security in the RBO. CDFW has determined that the mitigation required by the original BO issued on April 8, 2025, is adequate to fully mitigate for the impacts of the Project. The executed letter of credit received by CDFW on September 16, 2025, satisfies all financial security requirements in the RBO and no additional security is required.

*Conclusion*

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

CDFW’s determination that the Service’s ITS and accompanying RBO are consistent with CESA is limited to giant garter snake.

**DEPARTMENT OF  
FISH AND WILDLIFE**

**PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES**

**MOHAVE TUI CHUB IN  
KERN, LOS ANGELES, AND  
SAN BERNADINO COUNTIES**

The Department of Fish and Wildlife (Department) received a project proposal from Susan Williams requesting authorization to capture Mohave Tui Chub (*Siphateles bicolor mohavensis*), a Fully Protected Fish, to conduct necessary scientific research, consistent with the protection and recovery of the species.

The proposed research is being conducted by Susan Williams to support the recovery of Mohave Tui Chub in Kern, Los Angeles, and San Bernadino counties. Susan Williams proposes the use of live trapping to estimate the relative abundance and population size of Mohave Tui Chub. Young of the year and adult Mohave Tui Chub will be captured, anesthetized, measured, weighed, marked, and released.

If the Department determines that the proposed research is consistent with the requirements of Fish and

Game Code section 5515 for take of Fully Protected Fish, it will issue the authorization in the form of a memorandum of understanding (MOU) on or after April 14, 2026 for an initial term through April 30, 2027.

Detailed descriptions of sampling and handling methods for Mohave Tui Chub will be included in the applicant’s Fully Protected Species MOU, if issued. Only experienced personnel will conduct sampling. At its discretion, the Department may authorize additional locations and/or methods upon request by the applicant. Also, at its discretion, the Department may renew this MOU upon request by the applicant.

Pursuant to California Fish and Game Code, section 5515 subdivision (a)(1), the Department may authorize take of Fully Protected Fish for necessary scientific research only after a 45–day notice has been provided to affected and interested parties through publication of this notice, seeking relevant information and comments regarding the proposed authorization.

Relevant information and comments regarding this proposed MOU may be directed to: Fisheries Branch, P.O. Box 944209, Sacramento, CA 94244–2090, Attention: Jean Tsai. Please reference this Notice in your correspondence.

**DEPARTMENT OF  
FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR SHEEPHOUSE CREEK  
BANK FAILURE PROJECT (TRACKING  
NUMBER: 1653–2026–180–001–R3)  
SONOMA COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on February 11, 2026, that Ernest Ricioli proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves treating three bank failure locations along a creek, with incorporation of biotechnical features, large wood, and root wads in the reconstruction, to create salmonid habitat. The proposed project will be carried out on Sheephouse Creek, located approximately one mile east of Jenner along State Highway 116, Sonoma County, California.

On May 25, 2023, 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

Sheephouse Creek Bank Failure 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 1B23073WNSO) for coverage under the General 401 Order on August 22, 2023.

Ernest Ricioli 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, Ernest Ricioli 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, Ernest Ricioli will have the opportunity to submit under Fish and Game Code section 1652.

**SUMMARY OF  
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE  
SECRETARY OF STATE**

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

State Allocation Board

File # 2026–0205–02

Leroy F. Greene School Facilities Act of 1998; EE/  
CTE Supplemental Grants

This State Allocation Board emergency rulemaking action, pursuant to Government Code section 11346.1, adopts regulations regarding energy efficiency and career technical education (EE/CTE) grants pursuant to the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2) and Assembly Bill (AB) 247 (Muratsuchi, Chapter 81, Statutes of 2024). The regulations

provide for application processes, scoring criteria, and award amounts applicable to future grants.

Title 02

Adopt: 1859.78.10

Amend: 1859.2, 1859.71.3, 1859.77.1, 1859.78.5,  
1859.79, 1859.83, 1859.163.1, 1859.163.5,  
1859.164.2, 1859.167.1, 1859.168

Filed 02/17/2026

Effective 02/17/2026

Agency Contact: Lisa Jones (279) 946–8459

State Water Resources Control Board

File # 2026–0206–02

Proposition 4 Water Recycling Regulations

This emergency action by the State Water Resources Control Board (SWRCB) establishes procedures and selection criteria used to select projects for grant funding under the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024. Pursuant to Public Resources Code section 90135(e)(1), this is a deemed emergency and remains in effect until repealed or amended by SWRCB.

Title 23

Adopt: 3430, 3431, 3432, 3433, 3434, 3435, 3436,  
3437, 3438, 3439, 3440

Filed 02/17/2026

Effective 02/17/2026

Agency Contact:

Michael Downey (916) 341–5698

Department of Fish and Wildlife

File # 2026–0206–01

Readoption: Rescinding of Commercial Groundfish  
Management Measures

In its original emergency action (OAL File Number 2025–0811–05EE), the Department of Fish and Wildlife (Department) amended two sections to rescind the application of the Commercial Groundfish Restriction Area (CGRA) and associated 20–fathom boundary line for commercial groundfish fisheries north of 37° 07' North latitude (Año Nuevo). The original emergency amendments also extended federal trip limits for non–nearshore groundfish stocks into state waters north of 37° 07' North latitude, while commercial retention of quillback rockfish would remain prohibited, statewide. In this emergency re–adopt, the Department further modifies the regulations to remove redundant references from the trip limit tables.

Title 14

Amend: 150.06, 150.16

Filed 02/17/2026

Effective 02/18/2026

Agency Contact: Mike Randall (916) 902–9109

Department of Justice

File # 2026–0209–01

Unflavored Tobacco List

In this emergency readoption action pursuant to Government Code section 11346.1, the Department of Justice adopts a process for applying to place products on the Unflavored Tobacco List, as well as to maintain and enforce that list.

Title 11

Adopt: 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957

Filed 02/18/2026

Effective 02/24/2026

Agency Contact:

Marlon Martinez (213) 269–6437

New Motor Vehicle Board

File # 2026–0114–02

Payment of Fees

This section 100 action submitted pursuant to California Code of Regulations, title 1, section 100, by the New Motor Vehicle Board reflects the annual update of the Arbitration Certification Program fee set forth, and based on the formula established, in California Code of Regulations, title 13, section 553.70. The fee will increase from \$0.919 to \$0.945 for each new motor vehicle sold, leased, or otherwise distributed during calendar year 2024.

Title 13

Amend: 553.70

Filed 02/17/2026

Agency Contact:

Alejandro Martinez (916) 445–1888

Civil Rights Department

File # 2026–0202–01

Conciliation Procedures

In this rulemaking action, the Civil Rights Department (CRD) is adopting, amending, and repealing regulations for conciliating complaints alleging violations of the law that CRD enforces.

Title 02

Adopt: 10280, 10281

Amend: 10000, 10001, 10031, 10063

Repeal: 10024, 10025, 10056, 10057

Filed 02/17/2026

Effective 04/01/2026

Agency Contact:

Alexandria Sadler (916) 204–5082

Commission on Peace Officer Standards and Training

File # 2026–0105–02

Adopt Disciplinary Guidelines

In this resubmitted rulemaking action, which was initially withdrawn in OAL File Number 2025–0916–05S, the Commission on Peace Officer Standards and Training adopts disciplinary guidelines, entitled POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions (March 2025).

Title 11

Adopt: 1216

Filed 02/17/2026

Effective 02/17/2026

Agency Contact: Michelle Weiler (916) 227–4870

Office of the State Fire Marshal

File # 2026–0102–01

State Fire Training 2025 Updates

In this rulemaking action the Office of the State Fire Marshal amends regulations regarding fire service training and education programs and updates the State Fire Training Procedures Manual.

Title 19

Amend: 1990.00, 1990.01, 1990.02, 1990.04,

1990.05, 1990.06, 1990.08, 1990.09, 1990.10,

1990.11, 1990.12

Filed 02/17/2026

Effective 04/01/2026

Agency Contact: Jena Garcia (916) 531–7650

**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).