



California Regulatory Notice Register

REGISTER 2026, NUMBER 11-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 13, 2026

PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Oak Mortality Disease Control — Notice File Number Z2026-0227-01 329

TITLE 4. SCHOOL FINANCE AUTHORITY

Charter School Facility Grant Program — Notice File Number Z2026-0303-03 331

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

SB-17 Prescription Drug Reporting Process — Notice File Number Z2026-0303-01 335

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Oroville Wildlife Area Thermalito Afterbay Recreation Improvement Project, 2080-2026-001-02, Butte County 339

DEPARTMENT OF FISH AND WILDLIFE

Stephens' Kangaroo Rat Habitat Conservation Plan, 2080-2026-004-06, Riverside County 343

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Public Comment on Proposed Consent Decree 344

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 344

***Time-
Dated
Material***

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**

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

**OAK MORTALITY
DISEASE CONTROL**

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) Section 3700 Oak Mortality Disease Control.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on April 27, 2026. The Department will consider only comments received at the Department offices by that date or postmarked no later than April 27, 2026. Submit comments to:

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

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

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food

and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3700 pursuant to the authority vested by Sections 407, 5321 and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 24.5, 5321 and 5322 of the FAC.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This amendment will update the known host list for *Phytophthora ramorum*, a fungus which causes oak mortality disease (sudden oak death), to coincide with the official *Phytophthora ramorum* host list promulgated on September, 2022 by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS).

EXISTING LAWS AND REGULATIONS

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within California and determine the probability of its spread, and the feasibility of its control or eradication.

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

Existing law, FAC section 24.5, states that inasmuch as plants growing in native stands or planted for ornamental purposes contribute to the environmental and public health and welfare needs of the people of the state, the Legislature hereby finds and declares that such plants shall be considered as a part of the agricultural industry for the purpose of any law that pro-

vides for the protection of the agricultural industry from pests.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

Preventing the artificial spread of *Phytophthora ramorum* economically benefits all Californians and businesses involved in the production or sale of host material located outside the infested regulated area. Tourism in the unregulated area isn't negatively impacted by restrictions on access to parks and forests that would be necessary either to prevent disease spread or to ensure protection from hazardous trees, or due to loss of the host trees that would affect parks' and forests' visual aesthetic. Local governments do not face unexpected costs when they must remove infected dead or hazardous trees in parks, parkways, along roadsides or adjacent to public buildings. Homeowners do not have to use protective sprays to protect their specimen oaks or face costs for the removal of hazardous trees and loss of their property values.

There is no existing, comparable federal regulations or statute.

There are specific benefits to the health of California residents.

There are no specific benefits to worker safety.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3700 and has determined that they 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 concerning plant pests in California.

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 requiring reimbursement pursuant to 17500 et seq.: None.

Cost or savings to any state agency: None.

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

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

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative person or business would neces-

sarily incur in reasonable compliance with the proposed action.

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

Significant effect on housing costs: None.

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The amendment is designed to prevent or minimize the spread of pest by amending Section 3700. The Department has made an assessment that the amendment to these regulations would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California,(3) not affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making is more likely that *Phytophthora ramorum* would be detected before an infestation can happen, and, if there is an infestation, the Department can react quickly and effectively. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss.

The state's environment: The proposed action will benefit the state's environment by increasing the chance that *Phytophthora ramorum* would be detected before an infestation can happen. If the Department neglects to regulate the types of hosts, this fungus pest could spread into the local environment via the surrounding non-agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure.

CONSIDERATION OF ALTERNATIVES

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

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

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

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

TITLE 4. SCHOOL FINANCE AUTHORITY

CHARTER SCHOOL FACILITY GRANT PROGRAM

NOTICE IS HEREBY GIVEN that the California School Finance Authority (Authority), organized pursuant to Sections 17170 through 17199.6 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than April 27, 2026. The Authority Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposal 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 will be available for 15 days prior to its adoption from the person(s) designated in this Notice as the Contact Person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

The Authority proposes amendments to Sections 10170.2, 10170.5, 10170.6 and 10170.14 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The Regulations implement the Authority's responsibilities related to the Charter School Facility Grant Program.

AUTHORITY AND REFERENCE

Authority: Section 47614.5 of the Education Code. Section 47614.5(m) allows the Authority to adopt regulations in order to administer the Program.

Reference: Section 47614.5 of the Education Code, Section 47600, et seq., of the Education Code, Section 47605 of the Education Code, and Section 47612.5 of the Education Code. The Regulations include a number of the requirements of the Program contained in

Section 47614.5. They also rely on specific provisions within the Charter Schools Act of 1992, commencing with Section 47600 of the Education Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The California School Finance Authority (CSFA or Authority) was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code Section 17170, et seq.). The Authority is authorized to adopt bylaws for the regulation and conduct of its business, and is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code Sections 17179 and 17180).

Pursuant to Education Code, Section 47614.5, the State Legislature directed the Authority to commence administration of the Charter School Facility Grant Program or SB740 Program (Program) with the 2013–14 fiscal year and to adopt regulations to implement the statute. Effective July 1, 2013, the Authority initiated its administration of the Program, and pursuant to Section 47614.5(m), a Certificate of Compliance was approved on August 6, 2014 by the Office of Administrative Law (OAL) (OAL Regulatory Action #2014–0625–01C).

The Program provides annual assistance with facilities rent and lease costs for pupils in California’s charter schools. Since 2013–14, the Authority has made changes to the regulations that guide this Program. In 2022, the Program was subject to a State Audit per direction of the Joint Legislative Audit Committee. The Audit Report (2022–110R) found that CSFA administered the Program with fidelity to the law however, the Audit included six recommendations — three to be implemented by the Legislature and three to be carried out by the Authority at the programmatic level.

Of the three Authority level recommendations, one has been implemented, one has been resolved, and the third will be implemented once the regulations are in place and our reviews commence. The third recommendation relates to vetting program applicants for conflicts of interest (COI). CSFA’s COI vetting process was developed in 2014 when the Authority first developed Program regulations. At that time, charter schools were subject to different COI standards. With the passage of SB 126 in 2018, conflict-of-interest standards for charter schools and their operators aligned with public schools including being subject to Government Code 1090 and the Political Reform Act of 1974.

The State Auditor directed the Authority to confer with the Fair Political Practices Commission (FPPC) regarding our COI reviews. After several conversations with the FPPC and State Treasurer’s Office coun-

sel working to implement the Auditor’s recommendation, the Auditor concurred with the recommendation to focus on Program Applicant’s Statement of Economic Interests filings (Form 700).

If adopted and the regulatory change is effective, CSFA will require Form 700 submissions with all new facility agreements to confirm school officials do not have a financial interest in either leased property or company and/or any services provided related to the Program.

Changes to Program Regulations Sections 10170.2, 10170.6, and 10170.14 are related to this new process. There is also an additional change to remove a 2018 prohibition on late applications and submission appealing related determinations or receiving funding.

SUMMARY OF PROPOSED REGULATIONS

1. *Section 10170.2. Definitions. (a)* Amend “Applicant” with subcategories.
2. *Section 10170.2. Definitions. (t)* Amend “New Facility Agreement” which is related to conflict-of-interest reviews.
3. *Section 10170.2. Definitions. (v)* Added the definition of “School Official”.
4. *Section 10170.5. Application Submission. (a)(3)* Remove subsection completely.
5. *Section 10170.6. Content of Application. (c) and (d)* Amended requirements related to New Facility Agreements, including appraisals and Form 700.
6. *Section 10170.14. Conflict of Interest. (a)* Remove the entire subsection.
7. *Section 10170.14. Conflict of Interest. (b)* Re-lettered as subsection (a).
8. *Section 10170.14. Conflict of Interest. (c)* Re-lettered and amended into new subsection (b). Removal of the prior remedial steps in subsection original (c)(1)–(5).
9. *Section 10170.14. Conflict of Interest. (d)* Changed into new subsection (c) with spelling correction.

**EVALUATION OF
INCONSISTENCY AND INCOMPATIBILITY**

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

**CITATIONS FOR PROPOSED
REGULATIONS MANDATED BY
FEDERAL LAWS OR REGULATIONS**

Not applicable.

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

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

MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

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

FISCAL IMPACT

The Authority has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

On an annual basis, the State Legislature will issue appropriations for purposes of the Program grant funds based on availability of funding and demand for the Program. There will be no cost or savings to any State Agency pursuant to Government Code Sections 11346.1(b) or 11346.5(a)(6).

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

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

EFFECT ON SMALL BUSINESSES

The Authority has determined that the adoption of the proposed regulations will not affect small business. The Program is a voluntary grant program available to charter schools to assist in the costs of charter school facilities.

RESULTS OF ECONOMIC
IMPACT ANALYSIS

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

Adoption of these regulations will not create or eliminate jobs within California, nor create new businesses or eliminate existing businesses within California. The proposed regulations could likely impact the expansion of businesses currently doing business within the State of California. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a Grant program that will disburse funds to existing charter schools in need across the State of California for per pupil facilities funding.

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

The purpose of the program and proposed regulations is to set forth administrative criteria and requirements for administering this grant program. The Authority do not expect any anticipated benefits to worker safety or the State's environment. However, while each funding is different, funding for facilities may allow schools to free up assets potentially allowing actions resulting in improved worker safety. Additionally, there may be a positive effect on the welfare of some California residents. As the intent of the program is to enhance financings related to charter school facilities, the Program and its proposed regulations have the potential to directly benefit the welfare of students and their related communities. The Authority does not anticipate any direct or indirect benefits to the health of California residents because of these proposed regulations

COST IMPACTS ON A REPRESENTATIVE
PRIVATE PERSON OR BUSINESS

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

COST IMPACT ON HOUSING

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

REASONABLE ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the regulations considered by the Authority or that has otherwise been identified

and brought to the attention of the Authority, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Authority invites interested persons to present statements with respect to alternatives to the proposed regulations during the written comment period.

AGENCY CONTACT PERSON(S)

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

Katrina Johantgen, Executive Director,
California School Finance Authority at:
300 South Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4608

or:

915 Capitol Mall, Suite 220–W
Sacramento, CA 95814
(916) 651-7710

or:

kjohantgen@treasurer.ca.gov

or:

csfa@treasurer.ca.gov

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

Will Jarrell
915 Capitol Mall, Suite 220–W
Sacramento, CA 95814
(916) 651-7711

or:

william.jarrell@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulations to the Authority. The written comment period on the regulations will end on April 27, 2026. All comments to be considered by the Authority must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the proposed regulations during the written comment period, the

Authority will also accept additional written comments limited to any changed or modified regulations for 15 calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

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

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Suite 220–W, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's Web site at www.treasurer.ca.gov/csfa.

PUBLIC HEARING

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

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may adopt the proposed regulations substantially as described in this Notice, without further notice. If the Authority 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 (including through the Author-

ity’s website described above) for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority’s website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

SB-17 PRESCRIPTION DRUG REPORTING PROCESS

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (Department) proposes to add a regulation under the Knox–Keene Health Care Service Plan Act of 1975 (Knox–Keene Act¹) and California Code of Regulations (CCR), title 28. The proposed regulation implements Senate Bill (SB) 17 by enumerating the manner and form health care service plans are to follow and use when reporting statutorily mandated prescription drug cost information to the Department.

This rulemaking action proposes to add section 1300.67.243, Prescription Drug Reporting Process for Health Care Service Plans, to CCR, title 28. Before undertaking this action, the Director of the Department (Director) will conduct written public proceedings, during which time any interested person, or such person’s duly authorized representative, may present statements, arguments, or contentions relevant to the action described in this Notice.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing pursu-

ant to section 11346.8(a) of the Government Code. The written request for hearing must be received by the Department’s contact person, designated below, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written statements, arguments, or contentions (hereafter referred to as comments) relating to the proposed regulatory action by the Department. Comments must be received by the Department Office of Legal Services, **by April 27, 2026**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Health Program Specialist I. Comments may be transmitted by standard U.S. mail or email:

Email: regulations@dmhc.ca.gov

Mail: Department of Managed Health Care
Office of Legal Services
Attention: Health Program Specialist I
980 9th Street, Suite 500
Sacramento, CA 95814

Please note: If comments are sent via email, there is no need to send the same comments by standard U.S. mail. All comments, including via email or standard U.S. mail, should include the author’s name and a U.S. mailing address so the Department may provide commenters with notice of any additional proposed changes to the proposed regulatory text.

Please identify the action by using the Department’s rulemaking title and control number, **Prescription Drug Reporting Process for Health Care Service Plans, Control Number 2025–SB17**, in any of the above inquiries.

CONTACTS

Inquiries concerning the proposed adoption of this proposed regulation may be directed to the following persons:

Fabiola Murillo
Attorney IV
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 255–2395 (phone)
Fabiola.Murillo@dmhc.ca.gov

¹ Health & Safety Code, §§ 1340, et seq.

Kim Bollenbach

Health Program Specialist I
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 414–0790 (phone)
kim.bollenbach@dmhc.ca.gov

AVAILABILITY OF DOCUMENTS

The Department prepared and has available for public review the Initial Statement of Reasons, text of the proposed regulation, and all information upon which the proposed regulation is based (rulemaking file). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Suite 500, Sacramento, CA 95814, Attention: Health Program Specialist I.

The Notice of Proposed Rulemaking Action, the proposed text, and the Initial Statement of Reasons are also available on the Department’s website at <http://www.dmhc.ca.gov/LawsRegulations.aspx#open>.

You may obtain a copy of the Final Statement of Reasons once it is completed by making a written request to the Health Program Specialist I named above.

AVAILABILITY OF MODIFIED TEXT

The full text of any modified proposed regulation, unless the modification is only non–substantial or solely grammatical in nature, will be made available to the public at least 15 days before the date the Department adopts the proposed regulation. A request for a copy of any modified proposed regulation(s) should be addressed to the Health Program Specialist I. The Director will accept comments via mail or email on the modified proposed regulation(s) for 15 days after the date on which the modified text is made available. The Director may thereafter adopt, amend, or repeal the foregoing proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

California Health and Safety Code section 1341, subdivision (a), authorizes the Department to regulate health care service plans (health plans) and health care service plan business.

Health and Safety Code section 1341.9 vests the Director with all duties, powers, purposes, responsibilities, and jurisdiction as they pertain to health plans and the health plan business.

Health and Safety Code section 1344 grants the Director the authority to adopt, amend, and rescind such

rules, forms, and orders as necessary to carry out the provisions of the Knox–Keene Act.

Health and Safety Code section 1346 vests in the Director additional powers to administer and enforce the Knox–Keene Act, including but not limited to, the power to study, investigate, research and analyze matters affecting the interests of health plans, subscribers, enrollees and the public, and to promote and establish standards of ethical conduct for the administration of health plans.

Health and Safety Code section 1367.243, enacted by Senate Bill (SB) 17 (Hernandez, Chapter 603, Statutes of 2017), requires health care service plans subject to the financial reporting requirements of Health and Safety Code section 1385.03 or 1385.045, to report to Director the 25 most frequently prescribed drugs; the 25 most costly drugs by total annual spending; and the 25 drugs with the highest year–over–year increase in total plan spending for all covered prescription drugs, including generic drugs, brand name drugs, and specialty drugs dispensed at a plan pharmacy, network pharmacy, or mail order pharmacy for outpatient use.

Health and Safety Code section 1385.03 requires health care service plans file rate information with the Department prior to any rate change.

Health and Safety Code section 1385.045 requires health care service plans file weighted average rate increases for large group health care service plan contracts during a 12–month period.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Summary of Existing Law and Effect of the Proposed Action

Existing law, the Knox–Keene Act, provides for the licensure and regulation of health plans by the Department.

Existing law requires health care service plans to file specified rate information with the Department for health care services plans in the individual, small group, or large group markets.

Existing law, codified by the Legislature in 2017,² provides that health care service plans required to report specified rate information to the Department must also report, for all covered prescription drugs (including generic drugs, brand name drugs, and specialty drugs) the 25 most frequently prescribed drugs, the 25 most costly drugs by total annual plan spending, and

² SB 17, (Hernandez, Chapter 602, Statutes of 2017) codified Health and Safety Code section 1367.243, requires health care service plan reporting of prescription drug costs and also requires the Department to report back to the public and the legislature, its findings. This rulemaking action codifies the form and processes the health care service plan must use to report the information to the Department.

the 25 drugs with the highest year-over-year increase in total annual spending.

Health and Safety Code section 1367.243 explains that applicable health care services plans must report the specified prescription drug information to the Department, on a yearly basis. Section 1367.243 requires the Department to compile and assess the submitted information and produce a report for the Legislature and the public, summarizing the prescription drug costs and their effect on health care premiums. Health care service plans have been submitting the required information to the Department since 2018. Since then, the Department has produced reports for the Legislature and the public illustrating the overall impact of drug costs on health care premiums.³

In this rulemaking action, the Department proposes to interpret, implement, and make specific the requirements of Health and Safety Code section 1367.243 by codifying the process and form the health plans are required to use when submitting prescription drug reporting requirements to the Department.

Broad Objectives and Specific Benefits Anticipated by the Proposed Regulation

Pursuant to Government Code section 11346.5(a)(3)(C), the broad objective of this proposed rulemaking action is to clarify the process by which health care service plans are to report required prescription drug information to the Department. A major part of the proposed regulation is to codify the existing instruction manual and reporting form health care service plans are utilizing to report information to the Department. The Department anticipates the proposed regulation will benefit California residents by providing openness and transparency regarding how prescription drug prices affect health care premiums.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

After conducting a review for any other regulations related to this area, the Department has found that these are the only regulations dealing with Prescription Drug Reporting Process for Health Care Service Plans. Therefore, the proposed regulation in this rulemaking action is neither inconsistent nor incompatible with existing state regulations.

Forms Incorporated by Reference

Pursuant to California Code of Regulation, title 1, section 20(c)(3), the Department is incorporating by reference the following documents:

- Instructions for SB 17 — Prescription Drug Cost Reporting Form for Commercial Plans (Revised October 25, 2025).

- SB 17 — Prescription Drug Cost Reporting Form for Commercial Plans (Form 10–291) (Revised October 25, 2025).

ALTERNATIVES CONSIDERED

Pursuant to Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency (1) would be more effective in carrying out the purpose for which the action is proposed, (2) would be as effective and less burdensome to affected private persons than the proposed action, or (3) would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. As described in the Initial Statement of Reasons for this rulemaking action, the Department has determined that there are no known alternatives that meets standards (1)–(3), described above.

The Department invites interested persons to present statements or arguments with respect to alternatives to the requirements of the proposed regulation during the written comment period.

SUMMARY OF FISCAL IMPACT

- Mandate on local agencies and school districts: None.
- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Costs to private persons or businesses directly affected: 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. As described in the Economic Impact Assessment in the Initial Statement of Reasons for this rulemaking action, the health care service plans have been reporting the required information to the Department since 2018 for measurement year 2017. The Department assumes the costs associated with reporting the required information are already absorbed into the health care service plans’ cost of doing business in California.
- Effect on Housing Costs: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Effect on Small business: None.

³ In accordance with the requirements of SB 17, the Department has made available all SB 17 reports at the following link: <https://www.dmh.ca.gov/Resources/DMHCReports/PublicReports.aspx#sb17>.

DETERMINATIONS

The Department has made the following initial determinations:

- The Department has determined the proposed regulation will not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The Department has determined the proposed regulation will have no significant effect on housing costs.
- The Department has determined the proposed regulation does not affect small businesses. Health plans are not considered a small business under Government Code section 11342.610, subdivisions (b) and (c).
- The Department has determined the proposed regulation 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. Please see the Economic Impact Assessment in the Initial Statement of Reasons for this rulemaking action for additional information about this initial determination.
- The Department has determined that this proposed regulation will have no cost or savings in federal funding to the state.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Initial Statement of Reasons for this rulemaking action describes the basis for the following Economic Impact Assessment results:

Creation or Elimination of Jobs Within the State of California

The Department does not believe that health plan employers will create additional positions to comply with the requirements of the proposed regulation. Health and Safety Code section 1367.243, requiring health care service plans report specified prescription drug information to the Department, has been in effect since 2017. This proposed regulation simply interprets, implements, and makes specific the existing statutory requirement.

Additionally, the proposed regulation will not eliminate any existing jobs in California. The Department does not expect that the proposed regulation will require elimination of any particular job functions within a health plan or any other businesses.

Creation of New Businesses or the Elimination of Existing Businesses Within the State of California

The proposed rulemaking action will neither create new businesses nor eliminate existing businesses. As noted above, this proposed regulation interprets, implements, and makes specific the existing requirement that health plans report enumerated prescription drug information to the Department and does not create any new requirements for businesses in California. Additionally, this proposed regulation only applies to health plans licensed under the Knox–Keene Act and currently affects 25 health plans. Therefore, this proposed regulation will not affect the creation of new or eliminate existing businesses in the State.

Expansion of Businesses Currently Doing Business Within the State of California

The proposed regulation is intended to clarify and make specific existing state law for health plans under the Knox–Keene Act. The proposed regulation simply interprets, implements and makes specific the required pharmacy reporting costs mandated by the authorizing statute. Therefore, the Department has determined that this regulation will not affect the expansion of businesses currently doing business within the State.

The Benefits to the Health and Welfare of California Residents

The proposed rulemaking action will benefit the health and welfare of California residents by providing transparency regarding the top 25 most frequently prescribed drugs, the 25 most costly drugs by total annual spending, and the 25 drugs with the highest year–over–year increase in total health plan annual spending. In addition, the data received from the health plans pursuant to this rulemaking will illuminate the effects of rising health care costs on health care premiums. The Department’s proposed regulation will continue to provide the data needed to evaluate potential solutions to the rising costs of health care and clarify the effects of pharmaceutical prices on premiums for both the public and the legislature.

BUSINESS REPORT

The proposed regulation requires health care service plans submit the form SB 17 Prescription Drug Cost Reporting Form for Commercial Plans incorporated by reference in this rulemaking action to the Department by October 1st of every year. It is necessary for the health, safety, or welfare of the people of the state that the regulation which requires a report apply to businesses.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES
ACT CONSISTENCY DETERMINATION
NUMBER 2080–2026–001–02**

Project: Oroville Wildlife Area Thermalito Afterbay
Recreation Improvement Project

Location: Butte County

Applicant: Sutter Butte Flood Control Agency

BACKGROUND

Introduction

The Sutter Butte Flood Control Agency (Applicant), as represented by Executive Director Michael W. Besette, proposes to construct improved recreational facilities at the existing Feather River Boat Launch in the Oroville Wildlife Area. The Oroville Wildlife Area Thermalito Afterbay Recreation Improvement Project (Project) includes a new two-lane trailered boat launch and ramp, as well as a non-trailered boat launch. Additional upland project components include the construction of a riverside trail connector, day use area, campground facility, parking area, access road, two vault toilets, and new landscaping. Proposed activities would be implemented using heavy equipment, including an excavator, grader, dozer, front loader, skid steer, forklift, compactors, and other typical construction equipment. The project is located on the Feather River in the City of Oroville, Butte County, California (latitude 39.458077° and longitude –121.633801°). The project is located within the Oroville Wildlife Area, which is managed by the California Department of Fish and Wildlife.

The Project activities described above are expected to incidentally take¹: (1) Central Valley (CV) spring-run evolutionarily significant unit Chinook salmon (*Oncorhynchus tshawytscha*; spring-run Chinook salmon) and (2) giant garter snake (*Thamnophis gigas*; GGS).

¹ 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 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”).

Spring-run Chinook salmon

Spring-run Chinook salmon could be incidentally taken as a result of construction of the boat launch facilities in the Feather River (which includes in-water construction, construction and dewatering of a cofferdam, fish rescue and relocation) and temporary and permanent impacts to habitat. Spring-run Chinook salmon is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(2)(C).)

Spring-run Chinook salmon may be present in the Project site as immature adults as they immigrate to spawning areas in the upper reaches of the Feather River Low Flow Channel in March–June, as immature adults holding until they spawn in the fall, and during juvenile emigration November through June (NMFS BA page 16). The in-water construction activities are within designated critical habitat for adult and juvenile CV spring-run Chinook salmon (NMFS BO page 10). Therefore, the National Marine Fisheries Service (NMFS) determined that spring-run Chinook salmon is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of spring-run Chinook salmon.

According to NMFS, the Project will result in the temporary and permanent impacts to spring-run Chinook salmon habitat according to the following table:

Habitat Type	Temporary Impacts (acres)	Permanent Impacts (acres)	Total Impacts (acres)
Freemont Cottonwood Forest and Woodland	0.046	0.001	0.047
Riparian–Marsh Complex	0.027	0.000	0.027
Valley Foot-hill Riparian	0.111	0.146	0.257
Feather River (aquatic)	0.431	0.280	0.711
Total Impacts	0.615	0.427	1.042

GGS

GGS could be incidentally taken as a result of construction activities (including potential crushing), temporary impacts to upland habitat (GGS will be excluded from this habitat for several months using exclusion fencing), and relocation efforts. GGS is designated as

a threatened species pursuant to the ESA (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to CESA (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(4)(E).)

GGs presence has been documented within 5 miles of the Project site, and the closest occurrence is located directly outside of the Project site adjacent to the Feather River. Suitable aquatic and marginally suitable upland habitat exists within 200 feet of the Project site (USFWS BA page 24). Therefore, the United States Fish & Wildlife Service (USFWS) determined that GGS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of GGS.

According to USFWS, the Project will result in the temporary loss of 0.67 acres of upland GGS habitat.

ESA and CESA

Because the Project is expected to result in take of species designated as threatened under the federal ESA, the US Army Corps of Engineers (USACE) consulted with NMFS and USFWS as required by the ESA. On January 28, 2026, NMFS issued a biological opinion (BO; file number: NMFS ECO #: WCR–2025–01827) to USACE. On January 28, 2026, USFWS issued a BO (file number: 2025–0087972–S7–001) to USACE. The BOs describe the Project, require the Applicant to comply with terms of the BOs and accompanying incidental take statements (ITS), and incorporate additional measures.

The ITSs also require the Applicant to implement and adhere to measures contained within the Project Biological Assessments (BAs).

On January 29, 2026, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITSs and accompanying BOs are consistent with CESA for purposes of the Project and spring–run Chinook salmon and GGS. (Cal. Reg. Notice Register 2026, Number 7–Z, page 240).

DETERMINATION

CDFW has determined that the ITSs, along with the accompanying BOs, are consistent with CESA as to the Project and spring–run Chinook salmon and GGS because the mitigation measures contained in the ITSs and accompanying BOs/BAs 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 spring–run Chinook salmon and GGS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITSs and accompanying BOs/BAs 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 spring–run Chinook salmon and GGS. The mitigation measures in the ITSs and accompanying BOs/BAs include, but are not limited to, the following:

Spring–run Chinook salmon

Avoidance, Minimization, and Mitigation Measures for spring–run Chinook salmon

- 1) All in–water construction activities will occur within the July 1 to October 15 in–water work window and will be limited to daylight hours between sunrise and sunset with at least one day per week with no construction to provide periods of time when passage by fish would be unaffected by construction–related noise and disturbance. (NMFS BO page 2; NMFS BA page 12).
- 2) A fish rescue and relocation plan will be submitted to NMFS for review and approval prior to initiation of any in–water work, including any dewatering. The plan will provide for the collection, transfer, and relocation of all entrapped fish to a designated location downstream of project activities, recordation of water quality parameters (e.g., temperature, turbidity, pH), and safekeeping of rescued listed fish in aerated water and at appropriate temperatures at all times prior to release. The rescue and relocation plan will be implemented under the direct supervision of a designated fisheries biologist who will monitor all in–water construction activities. (NMFS BO pages 2 and 16). The NMFS BA also requires the Applicant to submit the plan to CDFW for review. (NMFS BA page 13).
- 3) Dewatering will be monitored by a designated fisheries biologist. Measures to minimize impacts to aquatic life during dewatering include incorporating the fish screen and approach velocity requirements specified in NMFS’s Fish Screening Criteria for Anadromous Salmonids, and minimizing turbidity and water quality impacts, including the use of turbidity curtains and silt filtration bags. (NMFS BO page 3).
- 4) A designated biologist will conduct daily visual surveys of the construction zone prior to any construction activities to verify there are no fish in the work area. If the biologist encounters multiple sightings of fish during project activities, an additional biological monitor will be required. The designated biologist will document the results of monitoring on construction monitoring log sheets

that will be provided at the request of CDFW or NMFS. (NMFS BO page 4).

- 5) All impacts to riparian vegetation and aquatic habitat as a result of construction activities (temporary and permanent) will be mitigated through implementation of the Habitat Mitigation and Monitoring Plan (HMMP). Temporary impacts to 0.184 acres of riparian habitat and 0.431 acres of Feather River aquatic habitat will be mitigated with onsite restoration. After completion of construction activities, any temporary fill and debris will be removed and where feasible, disturbed aquatic and riparian impact areas will be restored to pre-project conditions. Riparian areas will be hydroseeded and revegetated following project completion. Restoration of aquatic habitat will include recontouring and removal of dewatering structures (e.g., cofferdams). All habitat will be restored within one season after construction activities are complete. Proper erosion control measures will be used during construction and restoration until bare ground areas become vegetated again. (NMFS BO page 4). This activity is an integral part of the Project's plans for site improvements and is not a mitigation measure that requires a financial security.
- 6) Permanent impacts to 0.147 acres of riparian habitat will be mitigated through onsite restoration. The Applicant will plant 129 native trees and 454 understory plantings within the campground areas. Native trees, including 58 valley oaks, 60 canyon live oaks, and 11 box elders, will be planted throughout the campsite areas to provide separation and shade for the 25 campsites. Understory plantings will be incorporated in the same areas, consisting of coyote brush (93), coffeeberry (58), western redbud (52), interior live oak (80), common manzanita (45), and deergrass (126). Prior to planting the site, non-native plant species will be removed using a combination of manual and mechanical methods. (NMFS BO page 5). This activity is an integral part of the project's plans for site improvements and is not a mitigation measure that requires a financial security.
- 7) To mitigate the permanent impacts to 0.280 acres of Feather River aquatic habitat designated as critical habitat for CV spring-run Chinook salmon, the Applicant proposes to purchase bank credits, at a 1:1 ratio, from a NMFS and CDFW-approved mitigation bank. Since no compensatory mitigation credits satisfying both NMFS and CDFW criteria currently are available for purchase, the Applicant will provide financial security in the amount of the current market value of such credits at the time of issuance of the permits.

Monitoring and Reporting Measures for spring-run Chinook salmon

- 8) Annual survival monitoring of the restored plantings will occur during the summer growing season. Any dead, low vigor, or dying plants will be replaced during the first year of the establishment period. Monitoring of the plantings will be conducted for a minimum of three years (growing seasons) following planting. Maintenance activities will be performed, as needed, during this 3-year establishment period. Annual monitoring reports will be completed by December 31 of each year, for a period of three years. If monitoring results indicate the riparian habitat restoration does not meet success criteria (i.e., minimum 20 percent tree and understory planting survival), remedial actions will be taken. The wildlife recreation area is currently managed by CDFW and will continue to be managed by CDFW after completion of the riparian habitat restoration activities. (NMFS BO page 5).
- 9) The Applicant shall submit to NMFS an annual report describing the incidental take resulting from the Project including: start/finish dates for in-water activities, total number of fish captured/relocated, and turbidity measurements (NTUs). This shall also include any fishes known to have been killed or injured during project activities. This report shall be filed no later than June 30th following the construction window. (NMFS BO page 17). *Although not a condition of the BO, CDFW requests a copy of this monitoring report, as well.*

GGS

Avoidance, Minimization, and Mitigation Measures for GGS

- 10) Construction activities within GGS habitat will be conducted during GGS active period (between May 1 and October 1), when potential for direct mortality will be lessened because the GGS can move to avoid danger. All vegetation clearing within 200 feet of suitable aquatic habitat will be conducted prior to the GGS's inactive season (i.e., vegetation clearing must be completed by October 1 for work the following winter). (USFWS BO page 6).
- 11) A GGS handling and relocation plan outlining appropriate procedures for these activities will be prepared for the Project and provided to USFWS and CDFW for review and approval at least 30 days prior to commencement of construction. The generalized content is anticipated to include conditions under which a biologist may order work stop and re-start; approved monitoring equipment; handling and processing proce-

- dures; suitable relocation sites; and procedures for treating an injured animal, including approved veterinary treatment facilities and their location. (USFWS BO page 6).
- 12) A designated biologist will be onsite daily during initial ground-disturbing activities (vegetation clearing and grubbing and disturbance of bare ground, cobble, etc.). After initial ground disturbance, a biological monitor will be onsite daily when Project activities take place within 200 feet of suitable GGS aquatic habitat. The designated biologist or biological monitor will conduct daily visual surveys of the construction zone prior to any construction activities to verify there are no GGS in the work area. If the designated or biological monitor encounters multiple sightings of GGS during project activities, an additional biological monitor will be required. (USFWS BO page 6).
 - 13) Prior to initial ground-disturbing activities, exclusion fencing will be installed at the limit of ground disturbance that is within 200 feet of aquatic habitat of GGS. If the marsh dries significantly, then fencing will change to allow GGS movement outside. The exclusion fencing will be installed under the supervision of the designated biologist to ensure it is installed in a manner that excludes GGS from the work area. The exclusion fencing must be at least three feet tall and installed with no holes or gaps in the fencing. The bottom portion of the fencing must either be buried or secured to the ground using nonwoven geotextile gravel bags or geotextile fabric and heavy-duty nails. If trenches or holes are created during fencing installation, they will be backfilled. One-way exit devices will be installed approximately 50 feet apart to allow any GGS within the work area to move outside of the work area. The designated biologist will monitor the exclusion fence daily during initial ground-disturbing activities concurrent with daily clearance surveys and a biological monitor will inspect and monitor the fencing weekly thereafter, until the fence is removed. The biological monitor will immediately identify the location of needed maintenance or repairs to the construction superintendent. The biological monitor will check the fenced construction area for GGS during these inspections. (USFWS BO page 7).
 - 14) Within 24 hours prior to the installation of exclusionary fencing within 200 feet of suitable GGS aquatic habitat, the Project area will be surveyed by the designated biologist to document the presence or absence of GGS. If GGS is observed during the pre-construction survey, USFWS and CDFW will be notified and compliance with GGS handling and relocation plan will be demonstrated. After exclusion fencing is installed, the designated biologist will conduct daily visual surveys of the construction zone prior to any earthmoving activities to verify there are no GGS in the work area. (USFWS BO page 10).
 - 15) The Project will result in temporary impacts to 0.67 acre of marginally suitable GGS upland habitat. The Applicant will purchase compensatory mitigation at a ratio of 0.5:1 (0.5 acre of credits for every 1 acre of temporary impacts to upland habitat), for a total of 0.335 acre of GGS credits, when credits are available to compensate for temporal loss of habitat during construction. There are currently no GGS credits available at any USFWS- and CDFW-approved conservation or mitigation banks with a service area that includes the Project. If no suitable credits are available prior to construction, the Applicant will provide financial security in the amount of the projected market value of GGS credits at the time GGS credits are likely to become available, to be used for future purchase of credits.
 - 16) After completion of construction activities, the Applicant will remove any temporary fill and construction debris and restore temporarily disturbed areas to pre-Project conditions. Restoration of upland habitat will include recontouring and hydroseeding upland habitat. Seed mixtures applied will not contain California Invasive Plant Council designated invasive species (<http://cal-ipc.org/>) and will be composed of native species appropriate for the site. Restoration of aquatic habitat will include recontouring and removal of dewatering structures (e.g., cofferdams). Restoration of removed emergent vegetation will be detailed in a restoration plan submitted to CDFW for review and approval at least 30 days prior to construction. All habitat will be restored as soon as possible after construction and no later than one year after construction activities are complete. (USFWS BO page 9).
 - 17) Temporarily impacted GGS upland habitat will be restored as soon as possible after construction and no later than one year after construction activities. Temporarily impacted areas will be improved through removal of invasive plant species and reseeded with native grasses and forbs. To ensure sufficient funds are available to complete the restoration, the Applicant will provide financial security in the amount of \$2,680 (0.67 acres of temporary impacts at \$4,000/acre to revegetate) to restore the temporarily impacted upland habitat to pre-project conditions. A restoration

monitoring report will be submitted to CDFW to demonstrate the area has been sufficiently restored. (USFWS BO page 11).

Monitoring and Reporting Measures for GGS

- 18) A compliance monitoring report including photo documentation of the Project area conditions will be submitted to USFWS and CDFW quarterly during active construction. (USFWS BO page 7).

Financial Security

The Applicant has provided performance security, in the form of a letter of credit issued to CDFW in the amount of \$160,000.00, for full implementation of the required minimization and mitigation measures set forth in the BOs and associated BAs, as they pertain to Chinook salmon and GGS. The full security amount (\$160,000.00) is the sum of the costs to perform the following activities:

- Compensatory mitigation for permanent impacts to 0.280 acres of Feather River aquatic habitat (pursuant to Condition 7); \$99,111.60.
- Compensatory mitigation for temporary impacts to 0.67 acre of marginally suitable GGS upland habitat (pursuant to Condition 15); \$58,208.40.
- Restoration of temporary impacts to upland GGS habitat (pursuant to Condition 17); \$2,680.00.

Conclusion

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of spring–run Chinook salmon or GGS, provided the Applicant implements the Project as described in the BOs, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITSs and accompanying BO/BAs. If there are any substantive changes to the Project, including changes to the mitigation measures, or if NMFS or USFWS amends or replaces their ITS and accompanying BO/BA, 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)).

**DEPARTMENT OF
FISH AND WILDLIFE**

CESA CONSISTENCY DETERMINATION
REQUEST FOR STEPHENS’
KANGAROO RAT HABITAT
CONSERVATION PLAN 2080–2026–004–06
RIVERSIDE COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on February 25, 2026, that the Riverside County Habitat Conservation Agency (RCHCA) proposes to rely on a federal permit to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the implementation of a federal Habitat Conservation Plan (HCP) that allows for take of a species protected by CESA over the more than 533,954–acre HCP area. Proposed activities will include, but are not limited to, lawful activities by private land owners, local and regional public agencies, public and private utilities, and farmers, the establishment and management of permanent reserves for the species covered by the HCP, and the implementation of conservation, mitigation, and monitoring measures described in the HCP. The proposed project will occur in the cities of Hemet, Lake Elsinore, Moreno Valley, Perris, Corona, and Temecula in Riverside County, California.

RCHCA prepared an HCP which considered the effects of the proposed project on state and federally endangered Stephens’ kangaroo rat (*Dipodomys stephensi*). The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (ITP) (Permit Number PRT–805414) to RCHCA on May 3, 1996. CDFW issued a management authorization for the project in 1996. The federal ITP and CDFW’s management authorization are set to expire on May 2, 2026. On January 13, 2025, the Service issued a letter stating that RCHCA submitted an application for renewal of the ITP and the ITP remains valid past the expiration date while the Service considers the renewal request in accordance with the Code of Federal Regulations, title 50, § 13.22.

Pursuant to California Fish and Game Code section 2080.1, RCHCA is requesting a determination that the ITP and its associated HCP are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP and its associated HCP are consistent with CESA for the proposed project, RCHCA 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 TOXIC
SUBSTANCES CONTROL**

NOTICE OF PUBLIC COMMENT ON
PROPOSED CONSENT DECREE,
MODESTO GROUNDWATER
CONTAMINATION SUPERFUND SITE

**Public Comment Period — March 13, 2026 through
April 13, 2026**

The Department of Toxic Substances Control (DTSC) invites you to review and comment on a proposed Consent Decree entered with Suzanne S. Lyon, Russell R. Tonda, and Diane M. Tonda (collectively, “Settling Defendants”) concerning the cleanup of the Modesto Groundwater Contamination Superfund Site (former Halford’s Cleaners), located at 941 McHenry Avenue, Modesto, California 95351 (Site). The Site was listed on the United States Environmental Protection Agency’s (U.S. EPA) National Priorities List in March 1989 after a city water supply well was contaminated with tetrachloroethene (PCE) released from the Site.

U.S. EPA is the lead agency for the Site. DTSC is supporting U.S. EPA by implementing response actions to address the PCE released from the Site, including, but not limited to, taking over the operation and maintenance of groundwater extraction treatment systems in 2012 and the operation and maintenance of the groundwater monitoring well network in 2024.

The Settling Defendants have collectively agreed to pay DTSC \$2,000,000 to settle their liability for the past and future costs of DTSC’s response actions at the Site. If approved, the proposed Consent Decree would constitute a final settlement between the Settling Defendants and DTSC pursuant to Comprehensive Environmental Response, Compensation and Liability Act section 113(f)(2), 42 U.S.C. § 9613(f)(2). DTSC intends to file a motion for judicial approval of the proposed Consent Decree when the public comment period ends.

DTSC will consider written public comments on the proposed Consent Decree that are postmarked or emailed by April 13, 2026. DTSC may modify or withdraw its consent to the Consent Decree if it receives comments disclosing facts or considerations indicating the Consent Decree is inappropriate, improper, or inadequate. Address comments to: Chinh Vu, Project Manager, 8800 Cal Center Drive, Sacramento, California 95826; via email at Chinh.Vu@dtsc.ca.gov.

Where do I get information — The proposed Consent Decree and other documents related to the Site are available at: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=50950002.

DTSC Contacts:

Project Manager

Chinh Vu
Project Manager
Chinh.Vu@dtsc.ca.gov
(916) 255–3661

Public Outreach

Marcus Simpson
Public Participation Supervisor
Marcus.Simpson@dtsc.ca.gov
(916) 255–6683

Media

Public Information Officer
MediaRelations@dtsc.ca.gov

About us: DTSC’s mission is to protect California’s people, communities, and environment from toxic substances, to enhance economic vitality by restoring contaminated land, and to compel manufacturers to make safer consumer products.

**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 # 2026–0128–01
Japanese Beetle Exterior Quarantine

This certificate of compliance action by the California Department of Food and Agriculture (“Department”) amends the Japanese beetle exterior quarantine area to include the entire State of Oregon.

Title 03
Amend: 3280
Filed 02/27/2026
Effective 02/27/2026
Agency Contact: Rachel Avila (916) 698–2947

Department of Resources Recycling and Recovery
 File # 2026-0120-02
 Illegal Disposal Permanent Regulations

This CalRecycle certificate of compliance defines Land Application Activities, places these activities within CalRecycle's Compostable Material Handling Facilities and Operations Regulatory Tiers, and subjects these activities to the appropriate operator filing requirements, state minimum standards, record keeping, and Enforcement Agency (EA) inspection requirements. It also amends sampling and record keeping requirements for solid waste facilities, operations, and activities to ensure that any facility and operation sending material to a location to be land applied are sampling to ensure the material is suitable for land application and the sampling test results, weights, and end destination for each load sent off-site are included in the operator records. (See OAL Matter Nos. 2025-0204-01E, 2025-0801-01EE, and 2025-1030-01EE.)

Title 14
 Adopt: 17410.5, 17862.3, 17862.4, 17868.6, 17896.62
 Amend: 17402, 17409.5.12, 17414, 17414.2, 17852, 17854.1, 17862.1, 17868.1, 17869, 17869.45, 17896.57, 17896.58, 18302, 18303, 18304, 18304.1, 18993.1
 Filed 03/04/2026
 Effective 03/04/2026
 Agency Contact: Kris Chisholm (916) 322-2404

California Arts Council
 File # 2026-0116-01
 Conflict-of-Interest Code

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

Title 02
 Amend: 27000
 Filed 02/26/2026
 Effective 03/28/2026
 Agency Contact: Gloriela Garcia (916) 890-5502

Department of Health Care Access and Information
 File # 2026-0121-01
 Health Care Payments Data Program Data Collection Updates

This rulemaking action by the Department of Health Care Access and Information amends regulations for the Health Care Payments Data Program to update data submission requirements, including the adoption

of the Common Data Layout for All-Payer Claims Databases, Version 4.0.1, released February 2025.

Title 22
 Amend: 97300, 97314, 97331, 97332, 97340, 97341, 97342, 97344, 97346, 97350, 97351, 97360, 97370
 Filed 03/04/2026
 Effective 03/04/2026
 Agency Contact: Sherry Mung (916) 326-3939

State Water Resources Control Board
 File # 2026-0115-02
 TMDL for Organophosphate Pesticides in the Lower Salinas Watershed

This action by the State Water Resources Control Board (SWRCB), conducted pursuant to Government Code section 11353, amends the Water Quality Control Plan for the Central Coastal Basin. On June 21, 2024, the Regional Water Quality Control Board, Central Coast Region adopted Resolution Number R3-2024-0002 to incorporate Total Maximum Daily Load (TMDL) for organophosphate pesticides in the lower Salinas River watershed, Monterey County, California. The SWRCB approved the amendment under Resolution Number 2025-0031 on October 7, 2025.

Title 23
 Adopt: 3929.23
 Filed 02/25/2026
 Effective 02/25/2026
 Agency Contact: Keara Tusso (805) 549-3877

Department of Food and Agriculture
 File # 2026-0218-01
 Application and Fees, Schedule of Charges

This regular rulemaking by the Department of Food and Agriculture increases the regulatory fees for the Grapevine Registration & Certification Program and relocates that fee provision to a section within the article dedicated to this program instead of its current cross-referenced section in a different article.

Title 03
 Amend: 3024.8, 4603
 Filed 02/27/2026
 Effective 02/27/2026
 Agency Contact: Rachel Avila (916) 698-2947

Department of Justice
 File # 2026-0121-03
 California Law Enforcement Accountability Reform (CLEAR) Act

In this rulemaking action, the Department of Justice adopts guidelines for the investigation and adjudication of complaints that peace officers have en-

gaged in membership in a hate group, participation in hate group activity, or advocacy of public expressions of hate to implement the California Law Enforcement Accountability Reform Act, Penal Code sections 13680 through 13683.

Title 11

Adopt: 999.300, 999.301, 999.302, 999.303,
999.304, 999.305, 999.306, 999.307, 999.308,
999.309, 999.310, 999.311, 999.312, 999.313,
999.314

Filed 03/03/2026

Effective 07/01/2026

Agency Contact:

Marlon Martinez (213) 269–6437

Native American Heritage Commission

File # 2026–0121–02

Cal NAGPRA Mediation and Dispute Resolution

This rulemaking action by the Native American Heritage Commission (“Commission”) adopts regulations that implement and make specific the mediation and dispute resolution process for disputes arising solely under the California Native American Graves Protection and Repatriation Act (“CalNAGPRA”).

Title 14

Adopt: 31001 , 31002, 31003, 31004, 31005, 31006,
31007, 31008, 31009, 31010, 31011, 31012, 31013,
31014, 31015

Filed 03/04/2026

Effective 07/01/2026

Agency Contact:

Michelle A. Carr (916) 653–4082

**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.