



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. CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Cultural and Historical Endowment pursuant to the authority vested in it by section 87306 of the Government Code, proposes to amend its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The California Cultural and Historical Endowment proposes to amend the Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of sections 87300 through 87302, and section 87306 of the Government Code. In order to reflect the current organizational structure of the California Cultural and Historical Endowment, the following positions are added to the Conflict-of-Interest Code:

**Staff Services Manager III
Associate Parks and Rec Specialist (CA Natural Resources Agency)
New Positions**

The California Cultural and Historical Endowment also proposes to amend the Conflict-of-Interest Code to include an additional disclosure requirement. This new category will require employees in disclosure category (b) to disclose “any business activity which receives state funds disbursed pursuant to statutory authority conferred upon the California Cultural and Historical Endowment” in addition to the existing twenty-one disclosure categories.

In addition to these substantive changes, the California Cultural and Historical Endowment also proposes to make a number of non-substantive clarifying changes to the existing Conflict-of-Interest Code.

Copies of the amended code are available and may be requested from the Contact Person set forth below. Any

interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than May 22, 2005, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person’s representative requests a public hearing, he or she must do so no later than 15 days prior to the close of the written comment period by contacting the Contact Person set forth below.

The California Cultural and Historical Endowment has determined that the proposed amendment:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any State agency.
3. Imposes no cost on any local agency or school district that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the State.
6. Will not have any potential costs impact on private persons, businesses or small businesses.

In making these proposed amendments, the California Cultural and Historical Endowment has determined that no alternative considered by the Endowment would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

Contact Person: All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Heather Baugh
Assistant General Counsel
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Telephone: (916) 653-8152
FAX: (916) 653-8121
Email: heather.baugh@resources.ca.gov

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: Aromas Water District
Tahoe City Public Utility
District

A written comment period has been established commencing on May 6, 2016, and closing on June 20, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her 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 code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), 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 her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) 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 code(s). Any written comments must be received no later than June 20, 2016. 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 code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**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 Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 8. AGRICULTURAL LABOR
RELATIONS BOARD**

**NOTICE OF PROPOSED REGULATORY ACTION
TO ADOPT TITLE 8, SECTION 20169 AND TO
AMEND SECTIONS 20170, 20234, 20240, 20241,
20242, 20282, 20286, 20363, 20393, 20240, 20401,
20402, 20407, and 20408**

Notice is hereby given that the Agricultural Labor Relations Board (ALRB or Board), pursuant to the au-

thority vested in it by section 1144 of the Labor Code to make, amend, or rescind rules and regulations as may be necessary to implement, interpret, and make specific the provisions of the Agricultural Labor Relations Act (ALRA) (Labor Code sec. 1140, et seq.), proposes to adopt section 20169 and to amend sections 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393, 202400, 20401, 20402, 20407, and 20408. The proposed regulations implement and make specific section 1151.4(a) of the Labor Code. The Board's regulations are codified in Title 8, California Code of Regulations, section 20100, et seq. The proposed amendments are described below in the Informative Digest. An initial statement of reasons for the amendment of these regulations, along with the text of proposed amendments, has been prepared by the ALRB and is available upon request by contacting J. Antonio Barbosa, Executive Secretary, Agricultural Labor Relations Board, 1325 J. Street, Suite 1900, Sacramento, CA 95814, (916) 653-3741, Fax: (916) 653-8750, e-mail: jbarbosa@alrb.ca.gov or Laura Heyck, Board Counsel, Phone: (916) 651-7623, Fax: (916) 653-8750, e-mail: Laura.Heyck@alrb.ca.gov. This notice, as well as the initial statement of reasons and text of the proposed regulation, also may be found on the Board's website at www.alrb.ca.gov. The final statement of reasons, once it has been prepared, shall be available in the same manner as the initial statement of reasons.

The ALRB invites all interested persons to submit written comments on the proposed amendments. Comments must be received at ALRB headquarters at the address listed above by 5:00 p.m. on June 20, 2016. A public hearing is not scheduled. However, any interested person or his or her duly authorized representative may submit, in writing, no later than Monday, June 6, 2016, a request that a public hearing be held on the proposed amendments.

ADOPTION OF PROPOSED REGULATION

After the comment period closes, and a hearing, if requested, is held, the Board will consider all public comment, written and oral, and decide whether to make any changes to the proposed amendments. The Board may adopt the proposed amendments if no substantial changes are made. If the Board decides to make substantial changes that are "sufficiently related" to the initial proposals, the public will be given notice of those changes and will be given at least 15 days to provide comment. If the Board decides to make "major" changes to the proposals that are "not sufficiently related to" the initial proposals, a new notice of proposed action will issue allowing for a new 45-day comment period.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The proposed regulations outline the processes and procedures for use of electronic filing and service on the Board in section 1151.4(a) of the Labor Code. Currently, the ALRA provides for service of documents in Section 1151.4(a):

Complaints, orders, and other process and papers of the board, its members, agents, or agency, may be served either personally or by registered mail or by telegraph, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as provided in this subdivision shall be proof of service of the same.

In today's world of high-speed communications, the telegram has long been replaced by the use of facsimile (fax) and electronic mail (e-mail). In the legal setting, for the purposes of serving and filing documents, electronic filing (e-filing) and electronic submission (e-submission) have become commonplace.

The current regulations, which provide the rules on service of documents, are contained in section 20164 Service of Papers by the Board or on the Board, section 20166 Service on Others of Papers Filed with the Board and section 20168 Provisions for Use of Facsimile Machines and Expedited Service.

The methods of service now provided for by the ALRA and the regulations have not kept up with the changes being implemented by the State judiciary of California as codified in section 1010.6 of the Code of Civil Procedure and in Rule 8.71 of the California Rules of Court and by the other preeminent labor relations agencies, nationally by the National Labor Relations Board (NLRB) at section 102.114 NLRB Rules and Regulations¹ and within our State by the Public Employee Relations Board (PERB) at section 32135 CCR, title 8. Both of these agencies now permit optional electronic filing.²

¹ In NLRB General Counsel Memorandum, GC 08-01 December 5, 2007, then General Counsel Meisberg noted that the initial efforts of the NLRB to use e-filing commenced in July 2002. For 2007, he reported that "During FY 2007, field offices received over 4,000 electronic submissions through the Agency's E-filing process and the Office of Appeals received over 1,000 such submissions."

² "At least 25 states, the District of Columbia and federal trial courts are now using an e-filing method . . ." See page 7, Report of the California Senate Judiciary Committee on AB 2073, (reg. Session 2011-2012) undated, 2012.

The Board's currently existing methods of service are not in keeping with initiatives sponsored by the State of California to conserve natural resources, such as trees, by reducing the amount of paper used; by initiating and promoting the use of e-filing by the Board and by the parties which litigate in front of the Board, the Board will proactively help reduce pollutants including fuel emissions (courier services, USPS, litigant staff driving to drop-off points, etc.).

Adoption of e-filing will reduce the time now spent by Board staff on the processing of paper originals and copies of any documents served through the currently codified methods of service. Board staff efficiency would increase and they would be free to address other duties more quickly. Delivery of documents to Board counsel, the Executive Secretary and the Board would be quicker as the creation of paper copies with accompanying distribution would become unnecessary. This creates greater efficiency, reduces costs in paper and in copier toner and inks. It will allow the appropriate legal staff to immediately review documents, on their computers, rather than having to wait for copies to be created.

E-mail, which will be our vehicle for e-filing, is now a routine and common-place method of communication. Parties, counsel and others will not have to learn any new procedures or acquire new programs in order to use the agency's e-file method as they are already quite familiar with common e-mailing. Adoption of e-filing will reduce mailing costs (postage, couriers, etc.) paper and other supply costs, reduce file storage costs and staff costs for litigants. It will give them faster and easier access to served papers, briefs and exhibits. There would be no cost for parties to avail themselves of the e-filing option. With respect to information security, e-filing would be safe and secure and in compliance with all security protocols established for state agencies.

Allowing optional e-filing may increase access to justice for all the stakeholders who come before the Board. However, being mindful that many individuals who may or will represent themselves in front of the Board might not have computers or otherwise might not have access to the internet, it would be inappropriate to require that e-filing be mandatory. Therefore, under the proposed regulations, e-filing will be a voluntary option for the service of documents on or by parties and on or by the Board.

INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

After evaluating the proposed regulations for any other related regulation in this area, the Board found that these are the only regulations concerning electronic

filing and service for the Board. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

RULEMAKING FILE

Pursuant to Government Code sections 11346.5 and 11347.3, the Board shall maintain a rulemaking file containing all materials considered in the rulemaking process.

The file currently contains:

1. A copy of this notice
2. A copy of the Initial Statement of Reasons
3. Text of the Proposed Amendments.

As other materials are received, such as written comments, studies, reports, etc., they will be added to the rulemaking file. The file is available for inspection at the headquarters office of the ALRB, 1325 J. Street, Suite 1900, Sacramento, CA, during normal business hours.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Board concludes it is (1) unlikely that the proposal will eliminate any jobs, (2) unlikely that the proposal will create an unknown number of jobs, (3) unlikely that the proposal will create an unknown number of new businesses or will eliminate any existing businesses and (4) unlikely that the proposal will expand existing businesses.

BENEFITS OF THE PROPOSED ACTION

The proposed regulations will reduce the time spent by Board staff on the processing of paper originals and copies of any documents served on the Board while increasing Board staff efficiency and reducing costs in paper, copier toner and inks. The proposed regulations will also reduce parties' mailing costs (postage, couriers, etc.) as well as paper and other supply costs. By reducing paper and other supply costs the proposed regulations assist in conserving California's natural resources, benefiting the health and welfare of all Californians.

ALTERNATIVES TO PROPOSED ACTION

The Administrative Procedure Act requires that the Board, in taking any regulatory action, must determine that no alternative that has been 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 proposed regulation contemplates the use of the Board's existing Microsoft Outlook email system. The Board presently does not have the resources to create or purchase an electronic filing service provider (EFSP), such as "TrueFile" for uploading, submitting and managing documents. Therefore, there is currently no reasonable or more cost-effective alternative to the proposed regulation.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Board has made the following initial determinations:

- A. The proposed regulatory changes would not impose any mandate on local agencies or school districts.
- B. Estimated fiscal impact on local government or school districts: None.
- C. The proposed changes would result in no cost or savings to any state agency, or cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code, nor impose other nondiscretionary cost or savings on local agencies or affect cost or savings in federal funding.
- D. Cost or savings in any federal funding to the state: None.
- E. Fiscal effect on private persons or businesses directly affected: No increase in costs. The ALRB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- F. The proposed changes would have no effect on small business because the changes impose no new burdens upon parties appearing before the Board.
- G. The proposed changes would have no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- H. The proposed changes would have no effect on the creation or elimination of jobs within the State of California, no effect on the creation of new businesses or the elimination of existing businesses within the State of California, and no effect on the expansion of businesses currently doing business within the State of California as stated above in the Informative Digest/Policy Statement Overview. The benefits of the proposed regulations are increased staff efficiency and a decrease in paper products.
- I. The proposed changes would have no effect on housing costs.

LOCAL MANDATES STATEMENT

The proposed regulatory changes would not impose any mandate on local agencies or school districts.

INQUIRIES

Any inquiries concerning any aspect of the proposed regulatory action noticed herein should be directed to J. Antonio Barbosa, Executive Secretary, Agricultural Labor Relations Board, 1325 J. Street, Suite 1900, Sacramento, CA 95814, (916) 653-3741, Fax: (916) 653-8750, e-mail: jbarbosa@alrb.ca.gov or Laura Heyck, Board Counsel, Phone: (916) 651-7623, Fax: (916) 653-8750. e-mail: Laura.Heyck@alrb.ca.gov. Questions concerning the substance of the proposed amendments may be directed to Laura Heyck.

**TITLE 13. DEPARTMENT OF MOTOR
VEHICLES**

The Department of Motor Vehicles (the department) proposes to amend Section 423.00, in Chapter 1, Division 1, Article 6, of Title 13 in the California Code of Regulations to identify the annual adjustment of specified fees for 2017.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **JUNE 20, 2016**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651 and 1678, in order to implement, interpret or make specific Vehicle Code sections 1678, 14900, 14900.1, 14902, 15255.1, and 15255.2.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Since January 1, 2005, Vehicle Code sections 1678 and 1685 require the department to annually review and adjust a variety of department fees. The fees are to be adjusted in an amount equal to the increase in the

California Consumer Price Index (CPI) for the prior year as calculated by the Department of Finance and will only be increased when the calculated amount equals or is greater than \$0.50 rounded to the next highest whole dollar. All of the fee adjustments provided in this proposed action are authorized under Vehicle Code section 1678.

The department proposes to amend Section 423.00 to identify the Vehicle Code sections for which the corresponding fee is being increased. These fees will be effective January 1, 2017. This proposed amendment is neither inconsistent nor incompatible with existing law.

Calculations for determining fee adjustments

In determining whether or not a fee will be adjusted, the department uses the Department of Finance CPI forecast and compares that to the CPI when the baseline of the fee was determined per the statute. That percentage increase is multiplied to the base fee to determine if the fee needs to be increased. These fees were selected for the annual adjustment because they are the only fees that increased by \$0.50 or greater and allowed us to round up to the next dollar.

The following charts list all fee changes effective January 1, 2017.

Statute	Service or Transaction	Current Fee	Adjusted Fee
Vehicle Code			
9250.13(a)(1)	California Highway Patrol (CHP) Fee	\$20	\$21
14900(a)	Driver License Application for original Class C or M	\$33	\$34
14900.1(a)	Driver License fee — Renewal or change of class	\$33	\$34
15255.1(a)	Commercial — Original	\$73	\$74
15255.1(b) and (c)	Commercial — Renewal	\$43	\$44
15255.1(d)	Commercial — Drive Skills Test	\$33	\$34

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The department is tasked with collecting fees and dispersing them to both state and local agencies that use the fees to fund programs. If the fees are not adjusted according to the consumer price index, agencies that rely on these collections, may not be able to adequately fund the programs.

ANTICIPATED BENEFITS

The adjusted fees will allow the departments to continue offering licensing and registration services need-

ed by California residents. To ensure residents are aware of the adjusted fees, the department established fees in regulation.

COMPARABLE FEDERAL AND STATE REGULATIONS

The department is the only agency tasked with collecting these transportation based fees, therefore, there are no comparable federal or state regulations.

CONSISTENCY AND COMPATIBILITY WITH OTHER STATE REGULATIONS

The department has conducted an evaluation for any regulations related to the annual adjustment of fees spe-

cified in the Vehicle Code. In doing so, the department has determined that this regulatory action is both consistent and compatible with other state regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

There are no documents to be incorporated by reference.

ECONOMIC AND FISCAL IMPACT
DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The department is required by statute to adjust specific fees based on the California Consumer Price Index for the prior year, as calculated by the Department of Finance. Seven fees are proposed to be increased by one dollar (\$1).
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code Section 17500 et seq.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Small Business Impact: The proposed regulation may affect small businesses. These fees are paid by individuals. If a fee is paid by a business, the department does not anticipate a significant impact, as the fee is adjusted by such a small amount.

- Significant Statewide Adverse Economic Impact Directly Affecting Businesses: The proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Government Code section 11346.3(b):

- Creation or Elimination of Jobs Within the State of California
This proposed regulation will neither create nor eliminate jobs within the State of California.
- Creation or Elimination of Existing Businesses Within the State of California
The proposed regulation will neither create new businesses nor eliminate existing businesses within the State of California.
- Expansion of Businesses Currently Doing Business Within the State of California
This regulation will not expand businesses currently doing business within the State of California.
- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment
The general welfare of California benefits because the increase of \$1.00 will allow the department to continue offering licensing and registration services needed by California residents. The proposed regulatory action has no impact on health and welfare of workers, worker safety, nor the state's environment.

PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

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

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/dmv/dmvhomes/regulatoryactions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 13. NEW MOTOR VEHICLE BOARD

NOTICE IS HEREBY GIVEN that the California New Motor Vehicle Board (“Board”), pursuant to the authority vested in the Board by subdivision (a) of Vehicle Code section 3050 proposes to amend the regulation as described below, after considering all comments, objections, and recommendations regarding the proposed regulatory action.

PROPOSED REGULATORY ACTION

The Board proposes to amend section 590 of Title 13 of the California Code of Regulations pertaining to case management.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered and adopted the proposed regulation at a noticed General Meeting held on November 12, 2015. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulation was mailed to all individuals and entities on the Board’s Public Mailing list, Electronic Public Mailing list, and website subscription list. The agenda was also posted on the Board’s website.

No comments by the public were received at the November 12, 2015, General Meeting, and no further public discussion was held prior to publication of the notice.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing

from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 323-1632 or by e-mail at dvare@nmvb.ca.gov or nmvb@nmvb.ca.gov. The written comment period closes at 5:00 p.m. on June 20, 2016. The Board will consider only comments received at the Board's offices by that time. Submit comments to:

Danielle R. Vare, Staff Counsel
 New Motor Vehicle Board
 1507 21st Street, Suite 330
 Sacramento, CA 95811
 (916) 327-3129 direct line
 (916) 445-1888 main line
 (916) 323-1632 fax
dvare@nmvb.ca.gov

AUTHORITY AND REFERENCE

Vehicle Code section 3050, subdivision (a), authorizes the Board to amend the proposed regulation. The proposed regulation implements, interprets, and makes specific Vehicle Code sections 3050(a) and (d), 3060, 3062, 3064, 3065, 3065.1, 3066, 3070, 3072, 3074, 3075, 3076, 3080, 3085 and 3085.2.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The adopted mission of the Board is to: “. . . enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner.” The adopted vision statement provides that the Board safeguard for its “constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves relations and reduces the need for costly litigation and . . . develop methods that further improve the delivery of Board services in a timely and cost-effective manner. . . ”

Current Board regulations provide the procedures by which a new motor vehicle dealer or motor vehicle manufacturer or distributor may file a protest, petition or appeal with the Board.

The Board proposes to amend Section 590 by adding Vehicle Code section 3085 to the text of the regulation. In addition, the Reference is updated to reflect newly enacted Vehicle Code sections 3080, 3085 and 3085.2, which are the result of new legislation that creates an additional type of protest to be filed before the Board, and adds parallel decision provisions to Article 5 in lieu of relying on the provisions for Article 4 protests.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The broad objective of the regulation is to provide clarity and consistency to the Board's constituency. Section 590 describes that all hearings on protests filed pursuant to Articles 4, 5 and 6 may be considered by the entire Board or may be conducted by an administrative law judge designated by the Board at its discretion.

The specific benefit anticipated from the regulation is promoting the expeditious and economical resolution of statutorily enumerated disputes between franchisees or associations and manufacturers or distributors. The Board keeps these types of cases from further clogging our already congested courts. It provides a uniformity of decisions across the state, allowing franchisors and their dealers to conduct their business in compliance with California law. Lastly, through its Consumer Mediation Program, the Board offers, at no cost to the consumer, an informal means for efficiently resolving disputes between members of the public and any new motor vehicle dealer, manufacturer, or distributor.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board conducted an evaluation of the proposed regulation's potential inconsistency or incompatibility with existing state regulations and has found that this is the only regulation pertaining to the subject matter of Section 590 case management rulemaking. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business:
The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California business to compete with businesses in other states: None.
- Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Board concludes that the proposed regulation will not (1) create any jobs within the State of California, (2) eliminate any jobs within the State of California, (3) create any new businesses within the State of California, (4) eliminate any existing businesses within the State of California, or (5) cause the expansion of businesses currently doing business within the State of California.

BENEFITS OF THE REGULATION

The proposed regulation will promote the expeditious and economical resolution of disputes between new motor vehicle dealers, associations, and manufacturers or distributors.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation. The proposed regulation merely clarifies case management for franchised new motor vehicle dealers and new vehicle manufacturers or distributors who choose to file a protest, petition or appeal with the Board and associations who choose to file protests with the Board.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, 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 Board invites interested persons to present comments, statements or arguments with respect to alternatives to the proposed regulation, during the written comment period or at the public hearing, if one is requested.

CONTACT PERSONS

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Ms. Vare at the following address:

Danielle R. Vare, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 327-3129 direct line
(916) 445-1888 main line
(916) 323-1632 fax
dvare@nmvb.ca.gov

The backup contact person for these inquiries is:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323-1536 direct line
(916) 445-1888 main line
(916) 323-1632 fax
rparker@nmvb.ca.gov

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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, the Economic and Fiscal Impact Statement, and all the information upon which the proposal is based. Copies may be obtained by contacting the contact persons identified above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulation as revised. Requests for copies of any modified regulation should be addressed to the Board contact person or back-up contact person at the addresses indicated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion of the Final Statement of Reasons, copies thereof may be obtained by contacting Ms. Vare or Ms. Parker at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout font can be accessed through the Board's website at www.nmvb.ca.gov.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section(s) 200, 202, 203, 355, 710, 710.5, 710.7, 713, 1002, 1050, 1053, 1526, 1528, 1530, 1580, 1581, 1583, 1585, 1587, 1761, 1745, 1764, 1765, 1907, 2118, 2120, 2122, 2150, 2150.2, 2157, 2190, 3004.5, 3031, and 10504 of the Fish and Game Code and to implement, interpret or make specific Section(s) 355, 711, 713, 1050, 1053, 1055.3, 1526, 1528, 1530, 1580, 1581, 1582, 1583, 1584, 1585, 1590, 1591, 1764, 1745, 1756, 1765, 2006, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2151, 2157, 2190, 2193, 2271, 3004.5, 8314, 10504, 12000, and 12002, 12002.5

of said Code, proposes to amend Sections 550, 550.5, 551, 552, 630 and 702, and repeal Subsections 703(a)(2) and 703(c), Title 14, California Code of Regulations, relating to Department of Fish and Wildlife Lands Pass Program and Lands Public Uses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Current Lands Pass Program

The majority of lands managed by the Department of Fish and Wildlife (Department) are designated as wildlife areas or ecological reserves. Current regulations for the public use of Department lands include an entry pass program ("the Lands Pass Program") for visitors to certain wildlife areas and ecological reserves who do not possess a hunting, fishing or trapping license. This program was established by the Native Species Conservation and Enhancement Act of 1988 (Fish and Game Code (FGC) Sections 1750-1772).

The current Title 14, California Code of Regulations (CCR) regulations that address this program include:

- 550(c): This section discusses passes and entry permits for department lands in general. It does not distinguish between passes for hunting and Lands Passes. It explains that for properties that require a fee for entry, each visitor must purchase a pass and exchange that pass for an entry permit.
- 550.5(c): This section provides more detailed information about obtaining passes and entry permits and:
 - 550.5(c)(6) specifically explains that a daily or annual "wildlife viewing" pass (referred to as a Lands Pass in other Department publications) and an entry permit are required to enter properties listed in subsections 551(w) and 630(c). It also explains how the price of these passes is adjusted each year, and that visitors who present a valid hunting, fishing or trapping license are exempt from purchasing a daily or annual pass.
 - 550.5(c)(6) does not include the requirement in FGC section 1764 and 1765 that all visitors under the age of 16 are exempt from the pass requirement and that organized school and youth groups are exempt from the pass requirement.

For 2016, a daily Lands Pass costs \$4.00 and an annual Lands Pass costs \$22.50. The passes may be purchased online, from department license offices or authorized license agents through the Automated License Data System (ALDS). Like other permits or licenses sold by the Department, the price is adjusted annually

according to Section 699, Title 14, CCR. Generally speaking, the price of Lands Passes increases by roughly two percent each year.

Five wildlife areas and two ecological reserves currently participate in the Lands Pass Program. They are:

- Gray Lodge Wildlife Area
- Grizzly Island Wildlife Area
- Los Banos Wildlife Area
- Imperial Wildlife Area
- San Jacinto Wildlife Area
- Elkhorn Slough Ecological Reserve
- Upper Newport Bay Ecological Reserve

Purpose of Amendments to Regulations Regarding the Lands Pass Program:

The Legislature has recognized that the Department does not receive adequate revenue to manage the fish and wildlife resources of the State (FGC Section 710). Voluntary programs, such as a Native Species Stamp, were initiated with a concerted campaign in the late 1980's and early 1990's in compliance with FGC sections 1763, 1766 and 1769. These programs were unsuccessful in generating sufficient revenue to cover their costs. The Legislature also directed that the segment of the public that uses Department lands, but does not support them through the purchase of hunting, fishing or trapping licenses, should provide support through purchase of Lands Passes for the use of designated properties (FGC sections 1745, 1764 and 1765).

By expanding the number of wildlife areas and ecological reserves that participate in the Lands Pass Program, the Department may receive additional funds to manage wildlife areas and ecological reserves. One aspect of the Lands Pass Program that has been impractical to implement, particularly since the adoption of the ALDS as the means for selling passes, is the requirement that Lands Passes be exchanged for an entry permit. This is due to the lack of staff available to exchange Lands Passes for entry permits.

If the proposed regulations are adopted, the following changes will be made to the Lands Pass Program through amendments to Sections 550, 550.5, 551, 630 and 702, Title 14, CCR:

1. The Lands Pass Program will no longer require visitors to exchange their Lands Pass for an entry permit. This requires amendments to sections 550 and 550.5 to more clearly distinguish between passes issued for hunting, which are exchanged for entry permits, and Lands Passes which are not exchanged for entry permits.
2. In Section 551, the following 28 wildlife areas will be added to the lands Pass Program:

- Ash Creek Wildlife Area
- Bass Hill Wildlife Area
- Battle Creek Wildlife Area
- Butte Valley Wildlife Area
- Cache Creek Wildlife Area
- Crescent City Marsh Wildlife Area
- Eel River Wildlife Area
- Elk Creek Wetlands Wildlife Area
- Elk River Wildlife Area
- Fay Slough Wildlife Area
- Hollenbeck Canyon Wildlife Area
- Honey Lake Wildlife Area
- Hope Valley Wildlife Area
- Horseshoe Ranch Wildlife Area
- Lake Earl Wildlife Area
- Mad River Slough Wildlife Area
- Mendota Wildlife Area
- Mouth of Cottonwood Creek Wildlife Area
- Napa–Sonoma Marshes Wildlife Area
- North Grasslands Wildlife Area
- San Felipe Valley Wildlife Area
- Shasta Valley Wildlife Area
- South Spit Wildlife Area
- Tehama Wildlife Area
- Upper Butte Basin Wildlife Area
- Volta Wildlife Area
- Willow Creek Wildlife Area
- Yolo Bypass Wildlife Area

3. In Section 630, the following eight areas will be added to the Lands Pass Program:

- Batiquitos Lagoon Ecological Reserve
- Boden Canyon Ecological Reserve
- Bolsa Chica Ecological Reserve
- Buena Vista Lagoon Ecological Reserve
- Canebrake Ecological Reserve
- North Table Mountain Ecological Reserve
- San Elijo Lagoon Ecological Reserve
- Woodbridge Ecological Reserve

Purpose of Amendments to Other Wildlife Area and Ecological Reserve Title 14, CCR, Regulations:

1. Three site-specific regulations that were inadvertently omitted when the land regulations were reorganized in 2014 will be re-entered into Section 551. The restrictions have been kept in place on a temporary basis under the authority of the Regional Manager for the subject areas. These regulations prohibit horses on the Battle Creek and Mouth of Cottonwood Creek Wildlife Areas, and prohibit non-hunting visitors from entering Shasta Valley Wildlife Area on shoot days during the waterfowl season.

2. Various changes are proposed in Section 552 for the National Wildlife Refuges that are also designated as state wildlife areas. These changes are proposed in order to improve the consistency of the state regulations with federal regulations for these refuges and were requested by the U.S. Fish and Wildlife Service.
3. Pursuant to FGC Section 3031, the age limit for people participating as junior hunters on Department lands increased from 15 years old, to persons who are under 18 years of age as of July 1 of the licensing year. This necessitated changes to wording to subsections of Section 550.5 that formerly did not include 16, 17 and 18 year olds as junior hunters. The end result in terms of the numbers of adults and younger people who can be included in a hunting party or assigned to designated hunting zone, blind or pond is the same as with the existing regulations. The change in the age limit for junior hunters also necessitated adding language that 16 and 17 year olds who hunt without adult supervision may not be accompanied by visitors under 16 years of age.
4. Pursuant to FGC Section 3004.5, Section 550 was amended to require hunters to use ammunition consistent with Section 250.1, Title 14, CCR, (i.e., nonlead ammunition) when hunting on Department lands.
5. In Section 551, archery will be added as a method of take for the special wild pig hunt at the Joice Island Unit of the Grizzly Island Wildlife Area and all legal methods of take for big game will be allowed for the special tule elk hunt on that wildlife area. Visitors will also be allowed to resume use of off-highway vehicles on roads open to motor vehicles on the Tehama Wildlife Area.
6. Also in Section 551, the Green Island Unit of the Napa-Sonoma Marsh Wildlife Area will be opened for public use. This property was closed because it was the site of extensive, multi-phased habitat restoration projects, which are now complete. Opening the unit to public use is consistent with the management plan for the Wildlife Area.
7. FGC Section 1587 will be implemented by adding language to Section 630, Title 14, CCR, stating that the Mirage Trail on the Magnesia Springs Ecological Reserve is open for hiking from May 1 through January 31.
8. Subsection 703(a)(2) will be deleted. The fees for Special Use Permits will be relocated to Section 702, and the title of Section 702 will be amended to reflect that it includes fees for a variety of public uses on Department lands.
9. Subsections 702(d) and 703(c), which repeat the language in existing Section 699, are proposed for deletion to reduce duplicative regulations.
10. Additional minor editorial changes are also proposed to improve the clarity and consistency of the regulations, improve enforceability, correct typographical errors, and align regulatory language.

Benefits of the Regulations:

The addition of 36 properties to the Lands Pass Program may result in additional funds available for the management of wildlife areas and ecological reserves under the jurisdiction of the Department. The Lands Pass Program will be more practical to implement by discontinuing the requirement to obtain an entry permit in exchange for a daily Lands Pass or the presentation of an annual Lands Pass. The state regulations for public use of National Wildlife Refuges that are also designated as state wildlife areas will be consistent with federal regulations. Environmental quality is expected to benefit as a result of compliance with Section 250.1, Title 14, CCR, which prohibits the use of lead ammunition for hunting on Department lands.

Consistency with State Regulations

The Commission has conducted a search of the California Code of Regulations and has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Bakersfield Elks Lodge #266, 1616 30th Street, in Bakersfield California, on June 23, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn Hotel & Conference Center, 702 Gold Lake Drive, in Folsom, California, on August 25, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 11, 2016 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 19, 2016. All comments must be received no later than August 25, at the hearing in Folsom, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency

representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Caren Woodson at the preceding address or phone number. Julie Horenstein, Department of Fish and Wildlife, phone 916-324-3772, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, the regulatory language, the Notice, and other rulemaking documents may be obtained from the address above or from the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed changes do not add or remove any existing public uses.

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

Because the proposed regulations will not change existing activities on Department lands, the Commission does not anticipate any impact on the creation or elimination of jobs within the state, the creation or elimination of new or existing businesses, or the expansion of businesses in California. The proposed regulations will not affect the health and welfare of California residents or worker safety. The proposed changes may have a beneficial effect on the State’s environment by removing lead ammunition from Department lands.

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

Visitors to the properties listed in proposed subsections 551(w) and 630(c), Title 14, CCR, would be required to purchase a daily or annual Lands Pass. The price of Lands Passes and annual adjustments are included in FGC Section 1765. The costs of 2016 Lands Passes are as follows:

- 1. Daily Lands Pass \$4.00
- 2. Annual Lands Pass \$22.50

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

The Department will have some start-up and ongoing costs in expanding the number of properties that participate in the Lands Pass Program. However the existing fees will recover those costs. Any revenue exceeding the Lands Pass Program costs is to augment ongoing property management costs.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 3004.5 of the Fish and Game Code and to implement, interpret or make specific Section 3004.5 of said Code, proposes to add Section 250.2, Title 14, California Code of Regulations, relating to establishing a nonlead ammunition coupon program.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 711 (Chapter 742, Statutes of 2013) amended Section 3004.5 of the Fish and Game Code and required the Fish and Game Commission (Commission) to promulgate regulations requiring the use of nonlead ammunition when taking all wildlife with a firearm not later than July, 2019. On April 9, 2015, the Commission adopted new regulations in Section 250.1, Title 14, CCR, to phase-in the statutory requirement for nonlead ammunition by July, 2019. If non-state funding is available, Fish and Game Code sections 3004.5(d)(1) and (d)(2) require the Commission to establish a process that will provide hunters with nonlead ammunition at no or reduced charge.

The Department of Fish and Wildlife (Department) has identified a potential non-state source of funding as the U.S. Fish and Wildlife Service’s Wildlife and Sport Fish Restoration program, Wildlife Restoration Account, commonly referred to as the Pittman–Robertson (PR) fund. The PR fund is an appropriate source of funding for this program because the funding for it is

based on federal excise fees levied against the purchase of ammunition and firearms. Hunters have been supporting a significant portion of the PR funds available for wildlife conservation since 1937.

To be able to apply for and ultimately grant the PR funds, the Department needs an established process in regulations adopted by the Commission. This regulatory proposal would establish a new Section 250.2 in Title 14, CCR, for the Commission process to implement a nonlead ammunition coupon program administered by the Department.

PROPOSED CHANGES

- The Commission will establish a process by which the Department implements a nonlead ammunition coupon program to provide nonlead ammunition with no or reduced cost to hunters using non-state funds as required by Fish and Game Code Section 3004.5.
- Eligible hunter is any hunter who meets all of the following requirements:
 - Is 18 years of age or older as of July 1 and holds a valid permit tag to hunt deer, elk, black bear, bighorn sheep, wild pig, pronghorn antelope, or upland game; and
 - is not prohibited from possessing ammunition pursuant to Penal Code section 30305.
- The program will be administered by an agent of the department and awarding of non-state funds will be administered as a grant. The department’s agent will be selected through a public solicitation process.
- The coupon program will award nonlead ammunition to hunters through monthly random drawings of valid applicant names until all allocated funds for the program in the license year are exhausted. The number of applicants to draw and select each month shall be determined by the Department’s agent, and announced on their website after the program is established and available funding is known.
- Hunters drawn for the coupon program will be able to select no more than one box of nonlead ammunition from a list of available and certified nonlead ammunition. A box of nonlead ammunition is 20 centerfire cartridges or 25 shotgun shells.
- The program may be offered and implemented for license year 2017–18, and for subsequent license years, provided funding is available as determined by the department.

BENEFITS OF THE PROPOSED ACTION:

The proposed action will provide an incentive for hunters to start using nonlead ammunition in advance of it being mandated by regulation in July 2019. This will result in less lead released into the environment from hunting. Additionally, the proposed action will slightly reduce the hardship on hunters having to switch to nonlead ammunition by providing it to successful applicants. Encouraging the use of nonlead ammunition may help sustain hunting activity levels, fees from which support wildlife conservation. While the proposed action will not satisfy all hunters who are opposed to the lead ammunition ban, it demonstrates the Commission and Department's commitment to work toward a practical and less disruptive implementation of the nonlead statute as recommended by the Governor in his signing message for this legislation.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the take of wildlife including methods. No other State agency has the authority to promulgate such regulations. The Commission has searched the CCR for any regulations regarding nonlead ammunition and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Bakersfield Elks Lodge #266, 1616 30th Street, in Bakersfield, California, on June 23, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 9, 2016, at the address given below, or by email to FGC@fgc.ca.gov. All comments must be received no later than June 23, 2016, at the hearing in Bakersfield, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street,

Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Caren Woodson at the preceding address or phone number. **Craig Stowers, Department of Fish and Wildlife, phone 916–445–3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulation only proposes a process that may or may not be implemented depending on the Department's ability to successfully issue a grant for the coupon program.

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

The Commission does not anticipate any significant impacts on the creation or elimination of jobs within the State as a result of this regulatory change or a resultant coupon program for nonlead ammunition. The program will not affect the availability or cost of nonlead ammunition in California, but will help offset the increased cost of nonlead ammunition for hunters.

The Commission does not anticipate benefits to the health and welfare of California residents because this regulatory action will not impact the health and welfare of California residents.

The Commission does not anticipate benefits to worker safety because this regulatory action does not address worker safety.

The Commission anticipates benefits to the environment because implementation would likely increase the use of nonlead ammunition by hunters, resulting in less lead being released into the environment.

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

The Commission anticipates reduced costs for nonlead ammunition for eligible private persons upon the coupon program implementation. Businesses and private persons not involved in hunting will not be impacted by any direct cost. In the event that a number of hunting trips are supported by the coupon program, private persons and businesses may experience positive indirect cost impacts through sustained hunter spending.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 355, 12155.5 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 215, 220, 355, 356, 3004.5, 4340, 4754, 12154, 12155, 12155.5 and 12156 of said Code, proposes to amend Sections 300, 311, and 745.5, Title 14, California Code of Regulations, relating to upland game birds, methods authorized for taking resident small game, and revocation or suspension of hunting or sport fishing privileges.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The regulations in Section 300, Title 14, California Code of Regulations (CCR), provide general hunting seasons for taking resident and migratory upland game birds. Section 311 identifies the authorized methods of take for all resident small game species. Section 745.5 sets forth the procedures for the suspension or revocation of a person's hunting or sport fishing license or permit privileges. The Department is recommending the following regulation changes:

1. Amend subsection 300(a)(1)(D)4.: Adjusts the annual number of General Season sage grouse hunting permits by zone for the 2016–17 season.
2. Amend subsection 300(a)(1)(F).: Deletes the current white-tailed ptarmigan hunting zone description and adds a new statewide area allowing ptarmigan to be taken anywhere they are found in California in accordance with the authorized season, bag limit, and possession limit.
3. Amend Section 311(e) by adding a new subsection (1). Requires the use of broad head blades which will not pass through a hole seven-eighths inch in diameter on hunting arrows and crossbow bolts for the take of wild turkey.

4. Amend Section 311(k) and add a new subsection (l): Authorizes possession of a firearm during archery–only seasons by hunters authorized to carry concealable firearms via a CCW permit or peace officer endorsement. Use of a firearm to hunt during archery–only seasons is a violation.
5. Amend subsections 745.5(b) and (c). Authorizes revocation or suspension of hunting or sport fishing privileges by the Department for violation of Section 311 as amended.

Benefits of the Proposed Regulations

Adoption of sustainable upland game seasons, bag and possession limits, and authorized methods of take provides for the maintenance of sufficient populations of upland game birds to ensure their continued existence.

Non–monetary benefits to the public

The Commission does not anticipate non–monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to sections 300, 311, and 745.5 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate hunting regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Bakersfield Elks Lodge #266, 1616 30th Street, Bakersfield, California, on June 23 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn Hotel & Conference Center, 702 Gold Lake Drive, Folsom, California, on August 25, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 11, 2016, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 19, 2016. All comments must be received no later than August 25, 2016, at the hearing in Folsom, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Caren Woodson at the preceding address or phone number. **Craig Stowers, Department of Fish and Wildlife, phone (916) 445–3553, has been designated to respond to questions on the substance of the proposed regulations for Sections 300 and 311. Captain Patrick Foy, Department of Fish and Wildlife, phone (916) 651–6692, has been designated to respond to questions on the substance of the proposed regulations for Section 745.5.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following ini-

tial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the regulations propose only minor changes not affecting business.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the regulations propose only minor changes not affecting jobs.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California’s environment by the future stewards of the State’s resources.

The Commission anticipates benefits to the environment by the sustainable management of California’s upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801, 2808, and 2809 in order to implement, interpret and make specific Penal Code Sections 2801, 2808, and 2809, propose to adopt Section 8106.1 of Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Substance Abuse Testing.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than June 5, 2016.

PUBLIC COMMENT PERIOD

The public comment period will close **June 20, 2016 at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

CALPIA/Legal Services Unit
 560 East Natoma Street
 Folsom, CA 95630
 FAX (916) 358-2709
 E-MAIL PIAregs@calpia.ca.gov

CONTACT PERSON

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

Dawn Eger, Legal Analyst
California Prison Industry Authority
560 East Natoma Street
Folsom CA 95630
Telephone (916) 358-1711

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

John Chimienti, Assistant to General Counsel
California Prison Industry Authority
560 East Natoma Street,
Folsom CA 95630
Telephone (916) 358-1711

AUTHORITY AND REFERENCE

PC section 2801 provides CALPIA’s purpose as an agency and its implied rulemaking authority.

PC section 2808 provides the PIB with the authority to approve CALPIA’s rulemaking proposals concerning personnel.

PC section 2809 provides CALPIA and the PIB with the authority to adopt regulations concerning policies and practices concerning personnel.

**INFORMATIVE DIGEST
 POLICY STATEMENT OVERVIEW**

The proposed adoption of Section 8106.1 will allow CALPIA to test its employees for additional substances that are not currently regulated by California Department of Human Resources (CalHR). It is necessary to deter and/or detect employee substance abuse for the following reasons:

- Protect and maintain CALPIA’s purpose as an agency
- Prevent serious risk of human injury or property damage

- Avoid cost of government to the taxpayers of California
- Prevent negative impact on well-being and productivity
- Fulfill citizens’ and civil servants’ duties
- Assist CalHR to achieve drug-free workplaces

The proposed amendments will be vetted through the public process of the PIB, as required in PC 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). The PIB will vote on these proposed regulations at their Board Meeting on June 30, 2016. Upon approval, the PIB’s Record of Vote and applicable portion of the minutes will be placed in the final rule-making file. These documents will be filed with the Office of Administrative Law (OAL) and are available to the public upon request.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

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

Local Mandates:

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

Fiscal Impact Statement:

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630:	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.

Effect on Housing Costs:

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

Significant Statewide Adverse Economic Impact On Business:

The CALPIA has initially determined that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs within the State of California

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because the jobs are not affected by the internal management of CALPIA employees.

Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by the internal management of CALPIA employees.

BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed regulatory action will protect and maintain CALPIA's purpose as an agency, prevent serious risk of human injury or property damage and avoid cost of government to the taxpayers of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of CALPIA employees.

ALTERNATIVES DETERMINATION STATEMENT

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, 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 proposed regulatory action.

Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

AVAILABILITY OF:
PROPOSED TEXT
INITIAL STATEMENT OF REASONS
MATERIALS RELIED UPON

The Proposed Text, Initial Statement of Reasons, and Materials Relied Upon has been placed in the rulemaking file and is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: www.calpia.ca.gov.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If the CALPIA 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 PIB reviews and approves the regulations as revised. The CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website: <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website: www.calpia.ca.gov.

**TITLE 16. BOARD FOR
PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS**

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5:00 p.m. on June 7, 2016. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on June 22, 2016.

Authority and Reference Citations:

Pursuant to the authority vested in Section 6716 of the Business and Professions Code, and to implement, interpret or make specific Sections 6732, 6736, 6736.1, 6739, 6751.2, 6753.5, 6763, and 6763.1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

It is the intent of the Board to ensure that its laws are clear, concise, efficient, and necessary. Business and Professions Code Section 6716 authorizes the Board to adopt, amend, and repeal regulations as may be reasonably necessary to enable the Board to implement laws relating to the practices of engineering, land surveying, geology, and geophysics. Pursuant to Sections 6710.1, 7810.1, and 8710.1, the Board's highest priority is the protection of the public through the administration of its licensing, regulatory, and disciplinary functions. To that extent, the Board is proposing regulatory amendments that will provide a clear date as to when an applicant's qualifying experience begins. Additionally, amendment of this regulation will more clearly identify which licenses are covered under this section. Clarifying these sections will maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

Amend Sections 426.10, 426.14, and 426.50 of Title 16 of the California Code of Regulations

Amend Title 16, California Code of Regulations Section 426.10 to indicate that the experience "in responsible charge" as a structural engineer will begin on the date the applicant is licensed as a professional civil engineer in California.

Amend Title 16, California Code of Regulations Section 426.14 to indicate that this section applies to applicants that do not possess three (3) years of qualifying experience beginning on date in which the applicant was licensed as a professional civil engineer.

Amend Title 16, California Code of Regulations Section 426.50 to add the titles "Soils Engineer" and "Geotechnical Engineer" to this section of the regulations. Additionally, amending Section 426.5 would indicate that the qualifying experience would begin on the date the applicant is licensed as a professional civil engineer in California.

**POLICY STATEMENT
OVERVIEW/ANTICIPATED BENEFITS
OF PROPOSAL**

The purpose and benefit of this proposed regulatory action is to clearly define the date in which the qualifying experience begins and to define which licenses are included in these sections. These amendments will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public by ensuring that applicants have the appropriate experience.

**CONSISTENCY AND COMPATIBILITY WITH
EXISTING STATE REGULATIONS**

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this proposed regulatory action and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

This proposed regulatory action does not result in any significant expenditure to public or state agencies.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement:

None.

Business Impact:

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

Impact on Jobs/New Businesses:

The Board has determined that this proposed regulatory action will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations relate specifically to the qualifying experience of an individual, which does not have an impact on how a small business operates.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and the State's government:

The purpose and benefit of this proposed regulatory action is to ensure the health and welfare of California residents because it ensures that the applicants have the appropriate experience required as defined in Title 16 CCR, Sections 426.10, 426.14, and 426.50.

The purpose and benefit of this proposed regulatory action benefits worker safety because it ensures that the applicants have the experience required as defined in Title 16 CCR, Sections 426.10, 426.14, and 426.50.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Billie Baldo
 Address: 2535 Capitol Oaks Drive, Suite 300
 Sacramento, CA 95833
 Telephone
 No.: (916) 263-2277
 Fax No.: (916) 263-2246
 E-Mail
 Address: Billie.Baldo@dca.ca.gov

The backup contact person is:

Name: Kara Williams
 Address: 2535 Capitol Oaks Drive, Suite 300
 Sacramento, CA 95833
 Telephone
 No.: (916) 263-5438
 Fax No.: (916) 263-2246
 E-Mail
 Address: Kara.Williams@dca.ca.gov

WEBSITE ACCESS

Material regarding this proposal can be found at www.bpelsg/ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES MAY EXTEND SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED NON-DESIGNATED PUBLIC HOSPITALS

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 16-002 for supplemental reimbursement to specified non-designated public hospitals meeting requirements that provide services to Medi-Cal beneficiaries. The effective date for SPA 16-002 is July 1, 2016.

The Department of Health Care Services has federal authority through SPA 15-004, to make supplemental reimbursement for non-designated public hospitals meeting specified requirements and provide services to Medi-Cal beneficiaries. In anticipation of SPA 15-004 terminating June 30, 2016, the department is preparing SPA 16-002 to seek the continuation of federal authority to make supplemental reimbursement to non-designated public hospitals meeting specific criteria.

The proposed SPA is subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Heather Everhart, Chief, Medi-Cal Supplemental Payments Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436 or emailed to Heather.Everhart@dhcs.ca.gov.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Fisher
(Pekania [formerly Martes] pennanti)

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), at its meeting in Fortuna, California on August 5, 2015, made a finding pursuant to Fish and Game Code Section 2075.5, in response to a petition requesting that the Commission add the fisher (*Pekania [formerly Martes] pennanti*) to the list of threatened or endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). The Commission made the finding that listing the Southern Sierra Nevada Evolutionarily Significant Unit (ESU) as threatened is warranted, and that listing the Northern California ESU is not warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i).)

I. Background and Procedural History

Petition History

On January 23, 2008, the Commission received the “Petition to List the Pacific fisher (*Martes pennanti*) as an Endangered or Threatened Species under the California Endangered Species Act” (January 22, 2008; hereafter, the Petition), as submitted by the Center for Biological Diversity (Petitioner). Commission staff transmitted the Petition to the Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2073 on January 31, 2008, and the Commission published formal notice of receipt of the Petition on February 11, 2008 (Cal. Reg. Notice Register 2008, No. 8-Z, p. 275). After evaluating the Petition and other relevant information the Department possessed or received, the Department determined that based on the information in the Petition, there was not sufficient scientific information to indicate that the petitioned action may be warranted, and recommended the Commission reject the Petition. On August 7, 2008, the Commission voted to reject the Petition. On February 5, 2009, the Commission voted to delay the adoption of findings ra-

tifying its August 2008 decision, indicating it would reconsider its earlier action at the next Commission meeting. On March 4, 2009, the Commission set aside its August 2008 determination rejecting the Petition, and instead voted to accept the Petition and initiate a review of the species' status in California. Upon publication of the Commission's notice of determination, the fisher was designated a candidate species on April 24, 2009 (Cal. Reg. Notice Register 2009, No. 17-Z, p. 609).

Following the Commission's designation of the fisher as a candidate species, the Department notified affected and interested parties and solicited data and comments on the petitioned action pursuant to Fish and Game Code Section 2074.4. (see also Cal. Code Regs., tit. 14, § 670.1(f)(2).) Subsequently, the Department commenced its review of the status of the species. On March 1, 2010 the Department Director delivered a status review to the Commission pursuant to Fish and Game Code Section 2074.6, including a recommendation that, based upon the best scientific information available to the Department, the petitioned action is not warranted.

On April 7, 2010, at its meeting in Monterey, California, the Commission took up consideration of the Petition and received public testimony on the matter. However, in an effort to fully consider comments related to an earlier draft of the Department's status review that the Department released for peer review beginning on January 23, 2010 (Peer Review Draft), the Commission voted to table consideration as to whether the petitioned action is warranted until it could receive additional testimony at its May meeting in Stockton, California.

The Department provided public notice soliciting additional scientific review and related public input until May 28, 2010, regarding the Department's Status review and the related peer review effort. The Department briefed the Commission on May 20, 2010, regarding additional scientific and public review, and on May 25, 2010, the Department released the Peer Review Draft to the public. On June 9, 2010, the Commission received from the Department a memorandum and related table summarizing, evaluating, and responding to the additional scientific input regarding the Status Review and related peer review effort.

The Commission received additional public and Department testimony at the June 23, 2010 meeting in Folsom, California, and voted that designating fisher as an endangered or threatened species under CESA was not warranted, adopting related findings at the September 15, 2010 meeting in Sacramento, California, and publishing notice of the decision on October 1, 2010. (Cal. Reg. Notice Register 2010, No. 40-Z, pp. 1601-1610.)

Petitioner brought a legal challenge and *Center for Biological Diversity v. California Fish and Game Commission, et al.* was heard in San Francisco Superior

Court on April 24, 2012. (Super. Ct. San Francisco County, 2012, No. CGC-10-505205.) On July 20, 2012, Judge Kahn signed an order requiring the Department to solicit independent peer review of the Department's Status Report and listing recommendation, and also requiring the Commission to set aside its findings and reconsider its decision. Consistent with that order, the Commission, at its November 7, 2012 meeting in Los Angeles, California, set aside its September 15, 2010 finding that listing the fisher as threatened or endangered was not warranted. (Cal. Reg. Notice Register 2013, No. 12-Z, pp. 487-488.) Having provided related notice, the fisher once again became a candidate species under CESA. In September 2012, following notice of entry of judgment, the Department reinitiated a status review of fisher pursuant to the court's order.

On June 8, 2015 the Commission received a second status review of fisher from the Department Director pursuant to Fish and Game Code Section 2074.6, which designated fishers inhabiting portions of northern California and the southern Sierra Nevada as separate Evolutionarily Significant Units (ESUs). The boundaries of each ESU represent the Department's assessment of the current range of fishers in California. The status review included graphical representations of the ESUs. The Northern California Evolutionarily Significant Unit (NC ESU) consists of those fisher that occur within California in the Klamath Mountains, Coast Range, southern Cascades, and northern Sierra Nevada. The Southern Sierra Nevada Evolutionarily Significant Unit (SSN ESU) consists of those fisher that occur within California south of the Merced River.

The use of ESUs by the Department to evaluate the status of species pursuant to CESA is supported by the 2007 determination by California's Third District Court of Appeal in *California Forestry Ass'n v. Fish and Game Commission* (156 Cal.App.4th 1535, 1547-1548) that the term "species or subspecies" as used in CESA (Fish & G. Code, §§ 2062 and 2067) includes Evolutionarily Significant Units. To be considered an ESU, a population must meet two criteria: 1) it must be reproductively isolated from other conspecific (i.e., same species) population units, and 2) it must represent an important component of the evolutionary legacy of the species (Waples 1991). The status review determined that the two ESUs were separated by a distance that equated to more than 4 times the maximum dispersal distance reported for fishers. The status review also determined that maintenance of populations that are geographically widespread and genetically diverse is important because they may consist of individuals capable of exploiting a broader range of habitats and resources than less spatially or genetically diverse populations.

On August 5, 2015, at its meeting in Fortuna, California, the Commission took up consideration of the Petition and received public testimony on the matter, then voted to add the SSN ESU of fisher to the list of threatened species, while finding that the petitioned action as to the NC ESU is not warranted.

Species Description

The fisher is a member of the order Carnivora, family Mustelidae. Fishers have a slender weasel-like body with relatively short legs and a long well-furred tail (Douglas and Strickland 1987:511). Though they often appear uniformly black from a distance, they are generally dark brown over most of their bodies with white or cream patches distributed on their undersurfaces (Powell 1993). Throughout their range, adult female fishers typically weigh between 4.4 and 5.5 pounds (2–2.5kg), and measure 28 to 34 inches (75–95cm) in total length. Adult males, which are generally much larger than females, vary in weight from 7.7 to 12.1 pounds (3.5–5.5kg), and in total length from 35 to 47 inches (90–120cm). Fishers are generalist predators and consume a wide variety of prey, as well as carrion, plant matter, and fungi (Powell 1993:10). Studies indicate that fishers in California appear to consume a greater diversity of prey than elsewhere in western North America (Zielinski and Duncan 2004; Golightly et al. 2006; Lofroth et al. 2010). Across their range, fisher prey predominantly on the largest mammals they can consistently catch (e.g., porcupines, snowshoe hares, gray squirrels, carrion). Predation from bobcats, mountain lions, and coyotes appears to be the most significant cause of mortality for fishers in California (Wengert et al. 2014). The relationships between fishers and other carnivores where their ranges overlap are not well understood, however, throughout their range, fishers potentially compete with a variety of other carnivores including coyotes, foxes, bobcats, lynx, American martens, weasels, and wolverines (Lofroth et al. 2010:10; Powell and Zielinski 1994; Campbell 2004).

Federal Status

The fisher is considered a sensitive species by the United States Forest Service and the Bureau of Land Management. A sensitive species is a plant or animal species identified by a Regional Forester for which population viability is a concern based on significant current or predicted downward trends in its numbers, density, or habitat capability that reduce its existing distribution (USDA Forest Service n.d.).

On December 5, 2000, the United States Fish and Wildlife Service (USFWS) received a petition from the Center for Biological Diversity and other groups to add the Distinct Population Segment of the fisher that includes portions of California, Oregon, and Washington (West Coast DPS), to the list of endangered species pur-

suant to the Federal Endangered Species Act of 1973 (16 U.S.C. § 1531 *et seq.*) (ESA), and to concurrently designate critical habitat for this DPS. On April 8, 2004, the USFWS published a 12-month status review (69 FR 18769) finding that the West Coast DPS of fisher warranted listing, but was precluded by higher priority actions and through this finding added the fisher to the federal candidate species list. On October 7, 2014, the USFWS published its proposal to list the West Coast DPS of fisher as a threatened species. As a federal candidate species, fishers receive no statutory protection under the ESA. The USFWS is scheduled to make a listing decision on the West Coast DPS of fisher on April 7, 2016.

II. STATUTORY AND LEGAL FRAMEWORK

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The CESA listing process for fisher began in the present case with the Petitioners' submittal of the Petition to the Commission on January 23, 2008. Pursuant to FGC Section 2073, on January 31, 2008 the Commission transmitted the petition to the Department for review pursuant to FGC Section 2073.5. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the FGC and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114–116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541–1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111–1116.

The “is warranted” determination at issue here for fisher stems from Commission obligations established by FGC Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to the SSN ESU of fisher, the Commission made the finding under section 2075.5(a)(2) that the petitioned action is warranted. With respect to the NC ESU of fisher, the Com-

mission made the finding under Section 2075.5(a)(1) that the petitioned action is not warranted.

The Commission was guided in making these determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease.” (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter.” (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subdivision (i)(1)(A), of the California Code of Regulations in making its determination regarding fisher. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species’ continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

Fish and Game Code section 2070 provides similar guidance. This section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “ ‘[l]aws providing for the conservation of natural resources’ such as the CESA ‘are of great remedial and public importance and thus should be construed liberally.’ ” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal. App.4th at pp. 1545–1546, citing *San Bernardino Valley Audubon*

Society v. City of Moreno Valley (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species’ status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

III. Factual and Scientific Bases for the Commission’s Final Determination

The factual and scientific bases for the Commission’s identification of two ESUs, determination that designating the SSN ESU of fisher as a threatened species under CESA is warranted, and designating that the NC ESU of fisher as a threatened or endangered species is not warranted, are set forth in detail in the Commission’s record of proceedings including the Petition, the Department’s Petition Evaluation Report, the Department’s status review, written and oral comments received from members of the public, the regulated community, tribal entities, the scientific community and other evidence included in the Commission’s record of proceedings.

The Commission determines that the continued existence of the SSN ESU of fisher in the State of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations Title 14, Section 670.1, subdivision (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission’s record constitutes the best scientific information available and establishes that designating the SSN ESU of fisher as a threatened spe-

cies under CESA is warranted. Similarly, the Commission determines that the SSN ESU of fisher, while not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by CESA.

The items highlighted here and detailed in the following section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for the fisher. Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

Background

The Commission bases its "is warranted" finding for the SSN fisher ESU most fundamentally on the small population size of the species in the area is a risk to the continued existence of the species in California.

Threats

Small Population Size and Isolation

Grinnell et al. (1937) considered the range of fishers in California to extend south from the Oregon border to Lake and Marin counties, eastward to Mount Shasta and the Southern Cascades, and to include the southern Cascades south of Mount Shasta through the Sierra Nevada Mountains to Greenhorn Mountain in Kern County. Few records of fishers inhabiting the central and northern Sierra Nevada exist, creating a gap in the species' distribution that has been frequently described in the literature. A number of studies have commented on this gap and considered fishers to have been extirpated from this region during the 20th century (Zielinski et al. 1995; Drew et al. 2003:59). However, recent genetic work by Knaus et al. (2011) and Tucker et al. (2012) indicates fishers in the southern Sierra Nevada became isolated from northern California populations long before European settlement. The fisher population in the SSN ESU is likely at greater risk of extirpation than fishers in the NC ESU, due to its small population size, limited geographic range, narrow and linear configuration of available habitat, and isolation. The SSN ESU fisher population probably contains fewer than 300 adults (Spencer et al. 2015:7) which, coupled with its isolation, increases its vulnerability to stochastic (random) environmental or demographic events, including catastrophic fire or disease. Small populations are also at greater risk from the loss of genetic diversity, including inbreeding depression.

Human Related Activities

Life history characteristics of fishers, such as large home range, low fecundity (reproductive rate), and limited dispersal across large areas of open habitat, are thought to make fishers particularly vulnerable to landscape-level habitat alterations such as extensive logging, loss from large stand-replacing wildfires, and conversion and introduction of toxicants associated with marijuana cultivation.

The volume of timber harvested on public and private lands in California has generally declined since the late 1980s, and fishers are known to establish home ranges and successfully reproduce within forested landscapes that have been and are being intensively managed primarily for timber production, including industrial ownerships where ongoing intensive even-aged management is the norm.

In recent decades the frequency, severity, and extent of fires has increased in California. However, the contemporary extent of wildfires burning annually in California is considerably less than the estimated 1.8 million hectares (4.5 million acres) that burned annually in the state pre-1800 (Stephens et al. 2007:212). Despite the occurrence of some large, high intensity fires in the southern Sierra in recent years, wildfires in the region are generally heavily suppressed. The majority of future scenarios modeled in the literature indicate significant increases in large wildfires are likely by the middle of this century. Wildfires affect habitats used by fishers and can directly affect individual animals. Stochastic event of the type would have an increased impact on the SSN ESU as small populations are especially vulnerable to such impacts.

The California Department of Forestry and Fire Protection (CAL FIRE) has estimated that statewide, between 2000 and 2040, about 10,500 km² (4,054 mi²) of private forests and rangelands will be impacted by new development (FRAP 2003:7). The resulting habitat alteration including conversion and fragmentation of habitat will negatively impact fishers in California. The SSN ESU is particularly susceptible to further fragmentation by such impacts and the Department's status review identified particular anticipated development that could create further barriers to dispersal for the SSNESU.

Fishers in California are frequently exposed to anti-coagulant rodenticides and to other toxicants. Fishers are opportunistic generalist predators and may be exposed to toxicants directly through consumption of flavored baits. Rodenticide baits flavored to be more attractive to rodents (with such flavors as sucrose, bacon, fish, cheese, peanut butter, and apple) would likely appeal to fishers (Gabriel et al. 2012c). Furthermore, intentional wildlife poisoning has occurred through the distribution of food items such as canned tuna or sar-

dines laced with pesticides (Gabriel et al. 2013). Fishers could also be exposed to toxicants secondarily through consumption of prey. This is likely the primary means of anticoagulant rodenticide exposure because of the toxicant's persistence in the body tissue of poisoned prey; secondary exposure of mustelids to anticoagulant rodenticides has occurred in rodent control operations (Alterio 1996). Evidence from laboratory and field studies in other species supports the premise that pesticide exposure can indirectly affect survival (Ahdaya et al. 1976, Grue et al. 1991, Martin and Solomon 1991, Gordon 1994, Li and Kawada 2006, Janeway et al. 2007, Riley et al. 2007, Vidal et al. 2009, Zabrodskii et al. 2012).

Finally climate change could be a significant threat to the fisher in California. The SSN ESU is likely at greater risk of experiencing potentially adverse effects of a warming climate than fishers in the NC ESU due to its comparatively small population size and susceptibility to fragmentation.

IV. FINAL DETERMINATION BY THE COMMISSION

The Commission has weighed and evaluated the information for and against designating the Southern Sierra Nevada and Northern California fisher evolutionarily significant units as threatened or endangered species under CESA. This information includes scientific and other general evidence in the Petition; the Department's Petition Evaluation Report; the Department's 2010 and 2015 status reviews; the Department's related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the Northern California evolutionarily significant unit of fisher is not in serious danger or threatened by present or threatened modifications or destruction of the species' habitat, predation, competition, disease, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2); Fish & G. Code, § 2075.5, subd. (a)(1).) The Commission determines that there is sufficient scientific information to indicate that designating the Northern California evolutionarily significant unit as threatened or endangered is not warranted, and that with adoption and publication of these findings the Northern California fisher evolutionarily significant unit shall be removed from the list of candidate species maintained pursuant to Fish and Game Code section 2074.2.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the Southern Sierra Nevada fisher evolutionarily significant unit is in serious danger or threatened by present or threatened modifications or destruction of the species' habitat, predation, competition, disease, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.) The Commission determines that there is sufficient scientific information to indicate that designating the Southern Sierra Nevada fisher evolutionarily significant unit as a threatened species under CESA is warranted at this time and that with adoption and publication of these findings the Southern Sierra Nevada fisher evolutionarily significant unit of fisher for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as threatened.

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DECISION NOT TO PROCEED

FISH AND GAME COMMISSION

Notice of Decision Not to Proceed

PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN that the Fish and Game Commission decided not to proceed with the amendment of Section 7.50, subsections (b)(5), (68) and (156.5), Title 14, California Code of Regulations, regarding Central Valley Salmon Sport Fishing, Notice

File Number Z–2015–1215–07, which was published December 25, 2015 in California Regulatory Notice Register 2015, No. 52–Z, pages 2348–2350.

Any interested person with questions concerning this rulemaking should contact Jon Snellstrom by calling (916) 653–4899, or by e-mail at fgc@fgc.ca.gov.

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

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

**(Pursuant to title 1, section 270, of the
California Code of Regulations)**

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Elizabeth Heidig, Assistant Chief Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Ricky Foster, D–16470
C4–209
Post Office Box 3030
Susanville, California 96127

Agency contact:

Timothy Lockwood
Department of Corrections and Rehabilitation
Regulations and Policy Management Branch
Post Office Box 942883
Sacramento, California 94283–0001

Please note the following timelines:

- Publication of Petition in Notice Register: 5/6/2016
- Deadline for Public Comments: 6/6/2016
- Deadline for Agency Response: 6/20/2016
- Deadline for Petitioner Rebuttal: No later than 15 days after receipt of the agency's response
- Deadline for OAL Decision: 9/6/2016

The attachments are not being printed for practical reasons or space consideration. However, if you would

like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DR [Signature]
RECEIVED
 FEB 25 2016
 STATE OF CALIFORNIA
 OFFICE OF
 ADMINISTRATIVE LAW

PETITION TO THE OFFICE OF ADMINISTRATIVE LAW
 RE: Alleged Underground Regulation
 FROM: Ricky Tyrone Foster (Petitioner)
 DATE: February 19, 2016

Use of this form is optional. It requests the information required by California Code of Regulations, title 1, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by California Code of Regulations, title 1, section 260, including the supporting documentation, must be included in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying Information:

Your name: Ricky Tyrone Foster

Your address: HIGH DESERT STATE PRISON - C4-209-D#16470

Your telephone number (if you have one): SUSTONVILLE CA 94127

Your email (if you have one): ⊖

2. State agency or department being challenged:

HIGH DESERT STATE PRISON FACILITY - C, E.P.F

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible. (SEE EXHIBIT A)

MEMORANDUM DATED: DEC 31, 2013 ENHANCED PROGRAM FACILITY.)

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

SEE ATTACHED SHEET Pp's: 1-3,

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

SEE TIDEWATER MARINE WESTERN, INC. V. VICTORIA-BRADSHAW (1996) 14 CAL. 4TH 557, 571 (39 CAL. RPT.R.2D 186)

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution. SEE ATTACHED PPS 4.

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

8. Certifications:

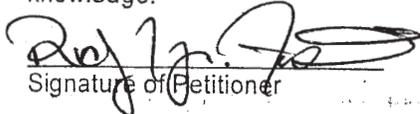
I certify that I have submitted a copy of this petition and all attachments to the state agency which has issued, used, enforced, or attempted to enforce the purported underground regulation:

Name of person in agency to whom petition was sent:

Agency: (PLEASE SEE ATTACHED "PROOF OF SERVICE")
Address:

Telephone number:

I certify that all of the above information is true and correct to the best of my knowledge.


Signature of Petitioner

2/19/2016
Date

Please note that if the state agency whose rule you are challenging is the California Department of Corrections and Rehabilitation (CDCR) or any prison or facility within the CDCR, the correct address to which to send a copy of the petition is:

Regulations and Policy Management Branch
CDCR
P.O. Box 942883
Sacramento, CA 94283-0001

SECTION 4 CONTINUED

1 PRISON OFFICIALS IN THE HIGH DESERT STATE PRISON ADMINI-
 2 STRATION HAS FAILED TO COMPLY WITH THE FULL IMPLEMEN-
 3 TATION OF THE "ENHANCED PROGRAM FACILITY" MANDATE AS
 4 OUTLINED IN EXHIBIT-A, SUPRA, AS ALL OTHER LISTED
 5 PRISON'S IN EX A, SUPRA, ARE FULLY IN COMPLIANCE
 6 WITH THE PURPOSE DESIGNED BY M. D. STAINER DIRECTOR,
 7 HIGH DESERT STATE PRISON ENHANCED PROGRAM FACILITY IS
 8 [C] FACILITY-C, AND MORE THAN HALF OF THE PRISONER(S)
 9 POPULATION LEVEL III (80, AND 270 STATUS, AND LEVEL
 10 I-III'S HOUSED, DO NOT, AND ARE NOT ELIGIBLE FOR HOUSING
 11 IN THE ENHANCED PROGRAM FACILITY CRITERIA., MOST
 12 HAVE BEEN RELEASED FROM ADMINISTRATION SEGREGATION, AND
 13 SECURITY HOUSING UNIT(S) - AND MOST HAS 3 OR MORE RULE
 14 VIOLATIONS FOR FIST FIGHTS, DRUGS, ALCOHOL/PRODUCTION OF
 15 ALCOHOL, AND OTHER GANG RELATED INCIDENTS WITHIN THE
 16 PAST 6 MONTHS, AND PRIOR TO BEING HOUSED ON FACILITY-C,
 17 AND FOR INVOLVEMENT IN RACIAL RIOTS ON OTHER FACILITIES,
 18 AND/OR PRISON'S WHICH EXEMPTS THESE PRISONER'S FROM
 19 BEING HOUSED ON FACILITY-C AT HIGH DESERT STATE
 20 PRISON.. AS CASE FILES OF ALL FACILITY-C PRISONER'S
 21 WOULD SUPPORT THIS - AS HIGH DESERT STATE PRISON
 22 ADMINISTRATION PLACED THESE INELIGIBLE PRISONER'S
 23 ON FACILITY-C, IN ORDER TO PREVENT THE IMPLEMENTATION
 24 OF THE ENHANCED PROGRAM FROM TAKING PLACE - IN HOPES
 25 TO PROVE TO COCR-HEADS THAT, THE PRISONER'S ARE
 26 NOT PROGRAMING.. AND ARE VIOLENT, BUT FAILS TO
 27 REPORT THAT, INELIGIBLE ENHANCED PRISONER'S ARE

(1) OF 3

1 BEING HOUSED ON FACILITY-C - AND AS OF 2015, LEVEL
2 I-II'S PRISONERS HAVE NOW BEEN HOUSED ON FACILITY-C
3 LEVEL IV, 180, IN C1, A-B, SECTION -- WHICH ~~EX A~~ SUPRA,
4 WHOLLY PROHIBIT'S HOUSING LEVEL I-II'S IN THE ENHAN-
5 CED PROGRAM.

6 HIGH DESERT STATE PRISON - ADMINISTRATION - HAS REFUSED
7 TO COMPLY FURTHER WITH IMPLEMENTING THE: "ACCESS TO
8 COLLEGE DEGREE PROGRAM; HOBBY CRAFT PROGRAMS; SELF HELP
9 GROUP'S; TECHNOLOGY BASED PRIVILEGES; INCREASED CANTEEN
10 DRAW, INCREASED CANTEEN LIST; EXPANSION OF PROPERTY
11 MATRIX; YARD PHOTO PROGRAMS; FOOD SALES; SPORTS AND
12 GAMES TOURNAMENTS; AND SELF-HELP/VOLUNTEER SPONSORED
13 EVENTS ETC." SEE ~~EX A~~ SUPRA, PROGRAM OPTIONS,

14 PRISONERS WHO ARE LIFERS - AND WHO ARE MANDATED
15 "BY" THE BOARD OF PRISON TERM TO HAVE TRADES, SELF-
16 HELP CERTIFICATION'S, AND OTHER PAROLE CONSIDERATION'S
17 ARE BEING EFFECTED BY HIGH DESERT STATE PRISON
18 ADMINISTRATION WILLFUL FAILURE TO IMPLEMENT THE
19 PROGRAM'S OUTLINED IN ~~EX A~~ SUPRA, AT BEST! ALL
20 THAT WAS PROVIDED FROM ~~EX A~~ SUPRA, WERE EXTRA
21 PAIR OF TENNIS SHOES, AND A MICROWAVE IN EACH
22 HOUSING 1-8 DAYROOM'S NOTHING MORE!!!

23 HIGH DESERT STATE PRISON ADMINISTRATION, HAS REFUSED
24 TO COMPLY WITH CDCR-ORDS REGARDING ~~EX A~~ SUPRA,
25 AND ARE DOING THEIR BEST! AT CAUSING THE ENHANCED
26 PROGRAM FACILITY TO FAIL!!!

27 THE HIGH DESERT STATE PRISON ENHANCED PROGRAM FACILITY C
28

2 OF 3



1 ARE BEING PLACED ON THE SAME PROGRAM STATUS AS THAT
 2 OF FACILITY-D, (NON-ENHANCED FACILITY). WHATEVER
 3 HAPPENS BAD ON FACILITY-D? THE ADMINISTRATION
 4 PUNISH FACILITY-C FOR WHAT HAPPENS - AND WE ARE
 5 SEPARATE FACILITIES THAT DO NOT INTERACT WITH EACH
 6 OTHER - AND THOSE WHO SCREW-UP ON FACILITY-D FOR
 7 ANY REASONS? THEY ARE HOUSED ON FACILITY-C? AND
 8 WORK ASSIGNMENTS ARE BEING RACIALLY DENIED TO ALL
 9 BLACK PRISONER(S) IN THE ENHANCED PROGRAM FACILITY
 10 I. E., BLACKS ARE DENIED WORK ASSIGNMENT IN THE
 11 M.T.A/P.L.A; CLOTHING ROOM; CHAPEL; LAW LIBRARY; AND
 12 EDUCATION AS CLERKS AND/OR PORTERS. (SEE EXHIBIT-B,
 13 GROUP APPEAL LOG# HDSP-C-16-00414).
 14 IN EACH HOUSING UNIT'S 1-8, ON FACILITY-C, THERE'S ONE
 15 PHONE IN EACH DAYROOM FOR ALL TO SHARE?
 16 THE PETITIONER FILED A CLAIM TO M. D. STAINER DIRECTOR
 17 DIVISION ON SEPTEMBER 29, 2015, AND SUCH COMPLAINT WAS
 18 REDIRECTED TO THE HIGH DESERT STATE PRISON WARDEN
 19 OFFICE (SEE EXHIBIT-C, DATED: DECEMBER 24, 2015), AND
 20 NO ACTIONS, AND/OR ATTEMPTS TO CORRECT HIGH DESERT
 21 STATE PRISON ENHANCED PROGRAM FACILITY DEFECTS. THE
 22 WARDEN FAILED TO RETURN PETITIONER'S CORRESPONDENCE,
 23 AND THUS, THE ONLY WAY TO FORCE HIGH DESERT STATE
 24 PRISON TO FULLY COMPLY WITH EX-A, SUPRA, IS BY WAY
 25 OF THIS PETITION - AS HIGH DESERT STATE PRISON AD-
 26 MINISTRATION IS ENFORCING AN UNDERGROUND UNAUTHORIZED
 27 REGULATION. AS ALL OTHER E.P.F PRISON'S ARE IN FULL COMPLIANCE.

28 ///

3 OF 3

SECTION 6. CONTINUED

1 BY HIGH DESERT STATE PRISON - ADMINISTRATION FAILURE TO
 2 COMPLY WITH EX A, SUPRA, IN IMPLEMENTING TRADES, AND
 3 OTHER SELF HELP PROGRAMS DESIGNED TO IMPROVE ON A
 4 LIFER'S CHANCES OF BEING PAROLE ELIGIBLE WHEN THEY
 5 APPEAR AT THEIR BOARD OF PRISON TERM TO BE RELEASED
 6 FROM PRISON -- ARE ISSUES OF CONSIDERABLE PUBLIC
 7 IMPORTANCE -- AS HIGH DESERT STATE PRISON ONLY PROVIDING
 8 EXTRA PAIR OF TENNIS SHOES, AND A MICROWAVE DOES
 9 NOT MAKE A LIFER ELIGIBLE FOR PAROLE -- BUT ONLY
 10 TO FURTHER A LIFER'S CONTINUED IMPRISONMENT FOR THE
 11 FAILURE TO SECURE NEEDED PROGRAMS AS MANDATED
 12 BY THE B.P.T.'S. . . AS HIGH DESERT STATE PRISON ADMINI-
 13 STRATION INSTITUTIONAL/UNIT CLASSIFICATION REFUSES TO
 14 TRANSFER PAROLE ELIGIBLE PRISONER(S) TO ANOTHER
 15 PRISON TO SECURE PROGRAMS THAT'S MANDATED BY THE
 16 B.P.T.'S -- AND THEIR (HDSP) C.S.R. KEEPS RE-ENDORING
 17 LIFER'S AT CSP-HIGH DESERT STATE PRISON CAUSING ACTUAL
 18 HARM TO THE RELEASE OF LIFER'S WHO NEED TO SECURE
 19 ALL THE PROGRAMS LISTED IN EX A, SUPRA, THAT HIGH DESERT
 20 STATE PRISON ADMINISTRATION ARE REFUSING TO IMPLEMENT
 21 ON FACILITY-C ENHANCED PROGRAM FACILITY. AND HOUSING
 22 LEVEL I-II'S PRISONERS ON FACILITY-C, IS A VIOLATION OF
 23 EX A, SUPRA, AND A VIOLATION OF THE SAFETY AND SECURITY
 24 OF STAFF'S, PRISONER'S, AND THE INSTITUTION.

///
///

(4)



**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Elizabeth Heidig, Assistant Chief Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Angelo Escalante, F-33506
FSP/B4-A2-11
Post Office Box 715071
Represa, California 95671-5071

Agency contact:

Timothy Lockwood
Department of Corrections and Rehabilitation
Regulations and Policy Management Branch
Post Office Box 942883
Sacramento, California 94283-0001

Please note the following timelines:

Publication of Petition in Notice Register:
5/6/2016

Deadline for Public Comments: 6/6/2016

Deadline for Agency Response: 6/20/2016

Deadline for Petitioner Rebuttal: No later than 15
days after receipt of the agency's response

Deadline for OAL Decision: 9/6/2016

The attachments are not being printed for practical reasons or space consideration. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

FROM: Angelo Escalante # F33506
FSP/B4-A2-11
PO Box 715071
Repres. Ca. 95671-5071

TO: State of California
Office of Administrative Law
300 Capital Mall, Suite # 1250
Sacramento, Ca. 95814

RECEIVED
FEB 19 2016
STATE OF CALIFORNIA
OFFICE OF
ADMINISTRATIVE LAW

RE: Request for Determination
(Title 1, Calif. Code of Regulations, Sec 122)

I. INTRODUCTION

1. This is a request for determination of an underground regulation implemented by the California Dept. of Corrections (CDCR). The regulations govern (1) the establishment of so-called "sensitive needs yard" (SNY), and (2) the criteria used by the department to determine what inmates are eligible or not for placement in such facilities.

Furthermore, the main crux of this request is that the department's informal policy of making prisoners who are validated as "inactive prison gang affiliates" ineligible for placement in "SNY" facilities, unless they complete the debriding process first, is both constitutionally and statutorily illegal.

II. PARTIES

2. The person requesting this hearing for determination is ANGELO ESCALANTE, a California state prisoner.

currently imprisoned at Folsom State Prison. All other state prisoners have an equally beneficial interest in this request and determination thereof.

3. The California Department of Corrections "CDCR" is the state agency which has issued, implemented, utilized and enforced the underground regulation.

III. NATURE OF UNDERGROUND REGULATION:

4. The regulation in question allows for CDC to establish "Sensitive Needs Yard" (SNY) throughout the department's entire prison system. As well as to implement the criteria governing which inmates are eligible for placement in such facilities and which inmates are excluded.

5. Under the official regulations currently in place the department operates two kinds of specialized housing units for inmates whose presence in the general population endangers either their own safety or the safety of others. The regulations governing these two forms of specialized housing units are located in the California Code of Regulations, Title 15 §§ 3341.5 et seq., and consists generally speaking of "Protective Housing units" for inmates who can not be found or placed in the general population because such placement endangers the inmates own safety. (Cal. Code of Regs. Tit. 15 § 3341.5 (a)) and the "Security Housing unit" (SHU) for inmates who can not be placed in the general population because such placement would endanger the safety of others/security of the institution. (Id. at § (c)).

6. In between placement of either general population or the aforementioned specialized housing units there exist

within the department, at least informally, the so-called "sensitive needs yard" (SNY) Facility. The "SNY" facilities are hybrids between General Population and PHU Placement because although there is an informal departmental policy dictating that any prisoner with safety concerns can be placed there, instead of the "PHU" these facilities are not considered "PHU's" by the department such as the ones referenced in (CCR) Tit. 15 §§ 3341.5 (a); supra. (See Exhibit 1 at pg. 8 (stating that ['] it is important not to confuse SNY Placement with PHU Placement. The PHU housing is far more limited and Placement criteria far more rigidly controlled ['])).

7. The reason for this is that although "SNY" prisoners must be housed separately from General Population prisoners for their own safety. The threat to their safety is not as immense as inmates usually requiring sequestration in a "Protective Housing unit". "SNY" facilities therefore function separately in all forms from "PHU's" and are more akin to General Population facilities in their day to day operations but with a strict and uniform criteria established by the department excluding any prisoner who does not wish or warrant "SNY" Placement due to safety concerns.

8. Since the department began operating "SNY" yards it has distributed at least 3 internal memorandums to departmental staff regarding these facilities. (See Exh. 1 through 3)

These internal memorandums govern the department's "philosophy" for establishing "SNY" facilities, as well as implements the department's Policy for the day to day operation for these facilities. (See Exh. 1; CDC memorandum dated February 19, 2002; Subject - "SNY" Placement

consideration.")

Most importantly, these internal memorandums establish the procedures and criteria that departmental staff must use to determine whether an inmate requesting "SNY" Placement is eligible for such Placement or not. A decision who for a Prisoner requesting "SNY" Placement for their own safety, can mean a life threatening decision.

9. The internal memorandums identify 4 particular categories of Prisoners eligible for "SNY" Placement. The only relevant one here, however, is "Prison Gang Dropouts" who under the department's informal policy are exceptional cases when being considered for "SNY" Placement. (Exh. 1 at pg. 1-2; see also Exh. 3)

The initial memorandum states that before qualifying for SNY Placement, Prison Gang Dropouts "MUST" first be validated "as Dropouts" by the Law Enforcement and Investigation Unit (LEIU)." (Exh. 1 at pg. 1) The memorandum then states however that the inmate "Does Not have to be a validated dropout to have valid gang related safety concerns" (Id. at pg. 2)

10. In February 14, 2012 the department issued another internal memorandum titled "[SNY] Placement consideration for validated Prison Gang Dropouts" (Exh. 3) In it, it is "specifically" stated that "Inmates validated as active or inactive Prison Gang [affiliates] by the office of correctional safety (OCS) are ineligible for SNY Placement [and that] only those validated inmates whose status has been changed to 'dropout' by OCS may be considered for SNY Placement" (Id.) Furthermore, that if a

"institutional... has [o] a unique case where compelling reason exists to consider SNY Placement that does outside the direction provided herein... The institutional is directed to refer the case, via the institutional classification committee, to the departmental Review Board for review and consideration." (Id.) ±!

11. The department's exclusionary criteria towards Prison Gang Drop outs who have been validated as "inactive" by (CCS) but not "Drop outs" is critical for various reasons.

12. First EOC Prisoners do not have a citation for these underground regulations / informal Policy and the state agency wont or can not give one. The Petitioner requesting this determination became aware of this existing Policy coincidentally after he had filed an internal appeal in which the aforementioned memorandums were mentioned (Exh. 4 at P. 3) But even then, they were only referenced by the date of the most recent one.

Petitioner still had to request from Prison administration hard copies of the documents in order to read the full text of their Policy. (Exh. 5 at P. 1)

13. This informal Policy is of particular importance to all EOC Prisoners because of all the departmental procedures associated with the "Debriefing Process"

The debriefing process consists of multiple interviews with the department's Gang Task Force (Office of Correctional Safety). During these interviews the prisoner is required to

(F.N. 1) Although the memorandum directs the committee to refer the case to the "DRB", there is nothing in the departmental resolutions governing the functions of the "DRB" supporting this informal Policy (See (CCS) TH. 15883376.1 at sec.)

submit a written autobiography admitting to being a Prison Gang affiliate as well as to admit to any criminal activity which he might or might not have been convicted of, such as any confidential reports contained in his Prison file. (See CCR) Tit. 15 §§ 3378.5 et seq.) In other words the Prisoner has to admit to and provide a variety of incriminating information totally unrelated to the Prisoners institutional safety concerns. (See Exh. 6: Autobiography instructions)

This interview phase can also take anywhere from 8 to 10 months during which time the Prisoner is kept isolated from the general population by being housed in an administrative segregation. (See CCR) Tit. 15 §§ 3335, et seq.) Therefore, simply by requesting to be transferred to a "SN7" facility for his own safety, a Prisoner must spend the same amount of time in punitive segregation as a Prisoner who is found guilty of committing an "assault on an [other] inmate with a weapon." (Id. at §§ 3341.5 (c)(9)).

Once the interview phase is complete the Prisoner is not transferred to a "sensitive needs facility" but instead to the "Transitional Housing unit" for an additional six month observation period with other Prisoners who have also recently completed the interview phase of the debriefing process. (See CCR) Tit. 15 §§ 3378.7 et seq.)

14. Furthermore, the debriefing process was originally an underground regulation which the department applied to all of its Prisoners who were segregated in the security housing unit for an indeterminate term due to Prison Gang affiliation. (See Castillo v. Alameida et al. (N.D. Cal., No. 094-2847)).

Until recently ~~the~~ department's policy was that any validated prison gangs affiliate housed in the SHU had to "Debrief, Parole or die" in order to be released from the SHU. If a prisoner chose to debrief, prison administration obligated them to renounce their gang association by informing on other prisoners, before they allowed him to return to a General Population Facility.

15. However, with the department's implementation of the (LSTG) identification, prevention and management policy of 2014 as well as the Ashker v. Governor's Settlement Agreement, (N.D. Cal. 8-31-15) No.: CO9-05796-CW. The department has essentially eliminated its "Debrief, Parole or die" policy and has released to the General Population thousands of prisoners who had until recently been segregated in the "SHU" without having completed the debriefing process. Additionally thousands of prisoners who would have otherwise been placed in the "SHU" after being validated as prison gangs (LSTG) affiliates will remain in the general population because under the department's settlement agreement of Ashker v. Governor, even if a prisoner is validated as an active prison gangs associate he will still not be placed in the "SHU" unless he commits a disciplinary offense meriting a term of segregation pursuant to the existing "SHU" term assessment chart. (see CCR tit. 15 §§ 3341.5)

16. Due to this there now exists a class of prisoners who due to having been validated, will be forced to undergo the debriefing process, not to be released from the SHU, as the policy originally intended, but to be transferred from the General Population to a sensitive

needs facility. This creates a dilemma for validated prisoners who out of fear for their own safety are now required to either undergo the debriefing process or be returned to the general population amongst the same prisoners they have to be separated from for their own safety or simply remain in limbo indeterminately because they are ineligible for "SNY" placement under the department's existing informal policy.

Furthermore, this class of prisoners, unlike prisoner who have never been validated, will be obligated to remain in segregation for an extremely lengthy time when they request "SNY" placement, while they complete the bureaucratic procedures associated with the debriefing process. Due to this the department's informal policy obligating prisoners to drop out to complete the debriefing process before they are eligible for SNY placement is statutory illegal and unconstitutional under the cruel and unusual punishment clause of the United States constitution.

17. Lastly, there is nothing in the department's STG policy or the terms of Asker J. Settlement Agreement, authorizing the department to impose this pre-condition on prisoners who drop out. Nor, is the pre-condition in harmony with the overall purpose of the SNY policy which is that "The inmate does not have to prove 'absolute' safety concerns/empty concerns for SNY placement" and that "It is better [for staff] to place an inmate who does not need SNY housing in a SNY, than to place an inmate who does need SNY housing in GP because he... had no evidence of SNY need" (Exh. 4 at p. 8-9)

The department's contradictory Policy violates the requirements of Government Code §§ 1142.2, 11349 (d) Proscribing the promulgation of any resolution which "is conflicting" or "contradictory."

18. The state agency has been given a copy of this request and supporting documents. See attached "Proof of Service" hereby incorporated by reference.

IV. LEGAL ANALYSIS.

The implementation of the underground resolution is not in compliance with the requirements of the Administrative Procedures Act (APA)

With limited exceptions not applicable here, the APA provides that every proposed adoption, or change in the rules and resolutions of, inter-alia, the code must provide for public input prior to its enactment. Various procedures, including public notice of and hearings on the proposed rule changes, are mandatory by the APA to this end.

The courts have acknowledged the true meaning of the APA Statute.)

[*] THE APA WAS ENACTED TO ESTABLISH BASIC minimum procedural requirements for the adoption, amendment or repeal of administrative regulations.... UNLESS AN AGENCY PROMULGATES A RESOLUTION IN SUBSTANTIAL COMPLIANCE WITH THE APA, THE RESOLUTION IS WITHOUT LEGAL EFFECT [i]

(Grier v. Kissel (1990) 219 Cal. App. 3d 422, 431)

If the language of a statute is clear and unambiguous, there is no need to look to intent to determine meaning.

(In Reliance W. (1985) 37 Cal. 3d 973, 836; State board of education v. Levitt (1959) 52 Cal. 2d 441, 462.)

Penal code 5058 explicitly requires that the director abide by the APA. The statute's words should be given

the meanings they bear in their ordinary use. (See In Re ROSAS (1979) 23 Cal.3d 152, 155)

V. CONCLUSION

Good cause existing thereof, this request for determination should be considered and determined. In doing so, find that CCR's under ground regulations governing "SNY" facilities are without legal effect.

Respectfully Submitted

~~_____
[Signature]~~

Angelo Escalante #F33506

Dated: 2-13-16

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH 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.

File# 2016-0310-02
BOARD OF EQUALIZATION
 Definitions, Board Hearing Procedures

This filing of changes without regulatory effect by the Board of Equalization amends sections in Title 18 of the California Code of Regulations, to make non-substantive changes to each section and one attached form. The changes include, deleting references to a repealed regulation, deleting provisions for which the statutory authority was repealed, grammatical and formatting changes.

Title 18
 AMEND: 5600, 5601, 5603
 Filed 04/20/2016
 Agency Contact: Richard Bennion (916) 445-2130

File# 2016-0310-03
BOARD OF EQUALIZATION
 Sales for Resale

This rulemaking action by the Board of Equalization amends section 1668 of title 18 of the California Code of Regulations to specify that a sale or purchase of counterfeit goods by a convicted seller or purchaser is subject to tax, and that the transactions are taxable regardless of whether the sale or purchase was for resale.

Title 18
 AMEND: 1668
 Filed 04/22/2016
 Effective 07/01/2016
 Agency Contact: Richard Bennion (916) 445-2130

File# 2016-0310-04
BOARD OF PHARMACY
 Pharmacy, Related Self-Assessments

This rulemaking action amends sections of Title 16 of the California Code of Regulations to specify new editions for three pharmacy and drug wholesaler self-

assessment forms and to amend those three incorporated self-assessment forms. The forms were last amended in 2011. The amended forms conform to post-2011 amendments to the Code of Federal Regulations, California Business and Professions Code, California Health and Safety Code, and California Code of Regulations (Title 16) regarding compliance with legal requirements for pharmacies and drug wholesalers. The self-assessment forms must be completed by community and hospital pharmacies and by drug wholesalers biennially or within 30 days of any change in: a pharmacy's or drug wholesaler's permit; the pharmacist-in-charge or drug wholesaler's designated representative; or the licensed location of a pharmacy or drug wholesaler.

Title 16
 AMEND: 1715, 1784
 Filed 04/20/2016
 Effective 04/20/2016
 Agency Contact: Lori Martinez (916) 574-7917

File# 2016-0415-01
CALIFORNIA HORSE RACING BOARD
 Presence of Clenbuterol in Quarter Horses

In this second emergency re-adopt, the regulations require quarter horses that are prescribed clenbuterol to be placed on the Veterinarian's List for veterinary treatment. The regulations also establish reporting requirements for clenbuterol use on quarter horses.

Title 4
 ADOPT: 1866.1
 AMEND: 1844
 Filed 04/25/2016
 Effective 04/25/2016
 Agency Contact: Philip Laird (916) 263-6025

File# 2016-0420-01
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE
 Amendments to Loan Administration Policy

The California Institute for Regenerative Medicine (CIRM) amended the CIRM Loan Administration Policy (LAP), which is incorporated by reference in title 17, California Code of Regulations, section 100800(b). Current provisions in the LAP allow CIRM to automatically forgive loans to certain loan recipients who meet specified criteria. The amendment to the LAP allows a loan recipient whose loan has been forgiven the option of converting the loan to a grant. By doing this, loan recipients who convert their forgiven loans to grants will be governed by CIRM revenue sharing and intellectual property regulations pertaining to grants in the event future revenue streams are realized.

Title 17
 AMEND: 100800
 Filed 04/25/2016
 Effective 04/25/2016
 Agency Contact: C. Scott Tocher (510) 340-9159

File# 2016-0401-02
CALIFORNIA SCHOOL FINANCE AUTHORITY
 California School Facility Grant Program

This rulemaking action by the California School Finance Authority (Authority) has filed a Certificate of Compliance for regulations first adopted as an emergency in OAL action no. 2015-0417-01E. The action implements regulations to govern administration of the Charter School Facility Grant Program, under which the Authority administers general fund assistance to charter schools for facilities rent and lease costs.

Title 4
 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12
 Filed 04/27/2016
 Effective 04/27/2016
 Agency Contact: Katrina Johantgen (213) 620-2305

File# 2016-0413-01
CALIFORNIA STATE UNIVERSITY
 Nonresident Tuition Exemption

The Trustees of the California State University System submitted this amendment of sections 41906.5 and 41906.6 of title 5 of the California Code of Regulations (CCR) pursuant to Education Code section 89030.1. This matter is submitted to the Office of Administrative Law (OAL) for printing in the CCR and a courtesy filing with the Secretary of State. It is exempt from OAL review pursuant to Education Code section 89030(b).

Title 5
 AMEND: 41906.5, 41906.6
 Filed 04/25/2016
 Effective 04/25/2016
 Agency Contact: Stephen Silver (562) 951-4500

File# 2016-0308-04
DENTAL HYGIENE COMMITTEE OF CALIFORNIA
 Resubmittal of Educational Programs Regulation

In this resubmitted regulatory action, the Committee adopted various sections in Title 16 of the California Code of Regulations to establish educational program requirements for dental hygienists. It also describes the appeals process to contest the Committee's denial or withdrawal of its approval of a program and the process for changes to an existing approved program.

Title 16
 ADOPT: 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, 1106
 Filed 04/20/2016
 Effective 04/20/2016
 Agency Contact: Anthony Lum (916) 576-5007

File# 2016-0308-02
DEPARTMENT OF CONSERVATION
 Aquifer Exemption Compliance Schedule

This timely certificate of compliance filing by the Department of Conservation adopts sections 1760.1 and 1779.1 in title 14 of the California Code of Regulations to provide an aquifer exemption compliance schedule for the oil and gas industry. This rulemaking action establishes deadlines for the oil and gas industry to obtain aquifer exemptions in an effort to bring California's Class II Underground Injection Control program into compliance with the federal Safe Drinking Water Act.

Title 14
 ADOPT: 1760.1, 1779.1
 Filed 04/20/2016
 Effective 04/20/2016
 Agency Contact: Justin Turner (916) 322-2405

File# 2016-0421-03
DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency action by the Department of Food and Agriculture expands the quarantine area for Asian Citrus Psyllid (ACP) "Diaphorina citri" in the Madera area of Madera County and into Fresno County. The expansion of the Madera area quarantine will also encompass the Sumner Hill and Fresno areas of Madera and Fresno counties, which are being combined into the Madera area. This amendment will expand this quarantine area by approximately 61 square miles for a combined total of approximately 421 square miles.

Title 3
 AMEND: 3435(b)
 Filed 04/25/2016
 Effective 04/25/2016
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0309-01
DEPARTMENT OF HEALTH CARE SERVICES
 Consolidation of Specialty Mental Health Services

This filing of changes without regulatory effect by the Department of Health Care Services repeals sections in Title 9 of the California Code of Regulations, regarding inpatient and specialty mental health services through the Medi-Cal program. The action repeals Chapter 10 in its entirety, as the next phase in progress-

ing to a managed health care system for mental health plans.

Title 9

REPEAL: 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799

Filed 04/21/2016

Agency Contact: Lori Manieri (916) 650-6825

File# 2016-0314-01

DEPARTMENT OF HEALTH CARE SERVICES
Medi-Cal Managed Care Information Sharing

In addition to new amendments, this Certificate of Compliance by the Department of Health Care Services (the "Department") makes permanent the prior emergency rulemaking action (OAL File No. 2015-0615-02E) and readopt (OAL File No. 2015-1204-05EE) that adopted section 50188 in title 22 of the California Code of Regulations. Section 50188 addresses the matter of describing how and under what circumstances updated Medi-Cal beneficiary contact information shall be reported, which the Department was required to do through an emergency rulemaking no later than July 1, 2015. (See Health & Saf. Code, sec. 14005.36, subd. (e).)

Title 22

AMEND: 50188

Filed 04/21/2016

Effective 04/21/2016

Agency Contact: Jordan Espey (916) 445-1514

File# 2016-0407-01

DEPARTMENT OF HEALTH CARE SERVICES
Emergency Services Claims

This change without regulatory effect by the Department of Health Care Services amends Section 53626(a) in Title 9 of the California Code of Regulations. The purpose of this action is to modify the name of the Department and the mailing address for the filing of documents related to Emergency Services Claims.

Title 22

AMEND: 53626(a)

Filed 04/27/2016

Agency Contact: Greg Rodriguez (916) 440-7766

File# 2016-0419-01

DEPARTMENT OF HUMAN RESOURCES
Paid Leave Buy-Back

This regulatory action amends title 2, section 599.744 of the California Code of Regulations to increase the amount of unused leave credits a non-managerial employee designed supervisory, confidential, or excluded; or a nonelected, exempt employee of the executive branch may annually elect to buy back from 40 hours to 80 hours. This action is exempt from review and approval by the Office of Administrative Law pursuant to Government Code section 3539.5.

Amendment of section heading and section filed 11-30-99; operative 11-1-99. Submitted to OAL for printing only pursuant to Government Code section 3539.5 (Register 2000, No. 2).

Title 2

AMEND: 599.744

Filed 04/21/2016

Effective 04/21/2016

Agency Contact: Danny Brown (916) 327-2348

File# 2016-0415-02

DEPARTMENT OF JUSTICE
Department of Insurance Bond Form

This file and print action amends Title 11 of the California Code of Regulations, adopting a Department of Insurance Bond Form, in Article 19, section 50.24. The bond form was submitted by the Department of Insurance to the Attorney General for approval pursuant to Government Code section 11110. The Attorney General approved the form.

Title 11

ADOPT: 50.24

Filed 04/25/2016

Effective 04/25/2016

Agency Contact: Karen W. Yiu (510) 622-2131

File# 2016-0422-01

FISH AND GAME COMMISSION
Ocean Salmon Sport Fishing May - November 2016

In this rulemaking action, the Commission amends section 27.80 of title 14 of the California Code of Regulations to adopt the open fishing days, bag limits, and minimum size for ocean salmon sport fishing in effect for May 2016 through November 2016.

Title 14

AMEND: 27.80

Filed 04/27/2016

Effective 05/01/2016

Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2016-0422-02
FISH AND GAME COMMISSION
 Pacific Halibut

This action by the Fish and Game Commission amends section 28.20 in Title 14, California Code of Regulations regarding the recreational Pacific halibut fishery. This amendment makes state regulations for halibut quotas consistent with the federal sport fishing rules for the 2016 fishing season. The amendment implements the quota for the 2016 season.

Title 14
 AMEND: 28.20
 Filed 04/26/2016
 Effective 04/26/2016
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2016-0425-04
FISH AND GAME COMMISSION
 Close Razor Clam Fishery Due to Elevated Levels of Domoic Acid

This emergency action closes razor clam recreational fishery in Del Norte and Humboldt Counties due to elevated levels of domoic acid.

Title 14
 AMEND: 29.45
 Filed 04/26/2016
 Effective 04/26/2016
 Agency Contact: Sheri Tiemann (916) 654-9872

File# 2016-0411-05
STATE ATHLETIC COMMISSION
 Headgear

This emergency rulemaking by the State Athletic Commission (the "Commission") adopts section 610 in title 4 of the California Code of Regulations. Section 610 requires that amateur boxers wear Commission-approved headgear and lists the criteria the Commission will consider prior to granting an exception to this requirement.

Title 4
 ADOPT: 610
 Filed 04/21/2016
 Effective 04/21/2016
 Agency Contact: Sophia Cornejo (916) 263-2196

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN November 25, 2015 TO
 April 27, 2016**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations

titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

- 04/21/16 AMEND: 599.744
- 04/12/16 AMEND: 18239
- 04/12/16 AMEND: 18616
- 03/22/16 AMEND: 18215.3, 18247.5, 18404, 18405, 18422, 18425, 18427.1, 18450.4, 18531.5, 18531.62 REPEAL: 18402.5
- 03/22/16 AMEND: 18406, 18530.4, 18530.45, 18992
- 02/22/16 ADOPT: 61000, 61001, 61002, 61003, 61004, 61005, 61006, 61007, 61008, 61009, 61010, 61011, 61012, 61013, 61014, 61015, 61016, 61017, 61018, 61019, 61020, 61021, 61022, 61023, 61024
- 02/22/16 ADOPT: 59800
- 02/11/16 AMEND: 57200
- 02/10/16 AMEND: 57200
- 02/04/16 ADOPT: 555.5
- 02/04/16 AMEND: 18351
- 02/04/16 AMEND: 18616
- 01/14/16 AMEND: 18944.1
- 01/14/16 AMEND: 18996
- 01/06/16 AMEND: 48000
- 12/30/15 AMEND: 53900
- 12/23/15 AMEND: 1859.2, 1859.107, 1859.164.2, 1859.195, 1859.198
- 12/23/15 AMEND: 1859.70.4, 1859.93, 1859.93.1, 1859.190
- 12/22/15 AMEND: 51000
- 12/21/15 AMEND: 58200
- 12/21/15 AMEND: 59100
- 12/21/15 AMEND: 1859.76
- 12/15/15 ADOPT: 18360 AMEND: 18362 REPEAL: 18360
- 12/15/15 AMEND: 57500
- 12/15/15 REPEAL: 18413
- 12/14/15 ADOPT: 5.1, 5.2, 90, 248, 548.2, 548.5 REPEAL: 548.77
- 12/09/15 ADOPT: 11023 AMEND: 11005.1 (renumbered to 10500), 11006, 11008, 11009, 11019, 11023 (renumbered to 11024), 11028, 11029, 11030, 11031, 11034, 11035, 11036, 11039, 11040, 11041, 11042, 11043, 11044, 11045, 11046, 11047, 11049, 11050, 11051, 11059, 11060, 11062, 11064, 11065,

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11066, 11067, 11068, 11070, 11071, 11075, 11100, 11101, 11103, 11104, 11105, 11111, 11113, 11114, 11121, 11122, 11123, 11128, 11131, 11132, 11133 (renumbered to 10250), 11134 (renumbered to 10251), 11135 (renumbered to 10252), 11136 (renumbered to 10253), 11137 (renumbered to 10254), 11138 (renumbered to 10255), 11139 (renumbered to 10256), 11140 (renumbered to 10257), 11141 (renumbered to 10258) REPEAL: 11024	04/21/16 ADOPT: 610 04/13/16 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
12/08/15 ADOPT: 59790 12/03/15 REPEAL: 28010 12/02/15 ADOPT: 25, 26 12/02/15 ADOPT: 11, 12, 12.1, 155, 156, 157, 158, 159 AMEND: 547.52	04/12/16 AMEND: 1489 03/28/16 AMEND: 10176(d), 10181 03/23/16 ADOPT: 12465 AMEND: 12460, 12461, 12462, 12463, 12464, 12466 03/10/16 ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101
Title 3	03/08/16 AMEND: 1658 03/03/16 AMEND: 10176, 10179, 10180, 10181 02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230 02/01/16 ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229 01/26/16 ADOPT: 1866.1 AMEND: 1844 01/25/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11 01/04/16 AMEND: 130 12/29/15 AMEND: 1887 12/24/15 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337 12/10/15 AMEND: 1632 12/03/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15 11/30/15 ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127
04/25/16 AMEND: 3435(b) 04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452 04/05/16 AMEND: 3589 03/29/16 AMEND: 3435(b) 03/21/16 AMEND: 3435 03/10/16 AMEND: 3435(b) 03/09/16 AMEND: 3435(b) 03/08/16 AMEND: 3435(b) 02/17/16 AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784 02/17/16 AMEND: 3439(b) 02/09/16 AMEND: 3435(b) 02/02/16 ADOPT: 3442 01/27/16 ADOPT: 3591.26 01/21/16 AMEND: 3435(b) 01/20/16 AMEND: 3435(b) 01/14/16 AMEND: 3435(b) 01/06/16 AMEND: 3435(b) 01/05/16 AMEND: 3435(b) 12/30/15 AMEND: 3435(b) 12/23/15 ADOPT: 3441 12/21/15 AMEND: 3435(b) 12/16/15 AMEND: 3435(b) 12/15/15 AMEND: 3435(b) 12/14/15 AMEND: 3435 12/07/15 AMEND: 3435(b) 12/02/15 AMEND: 6170.5, 6723, 6724, 6761	Title 5 04/25/16 AMEND: 41906.5, 41906.6 03/28/16 ADOPT: 1700 03/22/16 ADOPT: 9526 03/21/16 AMEND: 80057.5, 80089.2 03/03/16 AMEND: 19810 02/26/16 AMEND: 27007 02/24/16 AMEND: 80499 02/24/16 AMEND: 80014, 80014.1, 80066 REPEAL: 80014.2 02/18/16 ADOPT: 40106
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04/27/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12 04/25/16 ADOPT: 1866.1 AMEND: 1844	

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01/12/16 ADOPT: 27700, 27701, 27702, 27703, 27704, 27705
 12/14/15 AMEND: 80057.5, 80089, 80089.1, 80089.2
 12/08/15 AMEND: 3030(b)(10)
 11/23/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140
 AMEND: 70000, 71400, 71650, 75150
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04/12/16 AMEND: 3207, 3212
 03/23/16 AMEND: 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.13, 9789.13.1, 9789.15.4, 9789.16.1, 9789.16.2, 9789.17.1, 9789.19
 03/14/16 AMEND: 9789.21, 9789.25
 03/14/16 AMEND: 333, 336
 03/07/16 AMEND: 4307
 03/07/16 AMEND: 4412
 03/04/16 AMEND: 9785.4.1
 02/25/16 AMEND: 3328
 01/06/16 AMEND: 5194(c)
 12/30/15 ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962

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04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799

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03/22/16 AMEND: 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2544.5, 2544.6
 03/08/16 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4, 2240.5
 02/04/16 AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218
 02/02/16 ADOPT: 2269 AMEND: 2218, 2250, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2266, 2267, 2268

REPEAL: 2218.1, 2255, 2261, 2262, 2263, 2264, 2265, 2269.1, 2269.4, 2269.7, 2269.10, 2269.11, 2269.13, 2269.14

01/07/16 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
 12/23/15 ADOPT: 6650, 6652, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
 12/14/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620
 12/04/15 ADOPT: 1422.3, 1950.122.4.2

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04/25/16 ADOPT: 50.24
 04/06/16 ADOPT: 28.5
 04/06/16 ADOPT: 28.6
 03/23/16 ADOPT: 4250, 4251, 4251.5, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4559
 03/10/16 AMEND: 20
 02/24/16 AMEND: 1005, 1007, 1008, 1052
 02/24/16 AMEND: 1951, 1953, 1954, 1955
 02/17/16 AMEND: 1005, 1081
 01/27/16 AMEND: 1953(e)(5)
 12/09/15 AMEND: 1070(c)
 12/09/15 AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1018, 1019, 1051, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960

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12/02/15 AMEND: 800.1, 803, 804, 809 REPEAL: 808

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04/06/16 ADOPT: 150.10
 02/29/16 AMEND: 553.70
 02/25/16 AMEND: 551.8, 551.12, 591, 592
 02/08/16 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869 AMEND: 2440, 2442
 01/26/16 AMEND: 1239
 01/25/16 AMEND: 1162.1, 1242
 01/19/16 AMEND: 1253
 01/19/16 ADOPT: 1160.7, 1161.8 AMEND: 1160.2
 12/21/15 AMEND: 423.00

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12/09/15 ADOPT: 1157.21 AMEND: 1157,
1157.4, 1157.6, 1157.8, 1157.10,
1157.12, 1157.13, 1157.14, 1157.16,
1157.18, 1157.20

Title 14

04/27/16 AMEND: 27.80
04/26/16 AMEND: 29.45
04/26/16 AMEND: 28.20
04/20/16 ADOPT: 1760.1, 1779.1
04/06/16 AMEND: 1038
03/29/16 AMEND: 27.80
03/28/16 ADOPT: 8.01
03/07/16 ADOPT: 749.8
03/01/16 AMEND: 7.50
02/29/16 ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53,
1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50,
27.00, 230
02/23/16 AMEND: 632
02/18/16 ADOPT: 748.5
02/10/16 ADOPT: 672, 672.1, 672.2
02/10/16 AMEND: 17381.2
02/09/16 AMEND: 3550.11
02/05/16 AMEND: 1724.9
01/25/16 AMEND: 870.15, 870.17, 870.19,
870.21
01/21/16 ADOPT: 1760.1, 1779.1
01/13/16 AMEND: 149
12/30/15 AMEND: 180.6
12/29/15 AMEND: 1038
12/28/15 ADOPT: 8.01
12/15/15 AMEND: 4970.00, 4970.01, 4970.04,
4970.05, 4970.06.1, 4970.07, 4970.08,
4970.09, 4970.10.4, 4970.17, 4970.23,
4970.24.1, 4970.25.1
12/10/15 AMEND: 1.92, 703
11/30/15 AMEND: 1665.7
11/30/15 AMEND: 163, 164

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03/30/16 AMEND: 8004.2
03/30/16 REPEAL: 3999.16
03/29/16 AMEND: 3315, 3375.2
03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3,
3078.4
03/10/16 ADOPT: 3000, 3268.2 REPEAL:
3999.17
02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1,
3041, 3041.3, 3043.6, 3379 REPEAL:
3999.15
02/18/16 AMEND: 3375.1, 3377
12/30/15 AMEND: 3000, 3268, 3268.1, 3268.2
12/24/15 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3
AMEND: 1700, 1706, 1712.2, 1714.2,
1730.2, 1731, 1740.2, 1747, 1747.1,
1748, 1748.5, 1749, 1749.1, 1750,

1750.1, 1751, 1752, 1753, 1754, 1756,
1760, 1766, 1767, 1768, 1770, 1772,
1776, 1778, 1788, 1790, 1792

12/14/15 AMEND: 3124
12/14/15 ADOPT: 3999.20
12/03/15 ADOPT: 3340, 3341, 3341.1, 3341.2,
3341.3, 3341.4, 3341.5, 3341.6, 3341.7,
3341.8, 3341.9 AMEND: 3000, 3044,
3269, 3269.1, 3335, 3335.5, 3336, 3337,
3338, 3339, 3340 (Renumbered to
3335.5), 3342, 3343, 3344 REPEAL:
3341, 3341.5

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04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2,
1105.3, 1105.4, 1106
04/20/16 AMEND: 1715, 1784
04/11/16 AMEND: 1399.523
04/08/16 ADOPT: 1746.1
04/04/16 AMEND: 974
03/22/16 AMEND: 1970.4
03/21/16 AMEND: 1380.5
03/07/16 AMEND: 1001
03/03/16 ADOPT: 1463.5, 1485.5
02/29/16 ADOPT: 1960
02/24/16 AMEND: 1446, 1447, 1447.1
02/23/16 AMEND: 109, 111
02/18/16 ADOPT: 1108
02/08/16 AMEND: 1417
01/27/16 ADOPT: 1746.3
01/25/16 ADOPT: 1746.2
01/25/16 AMEND: 420.1, 3021.1
01/11/16 AMEND: 995
12/30/15 ADOPT: 1805.01, 1805.05, 1822.50,
1822.51, 1822.52, 1829.1, 1829.2,
1829.3, 1877.1, 1877.2, 1877.3
AMEND: 1805, 1806, 1816, 1816.2,
1816.3, 1816.4, 1816.5, 1816.6, 1816.7,
1829, 1877
12/23/15 ADOPT: 1399.50, 1399.52
11/30/15 ADOPT: 1820.7 AMEND: 1820, 1820.5,
1822
11/25/15 AMEND: 1209, 1214, 1216, 1221, 1255,
1258, 1258.1, 1258.2, 1258.4 REPEAL:
1258.3

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04/25/16 AMEND: 100800
04/04/16 ADOPT: 6500.03, 6500.05, 6500.9,
6500.21, 6500.33, 6500.43, 6500.50,
6500.51, 6500.55, 6500.58, 6500.71,
6500.78, 6501.5 AMEND: 6500.35,
6500.39, 6500.45, 6501, 6505, 6506,
6506.6, 6506.8, 6506.10 REPEAL:
6500.65, 6500.67
03/08/16 AMEND: 60201

02/05/16 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072

02/03/16 AMEND: 95000 REPEAL: 95001, 95002, 95003, 95004, 95005, 95006, 95007

01/25/16 REPEAL: 60090, 60091, 60092, 60093, 60094

01/21/16 AMEND: 100003

01/11/16 ADOPT: 94017 AMEND: 94010, 94011, 94016

01/06/16 ADOPT: 100503

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04/22/16 AMEND: 1668

04/20/16 AMEND: 5600, 5601, 5603

03/28/16 AMEND: 2401, 2413, 2422

03/17/16 AMEND: 3500

02/03/16 AMEND: 5218, 5235, 5237, 5267

01/06/16 AMEND: 1619

12/29/15 ADOPT: 18416.5

12/16/15 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1805, 1825

12/08/15 AMEND: 1584

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12/07/15 AMEND: 2600

Title 20

04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207

04/06/16 AMEND: 2401, 2402

03/08/16 AMEND: 2.1

02/10/16 AMEND: 1601, 1604, 1605.3

12/21/15 ADOPT: 1208, 1208.1, 1209, 1210, 1211, 1211.5, 1212, 1230, 1231, 1232, 1232.5, 1233, 1233.1, 1233.2, 1233.3, 1233.4, 1234 AMEND: 1003, 1101, 1104, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207 [renumbered to 1211.7], 1208 [renumbered to 1207], 1718 [renumbered to 1207.5], 1225, 1240, 1675, 1701, 1706, 1707, 1709.5, 1709.7, 1712.5 [renumbered to 1710], 1710 [renumbered to 1711], 1714, 1714.5, 1720, 1720.4, 1729, 1742, 1744, 1744.5, 1748 [renumbered to 1745], 1749 [renumbered to 1745.5], 1753 [renumbered to 1746], 1754 [renumbered to 1747], 1755 [renumbered to 1748], 1769, 1804, 1863, 2001, 2010, 2012, 2027, 2028, 2030, 2322, 2325, 2328, Appendix A [following section 2340], Appendix B [following section 2012 and Appendix A] REPEAL: 1209, 1209.5,

1210, 1211, 1212, 1213, 1214, 1217, 1230, 1231, 1232, 1233, 1233.5, 1234, 1235, 1236, 1236.5, 1237, 1702, 1705, 1711, 1712, 1716.5, 1717, 1718, 1718.5, 1719, 1742.5, 1743, 1745, 1747, 1751, 1752, 1752.3, 1752.5, 1752.7, 1757, 1765

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04/27/16 AMEND: 53626(a)

04/21/16 AMEND: 50188

04/19/16 AMEND: 123000

04/01/16 AMEND: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7

03/29/16 AMEND: 51516.1

03/17/16 AMEND: 97232

02/25/16 ADOPT: 100450.100

02/23/16 AMEND: 69502.2

02/11/16 ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1

02/08/16 AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172

02/01/16 AMEND: 64806

01/05/16 ADOPT: 81005, 81006, 81007, 81008, 81011, 81012, 81017, 81019, 81019.1, 81020, 81021, 81023, 81025, 81026, 81028, 81029, 81030, 81034, 81035, 81036, 81040, 81043, 81044, 81045, 81046, 81052, 81053, 81054, 81055, 81055.1, 81056, 81058, 81059, 81062, 81063, 81069.2, 81071, 81073, 81074, 81075.1, 81077.2, 81077.3, 81077.4, 81077.5, 81086, 81090, 81091, 81092, 81092.1, 81092.2, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81093, 81094, 81094.5 AMEND: 80000, 80001,

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