EDMUND G. BROWN, JR., GOVERNOR

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT–OF–INTEREST CODES

AMENDMENT

State Agency: Department of Conservation

A written comment period has been established commencing on **May 25, 2012** and closing on **July 9, 2012.** Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 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 his 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 his 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 **July 9, 2012.** 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 Adrienne Tackley, 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 Commis-

sion should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3000, 3375, and to adopt new Section 3375.6 in the California Code of Regulations (CCR), Title 15 to establish requirements for an automated needs assessment tool.

PUBLIC HEARING

Date and Time:	**July 17, 2012 — 9:00 a.m. to 10:00 a.m.**
Place:	Department of Corrections and Rehabilitation Kern Room 1515 S Street — North Building Sacramento, CA 95811
Purpose:	To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **July 17, 2012, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e–mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283–0001; by fax at (916) 324–6075; or e–mail at *RPMB@cdcr.ca.gov* before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283–0001
Telephone (916) 445–2269

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

Sarah Pollock
Regulation and Policy Management Branch
Telephone (916) 445–2266

Questions regarding the substance of the proposed regulatory action should be directed to:

Tina Bayles
Division of Rehabilitative Programs
Telephone (916) 539–6134

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *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 Department 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 Department has initially determined that the proposed regulations 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 has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California, or the health and welfare of California residents, worker safety, or the State's environment.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

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, 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 accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

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

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons. This action:

- Establishes a mandate that a validated automated needs assessment tool shall be administered to all inmates, pursuant to PC section 3020, to aid in the inmate's successful reentry into society and reduce the risk to reoffend and recidivate.
- Amends section 3000 to merge added definitions with those that exist in the regulations and clarify what an "Automated Needs Assessment Tool" and a "Criminogenic Need" is.
- Amends section 3375 to ensure the automated needs assessment tool is completed for each eligible offender to appropriately place an offender in a rehabilitative program to assist in their successful reintegration into society and reduce recidivism.
- Adopts new section 3375.6 to establish the automated needs assessment tool specifications to stipulate that the assessment tool will identify an offender's criminogenic needs which are most predictive of criminal behavior and to also identify a needs value to assist in placing the inmate in a

rehabilitative program that will best assist them with successful reintegration into society.

- Establishes that an automated needs assessment tool be administered during the reception center process or during the initial or annual review process for offenders who did not previously complete the assessment.
- Evaluates the offender's criminogenic needs in categories such as substance abuse, vocational, educational, criminal personality, family criminality, and anger/violence to assist with placing offenders into rehabilitative programs for which they are best suited.
- Allows CDCR staff and case managers to measure offender's treatment, and develop and revise rehabilitation plans as needed.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #1211–09

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Senate Bill (SB) 1341, Personal Property Retention (CalWORKs Program)

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 11, 2012, as follows:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above–referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e–mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 11, 2012.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at http://www.dss.cahwnet.gov/ord. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 8–4–192
Sacramento, California 95814
TELEPHONE: (916) 657–2586
FACSIMILE: (916) 654–3286
E–MAIL: ord@dss.ca.gov

CHAPTERS

The CDSS Manual of Policies and Procedures (MPP), Eligibility and Assistance Standards Manual, Division 42 (Nonlinking Factors of Public Assistance Eligibility), Chapter 42–200 (Property), Section 42–213 (Property Items to be Excluded in Evaluating Property Which May be Retained); and Division 44 (Standards of Assistance), Chapter 44–200 (AU Com-

position and Need), Section 44–211 (Special Needs in CalWORKs).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law imposes limits on the amount of income and personal and real property, including savings accounts, that an individual or family may possess in order to be eligible for aid under the CalWORKs program, but authorizes an eligible family to retain savings, and interest thereon for specified purposes.

Existing law provides for the payment of an allowance for nonrecurring special needs after a family has used all available liquid resources, both exempt and nonexempt, in excess of $100.

Senate Bill (SB) 1341 (Chapter 485, Statutes of 2008) expands the scope of purposes for which eligible savings may be used to include costs associated with securing permanent rental housing or to make rent payments to overcome an episode of homelessness. SB 1341 also exempts funds deposited into an individual's specified restricted account when determining eligibility for a special needs payment.

These proposed regulations amend specific provisions in the CDSS MPP that regulate personal property to be excluded while receiving benefits under the CalWORKs Program.

The Department anticipates that these proposed regulations will benefit CalWORKs Program participants by allowing them to use monies from restricted accounts in order to secure a place to live or make rent payments to overcome an episode of homelessness.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 1341, as well as with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: Minor costs absorbed.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings because this regulation makes only technical, non–substantive or clarifying changes to current laws and regulations.
4. Federal Funding to State Agencies: Minor costs absorbed.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state–mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this action only pertains to allowing an individual to use funds in a restricted account to avoid homelessness and exempts funds deposited in that restricted account when determining eligibility for a special needs payment.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefit of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment is that CalWORKs Program participants will benefit from this regulatory action by allowing families to use their restricted account funds in combination with their Homeless Assistance Program (HAP) benefits to make rent payments to avoid an episode of homelessness or secure permanent housing.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives than the one proposed because there were no other alternatives proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as 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 provision of law.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 11155.2, Welfare and Institutions Code. Subject regulations implement and make specific Sections 11155.2 and 11450, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Everardo Vaca	(916) 657–2586
Backup:	Zaid Dominguez	(916) 657–2586

GENERAL PUBLIC INTEREST

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

30–Day Public Notice and Comment Period
Unified Program Surcharge Fee Change

NOTICE IS HEREBY GIVEN that the Secretary for Environmental Protection proposes to adjust the Unified Program State Surcharge according to the California Health and Safety Code (HSC), Division 20, Chapter 6.11, Section 25404.5(b), and the California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240.

The State Surcharge is an assessment on each entity regulated under the Unified Program. The State Surcharge is used to fund the necessary and reasonable costs of all State Agencies responsible for program implementation, ongoing maintenance, and oversight of the Unified Hazardous Waste and Hazardous Materials Management Program (Unified Program). Assembly Bill 2286 (Chapter 571 Statutes of 2008) provided for an increase in the Oversight portion of the State Surcharge for three years to fund the implementation of mandatory electronic reporting. The three–year timeframe for this increased surcharge will end on June 30, 2012 and the Oversight portion of the State Surcharge will be reduced to $35.00 per year per regulated facility. The Underground Storage Tank and California Accidental Release Prevention Program portions remain unchanged. The State Surcharge will be publicly noticed in the California Regulatory Notice Register (Z–Register) for 30 days during which time comments will be accepted on the proposed Surcharge. Following the 30–day comment period the Secretary will publish the final Surcharge in the Z–Register. Certified Unified Program Agencies will be responsible for collecting the new Surcharge as part of their Single Fee System effective July 1, 2012.

The California Environmental Protection Agency will hold a public workshop at the Headquarters building in Sacramento in the Sierra Hearing Room on June 14, 2012 from 1:00 p.m. to 4:00 p.m. The workshop will also include audio and web access as follows:

Web Access: www.readytalk.com
Meeting: 4556812

Conference call: 866–618–7124
Access: 8228723

Outside of the workshop, written comments must be sent to the address, email or fax below and must be received by close of business June 24, 2012.

Mr. Jim Bohon, Chief
Unified Program Section
California Environmental Protection Agency
1001 I Street, 2nd Floor
Sacramento, California 95814

E–mail address: jbohon@calepa.ca.gov
Fax Number: (916) 322–5615

STATE SURCHARGE

For fiscal year 2012/13 forward, the State Surcharge is set as follows:

Oversight	$ 35.00 (reduced from $49.00)
Underground Storage Tank	$ 15.00 (unchanged)
California Accidental Release Prevention Program	$270.00 (unchanged)

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION
NO. 2080–2012–008–06

Project: Eagle Mountain Pumped Storage Hydroelectric Project
Location: Riverside County
Applicant: Eagle Crest Energy Company
Notifier: Mr. Stephen Lowe, Eagle Crest Energy Company

Background

Eagle Crest Energy Company (Applicant) proposes to construct, operate, and maintain a new 1,300–megawatt (MW) hydroelectric power facility within a 2,527–acre (ac) area, which is located approximately 11 miles (mi) north of the community of Desert Center and approximately 11.5 mi north of Interstate 10 (I–10) in the County of Riverside. The Eagle Mountain Pumped Storage Hydroelectric Project (Project) will be divided into a central project area and linear components, and operations and maintenance (O&M) would occur throughout the life of the project.

The central project area is approximately 1,101.5 ac, and includes the facilities associated with power generation. Kaiser Ventures LLC (Kaiser) owns and has not granted Applicant site access to the central project area. Project components within the central project area would include: 1) an upper reservoir and two associated dams; 2) a lower reservoir; 3) inlet/outlet structures for the reservoirs; 4) water conveyance tunnels, including an upper tunnel, vertical shaft, lower tunnel, four penstocks, and a tailrace tunnel; 5) surge control facilities; 6) a powerhouse with four turbines; 7) the water supply pipeline; 8) a reverse osmosis filtration system; 9) desalination ponds; 10) a fenced switchyard; 11) transmission lines and associated electrical cables; 12) a storage warehouse building; 13) an administrative building; 14) a main access vehicular tunnel from the surface to the powerhouse; 15) an elevator shaft for emergency exit from the underground tunnel system; and 16) access roads.

Linear project components would consist of: 1) three groundwater pumping wells; 2) a water transport pipeline; and 3) a transmission line from the central project area to Red Bluff Substation. Most of the linear components would be located on lands owned and managed by the Bureau of Land Management (BLM). However, all three wells, segments of the transmission and water lines, and all other project components are on or accessed by private lands owned by Kaiser.

The Project activities described above are expected to incidentally take[1] desert tortoise (*Gopherus agassizii*) where those activities take place within the central project area. In particular, desert tortoise could be incidentally taken as a result of crushing, trampling, or burial. Desert tortoise is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). [See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(A)].

Desert tortoise individuals are documented as present along the linear component of the proposed project within 1,640 ft on either side of the proposed transmission route and pipeline and there is suitable desert tortoise habitat within and adjacent to the Project site. Because of the proximity of the nearest documented desert tortoise, dispersal patterns of desert tortoise, and the presence of suitable desert tortoise habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that desert tortoise is reasonably certain to occur within the Project site and Project activities are expected to result in the incidental take of desert tortoise.

According to the Service, the Project will result in the permanent loss of 0.1 ac of Chuckwalla Desert Wildlife Management Area (DWMA), 0.4 ac of critical habitat outside DWMA, and, in addition, an estimated 87.8 ac of Category 3 desert tortoise habitat. Of these 88.3 total ac, there is approximately 60.1 ac of likely desert tortoise habitat in the central project area that is owned by Kaiser.

There have been ongoing communications between the Applicant, FERC, and the Service since 1993. Because of inadequacies under the California Environmental Quality Act (CEQA), the State Water Resources Control Board denied a license application on April 19, 1995. In 2005, FERC granted a preliminary license to the Applicant. In a letter to the Applicant, dated November 17, 2007, the Service identified desert tortoise as a potentially occurring species in the project area. In 2008, FERC designated the Applicant as the non–Federal representative for informal consultation with the Service and required the Applicant to prepare a draft Biological Assessment (BA). On December 23, 2010, FERC submitted a request for initiation of formal consultation and submitted a Draft Environmental Impact Statement (EIS) as the BA. The Applicant submitted a

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

revised BA to FERC and the Service on February 21, 2011. Throughout this process, Kaiser has not granted the Applicant access to the central project area. The Applicant has not been able to conduct hydrologic, geological, or biological surveys on the proposed central project area.

FERC submitted a request for initiation of formal consultation with the Service and a final BA on April 21, 2011. In a response letter dated May 20, 2011, the Service expressed concerns with the unusual circumstances of the project proposal and their ability to issue a Biological Opinion (BO) based on the data provided. Subsequently, FERC indicated to the Service its preference to receive a final BO with the accompanying incidental take statement, with the acknowledgement that once the Applicant has secured site access and conducted site–specific surveys for the various resources, reinitiation of formal consultation on desert tortoise may be necessary. FERC agreed that it would include in any issued license language authorizing the reopening of the license to allow the integration of new information or changed circumstances that may result, for instance, from surveys conducted after site access is permitted or changes in land ownership. Pursuant to these conversations, in a September 1, 2011, letter the Service initiated formal consultation, effective July 20, 2011. On February 8, 2012, FERC issued a letter denying the Service's January 27, 2012 request for extension of the consultation deadline, and requested that the Service issue the BO as soon as possible.

On April 10, 2012, the Service issued a biological opinion (Service Ref. No. FWS–ERIV–08B0101–11F0266) to the FERC. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

On April 13, 2012, the Director of the Department of Fish and Game (DFG) received a notice from Eagle Crest Energy Company requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and desert tortoise (See Cal. Reg. Notice Register 2012, No. 18–Z, May 4, 2012, p. 598).

Determination

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

<u>Avoidance, Minimization, and Mitigation Measures</u>

- The Applicant will designate staff, analogous to the Authorized Biologist (AB), who will be approved by the Service and DFG, to implement and oversee biological compliance. The AB must meet the following minimum qualifications: (a) bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field; (b) three years of experience in field biology or current certification of a nationally recognized biological society, like the Ecological Society of America or The Wildlife Society; (c) at least a year of field experience with biological resources in the desert; (d) meet or exceed the current AB qualifications set forth by the Service and demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the Service; (e) possess a California ESA Memorandum of Understanding pursuant to Section 2081(a) for desert tortoise; or (f) in lieu of any of the above requirements, the résumé shall demonstrate to the satisfaction of the Service and DFG that the proposed AB has the appropriate training and background to effectively implement the conservation measures.
- The Applicant's designated staff will have the knowledge and experience to conduct any or all of the following: (a) locate, identify, and report all forms of desert tortoise signs in accordance with approved protocols; (b) handle and temporarily hold desert tortoises; (c) move desert tortoises from harm's way when they enter project sites; (d) relocate/translocate desert tortoises prior to implementation of projects; (e) excavate burrows to locate desert tortoises; (f) reconstruct desert tortoise burrows; (g) unearth and relocate desert tortoise eggs; (h) approve individual Biological Monitors (BM) and their activities based on qualifications of the biological monitors; (i) directly supervise biological monitors during clearance surveys and train monitors in all aspects of protecting desert tortoises during implementation of projects; (j) understand and implement all project requirements, including the biological opinion, and license (copy in hand); (k)

ensure proper implementation of protective measures; (*l*) record and report incidents of noncompliance in accordance with a biological opinion; and (m) halt project activities per provisions of the biological opinion.

- The AB shall: (a) clearly mark sensitive biological resource areas and verify personally or use Biological Monitors to check for compliance with all impact avoidance and minimization measures, including checking all exclusion zones to ensure that signs, stakes, and fencing are intact and ensuring project activities are limited to authorized areas of disturbance; (b) remain on site daily in areas located outside of desert tortoise exclusion fencing while vegetation salvage, grubbing, grading, or any other ground–disturbing activity is taking place to ensure conservation measures are properly implemented; (c) notify the Applicant and Service of any non–compliance with any of the conservation measures or terms and conditions.
- The Applicant shall submit, no fewer than 45 days prior to the start of site mobilization or construction–related ground disturbance, the name(s) of the AB(s), along with a completed Desert Tortoise AB Request Form to the Service and DFG for review and final approval. In addition, the Applicant shall submit the name(s) of all Biological Monitors, their résumés, and at least three references to DFG for approval. If an AB needs to be replaced, the specified information of the proposed replacement must be submitted to the Service and DFG at least 10 working days prior to the termination or release of the preceding AB. In an emergency, the Applicant shall immediately notify the Service to discuss the qualifications and approval of a short–term replacement while a permanent AB is proposed to and approved by the Service and DFG.
- The Applicant will conduct protocol surveys of the central project area during the 2–year period of final project design, and prior to any ground–disturbing activities, to conclusively determine if desert tortoises are present in the area, and if so, in what density. If necessary, the Applicant will revise previous estimates of the number of acres of desert tortoise habitat in the central project area that would be disturbed by the proposed project, and adjust habitat acquisition accordingly. Concurrent with final engineering, the Applicant will prepare a comprehensive site–specific Minimization and Monitoring Program (MMP) approved by the Service, BLM, and DFG prior to any ground–disturbing activities. The MMP will include all conservation measures, plans, schedules, and permitting requirements for all phases of the project.
- The Applicant will limit all surface disturbances to the smallest area necessary during construction in native habitats. The AB will clearly delineate project construction boundaries with flagging, stakes, or other means.
- The Applicant will not stockpile spoils and topsoil excavated for construction of linear features outside of the previously mined lands and existing mine tailings for more than six months, except as agreed upon with DFG and the Service, and in accordance with the revegetation plan. Applicant will stockpile spoils and topsoil, and disposal, parking, and staging areas will be located in disturbed areas lacking native vegetation that do not support special–status habitat or individuals.
- The Applicant will confine all disturbances, project vehicles, and equipment to demarcated areas. During the final design engineering, the Applicant will design all new spur roads and improvements to existing access roads to preserve existing desert wash topography and flow patterns.
- The Applicant will implement a Worker Environmental Awareness Program (WEAP) described in the final BA to ensure the project construction and operation are both conducted within a framework of safeguarding environmentally sensitive resources. The WEAP will be available in English and Spanish. Applicant will present the WEAP to all workers on the project site throughout the life of the project. Multiple sessions of the presentation may be given to accommodate training all workers. Wallet–sized cards summarizing the information will be provided to all construction and O&M personnel. The WEAP will be approved by the Service and DFG, and at a minimum will include: (a) a description of desert tortoise, including photos and how to identify them; (b) the biology and status of desert tortoise; (c) a summary of the desert tortoise–related construction measures described in this biological opinion; (d) an explanation of the function of flagging that designates authorized work areas; and (e) actions and reporting procedures to be used if a desert tortoise is encountered.
- The Applicant will design and construct Project fencing to minimize the risk of death or injury to desert tortoises. Temporary and permanent exclusion fencing around the desalination ponds and reservoirs will completely enclose the

facilities. No setbacks for wildlife will be included.

- The Applicant shall have designated staff monitor all fencing installation to ensure that no desert tortoises are harmed. Following installation, the fencing will be inspected monthly and after all major rainfall events for the life of the project license. Applicant will repair any damage to the fencing immediately. If immediate repair is not possible, Applicant will monitor the damaged area continuously until repairs are made. Parking and storage will occur within disturbed or fenced areas. Where a fence may need to be discontinuous, the fence ends will extend well up the slope of the tailings piles, to ensure that desert tortoises cannot go around the end.
- The Applicant will conduct a series of surveys prior to construction to ensure that no desert tortoises are present inside fenced areas. Any desert tortoise found inside fenced areas will be relocated, when possible, or translocated.
- The Applicant will not conduct construction in unfenced areas without designated staff present. In areas without wildlife exclusion fencing or those areas that have not been cleared of desert tortoises, construction activities will be conducted only during daylight hours. Designated staff will be present to monitor for desert tortoises and their burrows regardless of the season in which construction activities occur.
- The Applicant will inspect for desert tortoises in any construction pipe, culvert, or similar structure with a diameter greater than 3 inches, stored for one or more nights, less than 8 inches aboveground and within desert tortoise habitat outside the areas enclosed by exclusion fencing before the material is moved, buried, or capped. Alternatively, all such structures may be capped before being stored outside the fenced area, or placed on elevated pipe racks.
- The Applicant will flag or otherwise clearly mark all active burrows. The Applicant will avoid active burrows, where possible. Where avoidance of any burrow is infeasible, the Applicant will first determine occupancy using fiber optics, probes, or mirrors. The AB will excavate all burrows with hand tools that could potentially host a desert tortoise.
- The Applicant will close, temporarily fence, or cover pipeline trenches and any other potential wildlife pitfall each day. Each day, the designated staff will inspect any open trenches at first light, midday, and at the end of each day to ensure desert tortoise safety. If a desert tortoise becomes trapped, the AB will move it out of harm's way.
- The Applicant and all construction workers will look under all vehicles or equipment, in areas not enclosed by desert tortoise exclusion fencing, prior to moving to determine if a desert tortoise is present under them. If a desert tortoise is found under the vehicle, the designated staff will be contacted immediately. The vehicle will not be moved until the desert tortoise leaves from under the vehicle of its own volition, or has been relocated by designated staff. All vehicles and equipment traveling on unpaved project roads will observe a 25 mile–per–hour (mph) speed limit. The speed limit will be clearly posted and enforced throughout the life of the project.
- The Applicant will allow desert tortoises observed during routine maintenance activities to voluntarily move out of harm's way. When the designated staff determines that a desert tortoise must be moved, they will implement measures outlined in the translocation plan.
- The AB will translocate any desert tortoises in the central project area, determined not be a candidate for exclusion with fencing, to a recipient site. The Applicant will install temporary exclusion fencing around the majority of work areas in the central project area, including access roads during construction. The AB will relocate desert tortoises found along the linear components out of harm's way within 1,640 ft of their point of collection.
- The Applicant will immediately cease all project activities in the vicinity if a desert tortoise is injured or killed and contact designated staff. The wildlife agencies will be notified in accordance with the disposition of sick, injured, or dead specimens section of the BO. Applicant will ensure that an injured desert tortoise receives prompt veterinary care by a qualified veterinarian. If an injured animal recovers, the BLM, Service, and DFG would determine the final disposition of the animal. However, if efforts to keep the injured animal separate from other tortoises and turtles are successful during the desert tortoise's treatment, then it is recommended that it be released at or near its capture point to continue to contribute to the persistence of the local desert tortoise population. If a desert tortoise is fatally injured or killed as a result of project–related activities Applicant will submit it for necropsy. Care will be taken by the designated staff in handling dead specimen(s) to preserve biological material in the best possible state.

- The Applicant will ensure that all trash and food items be contained in closed, secured containers to reduce the attractiveness of the project site to scavengers. The Applicant will remove trash from the project site daily during the construction phase, and as regularly as necessary during O&M. The Applicant will immediately remove any road kill observed on project roads to minimize the attractiveness of the area to predators and other scavengers.
- The Applicant will implement a Predator Monitoring and Control plan. The Service and DFG will approve the final plan prior to initiation of ground–disturbing activities, and it will be implemented throughout the life of the project. The plan will be designed to address threats to desert tortoise from ravens, coyotes, gulls, and wild dogs. In addition, the applicant will contribute a one–time payment of $105 per acre of project disturbance of native habitats to the Renewable Energy Action Team (REAT) account established with the National Fish and Wildlife Foundation (NFWF). Final disturbance will be determined during the 2–year design phase prior to construction. The payment to NFWF will be in place prior to the initiation of ground disturbing activities.

Financial Assurances

- The Applicant will minimize impacts to desert tortoise habitat through the purchase and conservation of desert tortoise habitat in a manner consistent with the BLM NECO Plan, and DFG's fully mitigated standard under section 2080.1 of the Fish and Game Code. All lands within a DWMA or critical habitat will be replaced at a ratio of 5:1 and all lands outside will be replaced at 1:1.
- The project would permanently and semi–permanently disturb 0.1 ac of DWMA and 0.4 ac of critical habitat, and an estimated 87.8 ac of Category 3 Habitat. This includes an estimated 60.1 ac of likely desert tortoise habitat in the central project area. This acreage will be confirmed with on–the–ground surveys prior to finalizing the land acquisition program. The total land acquisition would be an estimated 90.3 ac, with this number to be confirmed with site surveys. In accordance with this estimate, the Applicant will acquire, protect and transfer title of desert tortoise habitat lands and will also provide funding for the initial improvement and long–term maintenance and management of the acquired lands. The final land acquisition acreage, which would reflect future survey results, would be determined in coordination with and approval by the Service and DFG.
- The Applicant will purchase enough land to support the same population of desert tortoises as occupy the site. In addition, acquired lands will: (a) contribute to a larger block of lands that are currently protected, or which could feasibly be protected long–term by a public resource agency or a non–governmental organization dedicated to habitat preservation; (b) connect to lands known to be occupied through occupied corridors or corridors that are of sufficient habitat quality to support desert tortoise; (c) provide native habitat that is biologically equivalent or superior to the habitat being impacted by the project; (d) have inherently moderate–to–good habitat that would naturally and ultimately regenerate when current disturbances are removed; and (e) parcels should not be subject to intensive recreational, grazing, or other uses such that habitat recovery is rendered unlikely or lengthy. Nor should those invasive species that are likely to jeopardize habitat recovery (e.g., Saharan mustard [*Brassica tournefortii*]) be present in uncontrollable numbers, either on or immediately adjacent to the parcels under consideration.
- Land acquisition will be accomplished by the Applicant in one of three ways:
  (1) Providing funds to implement those measures into the REAT account established with NFWF. The responsibility for acquisitions may be delegated to a third party other than NFWF, such as a non–governmental organization supportive of desert habitat conservation, by written agreement of the Service and DFG. Such delegation will be subject to approval by the FERC, as appropriate, in consultation with the Service and DFG, prior to land acquisition, enhancement or management activities. If funds are provided to NFWF, the funds must 1) be provided no later than 30 days prior to ground disturbance; 2) lands will be acquired no later than 18 months after ground–disturbing activity; and 3) lands will be conserved in perpetuity by a legal mechanism agreed to by the agencies. The Applicant independently will establish a management fund for the agency that owns and manages the acquired lands. The management fund will consist of an interest–bearing account, with the amount of capital commensurate to generate sufficient interest to fund all monitoring, management,

and protection of the acquired lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and other actions designed to protect or improve the habitat values of the acquired lands. A property analysis record, or comparable method, will be conducted by the Applicant independently and reviewed by the Service and DFG to determine the management needs and costs described above, which then will be used to calculate the amount of capital needed for the management fund. This management fund will be held and managed by an entity approved by the Service, DFG, and FERC as appropriate.

(2) The Applicant may choose to compensate for impacts to State–listed endangered species pursuant to section 2081 of the Fish and Game Code using one or both of the "in–lieu fee" or "advance mitigation" mechanisms set forth in the State of California SB 34. Lands acquired through SB 34 may in whole or in part satisfy the habitat requirements set forth in this mitigation measure, only to the extent that they do in fact provide habitat values for significant impacts to the species and biological resources identified above, and are consistent with the selection criteria described above.

(3) If Applicant directly acquires conservation land independently, it must meet the DFG's fully mitigated standard. Lands purchased will be transferred in fee title to DFG, a DFG–approved non–profit organization qualified pursuant to California Government Code section 65965, or other government entity with either a conservation easement, deed restriction, or other protective measures (as approved by DFG) over those lands. If Applicant transfers lands to DFG, the Applicant will reimburse DFG for reasonable expenses incurred during title and documentation review, expenses incurred from other State agency reviews, and overhead related to transfer of the lands. If Applicant transfers lands via donation to BLM, similar transfer fees may be incurred.

- The Applicant may proceed with ground–disturbing activities before completing all of the conservation measures (including acquisition of lands), monitoring, and reporting activities by ensuring funding to complete those activities. The Applicant will provide to DFG, no fewer than 30 days prior to commencing ground–disturbing activities, an irrevocable letter of credit, or another form of security (security) provided for review by the Service and approval by DFG. The security will allow DFG to draw on the principal sum if DFG, at its sole discretion, determines that the Applicant has failed to comply with the conditions set forth herein.
- The Applicant will provide a security in the amount of $288,960.00 based on the following estimated costs of implementing the conservation measures: land acquisition costs for impacts to habitat, calculated at $1,500.00/ac for 90.3 ac: $135,450.00; costs of enhancing acquisition lands, calculated at $250.00/ac: $22,575.00; long–term maintenance and management, calculated at $1450.00/ac: $130,935.00.
- The Applicant will complete the acquisition, protection, and transfer of all lands and record the required conservation easements, deed restriction, or other protection measures no later than 18 months after the start of ground–disturbing activities even if the security is provided. After completion of ground surveys within the central project area additional security may be requested based on the final survey data and determination of any additional land acquisition; conversely, if surveys in the central project area determine that there are fewer than the estimated 60.1 ac of suitable habitat, then the security will be decreased accordingly.

Monitoring and Reporting Measures

- The Applicant will submit quarterly reports during construction, and annually thereafter to the Service, BLM and DFG to document the project activities, mitigation implemented and mitigation effectiveness, and provide recommendations as needed. Following agency comments, the Applicant will revise the reports and file with FERC. Applicant shall submit results of protocol–level desert tortoise surveys to the Service and DFG within 2 months of their completion and at least 6 months prior to initiation of any activities that would result in ground disturbance. Following site clearance, the Applicant will submit a report documenting the results of clearance surveys, construction monitoring, the capture and release locations of all desert tortoises found, individual desert tortoise data, and other relevant data. During the O&M phase of the project, the Applicant shall provide an annual report to the Service and DFG on any O&M

activities that required desert tortoise relocation or translocation.

- These reports must include information on any instances when desert tortoises were killed, injured, or handled; the circumstances of such incidents; and any actions undertaken to prevent similar incidents from recurring. In addition, these reports should provide detailed information on the results of relocation/translocation monitoring, including the location, health status, and body condition of any transmittered desert tortoise.
- The Applicant will immediately notify the Fish and Wildlife Service Palm Springs Office and DFG Ontario Office if any desert tortoises are found sick, injured, or dead in the action area. Immediate notification means verbal (if possible) and written notice within 1 workday, and must include the date, time, and location of the carcass, and any other pertinent information. Care must be taken in handling sick or injured individuals to ensure effective treatment and care can be administered, and in handling dead specimens to preserve biological material in the best possible state.

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

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

PROPOSITION 65
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

EXTENSION OF PUBLIC COMMENT PERIOD

TITLE 27. CALIFORNIA CODE OF REGULATIONS
AMENDMENT TO SECTION 25805
SPECIFIC REGULATORY LEVELS:
CHEMICALS CAUSING REPRODUCTIVE TOXICITY
MAXIMUM ALLOWABLE DOSE LEVELS:
METHANOL
May 25, 2012

On March 16, 2012, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* proposing an amendment to Title 27, California Code of Regulations, Section 25805, to establish Maximum Allowable Dose Levels for methanol. A subsequent notice was published on April 20, 2012 announcing that a public hearing would be held on May 7, 2012 and the comment period would be extended until May 21, 2012. OEHHA has received a request from the Technology Sciences Group for an additional extension. **OEHHA hereby extends the public comment period on this proposed amendment to 5:00 p.m., Monday, June 25, 2012.**

Written comments may be transmitted via email to P65Public.Comments@oehha.ca.gov. Please include "METHANOL MADL" in the subject line. Hard–copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Mailing Address: Ms. Susan Luong
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS–19B
Sacramento, California 95812–4010
Fax: (916) 323–8803
Street Address: 1001 I Street
Sacramento, California 95814

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE OF INTENT TO LIST:
ISOPYRAZAM AND
3,3′,4,4′–TETRACHLOROAZOBENZENE

May 25, 2012

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends list the chemicals isopyrazam and

3,3′,4,4′–tetrachloroazobenzene as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986.[1] This action is being proposed under the authoritative bodies listing mechanism.[2]

Chemicals Meeting Criteria for Listing as Known to Cause Cancer

Chemical (CAS No.)	Reference	Occurrence and Uses
Isopyrazam (881685–58–1)	U.S. EPA (2011)	Pyrazole fungicide. Not registered for use in the U.S., but used in Central and South America on bananas to control black sigatoka (*Mycosphaerella fijiensis*). U.S. EPA established a tolerance on imported bananas.
3,3′,4,4′–Tetrachloroazo–benzene (14047–09–7)	NTP (2010b)	Contaminant of 3,4–dichloroaniline and the related herbicides linuron, diuron, and propanil, and a degradation product of 3,4–dichloroaniline and chloroanilide herbicides.

OEHHA requested information relevant to the possible listing of isopyrazam and 3,3′,4,4′–tetrachloroazobenzene in a notice published in the *California Regulatory Notice Register* on February 10, 2012 (Register 2012, Vol. No. 6–Z). OEHHA received comments for isopyrazam, but not for 3,3′,4,4′–tetrachloroazobenzene.

Background on listing via the authoritative bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)[3]).
2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The U.S. Environmental Protection Agency (U.S. EPA) and the National Toxicology Program (NTP) are two of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

OEHHA's determination: Isopyrazam and 3,3′,4,4′–tetrachloroazobenzene meet the criteria for listing as known to the State to cause cancer under Proposition 65, based on findings of U.S. EPA and NTP, respectively (U.S. EPA, 2011; NTP, 2010).

Formal identification and sufficiency of evidence for isopyrazam: In 2011, U.S. EPA published a report on isopyrazam, entitled *Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Isopyrazam*, that concludes the chemical causes cancer (U.S. EPA, 2011). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on U.S. EPA's discussion of data and conclusions in the report that isopyrazam causes cancer. The U.S. EPA report concludes that isopyrazam is "likely to be carcinogenic to humans." Evidence described in the report includes studies showing that isopyrazam increased the incidences of thyroid follicular cell carcinomas and combined adenomas and carcinomas in male Wistar rats, and uterine endometrial adenocarcinomas in female Wistar rats.

Thus, U.S. EPA (2011) has found that isopyrazam causes increased incidences of malignant and combined malignant and benign thyroid tumors in male rats and malignant tumors of the uterus in female rats.

[1] Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq*.

[2] See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

[3] All referenced sections are from Title 27 of the Cal. Code of Regulations.

Formal identification and sufficiency of evidence for 3,3′,4,4′–tetrachloroazobenzene: In 2010, NTP published a report on 3,3′,4,4′–tetrachloroazobenzene (TCAB) entitled *Toxicology and Carcinogenesis Studies of 3,3′,4,4′–Tetrachloroazobenzene (TCAB) (CAS No. 14047–09–7) in Harlan Sprague–Dawley Rats and B6C3F1 Mice (Gavage Studies)*, that concludes that the chemical causes cancer (NTP, 2010). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on NTP's discussion of data and conclusions in the report that 3,3′,4,4′–tetrachloroazobenzene causes cancer. The NTP (2010) report concludes:

> "Under the conditions of these 2–year gavage studies, there was *clear evidence of carcinogenic activity* of TCAB in male Harlan Sprague–Dawley rats based on increased incidences of cystic keratinizing epithelioma of the lung, cholangiocarcinoma of the liver, and gingival squamous cell carcinoma of the oral mucosa. The increased incidences of follicular cell adenoma of the thyroid gland were also considered to be related to TCAB administration. The marginally increased incidence of malignant schwannoma may have been related TCAB administration. There was *clear evidence of carcinogenic activity* of TCAB in female Harlan Sprague–Dawley rats based on increased incidences of cystic keratinizing epithlioma of the lung and gingival squamous cell carcinoma of the oral mucosa. The increased incidences of cholangiocarcinoma of the liver and squamous cell papilloma or squamous cell carcinoma (combined) of the forestomach were also considered to be related to TCAB administration. The marginally increased incidences of adenoma of the adrenal cortex may have been related to TCAB administration. There was *clear evidence of carcinogenic activity* of TCAB in male B6C3F1 mice based on increased incidences of carcinoma of the urethra and alveolar/bronchiolar neoplasms of the lung. The increased incidences of squamous cell carcinoma of the forestomach were also considered to be related to TCAB administration. The marginally increased incidence of carcinoma of the ureter may have been related to TCAB administration. There was c*lear evidence of carcinogenic activity* of TCAB in female B6C3F1 mice based on increased incidences of fibrosarcoma and fibrosarcoma or malignant schwannoma (combined) of the skin. The increased incidences of carcinoma of the urethra, alveolar/bronchiolar neoplasms and cystic keratinizing epithelioma of the lung, and squamous cell carcinoma of the forestomach were also considered to be related to TCAB administration. The marginally increased incidences of malignant lymphoma may have been related to TCAB administration."

Thus, NTP (2010) has found that 3,3′,4,4′–tetrachloroazobenzene causes increased incidences of malignant tumors at multiple sites in male rats, rare malignant tumors of the oral cavity in female rats, malignant tumors at multiple sites in male mice, and malignant tumors at multiple sites in female mice.

Request for comments: OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA wants to ensure that its regulatory decisions are based on a thorough consideration of all relevant information. OEHHA is requesting comments as to whether these chemicals meet the criteria set forth in the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, June 25, 2012.** We encourage you to submit comments via e–mail, rather than in paper form. Comments transmitted by e–mail should be addressed to P65Public.Comments@oehha.ca.gov with "NOIL" and the name of the chemical in the subject line. Hard copy comments may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address:	Ms. Cynthia Oshita Office of Environmental Health Hazard Assessment P.O. Box 4010, MS–19B Sacramento, CA 95812–4010
Fax:	(916) 323–8803
Street Address:	1001 I Street Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period.

If you have any questions, please contact Ms. Oshita at cynthia.oshita@oehha.ca.gov or at (916) 445–6900.

References

NTP (2010). National Toxicology Program. *Toxicology and Carcinogenesis Studies of 3,3′,4,4′–Tetrachloroazobenzene (TCAB) (CAS No. 14047–09–7) in Harlan Sprague–Dawley Rats and B6C3F1 Mice (Gavage Studies)*. Technical Report Series No. 558. NIH Publication No. 11–5899. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.

U.S. EPA (2011). U.S. Environmental Protection Agency. *Cancer Assessment Document. Evaluation of the Carcinogenic Potential of Isopyrazam. PC Code 129222. Final Report.* Health Effects Division, Office of Pesticide Programs. February 8, 2011.

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# 2012–0502–01
BOARD OF BARBERING AND COSMETOLOGY
Passing Grades in Examinations

This regulatory action establishes a criterion–referenced scoring method for licensing examinations.

Title 16
California Code of Regulations
AMEND: 932
Filed 05/14/2012
Effective 06/13/2012
Agency Contact: Kevin Flanagan (916) 575–7104

File#2012–0404–04
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Peace Officer Feasibility Study Requirements

This rulemaking renumbers Title 11 section 9020 to section 1019. This section details feasibility study requirements when a request is made for peace officer status or a change to peace officer designation or status. This rulemaking makes additional clarifying changes to the regulatory text to more closely align with the statutory authority. This includes adding text requiring a report to the legislature whenever a study and recommendation is provided to a requesting person(s) or entity.

Title 11
California Code of Regulations
ADOPT: 1019 REPEAL: 9020
Filed 05/09/2012
Effective 06/08/2012
Agency Contact: Patti Kaida (916) 227–4847

File# 2012–0412–01
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
Undue Concentration

The Department of Alcoholic Beverage Control (DABC) submitted this Section 100 action to repeal title 4, California Code of Regulations, section 61.3, which pertains to the term "undue concentration" with regard to the number of retail alcoholic beverage licenses within a given area. Business and Professions Code section 23958 prohibits the issuance of a retail alcoholic beverage license whenever a determination of undue concentration is found except as provided in Business and Professions Code section 23958.4, which defines undue concentration and provides exceptions when DABC may issue a license notwithstanding a finding of undue concentration. DABC proposes to repeal Section 61.3 due to an inconsistency in the exceptions to undue concentration in the Section 61.3 and in the language of Business and Professions Code section 23958.4 and the fact the Business and Professions Code section 23958.4 is duplicative and supersedes Section 61.3.

Title 4
California Code of Regulations
REPEAL: 61.3
Filed 05/15/2012
Agency Contact: Susie Smith (916) 928–6821

File# 2012–0427–01
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Automated Needs Assessment Tool

This regulatory action requires the administration of an automated needs assessment tool, which identifies an inmate's criminogenic needs, to be used in making decisions for placement of the inmate in a rehabilitative program. It requires that inmates be administered the tool during the reception center process and during any initial or annual review if one has not already been completed.

Title 15
California Code of Regulations
ADOPT: 3375.6 AMEND: 3000, 3375
Filed 05/10/2012
Effective 05/10/2012
Agency Contact: Sarah Pollock (916) 255–5605

File# 2012–0418–01
MANAGED RISK MEDICAL INSURANCE BOARD
MRMIP — Agent/Broker Reimbursement

Title 10, section 2698.208 provides for an application assistance payment to insurance agents and brokers for assistance in completing an application that results in the enrollment of an individual into the Managed Risk Medical Insurance Program. This program provides access to health insurance for individuals who are denied coverage, or offered excessive premiums due to a pre–existing medical condition. This program is not utilized

as frequently as it could be and the Managed Risk Medical Insurance Board is increasing the application assistance payment from $50 to $100 in an effort to encourage insurance agents and brokers to sign up more eligible people.

Title 10
California Code of Regulations
AMEND: 2698.208
Filed 05/09/2012
Effective 07/01/2012
Agency Contact: Alexa Malik (916) 323–0421

File# 2012–0404–05
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; CSFP Rehabilitations

This rulemaking action amends Title 2 section 1859.2 and Form SAB 50–04 clarify that the Charter School Facilities Program (CSFP) Rehabilitation Projects are also eligible for High Performance Incentive Grant Program points to request additional grant funding. This rulemaking also clarifies that CSFP rehabilitation projects are not eligible for certain other grants and funding.

Title 2
California Code of Regulations
AMEND: 1859.2
Filed 05/15/2012
Effective 05/15/2012
Agency Contact: Robert Young (916) 375–5939

File# 2012–0405–03
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; Seismic Mitigation Program

This certificate of compliance makes permanent the prior emergency action (OAL file nos. 2011–0830–03E and 2012–0306–01EE) that added six categories of construction to the types of school facilities eligible for participation in the Seismic Mitigation Program (SMP) and provided for State Architect (DSA) review of engineering reports that must be included in an application for funding. The goal is to make use of bond funds based upon a November 2006 initiative measure that have not been disbursed.

Title 2
California Code of Regulations
AMEND: 1859.2, 1859.82
Filed 05/10/2012
Effective 05/10/2012
Agency Contact: Robert Young (916) 375–5939

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN December 21, 2011 TO May 16, 2012

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

05/15/12	AMEND: 1859.2
05/10/12	AMEND: 1859.2, 1859.82
05/08/12	ADOPT: 559.1
04/30/12	ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
04/26/12	AMEND: 554.4
04/23/12	AMEND: 18705.5
04/23/12	AMEND: 554.3
04/19/12	ADOPT: 18412 AMEND: 18215, 18413
04/10/12	ADOPT: 18215.3
04/09/12	ADOPT: 59710
03/26/12	AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
03/13/12	AMEND: 1859.2, 1859.82
03/06/12	ADOPT: 589.11
03/06/12	AMEND: 1189.10
03/02/12	AMEND: 560
02/16/12	AMEND: 18401.1
02/13/12	AMEND: 18943
01/31/12	ADOPT 260.1, 261.1 AMEND 258, 260, 262
01/31/12	AMEND 640
01/26/12	AMEND 37000
01/23/12	ADOPT: 1880
01/23/12	ADOPT: 18940.1, 18942.2, 18942.3 AMEND: 18940, 18940.2, 18941, 18942, 18942.1, 18943, 18944.1, 18944.2, 18944.3, 18945, 18945.1, 18945.2, 18946, 18946.1, 18946.2, 18946.3, 18946.4, 18946.5 REPEAL: 18941.1, 18943, 18945.3, 18946.5
01/18/12	AMEND: Div. 8, Ch. 35, Sec. 52400
01/10/12	AMEND: 18423, 18539, 18550
01/05/12	ADOPT: 18404.2
01/05/12	ADOPT: 18227.5, 18247.5 REPEAL: 18247.5
12/28/11	AMEND: 1859.76
12/21/11	AMEND: 1859.90.2, 1859.81

Title 3

05/01/12 AMEND: 3423(b)
04/16/12 AMEND: 3591.19
04/16/12 AMEND: 3439
04/12/12 AMEND: 3591.21(b)
04/12/12 ADOPT: 3435(c)
04/12/12 AMEND: 3434(b)&(c)
04/03/12 ADOPT: 3639
04/03/12 ADOPT: 3439
04/02/12 AMEND: 480.9, 498, 499, 499.5, 500, 501, 576.1, 623, 755.2, 756.2, 760.2, 790, 790.2, 791, 791.1, 796.2, 797, 799, 820.1, 821.2, 900, 900.1, 900.2, 901.3, 901.8, 901.9, 901.11, 902, 902.15, 907.3, 909.3, 910.4, 910.7, 913, 913.1, 1180, 1180.11, 1200, 1204, 1205, 1210, 1235, 1242, 1246, 1246.14, 1247, 1256, 1266, 1268, 1269, 1271, 1300.1, 1310.1
03/20/12 AMEND: 1430.5, 1430.6, 1430.35, 1430.36, 1430.37, 1430.38
03/09/12 AMEND: 3436(b)
03/08/12 AMEND: 3437(b)
03/07/12 ADOPT: 1180, 1180.20, 1180.22, 1180.23, 1180.24, 1180.25, 1180.27, 1180.28, 1180.29, 1180.30, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39 AMEND: 1180.1, 1180.2, 1180.3, 1180.3.1, 1180.3.2, 1180.13, 1180.14, 1180.15, 1180.16, 1180.17, 1180.18, 1180.19, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39, 1180.40, 1180.41 REPEAL: 1180, 1180.21, 1180.22, 1180.23, 1180.24, 1180.25, 1180.26, 1180.27, 1180.28, 1180.29, 1180.30
02/28/12 ADOPT: 2320.1, 2320.2, 2322, 2322.1, 2322.2, 2322.3, 2323 AMEND: 2300, 2300.1, 2302, 2303, 2320, 2321
02/23/12 AMEND: 3700(c)
02/13/12 AMEND: 3591.2(a)
02/06/12 AMEND: 3435(b)
02/02/12 AMEND: 3423(b)
01/23/12 ADOPT: 588
01/18/12 ADOPT: 3591.25
01/06/12 AMEND: 3591.2(a)
12/29/11 AMEND: 3280

Title 4

05/15/12 REPEAL: 61.3
05/04/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
04/30/12 ADOPT: 511 AMEND: 399
04/26/12 AMEND: 2066
04/19/12 ADOPT: 10192, 10193,10194, 10195, 10196, 10197, 10198, 10199
04/17/12 AMEND: 53
04/12/12 AMEND: 10317, 10325
04/11/12 AMEND: 10302, 10310, 10315, 10317, 10322, 10325, 10327, 10328
04/04/12 AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540
03/29/12 AMEND: 12008, 12335, 12342, 12345, 12357, 12359
03/21/12 AMEND: 12200, 12200.9, 12200.10A, 12200.11, 12200.13, 12220, 12220.13, 12342, 12464
03/08/12 AMEND: 10032, 10033, 10034, 10035
03/08/12 AMEND: 60, 60.5
03/06/12 ADOPT: 4075
03/05/12 AMEND: 10152, 10153, 10154, 10155, 10157, 10159, 10160, 10161, 10162 REPEAL: 10156, 10158, 10164
03/02/12 AMEND: 8070
02/29/12 AMEND: 8070, 8072, 8073, 8074
02/22/12 AMEND: 10176, 10177, 10178, 10182, 10188
02/16/12 AMEND: 12572
02/14/12 AMEND: 1844
02/14/12 AMEND: 1843.3
02/08/12 AMEND: 66
02/03/12 AMEND: 5000, 5052
12/30/11 ADOPT: 4000.1, 4000.2, 4000.3
12/21/11 ADOPT: 12349

Title 5

04/25/12 AMEND: 80028, 80301, 80442
04/20/12 AMEND: 18013, 18054, 18111 REPEAL: 18006, 18200, 18201, 18202, 18203, 18205, 18206, 18207
04/11/12 AMEND: 19816, 19816.1, 19845.2
04/02/12 ADOPT: 27000, 27001, 27002, 27003, 27004, 27005, 27006, 27007, 27008, 27009
04/02/12 ADOPT: 1039.2, 1039.3
03/26/12 AMEND: 1216.1
03/26/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
03/12/12 AMEND: 41000
03/06/12 AMEND: 18600
03/01/12 ADOPT: 30001.5
02/27/12 AMEND: 42397.2, 42397.6
02/09/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
02/09/12 ADOPT: 27100, 27101, 27102, 27103

01/10/12 AMEND: 9510, 9510.5, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9517.1, 9519, 9520, 9521, 9524, 9525, 18533, 18600

Title 8

05/07/12 AMEND: 477
05/07/12 AMEND: 2340.22
05/02/12 AMEND: 20363, 20365, 20393, 20400, 20402
05/01/12 AMEND: 1533, 1541, 8403
03/14/12 AMEND: 32602, 32603, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 61360(a)
02/23/12 AMEND: 1905
02/16/12 AMEND: 5155
02/08/12 AMEND: 1675, 3276, 3278
02/08/12 ADOPT: 374.2 AMEND: 350.1, 371, 371.1, 376
02/01/12 AMEND 1504, 1591, 1597
01/24/12 AMEND: 5155
01/19/12 ADOPT: 9708.1, 9708.2, 9708.3, 9708.4, 9708.5, 9708.6
01/18/12 ADOPT: 1615.3 AMEND: 1532.1, 3361, 5042, 5044, 5045, 5047, 5049, 5144, 5191, 5198, 5209, 8355
01/05/12 AMEND: 4188
12/29/11 AMEND: 3276, 3287
12/29/11 ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604
12/27/11 AMEND: 343

Title 9

03/22/12 AMEND: 9795, 9800, 9801.5, 9801.6, 9804, 9812, 9816, 9820, 9822, 9829, 9836, 9838, 9846, 9848, 9849, 9851, 9852, 9854, 9858, 9862, 9866, 9867, 9868, 9874, 9876, 9876.5, 9878, 9879, 9884, 9886

Title 10

05/09/12 AMEND: 2698.208
04/23/12 AMEND: 2355.1, 2355.2
04/10/12 AMEND: 260.204.9
04/09/12 ADOPT: 6400
03/15/12 AMEND: 2690
02/16/12 AMEND: 2498.6
02/13/12 AMEND: 2202
02/08/12 AMEND: 2222.12
02/03/12 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
01/24/12 AMEND: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8. 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31
01/11/12 AMEND: 260.204.9
01/09/12 AMEND: 2699.6707

Title 11

05/09/12 ADOPT: 1019 REPEAL: 9020
05/07/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052, 1055
03/14/12 AMEND: 1005, 1007, 1008
01/03/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
12/28/11 AMEND: 101.1
12/27/11 AMEND: 4001, 4002, 4003, 4004, 4005, 4006, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 5455, 5459, 5469, 5470, 5471, 5473, 5480, 5482, 5483, 5484, 5495, 5499 REPEAL: 4020, 4038, 4088, 4089, 4143, 5472, 5481, 5470, 5471

Title 13

04/19/12 ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41 REPEAL: 345.17, 345.21, 345.25, 345.26

04/10/12 ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72
02/29/12 AMEND: 553
02/13/12 REPEAL: 158.00

Title 14

05/07/12 ADOPT: 18835, 18836, 18837, 18838, 18839
05/01/12 AMEND: 27.80
05/01/12 ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877
05/01/12 AMEND: 791.7, 870.17
04/30/12 AMEND: 632
04/27/12 AMEND: 228, 228.5
04/05/12 AMEND: 28.29, 52.10, 150.16
04/03/12 ADOPT: 791.6 AMEND: 791.7, 795, 796
03/28/12 AMEND: 11900, 11945
03/26/12 AMEND: 11960
03/22/12 AMEND: 27.80
02/24/12 AMEND: 29.15
02/13/12 AMEND: 29.17, 127
02/08/12 AMEND: 1257
01/31/12 AMEND 29.15
01/26/12 ADOPT 18940, 18941, 18942, 18943, 18944, 18945, 18945.1, 18945.2, 18945.3, 18946, 18947, 18948
01/25/12 AMEND: 18419
01/23/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
01/09/12 AMEND: 7.00, 7.50(b)(68)
01/05/12 ADOPT: 749.7
01/05/12 AMEND: 895.1, 898.1, 1037.3, 1090.17, 1092.18

Title 15

05/10/12 ADOPT: 3375.6 AMEND: 3000, 3375
04/11/12 AMEND: 3187, 3188
04/09/12 AMEND: 3172.2
04/05/12 AMEND: 3341.5, 3375.2, 3377.1
04/02/12 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
03/28/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
03/19/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
03/12/12 ADOPT: 3999.11
03/08/12 ADOPT: 8006
03/08/12 AMEND: 3315, 3323
02/22/12 AMEND: 173
02/22/12 ADOPT: 4845, 4849, 4853, 4854, 4939.5, 4961.1, 4977.5, 4977.6, 4977.7, 4983.5 AMEND: 4846, 4847, 4848, 4848.5, 4850, 4852, 4900, 4925, 4926, 4927, 4928, 4929, 4935, 4936, 4937, 4938, 4939, 4940, 4977, 4978, 4979, 4980, 4981, 4982, 4983
01/19/12 ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3
01/11/12 REPEAL: 3999.8
01/05/12 AMEND: 3140
12/22/11 AMEND: 3052, 3062

Title 16

05/14/12 AMEND: 932
05/04/12 ADOPT: 2509, 2518.8, 2524.1, 2568, 2576.8, 2579.11 AMEND: 2503, 2524.1 (renumber to 2524.5), 2563, 2579.11 (renumber to 2579.20)
04/27/12 AMEND: 407, 428
04/26/12 AMEND: 3605
04/23/12 AMEND: 3005
04/16/12 ADOPT: 2295, 2295.1, 2295.2, 2295.3 AMEND: 2252, 2275, 2284
03/30/12 AMEND: 3340.43, 3394.3, 3394.4, 3394.5, 3394.6, 3394.7
03/29/12 AMEND: 109, 116, 117, 121
03/19/12 AMEND: 4155
03/08/12 AMEND: 318
03/07/12 AMEND: 2615, 2620
03/07/12 AMEND: 1889.2 REPEAL: 1832.5
03/07/12 AMEND: 2615, 2620
03/07/12 AMEND: 1889.2 REPEAL: 1832.5
02/27/12 AMEND: 2, 8.2, 9.1, 26, 49, 58, 59, 62, 65, 75.4, 87, 87.5, 88, 88.1, 88.2, 89, 90, 94 REPEAL: 5.1, 7, 7.2
02/16/12 AMEND: 1397.60, 1397.61, 1397.62, 1397.63, 1397.64, 1397.65, 1397.66, 1397.67, 1397.68, 1397.69, 1397.70, 1397.71
02/09/12 AMEND: 28 REPEAL: 30
02/08/12 ADOPT: 1018.05 AMEND: 1020
02/01/12 ADOPT 3340.16.4 AMEND 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1 3340.16.4 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1
01/19/12 ADOPT: 1379.40, 1379.42, 1379.44, 1379.46, 1379.48, 1379.50, 1379.52, 1379.54, 1379.56, 1379.58, 1379.68, 1379.70, 1379.72, 1379.78
01/17/12 ADOPT: 1707.6 AMEND: 1707.2
01/11/12 AMEND: 109, 117, 121
01/10/12 AMEND: 12, 12.5, 98 REPEAL: 9,11.5

01/10/12 AMEND: 2328.1
01/06/12 ADOPT: 3340.38
12/28/11 AMEND: 1399.157, 1399.160, 1399.160.3, 1399.160.6
12/22/11 ADOPT: 601.6, 601.7, 601.8, 601.9, 601.10 AMEND: 600.1

Title 17

04/18/12 AMEND: 100607, 100608
03/28/12 AMEND: 100080
03/15/12 ADOPT: 58883
03/15/12 AMEND: 6020, 6035, 6051, 6065, 6070, 6075
03/12/12 AMEND: 95307
02/21/12 AMEND: 95486
02/15/12 AMEND: 95802, 95833, 95841.1, 95852, 95852.1.1, 95852.2, 95870, 95891, 95892, 95914, 95920, 95971, 95974, 95975, 95977.1, 95979, 95980, 95981, 95981.1, 95985, 95986, 95987, 95990, 95993, 95994, 96021 REPEAL: 95893, 95943
01/26/12 AMEND 6540
01/17/12 AMEND: 50602, 50604, 50607, 50612, 54326
12/27/11 ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370

Title 18

05/01/12 AMEND: 1685.5
03/26/12 ADOPT: 25137–8.2 AMEND: 25137–8 (re–numbered to 25137–8.1)
02/27/12 ADOPT: 25136–2
02/07/12 AMEND: 1807, 1828
01/11/12 AMEND: 1616
01/09/12 AMEND: 1532, 1533.1, 1534, 1535
12/27/11 AMEND: 1570

Title 19

02/16/12 ADOPT: 560.4 AMEND: 557.19, renumber 560.4, 560.5, and 560.6 as 560.5, 560.6, and 560.7, respectively

Title 22

05/04/12 AMEND: 123000
04/11/12 AMEND: 97174
03/15/12 ADOPT: 123000 and Appendices REPEAL: 123000 and Appendices
02/21/12 AMEND: 51003
02/21/12 AMEND: 66261.21(a)(3), 66261.21(a)(4)
02/08/12 AMEND: 66261.33, 66268.40
02/06/12 AMEND: 80001, 80075, 83000, 83001, 84001, 84061, 86001, 88001
01/31/12 ADOPT 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090
01/26/12 AMEND 50273
12/28/11 AMEND: 97232, 97240, 97247
12/27/11 AMEND: 51516.1

Title 23

04/23/12 ADOPT: 3979.4
04/10/12 AMEND: 2631
04/09/12 ADOPT: 3969.1
04/05/12 AMEND: 645
03/21/12 ADOPT: 3969
03/21/12 ADOPT: 3939.41
03/21/12 ADOPT: 3939.44
03/15/12 ADOPT: 3939.43
03/12/12 AMEND: 2922
03/09/12 ADOPT: 3919.11
02/29/12 ADOPT: 3939.42
02/27/12 ADOPT: 3919.12
02/15/12 ADOPT: 20, 21, 22, 23, 24, 25, 26, 27 AMEND: 4, 5, 5.1, 9, 10, 11, 12, 13, 14, 16, 17, 23 (re–numbered to 28), 103, 109, 110, Appendix A REPEAL: 20, 21, 22
12/29/11 ADOPT: 862

Title 25

03/13/12 ADOPT: 6932 REPEAL: 6932

Title 27

03/26/12 AMEND: 25705
03/15/12 AMEND: 25705
01/25/12 AMEND: 27001
01/09/12 AMEND: 25705

Title MPP

04/11/12 AMEND: 47–230, 47–240, 47–401
03/15/12 AMEND: 25705