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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 4. CALIFORNIA GAMBLING
CONTROL COMMISSION**

**PLAYING BOOKS FOR THIRD-PARTY
PROVIDERS OF PROPOSITION PLAYER
SERVICES AND GAMBLING BUSINESSES
CGCC-GCA-2016-01-R**

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections and recommendations received concerning the proposed action. Comments, objections and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on **July 25, 2016**. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or e-mail, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on July 25, 2016. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.** Written comments will also be accepted at the public hearing described below.

PUBLIC HEARING

Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed regulatory action

at a public hearing to be held at **10:00 a.m. on September 21, 2016**, in the Commission's Hearing Room located at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally 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 this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19840, 19841, 19853, and 19984, of the Business and Professions Code; and to implement, interpret or make specific sections 19805, 19826, 19853, and 19984 of the Business and Professions Code,¹ the Commission is proposing to adopt the following changes to Chapters 2.1, 2.2 and 3 of Division 18 of Title 4 of the California Code of Regulations:

**INFORMATIVE DIGEST AND POLICY
STATEMENT OVERVIEW**

EXISTING LAW:

Business and Professions Code section 19811, subdivision (b), vests the Commission with jurisdiction over all persons or things having to do with the operations of gambling establishments in this state.

Business and Professions Code section 19841, subdivision (c), provides the Commission the authority to adopt regulations that implement the provisions of the Act relating to licensing and other approvals.

Business and Professions Code section 19841, subdivision (k), provides the Commission the authority to adopt regulations that specify standard forms for reporting financial conditions, results of operations, and other relevant financial information.

Business and Professions Code section 19984, subdivision (b), provides the Commission the authority to establish reasonable criteria for any person or entity that

¹ All statutory references hereinafter are the Business and Professions Code, unless otherwise specified.

provides proposition player services to gambling establishments. Under this section, the Commission may impose disclosures, approvals, conditions, or limitations as it deems necessary to protect the integrity of controlled gambling.

Business and Professions Code section 19984, subdivision (c), provides the Department of Justice² the authority to perform background checks, financial audits, and other investigatory services as needed, pursuant to Commission regulations, to assist the Commission in regulating Third-Party Providers of Proposition Player Services.

SPECIFIC PROPOSAL:

This proposed action will make changes within Division 18 of Title 4 of the California Code of Regulations, as follows:

CHAPTER 1. GENERAL PROVISIONS.

Amend Section 12003. General Requirements.

- Subsection (c), would be amended to include language that allows the Bureau representatives to inspect, copy, or audit all required documents, papers, books, and other records to include hardware, associated equipment, and systems that support the operation of the licensed activities. This authority already existed for gambling enterprises and is being expanded to include TPPPS and Gambling Businesses. This amendment also incorporates Sections 12200.16 and 12220.16 as these two sections are being repealed; therefore, this change is necessary to provide the Bureau with uniform authority and is consolidated for clarity and simplicity.

CHAPTER 2.1. THIRD-PARTY PROVIDERS OF PROPOSITION PLAYER SERVICES: REGISTRATION; LICENSING.

Amend Section 12200. Definitions.

- Subsection (b), paragraph (12)(B) “License” — This definition is being amended to delete language that will be added to the “Other employee” definition.
- Subsection (b), paragraph (15) “Other employee” — This definition is being amended to include subcontractor or independent contractor as an “other employee”; and, to add language from the “License” definition.

- Subsection (b), paragraph (17) “Playing Book” — This definition is being moved to Section 12250 as the playing book approval process is being removed from this chapter. The definition will remain unchanged.
- Subsection (b), paragraph (25) “Sessions of play” — This definition is being moved to Section 12250 as the playing book approval process is being removed from this chapter.
- Subsection (b), paragraph (26) — This paragraph will be renumbered to paragraph (24); and, the word “proposition” will be added before the word “players” for clarity and consistency and is a non-substantive, conforming editorial change.
- Subsection (b), paragraphs (18) through (30) will be renumbered accordingly.

Amend Section 12200.7. Proposition Player Contract Criteria.

- Subsection (b), paragraph (13) would be repealed as this requirement is unnecessary since the playing book form approval process will no longer remain as part of the contract approval process.
- Subsection (b), paragraphs (14) through (22) would be renumbered accordingly.

Amend Section 12200.9. Review and Approval of Proposition Player Contracts.

- Subsection (3), paragraph (D) would be repealed as this requirement is unnecessary since the playing book form approval process will no longer remain as part of the contract approval process.
- Subsection (3), paragraphs (E) and (F) will be changed accordingly.

Amend Section 12200.10A. Expedited Review and Approval of Proposition Player Contracts.

- Subsection (c), paragraph (4) would be repealed as this requirement is unnecessary since the playing book form approval process will no longer remain as part of the contract approval process.
- Subsection (c), paragraphs (5) and (6) would be renumbered accordingly.

Amend Section 12200.11. Extension of Proposition Player Contracts.

- Subsection (a), paragraph (4) would be repealed as this requirement is unnecessary since the playing book form approval process will no longer remain as part of the contract approval process.
- Subsection (a), paragraph (5) would be renumbered accordingly.

Repeal Section 12200.13. Playing Books.

Section 12200.13 would be repealed and replaced by Sections 12250 through 12290 in the new Chapter 3 of the proposed regulations.

² In the Act, “department” refers to the Department of Justice. While the Act assigns certain powers and authority to the department, in actual practice the responsibility for fulfilling the obligations imposed upon the department is delegated to the Bureau of Gambling Control, pursuant to Business and Professions Code section 19810.

Repeal Section 12200.16. Inspections and Investigations.

Section 12200.16 would be repealed as the requirements in this section will be consolidated for clarity and simplicity, and to eliminate redundancy.

Amend Section 12200.18. Revocation.

Subsection (d) would be amended to change the referenced section from 12200.16 (Inspections and Investigations) to read 12003 (General Requirements).

Repeal Section 12220. 21. Compliance.

Section 12200.21 would be repealed and replaced by Section 12290 as new Article 5, Chapter 3 of the proposed regulations.

CHAPTER 2.2. GAMBLING BUSINESSES: REGISTRATION; LICENSING.

Amend Section 12220. Definitions.

- Subsection (b), paragraph (13)(B) “License” — This definition is being amended to delete language that will be added to the “Other employee” definition.
- Subsection (b), paragraph (16) “Other employee” — This definition is being amended to include subcontractor or independent contractor as an “other employee”; and, to add language from the “License” definition.
- Subsection (b), paragraph (19), “Playing Book” — This definition is being repealed as it is unnecessarily duplicative.
- Subsection (b), paragraph (25) — “Sessions of play” This definition is being repealed as it is unnecessarily duplicative.
- Subsection (b), paragraphs (20) through (28) will be renumbered accordingly.

Repeal Section 12220.13. Playing Books.

Section 12220.13 would be repealed and replaced by Sections 12250 through 12290 in the new Chapter 3 of the proposed regulations.

Repeal Section 12220.16. Inspections and Investigations.

Section 12220.16 would be repealed as the requirements in this section will be consolidated for clarity and simplicity, and to eliminate redundancy.

Amend Section 12220.18. Revocation.

Subsection (d) would be amended to change the referenced section from 12220.16 (Inspections and Investigations) to read 12003 (General Requirements).

Repeal Section 12220.21. Compliance.

Section 12200.21 would be repealed and replaced by Section 12290 in the new Article 5, Chapter 3 of the proposed regulations.

CHAPTER 3. PLAYING BOOKS.

ARTICLE 1. GENERAL PROVISIONS

Add Section 12250. Definitions.

- Subsection (a) would clarify that the terms used in Business and Professions Code section 19805 and Sections 12002, 12200 and 12220 of Division 18 shall govern Chapter 3, unless otherwise provided in subsection (b).
- Subsection (b), paragraph (1) — The term “authentication” would be defined to mean the verification of an individual as being authorized to access a database system.
- Subsection (b), paragraph (1), subparagraph (A) — The term “active authentication” would be defined to mean the identification information of those individuals currently allowed to access an electronic playing book system.
- Subsection (b), paragraph (1), subparagraph (B) — The term “inactive authentication” would be defined to mean the identification information of those individuals no longer allowed to use or access an electronic playing book system.
- Subsection (b), paragraph (2) — The term “backup” would be defined to mean the process of copying files to a second medium in order to allow the information to be retrieved in the event of a system failure.
- Subsection (b), paragraph (3) — The term “electronic playing book” would be defined to mean a collection of digital playing book forms, to differentiate it from a hardcopy version of a playing book.
- Subsection (b), paragraph (4) — The term “electronic playing book device” or “playing book device” would be defined to mean the specific type of terminal used as an electronic playing book by the players.
- Subsection (b), paragraph (5) — The term “hardcopy playing book” would be defined to mean a tangible collection of paper playing book forms, to differentiate it from an electronic playing book.
- Subsection (b), paragraph (6) — The term “independent gaming test laboratory” would be defined to mean a gaming test laboratory that meets one of two requirements. The laboratory may either be (1) registered or licensed by another United States jurisdiction to test, approve, and certify gambling equipment, systems, and software, and be accredited by a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA), or other equivalent

laboratory accreditation agreement; or, (2) operated by a state governmental gaming regulatory agency.

- Subsection (b), paragraph (7) — The term “information technology technician” or “IT technician” would be defined to mean any person responsible for and with the permissions necessary to access a system database, as specified.
- Subsection (b), paragraph (8) — The term “ink” would be defined to mean pigmented liquid or paste used for writing or printing; and, includes printer toner powder or other means of placing an indelible mark onto paper.
- Subsection (b), paragraph (9) — The term “permissions” would be defined to mean the assigned level of system access rights to view or make changes to the content of the system.
- Subsection (b), paragraph (10) — The term “playing book” is being moved from Chapters 2.1 and 2.2, Sections 12200 and 12220 respectively as it is no longer required in the licensing section since the process for playing book approval has changed. The definition will remain unchanged.
- Subsection (b), paragraph (11) — The term “primary database” or “database” would be defined to mean a collection and storage of all electronic playing book system information.
- Subsection (b), paragraph (12) — The term “Session of play” is being moved from Chapters 2.1 and 2.2, Sections 12200 and 12220 respectively as it is no longer required in the licensing section since the process for playing book approval has changed. Further, the definition will be amended to delete the reference to Section 12200.13, which would be repealed, and to specify that a session of play is limited to a specific gaming table. It is necessary to limit a session of play to a specific gaming table to conform to current practice. The definition would also delete the phrase “of a third-party proposition player services provided” and add the word “performed” as a non-substantive change for simplicity and clarity.
- Subsection (b), paragraph (13) — The term “synchronization” or “synch” would be defined to mean the process of uploading information from a terminal, such as a playing book device, to a primary database.

- Subsection (b), paragraph (14) — The term “system” would be defined to mean a group of interdependent components that interact regularly to perform a task.
- Subsection (b), paragraph (15) — The term “terminal” would be defined to mean computer hardware that is used to enter data into or display information from a system.

ARTICLE 2. PLAYING BOOKS

Adopt Section 12260. General Provisions.

- Subsection (a) — This subsection allows a playing book terminal to have access to applications other than the playing book system, but requires that any application affecting the playing book database must be approved by the Bureau.
- Subsection (b) — The current requirement that the primary owner is responsible for assuring that its players maintain accurate, complete, and up-to-date playing books in conformity with the regulations of the Commission for all sessions of play would be moved from Sections 12200.13(a) and 12220.13(a) to this subsection, and the requirement that the playing books be legible for audit purposes would be added.
- Subsection (c) — The current requirement that the playing book record be transferred to the primary owner, or a supervisor designated by the primary owner, at the end of each session of play would be moved from Sections 12200.13(a) and 12220.13(a) to this subsection.
- Subsection (d) — The current requirement that a hardcopy playing book be recorded in ink would be moved from Sections 12200.13(b)(2) and 12220.13(b)(2) to this subsection. The five-year retention period for playing books would be maintained by reference to Section 12003,³ which requires a five-year retention period at a California location disclosed to the Bureau.
- Subsection (e) — This subsection would require that the electronic playing book records be maintained in accordance with Section 12263, which has different requirements for the database and the storage of the backup information.

³ This general records retention requirement is included in Section 12003 of the recently approved rulemaking file for the Accounting and Financial Reporting Requirements regulations which became effective July 1, 2015.

- Subsection (f) — This subsection would require that the primary owner develop written procedures acceptable to the Bureau for limiting access to the electronic playing book system, database, and equipment. This would include procedures for controlling passwords and segregating access to the system; and, ensuring that logs of user access and security incidents are unalterable.
- Subsection (g) — This subsection would provide that the data-entry method for the playing book forms may be in any format that the Bureau approves. The current requirements for the information to be included on each playing book form would be moved from Sections 12200.13(b)(2) and 12220.13(b)(2) to this subsection.
- Subsection (g), paragraph (1) — The current requirement of Sections 12200.13(b)(2)(A) and 12220.13(b)(2)(A) for the playing book form to include sequential numbers would be moved to this paragraph and a requirement to include a unique identifier for each specific gambling establishment would be added. The current requirements of Sections 12200.13(b)(2)(A) and 12220.13(b)(2)(A) that any unused forms be voided and maintained would remain for hardcopy playing books and would be moved to this paragraph.
- Subsection (g), paragraph (2) — The current requirements of Sections 12200.13(b)(2)(B) and 12220.13(b)(2)(B) to include the name of the gambling establishment where play occurred would be moved to this paragraph (2).
- Subsection (g), paragraph (3) — The current requirements of Sections 12200.13(b)(2)(C) and 12220.13(b)(2)(C) to record the date and time in the playing book would be moved to this paragraph.
- Subsection (g), paragraph (4) — The current requirements of Sections 12200.13(b)(2)(D) and 12220.13(b)(2)(D) to include the beginning and ending balances would be moved to this paragraph.
- Subsection (g), paragraph (5) — This would require that the amount of wins and losses be entered after each session of play.
- Subsection (g), paragraph (6) — The current requirements of Sections 12200.13(b)(2)(E) and 12220.13(b)(2)(E) to record fills and credits in the playing book would be moved to this paragraph. The requirement would be amended to clarify that the itemizations are to be maintained for each session of play.
- Subsection (g), paragraph (7) — The current requirement of Sections 12200.13(b)(2)(F) and 12220.13(b)(2)(F) to identify players by printed name and badge number in the playing book would be moved to this paragraph.
- Subsection (g), paragraph (8) — The current requirements of Sections 12200.13(b)(2)(G) and 12220.13(b)(2)(G) to include the table number assigned by the gambling enterprise would be moved to this paragraph.
- Subsection (g), paragraph (9) — The current requirements of Sections 12200.13(b)(2)(H) and 12220.13(b)(2)(H) to identify the Bureau-approved game in the playing book would be moved to this paragraph and would be amended to refer to the “Bureau identification number.”
- Subsection (g), paragraph (10) — The current requirements of Sections 12200.13(b)(2)(I) and 12220.13(b)(2)(I) to include the name of the primary owner would be moved to this paragraph and changed to include the name of the TPPPS.
- Subsection (g), paragraph (11) — The current requirements of Sections 12200.13(b)(3) and 12220.13(b)(3) to record the date and time again in the playing book would be moved to this paragraph, and would be amended to clarify that this date and time is for the completion of the session of play.
- Subsection (g), paragraph (12) — The current requirements of Sections 12200.13(b)(3) and 12220.13(b)(3) for the person who prepared the form to sign it under penalty of perjury would be moved to this paragraph. In addition, a provision would be added to allow a cage receipt to be substituted for a supervisor’s signature in situations where a supervisor is not present to sign the playing book form. The player would have to take his or her TPPPS player’s bank to the cage for deposit into a TPPPS company bank account within the gambling establishment. The TPPPS player’s bank shall be counted down with a cage supervisor or other cage employee and a cage receipt issued to the TPPPS player to confirm the count. The receipt shall be kept in accordance with Section 12003. This is necessary to maintain dual verification of the TPPPS player’s bank and is an essential part of minimum internal controls.
- Subsection (g), paragraph (12), subparagraph (A) — Signatures would also be required for the electronic playing book, but in a method approved by the Bureau, and supported by the system, to indicate a signature.
- Subsection (g), paragraph (12), subparagraph (B) — This provision would require that the version of

the playing book form to be signed must be the same as the approved printed version and visible as a single document on the playing book device.

- Subsection (h) — This provision would require that all IT technicians employed by a registrant or licensee be registered or licensed as other employees pursuant to either Chapter 2.1 or 2.2, as applicable. This requirement would also be made applicable to any subcontractor, independent contractor or any employee of either, who are authorized to perform IT technician duties.
- Subsection (i) — This provision provides the notification requirements when a licensee is reporting an incident to the Bureau.

Adopt Section 12261. Review of Playing Book Forms.

- Subsection (a) — The current requirement of Sections 12200.13(b)(1) and 12220.13(b)(1) that the Bureau review and approve or disapprove playing book forms would be moved to this subsection. This subsection would require that only an approved playing book form on record with the Bureau may be used during play.
- Subsection (b) — The current Bureau form, Request for Approval of Playing Book, BGC-APP. 036 (Rev. 12/11), would be renamed “Application for Approval of Playing Book Form or Electronic Playing Book System, BGC-APP 036 (Rev. 02/16)”; and, it would be amended to accommodate applications for approval of both new and revised hardcopy playing book forms, as well as electronic playing book forms and systems. This subsection would require approval only if an initial playing book form is submitted or a currently approved playing book form is revised. This would simplify the approval process and eliminate duplicate and unnecessary approvals.
- Subsection (b), paragraph (1) — The current requirement of Sections 12200.13(c)(1)(A) and 12220.13(c)(1)(A) for an application processing fee of \$75 would be moved to this paragraph.
- Subsection (b), paragraph (2) — The current requirement of Sections 12200.13(c)(1)(B) and 12220.13(c)(1)(B) to include a sample playing book form would be moved to paragraph (2). To apply for an approval of an electronic playing book form, this paragraph would also require information that complies with Section 12260 and 12262. This information is necessary for the Bureau to confirm that both the hard copy and electronic playing book form is in compliance with this chapter.

- Subsection (b), paragraph (3) — This paragraph would require submission of a description of the changes to an approved form for an amendment approval.
- Subsection (c) — The current requirement of Sections 12200.13(c)(2) and 12220.13(c)(2) that the Bureau shall review and approve or disapprove a playing book form within 30 days of receipt of a completed application would be moved to this subsection. This subsection would provide that the Bureau shall notify the applicant within 10 working days if the application is accepted or deficient. The current requirement that a written notice to be sent to the primary owner or the designated agent would also be retained in this subsection.
- Subsection (d) — This provision would allow non-substantive changes to a previously approved playing book form to be deemed accepted upon notice to the Bureau, unless otherwise advised by the Bureau within 30 days. The Bureau would retain the ability to determine, on an individual case-by-case basis, that a particular change is substantive and to require approval pursuant to subsection (b).
- Subsection (e) — This provision would allow an approved playing book form to be used at any gambling establishment where the TPPPS or Gambling Business operates.

Adopt Section 12262. Electronic Playing Book Device Requirements.

- Subsection (a) — This subsection would establish data storage and retrieval requirements for the playing book device.
- Subsection (a), paragraph (1) — This paragraph would require that the playing book device be able to retrieve or display the information necessary to confirm that it is the type of device that was certified and is functioning as approved.
- Subsection (a), paragraph (2) — This paragraph would require that the playing book form and recorded data be exportable to a printable version of the playing book form and to a spreadsheet (delimiter-separated value or comma-separated value) file format.
- Subsection (a), paragraph (3) — This paragraph would require that documentation be printable to an on-site printer.
- Subsection (b) — This subsection would establish security requirements for the playing book device.

- Subsection (b), paragraph (1) — This paragraph would require that upon login, the date and time of the last session must appear and be accepted for security purposes.
- Subsection (b), paragraph (2) — This paragraph would require that the device have anti-virus, firewall, and unauthorized software installation protection.
- Subsection (c) — This subsection would establish the capability and limitation requirements for the playing book device.
- Subsection (c), paragraph (1) — This paragraph would provide that all access, activities, and entries into the playing book device be time, date, and user identification stamped.
- Subsection (c), paragraph (2) — This paragraph would require that all information entered into the playing book device be automatically synched to the database in time increments of 60 seconds or less.
- Subsection (c), paragraph (3) — This paragraph would require that the device have manual synch capabilities so that information could be synched upon command or in case of an automatic synch error.
- Subsection (c), paragraph (4) — This paragraph would provide that the device must have the ability to remain functional and save information in the event of a database connectivity failure, and requires that the information be synchronized upon reconnection as a failsafe to protect the data entered into the playing book device.
- Subsection (d) — This subsection would require that, in the event of a device or multiple device failure, physical copies of the approved playing book form are available for use until a device is repaired or replaced.
- Subsection (e) — This subsection would require that in the event the device fails to function as approved or there is impermissible use or access that the Bureau is notified within five (5) days of the incident.
- Subsection (a), paragraph (2) — This paragraph would require that all communications between the database and any terminal be encrypted.
- Subsection (a), paragraph (3) — This paragraph would require that the database have anti-virus, firewall, and unauthorized software installation protection.
- Subsection (a), paragraph (4) — This paragraph would require that the database have surge protection and uninterrupted power supply protection to protect the physical security of the database.
- Subsection (a), paragraph (5) — This paragraph would require that the database be able to identify and log the date, time, and terminal of any unauthorized access, system error or connectivity failure as well as notify an IT technician.
- Subsection (b) — This subsection would establish the means by which the database will control access to the playing book system.
- Subsection (b), paragraph (1) — This paragraph would require a minimum of two methods of active authentication for all users. After three failed access attempts, the database would deny access to the user until the login account has been reset.
- Subsection (b), paragraph (2) — This paragraph would require a minimum of three active authentications for an IT technician to access the database, and notice to the primary owner upon three failed attempts.
- Subsection (b), paragraph (3) — This paragraph would require that the authentications for any person losing permission to use the system be made inactive within 24 hours after the loss of permission.
- Subsection (b), paragraph (4) — This paragraph would require that the database shall not allow a user to be active on more than one terminal at a time without specific permissions as indicated on the chart of system access.
- Subsection (c) — This subsection would establish the storage and retrieval requirements for the database.
- Subsection (c), paragraph (1) — This paragraph would require that all data stored in the system cannot be edited, deleted, or replaced, but instead notations of edits, deletions or replacements must be made in order to protect the integrity of the data and allow for accurate documentation and tracking of the entered data.

Adopt Section 12263. Electronic Playing Book Database Requirements.

- Subsection (a) — This subsection would establish the security requirements for the database.
- Subsection (a), paragraph (1) — This paragraph would require that all access, activities, and data entries be date, time, user and terminal identification stamped and logged.

- Subsection (c), paragraph (2) — This paragraph would require that the database have the ability to generate a system report and a report of all notations to edit, delete, or replace original data.
- Subsection (c), paragraph (3) — This paragraph would require that the database be able to retrieve or display the information necessary to confirm that it is the type of device that was certified and is functioning as approved.
- Subsection (d) — This subsection would require that a system backup be performed daily, and that the documentation be maintained at a location compliant with subsection (f).
- Subsection (e) — This subsection would require that date and time synchronization for all terminals and the database be controlled or updated by a network time protocol server.
- Subsection (f) — This subsection would require that the primary database location comply with Section 12003 and that the backup storage must be at a site other than where the primary database is located, and that the backup storage location be disclosed to the Bureau.
- Subsection (g) — This subsection would require that an IT technician registered or licensed as an “other employee” monitor and be responsible for any necessary access to the database by a non-licensed party.

Adopt Section 12264. Review of Electronic Playing Book Systems.

- Subsection (a) — This subsection would provide that each electronic playing book system requires prior approval by the Bureau.
- Subsection (a), paragraph (1) — This paragraph would adopt an application processing fee of \$1200 for the initial review and processing of the electronic playing book approval application.
- Subsection (a), paragraph (2) — This paragraph would require a printed playing book form, screen-shots or pictures of the form as it appears on the device, a copy of the current certification of the electronic playing book system, and a description of how a signature will be indicated. This information is necessary for the Bureau to confirm that the electronic playing book form is in compliance with this chapter.
- Subsection (a), paragraph (3) — This paragraph would require a certification, from an independent gaming test laboratory, confirming that the electronic playing book system, including the software, the database, and a playing book device prototype, meets the requirements of this chapter. This provision would also require that the

certification identify which technical test standard was used to certify the system.

- Subsection (a), paragraph (4) — This paragraph would require that a chart of system access be included with the application for approval, which would provide the position titles, methods of authentication, and the permissions granted for use of or access to the system.
- Subsection (a), paragraph (5) — This paragraph would require that a written summary of the design and operation of the system be submitted with the application for approval. In addition, the written description must be supplemented by one or any combination of the following: (1) a video of the system in operation; or, (2) a prototype device with written instructions and access; or, (3) a live demonstration of the system.
- Subsection (a), paragraph (6) — This paragraph would require that the contact information for an IT technician responsible for administering the electronic playing book system be included in the application for approval. This paragraph would also require that an IT technician be available during the approval process during the Bureau’s normal business hours so that the Bureau may ask any questions it may have regarding the system.
- Subsection (b) — This paragraph would provide that the Bureau shall notify the applicant within 30 working days if the filing is accepted or deficient and that the Bureau must approve or deny an electronic playing book system within 120 days of receiving a completed application.
- Subsection (c) — This subsection would provide that each system replacement or upgrade requires certification of continued compliance with this chapter by an independent gaming test laboratory. This certification would be submitted with the application for Bureau approval of a playing book system.
- Subsection (c), paragraph (1) — This paragraph would provide that new security updates for a previously approved version would not require notification, approval, or certification.
- Subsection (c), paragraph (2) — This paragraph would require that any update to any software, system, or components internally developed by the licensee requires notification to the Bureau within five days of the change.

ARTICLE 3. (RESERVED).

- This article is being added for future use.

ARTICLE 4. SECURITY AND USE OF PLAYER BANKS.

Adopt Section 12285. General Provisions.

- Subsection (a) — This will require the TPPPS and Gambling Business primary owner to develop written procedures acceptable to the Bureau which establishes a dollar threshold for notification to the primary owner of any significant loss incurred in a single controlled game immediately upon the determination of the loss.

ARTICLE 5. COMPLIANCE.

Adopt Section 12290. General Provisions.

- Subsection (a) — The current requirement that all game rules shall be complied with would be moved from Sections 12200.21 and 12220.21 to this subsection.
- Subsection (b) — The current requirement that only an authorized TPPPS and Gambling Business player may possess, direct, or otherwise control currency, chips, or other wagering instruments would be moved from Sections 12200.21 and 12220.21.
- Subsection (c) — This would require that the licensee shall notify the Bureau within five calendar days of specific incidents.
- Subsection (c), paragraph (1) — This would require that the licensee notify the Bureau when an electronic playing book device, system, or database failure prevents it from functioning as initially approved.
- Subsection (c), paragraph (2) — This would require that the licensee notify the Bureau when there has been impermissible use or access to the electronic playing book device system.
- Subsection (c), paragraph (3) — This would require that the licensee notify the Bureau when the electronic playing book database cannot synchronize information for a period longer than 24 hours.

CHAPTER 10. DISCIPLINE, HEARINGS, AND DECISIONS.

Amend Section 12560. Disciplinary Guidelines for Third-Party Providers of Proposition Player Services Licensees or Registrants.

- Subsection (b), paragraph (20) would be amended to change the referenced section from 12200.13 to 12250.
- Subsection (b), paragraph (10) would be amended to change the referenced section from 12200.21 to 12290.

Amend Section 12562. Disciplinary Guidelines for Gambling Business Licensees or Registrants.

- Subsection (c), paragraph (10) would be amended to change the referenced section from 12220.21 to 12290.

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS:

This proposed action has been drafted to supplement the current requirement that TPPPS and Gambling Businesses maintain playing books for all sessions of play with an option to do so electronically. This proposed action will create uniform requirements and approval processes for both TPPPS and Gambling Businesses. Finally, the proposed regulations will consolidate the playing book requirements into a new chapter that will apply to both TPPPS and Gambling Businesses for clarity and simplicity, and to eliminate redundancy.

Subsection (b), paragraph (1) of Section 12200.13 in Chapter 2.1 and Section 12220.13 in Chapter 2.2 provide that a playing book must be “recorded in ink.” This has been interpreted to require hardcopy playing books. With advancements in electronic and virtual record-keeping, providing for an electronic method of maintaining the playing books has been requested by the industry. These proposed regulations will offer an electronic method to comply with the playing book requirements, as well as the approvals necessary to ensure that the electronic playing book system and information are properly secure.

Moreover, the current regulations create a different playing book form approval process for TPPPS and Gambling Businesses. A TPPPS is required to submit a playing book form for approval with each gambling enterprise contract. Because a Gambling Business does not enter into a contractual relationship with a gambling enterprise, the Gambling Business is required to have a playing book form approved as part of the registration or license renewal process every two years. Both entities must submit the playing book form for review and approval even if the previously approved playing book form is still in use and has not changed. This results in unnecessary and repetitive approvals being requested by licensees and processed by the Bureau. These proposed regulations will separate playing book approvals from contract approvals and registration/license renewal processes and create an approval process uniformly applied to both TPPPS and Gambling Businesses that will require only initial and amended playing book form approvals.

Finally, these proposed regulations will apply uniformly to both TPPPS and Gambling Businesses, to reduce the redundancy of maintaining mirroring requirements in two different chapters. This will provide simplicity, uniformity and clarity. The proposed regulation

will also enhance transparency in the regulation of TPPPS and Gambling Businesses; and, will protect the health, safety, and general welfare of the public by aiding and preserving the integrity of controlled gambling.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS:

During the development of this regulatory action, the Commission has conducted a review of similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations or statutes. In arriving at this conclusion, the Commission reviewed the Act, relevant sections of the Penal Code, its own regulations in Title 4, and the Bureau's regulations in Title 11 of the California Code of Regulations.

As provided in subdivision (b) of section 19811, the Commission is vested with jurisdiction and supervision over gambling establishments, and over all persons or things having to do with the operations of gambling establishments in California. The scope and content of the Commission's regulations is generally set forth in section 19841. The scope and content of these proposed regulations is specifically addressed in subdivision (b) of section 19984 of the Business and Professions Code.

COMPARABLE FEDERAL LAW:

There are no existing federal regulations or statutes comparable to the proposed 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:

There would be no fiscal impact on the Commission or to any state agencies, including costs or savings or costs/savings in Federal funding.

The Bureau of Gambling Control within the Department of Justice provided the Commission with estimated timeframes to inspect electronic playing books based on the proposed amendments. As a result of the increased workload, they request a new application fee of \$1200 for review of electronic play books. If there are questions pertaining to the Bureau's information, the contact person is:

Susanne George
Susanne.george@doj.ca.gov
(916) 227-2461

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING

WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

EFFECT ON HOUSING COSTS: None.

IMPACT ON BUSINESS:

The Commission has made an initial determination that the adoption of these regulations would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

For the most part, this proposed action only makes minor modifications to the requirements already in place for hardcopy playing books. Furthermore, the elimination of the requirements for redundant approval of the same playing book form, regardless of any change, should actually have a positive impact on the affected businesses.

The addition of provisions relating to electronic playing book forms and systems may have a business impact; however, that impact would not be significant. The possible adverse impact would come from the development of the electronic playing book system itself, and in the certification of the system. That impact may be offset, at least to a large extent, by the reduction in storage costs in that data would be stored electronically rather in hardcopy form. Furthermore, the use of the electronic playing book is a purely discretionary alternative and is not mandated by the proposed action.

COST IMPACT ON 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.

EFFECT ON SMALL BUSINESS:

The Commission has determined that the proposed regulatory action will not affect small businesses because TPPPS and Gambling Businesses are not small businesses as defined in Government Code section 11342.610.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

IMPACT ON JOBS/NEW BUSINESSES:

The Commission has determined that this regulatory proposal will not have any impact on the creation of new jobs or businesses, the elimination of existing jobs or businesses, or the expansion of businesses in California.

The proposed action only makes minor modifications to existing requirements for hardcopy playing books

and adds a discretionary alternative for the use of electronic playing books.

BENEFITS OF PROPOSED REGULATION:

These proposed regulations will have the benefit of providing one uniform and streamlined playing book approval process for TPPPS and Gambling Business and will provide an electronic playing book compliance option for licensees. These proposed regulations will allow each licensee to choose the method of playing book maintenance that best suits their business, while still maintaining the standards required to document each session of play. This will provide clarity, simplicity and uniformity for TPPPS and Gambling Businesses.

The proposed regulations will also enhance transparency in the regulation of TPPPS and Gambling Businesses; and, will protect the health, safety, and general welfare of the public by aiding and preserving the integrity of controlled gambling.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

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.

**INITIAL STATEMENT OF REASONS,
INFORMATION AND TEXT OF PROPOSAL**

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the primary contact 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 one of the contact persons named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

Ashley Heebner, Regulatory Actions Analyst
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 274-4904
Fax: (916) 263-0499
E-mail: aheebner@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Tina M. Littleton, Manager
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-4787
Fax: (916) 263-0499
E-mail: tlittleton@cgcc.ca.gov

WEBSITE ACCESS

Materials regarding this proposed action are also available on the Commission's Web site at www.cgcc.ca.gov.

**TITLE 14. BOARD OF FORESTRY
AND FIRE PROTECTION**

WRITTEN COMMENT PERIOD

“WORKING FOREST MANAGEMENT PLAN”

**Title 14 of the California Code of Regulations
(14 CCR),**

**Division 1.5, Chapter 4, Subchapter 1, Article 1;
Subchapters 4, 5 & 6, Articles 3, 6, 9, 13 and 14;
Subchapter 7, Articles 2, 6.5, 6.95 and 7. Title 14
of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4.5.**

**Amend: §§ 895, 895.1, 913.11 [933.11, 953.11],
916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963],
923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4
[943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9,
963.9], 929 [949, 969], 945.1, 1038, 1090.26, 1104.1,
1115.3 and Board of Forestry Technical Rule
Addendum Number 5: Guidance on Hydrologic
Disconnection, Road Drainage, Minimization of
Diversion Potential, and High Risk Crossings” (1st
Edition, revised 04/21/14) Adopt: §§ 1090.28 and
1094–1094.35**

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Thursday, August 24, 2016, at its regularly scheduled meeting commencing at approximately 9:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the Board or its staff, or after the meeting if prepared by some other person.

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m. on Monday August 1, 2016.

The Board will consider only written comments received at the Board office by 5:00 p.m. on Monday August 1, 2016 and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

State Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

State Board of Forestry and Fire Protection
Room 1506–14
1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address: publiccomments@BOF.ca.gov.

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

Pursuant to the Authority vested by Sections 4551, 4551.5, 4552 and 4553 of the Public Resources Code (PRC) and to implement, interpret or make specific PRC §§ 752, 753, 4512, 4512.1, 4513, 4527, 4527.5, 4528.5, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4583, 4585–4588, 4593.10, 4597–4597.22, 4601, 4629.3, 21000(g), 21092, and 21160 (considered References) and 14 CCR § 15380(d) (considered Reference), the Board is proposing action to adopt/amend 14 CCR §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949,

969], 945.1, 1038, 1090.26, 1090.28 and 1094–1094.35, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings” (1st Edition, revised 04/21/14).

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

(pursuant to GOV § 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973, PRC § 4511, et seq. (FPA) the Board is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to adopt forest practice rules and regulations to, among other things, “. . . assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources.”

Pursuant to authority given to the Board in the FPA, the Board is proposing the following action to create the Working Forest Management Plan (WFMP) program. The proposed action is mandated by the legislature and Governor through the recent passage of Assembly Bill (AB) 904, AB 2239 and Senate Bill (SB) 1345, which chaptered and subsequently amended PRC §§ 4593.10 and 4597 et seq. It was the intent of the legislature, under AB 904, to structure the WFMP based on the existing Non–Industrial Timber Management Plan (NTMP).

Laws on which the proposed action is based:

1. AB 904 creates the WFMP program. The WFMP is a long–term forest management plan available to nonindustrial landowners with less than 15,000 acres of timberland if they commit to uneven aged management and sustained yield. It also obligates the Board to adopt regulations needed to implement the provisions of AB 904 by January 1, 2016.
2. AB 2239 establishes a uniform process to ensure that a person who acquires timberlands described in a WFMP or NTMP receives notice on how to assume the plan. It also gives discretion to the Department (CAL FIRE) to cancel a WFMP or NTMP if the new landowner does not assume the plan within one year of receiving the notice.
3. SB 1345 corrects an erroneous cross–reference in PRC § 4597.22 to the regulations in the Forest Practice Rules describing the Southern Subdistrict of the Coast Forest District, which is excluded from the WFMP program.

The Board is proposing action:

1. To adopt an article of regulation (14 CCR Article 6.95, §§ 1094 through 1094.29 and 1094.31) to make specific the use of a WFMP and a Working Forest Harvest Notice pursuant to AB 904 chaptered in PRC §§ 4597–4597.16 and 4597.20–4597.21.

Specifically, a person who intends to become a working forest landowner, as defined, would be allowed to file a WFMP with the Department with the long–term objective of an uneven aged timber stand and sustained yield through the implementation of the WFMP. It would require numerous provisions including the following:

- A WFMP be prepared by a registered professional forester, shall be public record, and contain certain information.
- The Department will provide a minimum period for public comment, dependent on the size of the lands under the WFMP.
- The Department will determine if the WFMP is accurate, complete, and in proper order.
- The Director will return the WFMP if the Director determines that the WFMP is not in conformance, as provided.
- The working forest landowner who owns, leases, or otherwise controls or operates on all or any portion of any timberland within the boundaries of an approved WFMP and who harvests any of the timber during a given year to file a working forest harvest notice, as defined, with the Department in writing.
- The notice shall be public record and include certain information, including a statement that state or federally listed rare, threatened, candidate, or endangered plant or animal species have not been discovered in the harvest area since the approval of the WFMP.
- The Director to convene an interdisciplinary review team, as described, every 5 years to review an approved WFMP’s administrative record, plan summary information, as specified, and any other information relevant to verify that operations have been conducted in accordance with the WFMP and applicable laws.
- The Department may cancel a previously approved WFMP if the Department determines that the objectives of uneven aged management and sustained yield are not being met or if there are other persistent violations, as provided.

2. To adopt 14 CCR § 1094.32 to regulate the transition of an approved NTMP into a WFMP and the expansion of acreage associated with an approved WFMP pursuant to AB 904 chaptered in PRC § 4597.17.
3. To adopt 14 CCR § 1094.33 to suggest participants may also seek, simultaneously with the preparation of a WFMP, approval of a Safe Harbor Agreement from the Department of Fish and Wildlife (DFW) and that all review costs associated with the Safe Harbor Agreement Approval process incurred by DFW be paid from the Timber Regulation and Forest Restoration Fund pursuant to AB 904 chaptered in PRC § 4597.18.
4. To adopt 14 CCR §§ 1090.28 and 1094.34, which would allow restoration projects, required as a condition in an NTMP or WFMP, that have a significant public benefit, to be eligible for State restoration grant funding pursuant to AB 904 chaptered in PRC § 4597.19.
5. To adopt § 1094.35 to disallow the application of the WFMP in the Southern Subdistrict of the Coast Forest District pursuant to AB 904 chaptered in PRC § 4597.22. PRC § 4597.22 originally contained an incorrect reference and was subsequently corrected pursuant to SB 1345 chaptered in PRC § 4597.22.
6. To amend 14 CCR § 1090.26 and adopt 14 CCR § 1094.30 regarding the change of ownership of land described in either a NTMP or a WFMP pursuant to AB 2239 chaptered in PRC §§ 4593.10 and 4597.9. Note: The balance of AB 2239 chaptered in PRC §§ 4597.2, 4597.15 and 4597.16 are related to clean up of AB 904 and are reflected in 14 CCR §§ 1094.3, 1094.7 and 1094.31, respectively.
7. To amend the Board’s existing Forest Practice Rules to include reference to the WFMP into existing rules in 14 CCR §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings” (1st Edition, revised 04/21/15, which is incorporated by reference).

The problem addressed by the proposed action is the increasing cost of timber management and the consequent adverse impacts including conversion, habitat

fragmentation, decreasing forest health, and decreasing timber industry infrastructure.

The primary purpose of the proposed action is to provide nonindustrial landowners with less than 15,000 acres of timberland greater opportunities for cost-effective timber management than currently exist.

The effect of the proposed action would be to create the WFMP program, based on the model of the NTMP program, which would require preparation of a WFMP that would allow for long-term approval of harvesting with certain conditions, such as the use of uneven aged forest management and proof that operations provide for sustained yield, and stricter environmental standards relative to the NTMP.

Allowing landowners with up to 15,000 acres to utilize the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management, and provide the following other benefits:

- Make non-industrial forest properties more economically viable by relieving eligible landowners of some of the costs and burdens of meeting the regulatory requirements designed for industrial timber companies, consequently curtailing conversion and habitat fragmentation, increasing the opportunity for management to improve forest health, and reducing the rate of loss of timber industry infrastructure.
- Incentivize uneven aged management, which may afford increased carbon sequestration, conservation of scenic values, and protection of water quality and fish and wildlife habitat.
- Incentivize the purchase of additional timberlands. NTMP landowners who are close to the NTMP’s 2,500 acreage limit may purchase additional timberlands if they have the option to transfer to a WFMP. Some NTMP landowners near the 2,500 acre limit have already indicated that they plan to acquire more timberlands if the WFMP program is enacted.
- Implement rigorous timber inventory standards that are subject to periodic review and verification by the Department will ensure achievement of other long-term environmental benefits, including fire resiliency, improved fish and wildlife habitat, aesthetics, and added carbon sequestration (PRC §4597(a)(5)).

The proposed WFMP program is modeled from the NTMP program; however, it applies to nonindustrial landowners with up to 15,000 acres of timberland and contains stricter environmental standards. The NTMP was created by the California Legislature in 1990 to allow landowners with up to 2,500 acres to apply for a timber harvesting document that would allow for long-

term approval with certain conditions, such as the use of uneven aged forest management and proof that operations provide for sustained yield.

Through an NTMP, a nonindustrial timberland owner first prepares a management plan that is subject to an interdisciplinary review process and acts as the functional equivalent of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA). The cost of preparing this management plan is greater than a typical timber harvesting plan (THP). However, unlike a THP, which is good for no more than seven years, an NTMP lasts in perpetuity and the additional cost may be recaptured over time because subsequent harvest entries can be conducted under a much simpler notice to the Department that is tiered off of the NTMP.

Today, NTMPs cover over 300,000 acres of California forests. Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. The California Department of Forestry and Fire Protection issued a preliminary report in January of 2013 titled *NTMP Expansion Study* that sought to identify the number of forestland owners that would be eligible for an NTMP if the acreage cap was lifted from 2,500 acres to 15,000 acres. This report identified 81 landowners with ownerships between 2,500 and 15,000 acres. However, given the exclusion of ownerships within the Southern Subdistrict of the Coast Forest District, for which the WFMP statute does not apply, the revised estimate of forestland owners with ownerships between 2,500 and 15,000 acres that are eligible for a WFMP is 67. In fact, the number of forestland owners eligible for a WFMP is higher, but is unknown, because there are a couple of other pathways for timberland owners to become eligible for a WFMP. First, a collection of two (2) or more landowners with a combined acreage of timberlands less than 15,000 acres may file a WFMP jointly and second, the owner of less than 2,500 acres of timberland may acquire ownership of additional acres.

At least 60 of the 81 landowners identified in the report used even aged management (i.e., clear cutting) at some point. These landowners would have an incentive to commit to long-term uneven aged management under a WFMP. Incentivizing uneven aged management and requiring a rigorous timber inventory that is subject to periodic review and verification by the Department will ensure achievement of other long-term benefits upon the environment including fire resiliency, improved fish and wildlife habitat, aesthetics, and added carbon sequestration (PRC §4597(a)(5)).

In 2003, the Department issued a report on the NTMP program. The report explained that the NTMP program

provides significant benefits to the State in a number of terms including societal benefits.

- The report states that “[r]etaining our non-industrial private forest lands in forest use provides tremendous . . . benefits, including retention of open space, protection of watersheds, water quality and forest soils, maintenance of diverse habitat for fish and wildlife, preservation of important cultural and historical sites, and promotion of recreational opportunities.”
- “These benefits are all enhanced by the commitment of forest landowners to the long term stewardship and sustainable production requirements of a NTMP. On the broad statewide scale, the overarching public benefit is in encouraging owners of these small wooded parcels to take advantage of their rich forest soils, to enrich and improve their timber stands, to manage them sustainably into the future, and cumulatively retain that part of the state’s rural, working landscape that characterizes California’s private timberlands.”
- The 2003 report concluded that “the NTMP program is meeting the uneven-aged management requirement of the Forest Practice Act. . . [and given] sufficient time to implement current NTMP management prescriptions, landowners will also be able to show that they are meeting the sustained yield requirement. Therefore, [the Department] has determined that the NTMP program is improving California’s timberlands and recommends that the program be continued.”
- Additionally, the report recommended that the NTMP acreage limit be increased to bring more timberlands into the program. “This change would benefit both landowners and the state by providing an opportunity for these additional timberlands to be placed into a sustained yield and uneven-aged management regime.” Note: The Board’s proposed action implements this recommendation.

The history of the development of this regulation is as follows:

- Published 45-Day Notice on January 16, 2015.
- Published Decision Not To Proceed on May 1, 2015.
- Published 45-Day Notice on May 1, 2015.
- Published Notice of Addition of Documents and Information to Rulemaking File on September 1, 2015.

- The Office of Administrative Law (OAL) informed Board staff that the file could not be approved based on issues of clarity, consistency, some necessity, failure to follow APA procedures, and other miscellaneous issues. The Board withdrew the rulemaking file from OAL, to avoid disapproval, on November 25, 2015.
- Published Decision Not To Proceed on February 19, 2016.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action, including portions of Title 14 of the California Code of Regulations (§§ 895, 895.1, 912.7 [932.7, 952.7], 913.2 [933.2, 953.2], 913.10 [933.10, 953.10], 913.11 [933.11, 953.11], 916.1 [936.1, 956.1], 916.3 [936.3, 956.3], 916.4 [936.4, 956.4], 916.5 [936.5, 956.5], 919.9 [939.9], 919.11, 923 [943, 963], 923.1 [943.1, 963.1], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1032.9, 1032.10, 1034, 1035–1035.4, 1037.5, 1038, 1054, 1071, 1090–1090.27, 1092, 1093, 1104.1, 1115.3, 15380(d), Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings”) to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the implementation of the Z’Berg–Nejedly Forest Practice Act and found no existing State regulations that meet the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed amendments and adoptions are neither inconsistent nor incompatible with existing state regulations including the Forest Practice Rules and the Z’Berg–Nejedly Forest Practice Act.

Statute to which the proposed action was compared: Excerpts from the Public Resources Code (PRC), 2014: §§ 752, 753, 4512, 4512.5, 4513, 4527, 4527.5, 4528.5, 4551, 4551.5, 4552, 4553, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4583, 4585–4588, 4593.10, 4597–4597.22, 4601, 4629.3, 21000(g), 21092 and 21160.

Excerpts from Government Code (GOV), 2015: § 6254.7.

**MANDATED BY FEDERAL LAW
OR REGULATIONS**

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

The proposed action neither conflicts with, nor duplicates Federal regulations.

There are no comparable Federal regulations on State or private lands.

**OTHER STATUTORY REQUIREMENTS
(pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE
(pursuant to GOV § 11346.5(a)(5))**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT
(pursuant to GOV § 11346.5(a)(6))**

There is no 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.

1. One–time costs of at least \$150,000 from the Timber Regulation and Forest Restoration Fund to the Board of Forestry for the development of regulations as required by AB 904.
2. One–time costs of approximately \$75,000 from the Timber Regulation and Forest Restoration Fund to the regional water quality control boards (RWQCBs) for the adoption and revision of general waste discharge requirements.
3. Assuming five WFMPs are submitted each year, annual costs of approximately \$500,000–\$750,000 in fiscal year (FY) 2014–15 and growing to \$600,000 to \$950,000 in FY 2018–19, from the Timber Regulation and Forest Restoration Fund to CAL FIRE, Department of Fish and Wildlife, the RWQCBs, and Department of Conservation for the approval, then ongoing review, of WFMPs. This cost will at least be partially offset by a decrease in timber harvest plans (THPs) and NTMPs submitted.

4. CAL FIRE and the reviewing agencies will incur costs in the review of a WFMP application, the review of harvest notices, and the five-year review of an approved WFMP. The costs to the agencies depend on the number of plans submitted and approved as well as the complexity of those plans.
5. Based on a February 2013 report from the Natural Resources Agency (Resources Agency) and CalEPA that was required by AB 1492, the Resources Agency, CAL FIRE, DFW, SWRCB, and DOC collectively need approximately \$25 million annually and 193 positions to review all discretionary harvest permits (THPs, NTMPs, etc.) received each year. The actual cost to review each THP can vary greatly depending on factors such as the quality of the plan submitted, the size of the plan, and the complexity of the plan. Based on the number of permits submitted in 2011–12, Department staff estimates that the average cost of reviewing a THP is in the high tens of thousands.
6. Workloads involved in reviewing and approving a WFMP will be 25–50% higher than a THP because a WFMP allows harvesting indefinitely. Assuming five plans are submitted annually, this proposed action will likely result in costs to the reviewing agencies in the range of the mid to high hundreds of thousands of dollars. Once a WFMP is approved, the reviewing agencies will incur ongoing costs to review harvest notices and to conduct the five-year review. Each WFMP is likely to result in costs collectively across the reviewing agencies of several thousands of dollars annually. Continuing with the assumption of five WFMPs submitted annually, at the end of a five year period, there will be review costs in the low hundreds of thousands of dollars.
7. Staff notes that aside from the initial costs of regulatory development for the WFMP program, the initial and ongoing costs caused by the proposed action may be at least partially offset by a decrease in THPs, depending on the extent that a WFMP supplants the submission of THPs. The extent to which a WFMP supplants THP submission is speculative.

Additional expenditures will be absorbed within existing budgets and resources. In general, the cost to administer the Forest Practice Program, which includes review and inspection of Plans, is covered by the Timber Regulation and Restoration Fund.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in federal funding to the State.

HOUSING COSTS
(pursuant to GOV §§ 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

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

(pursuant to GOV §§ 11346.3(a), 11346.5(a)(7)
and 11346.5(a)(8))

The Board's 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. Businesses will be beneficially impacted by the proposed action.

Pursuant to **GOV §11346.5(a)(8)**, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

This fiscal and economic impact analysis for the WFMP relies upon research and outreach conducted by Board staff to affected stakeholders, including the regulated public and agency personnel. A request for information (399 Request for Economic Data dated June 26, 2015) was widely distributed via email, online posting, and made available at the July 2015 Board meeting that requested specific information on the potential economic impacts of the proposed action. In addition, Board staff reached out to consulting foresters throughout the state to further garner data on potential economic impacts via the questions posed in the referenced request for information. The determination of fiscal and economic impact analysis is also based on the September 3, 2013 Senate Appropriations Committee Fiscal Summary and relies on the decades of experience that Board staff has practicing forestry in California.

STATEMENTS OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to GOV § 11346.5(a)(10) and prepared pursuant to GOV § 11346.3(b)(1)(A)–(D). The proposed action: (A) will not create or eliminate jobs within California; (B) will not create new businesses or eliminate existing businesses within California; or (C) will not affect the expansion of businesses currently

doing business within California. (D) It may be speculated that the proposed regulation could benefit the environment as described in the Informative Digest, but it is not expected to affect the health and welfare of California residents or improve worker safety.

**COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS**
(pursuant to GOV § 11346.5(a)(9))

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. The WFMP is a voluntary permitting process available for use at the discretion of nonindustrial timberland owners. In comparison to a conventional Timber Harvesting Plan (THP), the WFMP will be more costly (all else being equal). However, unlike a THP, which is good for no more than seven years, a WFMP lasts in perpetuity and the additional cost is recaptured over time because subsequent WFMP harvest entries can be conducted under a much simpler notice to the Department that is tiered off of the WFMP.

BUSINESS REPORT
(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(pursuant to 1 CCR § 4(a) and (b))

Small business is not expected to be affected by the proposed action because small business:

- (1) Is not legally required to comply with the regulation (the WFMP is a voluntary permitting process for timber harvesting);
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation; and
- (4) Does not incur a detriment from the enforcement of the regulation.

CONSIDERATION OF ALTERNATIVES

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it

considers, 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, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8007

The designated backup person in the event Mr. Matt Dias is not available is Linda Cano, Executive Assistant to the Board of Forestry and Fire Protection. Ms. Cano may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY STATEMENTS
(pursuant to GOV § 11346.5(a)(16))

All of the following are available from the contact person:

1. The express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. The Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to GOV § 11346.5(b) and GOV § 11346.2(a)).

4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations 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 regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: http://www.bof.fire.ca.gov/regulations/proposed_rule_packages/

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 87300, 87302, and 87306, Government Code and to implement, interpret or make specific Sections 87300, 87302, and 87306 of said Code, proposes to add Section 782.1, Title 14, California Code of Regulations, to establish the Commission's conflict of interest code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 87300 requires every state agency to adopt a conflict of interest code. The code must designate state officials and employees that are involved in or participate in the making of decisions that may foreseeably have a material financial effect on any

financial interest of the official or employee. (Gov. Code section 87302(a)). A state agency must amend its conflict of interest code when new positions are created or there are changes in duties assigned to existing positions. (Gov. Code section 87306(a)).

The proposed regulation establishes the designated positions and disclosure categories under which Fish and Game Commission (Commission) employees report financial interests on Form 700, Statement of Economic Interests. It adds positions that must be designated under Gov. Code section 87302(a) and is necessary because the Department of Fish and Wildlife and Wildlife Conservation Board will be amending their conflict of interest code to exclude Commission employees.

The Commission proposes four disclosure categories that reflect the current organizational structure and duties of the Commission; these disclosure categories were developed based on an exhaustive review of recent Commission meeting agendas. All Commissioners, the Executive Director, Career Executive Assignment positions, and Staff Environmental Scientists will be required to disclose under Category I. Program managers and analysts will be required to disclose under Category II.

BENEFITS OF THE PROPOSED ACTION

The proposed action will comply with the Government Code, help Commissioners and Commission employees avoid conflicts-of-interest situations, and ensure members of the public will be better able to determine whether conflicts of interest exist.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS

The Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS ALSO GIVEN that any interested person or his or her representative may request, no later than 15 days prior to the close of the written comment period, a public hearing. Written comments must be submitted on or before July 25, 2016, at the address given below, or by email to FGC@fgc.ca.gov.

The regulations as proposed in underline format, as well as a statement of reasons are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

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 regulation does not change the level of hunting activity, it only affects Commission employees.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulation does not change the level of hunting activity, it only affects Commission employees.

The Commission does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment.

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

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

- (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 will not affect small business.

Consideration of Alternatives

The Commission determined 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 22/MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #1115-13

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

ITEM #1 RCFE Personal Rights and Miscellaneous

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 27, 2016, as follows:

Office Building # 8
744 P Street, 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 facsimi-

le to the address/number listed below. All comments must be received by 5:00 p.m. on July 27, 2016.

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 [Public Hearing Information \(http://www.cdss.ca.gov/ord/PG615.htm\)](http://www.cdss.ca.gov/ord/PG615.htm). Additionally, all the information, which CDSS 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

Residential Care Facilities for the Elderly (RCFE) Title 22, Division 6, Chapter 8.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The RCFE Act in existing law provides for the licensure and regulation of RCFEs. RCFEs are regarded by statute as a housing arrangement chosen voluntarily by people who are 60 years of age or over or their authorized representatives where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on the varying needs

of a person pursuant to Section 1569.2 of the Health and Safety Code. Also pursuant to this statute, care in RCFEs may be provided to persons who are under 60 years of age with compatible needs as specified in Section 1569.316 of the Health and Safety Code.

Although existing regulations in the California Code of Regulations (CCR), Title 22, Division 6, Chapter 8, RCFE section 87468 enumerate resident personal rights based on CDSS broad authority in Health and Safety Code section 1569.30 to establish reasonable regulations necessary to govern RCFEs, prior statute has not enumerated personal rights for residents in RCFEs. Effective January 1, 2015, Assembly Bill (AB) 2171 (Chapter 702, Statutes of 2014):

- 1) Enacted a “bill of rights” for residents in privately operated RCFEs in a new Article 2.5 in the RCFE Act.
- 2) Required licensees to post a copy of the bill of rights in English and, if residents in a facility primarily read in another language, in any other language that can be read by five percent or more of the residents in the facility, and in a prominent location in the facility.

Effective January 1, 2015, Senate Bill (SB) 895 (Chapter 704, Statutes of 2014) required the Department to design, or cause to be designed, a poster that contains information on the appropriate reporting agency in case of a complaint or emergency for posting in RCFE.

Effective January 1, 2004, SB 211 (Chapter 409, Statutes of 2003) required licensees to afford residents the right to contact the Department and other entities in regard to complaints.

Existing regulations in the California Code of Regulations (CCR), Title 22, Division 6, Chapter 8, RCFE section 87468 established that each resident in a RCFE have 18 personal rights, which include such concepts as the right to be accorded dignity in his or her personal relationships with staff, residents and other persons; the right to be informed by the licensee of provisions of law regarding complaints and procedures to confidentially register complaints, including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency. These regulations also established the requirement that licensees inform residents of their personal rights.

These proposed regulations amend the CCR, Title 22, section 87468 to incorporate statutory resident rights, for residents in a privately operated RCFE, into existing regulatory personal rights in this “Phase I” regulations package. They also require:

- 1) Residents in a publicly operated RCFE continue to be afforded the personal rights in existing regulations.
- 2) Residents in each RCFE are afforded the right to make complaints to specified agencies.
- 3) Notwithstanding the number of residents, all licensees shall post personal rights and complaint information.
- 4) In any RCFE where five percent or more of residents primarily read another language, personal rights and complaint information shall also be posted in other languages read by residents.
- 5) All licensees keep an accurate and confidential list of all residents and languages primarily read by residents and provide this list to CDSS upon request.

This regulations package will be followed by more extensive changes to resident personal rights regulations in a forthcoming “Phase II” regulations package.

These proposed regulations also make miscellaneous changes:

- 1) Notice of sale timeframe of a RCFE is amended from 60 days to 30 days pursuant to Health and Safety Code section 1569.191 enacted by AB 878 (Chapter 526, Statutes of 1993).
- 2) Unstageable wounds as a prohibited health condition is adopted in response to standards of care revised by the National Pressure Ulcer Advisory Panel.
- 3) Medication storage requirements are included for clarification.
- 4) An incorrect subsection reference is repealed.

The Licensing Complaint Poster (PUB 475, 1/15), which can be found on the CDSS Community Care Licensing Division website at [On-line Forms and Publications M – P](http://www.dss.cahwnet.gov/cdssweb/PG167.htm#pub) (<http://www.dss.cahwnet.gov/cdssweb/PG167.htm#pub>), is incorporated in its entirety, by reference, in the proposed regulations. This poster, or its alternative, must be posted by licensees in RCFEs to provide information on how to report a complaint or concern regarding a licensed care facility, resulted from the passage of SB 895 (Chapter 704, Statutes of 2014).

The CDSS anticipates that the proposed regulations will benefit the health and welfare of residents receiving care in privately operated RCFEs by ensuring that they have statutory personal rights that are to be observed by licensees. These personal rights are in the spirit of the Patient Bill of Rights implemented by the California Advocates for Nursing Home Reform, California Department of Public Health, and Medicare. Residents in both privately operated and publicly operated RCFEs will continue to have the protection of personal rights, and a modification to a personal right, in

existing regulations. The personal rights being implemented in these regulations provide essential protection for residents of all RCFEs who are often vulnerable elderly and without advocates or family to ensure that their fights are observed. They are intended to prevent discrimination and promote fairness and equity. The proposed regulations will also ensure that residents, including those who read primarily in other languages, in all RCFEs have equal access to and awareness of personal rights and complaint information so that they can advocate for themselves when necessary. In addition, the proposed regulations will benefit licensee compliance in providing care to residents. These proposed regulations have no direct benefit to worker safety or the state’s environment, as the proposed regulations only affect residents in California RCFEs.

Based on the evidence presented above and a review for any regulations that would relate to or affect the regulations being addressed, the CDSS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 2171, AB 878, SB 895 and SB 211. The CDSS also finds that these proposed regulations are compatible and consistent with the only existing state regulations that concern RCFE personal rights.

FORM INCORPORATED BY REFERENCE

Licensing Complaint Poster (PUB 475, 1/15)

COST ESTIMATE

1. Costs or Savings to State Agencies: Community Care Licensing Division received one Associate Governmental Program Analyst position via AB 2171 (Chapter 702, Statutes of 2014) for purposes of writing these regulations. No other costs or savings effect on state agencies.
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: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

None.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

AB 2171 expands the scope of a crime. SB 211 creates a new crime. Both impose a state–mandated local

program. However, neither of these laws require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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. Expanded personal rights regulations to implement AB 2171 would apply to privately operated RCFEs. Existing regulatory personal rights would continue to apply to both privately and publicly operated RCFEs. A modified regulation affording residents the personal right to make complaints to specified agencies would apply to all RCFEs, regardless of whether they are privately operated or publicly operated. Regardless of number of residents, all licensees would be required to post personal rights and complaint information, and post this information in other languages when five percent or more of residents primarily read in another language.

This determination was made based on the fact that there will be some administrative costs to licensees of all RCFEs as a result of statutory requirements enacted by AB 2171, SB 211 and SB 895. Licensees would need to update admission agreements as they relate to resident personal rights and facility procedures as they relate to posting these rights and complaint information in other languages read by five percent or more of residents in a facility. Licensees would also need to develop and implement a method for collecting information from residents on the language they primarily read and compile this information into a single list that is kept accurate and current. The CDSS anticipates that this list will result in negligible cost to licensees since existing regulations in the CCR, Title 22, section 87508 require a register of residents, which may be expanded to address languages read by residents. In addition, licensees would need to update the posted resident personal rights and/or complaint information whenever the composition of languages primarily read by residents changes based on the five percent rule.

Further, miscellaneous changes to regulations that do not address resident personal rights will require li-

censes of RCFEs to not accept or retain residents with unstageable wounds. However, this and other miscellaneous changes do not have any statewide adverse economic impact directly affecting businesses or private persons in California.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The proposed regulations in regard to personal rights would apply to privately operated RCFEs, while regulations in regard to posting personal rights and complaint information would apply to all RCFEs. The CDSS is aware that there will be some administrative cost impacts that a representative private person or business would incur in reasonable compliance with the statutory requirements enacted by AB 2171, SB 211 and SB 895. These administrative cost impacts are described under "Statement of Significant Adverse Economic Impact on Business" above.

SMALL BUSINESS IMPACT STATEMENT

The proposed regulations would apply to all RCFEs. RCFEs with a capacity of six or less comprise approximately 80 percent of RCFEs licensed by CDSS. The CDSS has made an initial determination that there will be some administrative cost impacts to small businesses as a result of statutory requirements enacted by AB 2171, SB 211 and SB 895. These administrative cost impacts are described under "Statement of Significant Adverse Economic Impact on Business" above.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed amendments to regulations will neither create nor eliminate jobs in the State of California, nor result in the creation of new business, or expansion or elimination of existing businesses within the State of California. The benefits to the health and welfare of California residents within the RCFE system are as a result of the passage of AB 2171 and SB 211, which modify some of, and add to, the resident personal rights that have been in the CCR, Title 22, Division 6, RCFE, section 87468 since 2008. Further benefits are as a result of the passage of SB 895, which requires that licensees post a poster on how to file complaints, modifying the requirement to post procedures for filing complaints that has been in the CCR, Title 22, Division 6, RCFE, section 87468, since 2008. Other amendments to regulations that do not address personal rights, but are the result of miscellaneous changes in law or standards of care either modify, or are consistent with, requirements that have been in the CCR, Title 22, Division 6, RCFE,

since 2008. For these reasons, CDSS has determined that the proposed regulations will not have an impact on worker safety, the state's environment, or the creation or elimination of jobs, nor the creation of new business, or the expansion or elimination of existing businesses in the State of California.

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 alternatives because no reasonable alternative has been presented for review.

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

Authority: 1569.30, Health and Safety Code. References: Sections 1569.1, 1569.191, 1569.265, 1569.267, 1569.269, 1569.31, 1569.312, 1569.33, 1569.885 and 1569.889, Health and Safety Code; and Section 5350, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:
Kenneth Jennings
(916) 657-2586

Backup:
Ying Sun
(916) 657-2586

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65

NOTICE OF PROPOSED RULEMAKING TITLE 27, CALIFORNIA CODE OF REGULATIONS

AMENDMENT TO SECTION 25805 SPECIFIC REGULATORY LEVELS: CHEMICALS CAUSING REPRODUCTIVE TOXICITY

MAXIMUM ALLOWABLE DOSE LEVEL (ORAL EXPOSURE) ATRAZINE, PROPАЗINE, SIMAZINE, 2,4-DIAMINO-6-CHLORO-S-TRIAZINE (DACT), DES-ETHYL ATRAZINE (DEA), AND DES-ISOPROPYL ATRAZINE (DIA)

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to adopt Proposition 65¹ Maximum Allowable Dose Levels (MADLs) for oral exposure to atrazine, propazine, simazine, 2,4-diamino-6-chloro-s-triazine (DACT)², des-ethyl atrazine (DEA), and des-isopropyl atrazine (DIA) that induce reproductive toxicity by amending Section 25805(b) of Title 27 of the California Code of Regulations³.

The proposed oral MADLs are 100 micrograms per day for each of the six chemicals. The MADLs are based on data for atrazine, which is representative of all six of the identified chemicals.

The rulemaking for adoption of these MADLs has been delayed because the listing of these chemicals under Proposition 65 was challenged in a legal

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*, referred to herein as "Proposition 65" or "The Act."

² DACT was incorrectly identified as 2,3-diamino-6-chloro-s-triazine (instead of 2,4-diamino-6-chloro-s-triazine) in the Feb. 7, 2014 notice of intent to list the chemical and in the March 24, 2015 notice of listing.

³ All further references are to sections of Title 27, Cal. Code of Regs., unless otherwise indicated.

proceeding⁴. This regulatory action will not be finalized until atrazine, propazine, simazine, DACT, DEA, and DIA are listed under Proposition 65 as known to the state to cause reproductive toxicity (developmental and female reproductive endpoints). The listings are based on formal identification of these chemicals by the US Environmental Protection Agency (US EPA) as causing developmental and female reproductive toxicity. The US EPA is a body recognized as authoritative for the listing of chemicals as known to cause reproductive toxicity under Proposition 65 (Section 25306(l)).

PUBLIC PROCEEDINGS

Any written comments concerning these proposed actions, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **July 25, 2016**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include "TRIAZINE MADLs" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Mailing Address: Ms. Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-23B
Sacramento, California 95812-4010
Fax: (916) 323-2610
Street Address: 1001 I Street
Sacramento, California 95814

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. Comments on all regulatory and other actions are routinely posted on our website. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters should advise OEHHA when submitting documents to request redaction of home address or personal telephone numbers. Names of commenters will not be redacted.

A public hearing on these proposed regulatory amendments will be scheduled upon request. To request

⁴ *Syngenta v OEHHA*, Sacramento County Superior Court case #34-2014-8000-1809. Judgment was entered in favor of OEHHA on April 8, 2016. Syngenta has appealed the decision and is asking the Third District Court of Appeal for a stay of the listing of these chemicals during the pendency of the appeal. OEHHA is opposing that request. No decision has been issued on that question by the Court of Appeal.

a hearing, please send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than July 11, 2016. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The notice will provide the date, time and location of the hearing.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or monet.vela@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, in writing at the address given above, via e-mail to monet.vela@oehha.ca.gov or by calling (916) 323-2517. Fran Kammerer is a back-up contact person for inquiries concerning processing of these actions and is available at Fran.Kammerer@oehha.ca.gov or by telephone at (916) 445-4693.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual⁵. The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water⁶. Warnings are not required and the discharge prohibition does not apply when exposures are insignificant.⁷ The proposed MADLs provide guidance for determining when an exposure is insignificant.⁸

Details on the basis for the proposed MADLs for six chemicals are provided in the Initial Statement of Reasons for these regulatory amendments, which is available on request from Monet Vela and is posted on the OEHHA web site at www.oehha.ca.gov.

The proposed MADLs were derived using scientific methods outlined in Section 25803.

⁵ Health and Safety Code section 25249.6.

⁶ Health and Safety Code section 25249.5.

⁷ Health and Safety Code sections 25249.9 and 25249.10.

⁸ See Sections 25801 through 25805.

The proposed regulations would adopt the following MADLs for six chemicals, by amending Section 25805 as follows (addition in underline):

PROPOSED REGULATORY AMENDMENTS

The proposed changes to Section 25805(b) are provided below in underline:

<i>Chemical name</i>	<i>Level (micograms per day)</i>
Atrazine	100 (oral)
Propazine	100 (oral)
Simazine	100 (oral)
2,4-Diamino-6-chloro- s-triazine (DACT)	100 (oral)
Des-ethyl atrazine (DEA)	100 (oral)
Des-isopropyl atrazine (DIA)	100 (oral)

Anticipated Benefits of the Proposed Regulation

Some businesses may not be able to afford the expense of establishing MADLs and therefore may have to defend litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs. By providing MADLs, this regulatory proposal does not require but may encourage businesses to lower the amount of the listed chemical in their products to a level that does not cause a significant exposure. This in turn may increase the protection of public health by reducing exposures to chemicals that cause reproductive harm.

No Inconsistency or Incompatibility with Existing Regulations

After conducting an evaluation on any related regulations in this area, the Office has found that these are the only regulations dealing with Proposition 65 Maximum Allowable Dose Levels for these specific chemicals. Therefore, OEHHA has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulations do not impose any mandatory requirements on businesses, state, or local agencies and do not address compliance with any other law or regulation.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California:

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people

to chemicals that are listed under Proposition 65 as known to cause cancer or developmental or reproductive harm. The law also prohibits the discharge of listed chemicals into sources of drinking water.

This regulatory proposal will have no effect on the creation/elimination/expansion of California businesses.

Benefits: By providing MADLs, this regulatory proposal spares businesses the expense of calculating their own MADL and may also enable them to reduce or avoid litigation costs. In addition, the MADL does not require, but may encourage, businesses to lower the amount of the listed chemical in their product to a level that does not cause a significant exposure, thereby providing a public health benefit to Californians.

Peer Review

This notice and the Initial Statement of Reasons will be provided to the Developmental and Reproductive Toxicant Identification Committee for scientific peer review and comment.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 expressly⁹ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 expressly¹⁰ does not apply to any State agency, OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory actions.

⁹ See Health and Safety Code section 25249.11(b).

¹⁰ See Health and Safety Code section 25249.11(b).

EFFECT ON FEDERAL FUNDING TO
THE STATE

Because Proposition 65 expressly¹¹ does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory actions.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses.

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

Because the proposed MADLs provide compliance assistance to businesses subject to the Act, but do not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

Because the proposed regulation does not impose any new requirements on businesses, the OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.

The proposed MADLs were developed to provide compliance assistance for businesses in determining whether a warning is required or a discharge is prohibited. The MADLs provide a level of exposure at or below which a warning is not required and a discharge is not prohibited. Use of the MADLs is not mandatory. The implementing regulations allow a business to calculate its own levels.¹² However, conducting such an analysis can be expensive and time consuming, and the resulting levels may not be defensible in an enforcement action.

¹¹ See Health and Safety Code section 25249.11(b).

¹² Section 25801 *et seq.*

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any mandatory requirements on small business. Rather, the proposed regulation will provide compliance assistance for small businesses subject to the Act because the regulation will help them determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act. Furthermore, Proposition 65 expressly exempts businesses with less than 10 employees from the warning and discharge requirements of the law.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5(a)(13) requires that OEHHA must determine that no reasonable alternative considered by the OEHHA or that has otherwise been identified and brought to the attention of the OEHHA 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 than the proposal described in this Notice.

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, the text of the regulation and documents used by OEHHA to develop the proposed regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulation and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the prior public comment period, and anyone who requests notification from OEHHA of the avail-

ability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHHA Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHHA at the address and telephone number indicated above, and on the OEHHHA website at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION NO.
1653-2016-001-001-R1**

Project: Mill Creek-Talmage Fish Passage Barrier Removal and Riparian Restoration Project
Location: Mendocino County
Applicant: Joe Scriven
Notifier: Mendocino County Resource Conservation District

Background

Project Location: The Mill Creek-Talmage Fish Passage Barrier Removal and Riparian Restoration Project, (Project) is located at 900 Talmage Road, east of Ukiah at a property owned by Nor-Cal Recycled Rock and Aggregates Inc., Assessor Parcel Number (APN), 181-041-01, and affects Mill Creek. Mill Creek is tributary to the upper mainstem Russian River, within the Russian River Watershed, Mendocino County. The upper Russian River watershed supports populations of listed salmonids including Central California Coast (CCC) distinct population segments (DPS) of steelhead trout (*Oncorhynchus mykiss*), and California Coastal (CC) evolutionarily significant units (ESU) of Chinook salmon (*O. tshawytscha*).

Project Description: Joe Scriven, (Applicant) representing the Mendocino County Resource Conservation District (MCRCD), proposes to enhance habitat within Mill Creek that will provide a net conservation benefit for CCC Steelhead. Conservation benefits are proposed by improving salmonid access to 7.5 miles of upstream

spawning and rearing habitat within Mill Creek. Passage improvement will be made by replacing an existing culvert that is a partial barrier to listed salmonids with a single span bridge.

In addition, the applicant proposes removing existing concrete structures and broken concrete riprap out of the stream channel, and planting riparian vegetation along the banks within the Project work area. Lastly, adult salmonids have been documented stranded within an artificial pool that was created as a result of the existing cement infrastructure. This pool will be filled-in to eliminate stranding fish in the future. A large wood structure will be installed near the filled-in pool location to create a resting place for migrating fish at higher flows, but should not result in stranding fish during lower flows.

The California Department of Fish and Wildlife (CDFW) Fisheries Restoration Grant Program funded the Project design that was reviewed and approved by CDFW Engineering and Fisheries staff. Detailed Project plans, discussion of proposed work, species protection measures, site photos and maps are on file with CDFW’s Habitat Conservation Planning Branch (HCPB).

Project Size: The total area of ground disturbance associated with the Project is approximately 0.40 acres and 420 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: 1) quarter-ton rock rip-rap inter-planted with willows, 2) native vegetation, 3) an individual piece of large wood with root-wad, 4) anchoring bolts as needed, and 5) native streambed materials. Based on other comparable projects of this type, the estimated incidental sediment discharge of 3 cubic yards or less of native soils could occur.

Project

Timeframes: Start date: June 2017, (pending funding)
 Completion date: December 2020, (pending implementation date)
 Work window: June 15-October 31

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration in-

tended to improve the quality of waters in California and improve fish passage to 7.5 miles of spawning and rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No 1B16180WNME, Electronic Content Management Identification (ECM PIN) No. CW-822298 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to steelhead trout, foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Actinemys marmorata*), migratory birds and nesting activities, special status bats, and other aquatic and riparian species.

Receiving Water: Mill Creek, tributary to the Russian River.

Filled or Excavated

Area: Permanent area impacted: none
 Temporary area impacted: 0.40 acres maximum
 Length temporarily impacted: 420 linear feet
 Length permanently impacted: 0 linear feet

Dredge Volume: None.

Discharge Volume: 385 cubic yards (cy) of quarter-ton rock inter-planted with native vegetation (i.e., approx. 300 willow stakes, 10 cottonwoods, 5 valley oaks, and 5 box elders), one piece of large wood with root wad (4 cy), anchoring bolts to hold the large wood with root wad as needed, and approximately 200 cy of native streambed materials.

Project Location: Latitude 39.135711 N. and Longitude -123.183827 W., (NAD 83); APN: 18104101.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On April 4, 2016, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project. CDFW subsequently contacted the applicant and obtained a 30-day extension to process the application. On April 29, 2016, the Applicant approved the 30-day extension.

The extended 30-day review period for the Project expires on May 27, 2016.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on May 3, 2016, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2016-0503-03) on May 13, 2016. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a nonhabitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects; (4) the Project is consistent with, or identified in, sources that describe best available restoration and enhancement methodologies, including one or more of the following: (A) Federal- and state-listed species recovery plans or published protection measures, or previously approved department agreements and permits issued for voluntary habitat restoration or enhancement projects; (B) Department and National Marine Fisheries Service fish passage guidelines; (C) The department's California Salmonid Stream Habitat Restoration Manual; (D) Guidance documents and practice manuals that describe best available habitat restoration or enhancement methodologies that are utilized or approved by the department; and (5) the Project will not result in cumulative adverse environmental impacts that are significant when viewed in connection with the effects of past, current, or probable future projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4) include, but are not limited to the following:

Work Restriction: The Project is limited to the seasonal work period of June 15 to October 31.

Pre-Construction Training: A pre-construction training session will be provided for construction crewmembers by a qualified biologist. The training will include a discussion of the sensitive biological re-

sources within the Project site and the potential presence of special-status species. Information will be provided about special-status species and their habitats, protection measures to ensure special-status species are not impacted by Project activities, Project boundaries, and biological conditions outlined in the Project permits.

Pre-Construction Survey: A pre-construction survey (on the day preceding work and/or ahead of the construction crew) by a qualified biologist will occur prior to site disturbance. The survey will include the following:

- focused survey for western pond turtle;
- focused survey for foothill yellow-legged frog; and
- focused survey for bat roosts. If occupied roosting habitat is identified, trimming/removal of roost trees will not be allowed until the roost is abandoned or unoccupied and/or CDW is consulted. Construction will be limited to daylight hours to avoid interference with bat foraging.

Aquatic Species Relocation: If fish or other vertebrate aquatic species are present within the work area, they will be relocated by a qualified, permitted biologist to a suitable habitat location prior to construction. A complete record of all fish and wildlife species observed during the observation and relocation process will be kept and provided to CDFW, NOAA Fisheries, and other permitting agencies as required.

Diversion and Dewatering Plan: Mill Creek is anticipated to be dry at the time of construction. If water should be present, a Project Diversion and Dewatering Plan will be implemented to isolate the work area and contain silt-laden water.

Native Vegetation Protection: Temporary disturbance or removal of riparian vegetation will not exceed the minimum necessary to complete work, and all disturbed areas will be returned to pre-project or ecologically improved conditions at the end of construction.

Monitoring and Reporting

Monitoring Plan: Prior to construction, Applicant will establish photo-monitoring points that capture the majority of the project work area. Photo monitoring points will be used to document pre-construction, construction, and post-construction conditions for demonstrating progress towards meeting various success criteria. If monitoring reveals success criteria are not being met at any time, MCRCDD will not wait for reporting deadlines but will contact permitting agencies for implementing corrective actions.

To ensure the Project is built to design specifications, the Project designer or designated representative will conduct regular inspections during construction. Improvement of fish passage will be evaluated following

construction, during winter high flows, and when the site is dry after the first winter's high flows. Monitoring for passage improvement will confirm the fish-stranding pool is eliminated and the large wood in-stream feature remains installed and stable.

Channel and bank stability will be monitored each summer/fall for 3 years after construction. Photo stations will include the Project site looking both up- and downstream. The Project designer and MCRCDD staff will evaluate channel stability conditions for typical adjustment patterns and potential failures needing repair. Assessment will include no excessive erosion is occurring in the Project reach, the streambed is stabilizing to the new grade, and the vegetation rock bank is stable.

Project vegetation monitoring and maintenance will be provided for a period of 3-5 years to ensure planted native vegetation achieves survival and percent cover criteria, replacement plantings are installed and necessary and weeds are removed. Trees that do not meet survival requirements will be replaced the fall or winter of the same year. Plants requiring irrigation are required to be self-sufficient without irrigation for a period of 2 years. If success criteria cannot be met, Applicant will consult with CDFW per adaptive management requirements to determine appropriate action.

Reporting Plan: Following completion of the seasonal work period, an annual report will be submitted to all appropriate agencies (i.e., NMFS, ACOE, NCRWQCB, and CDFW). This annual report will include the findings that result from pre- and post-project monitoring. These findings will indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

1. Summary of findings;
2. Identification and discussion of problems with achieving success;
3. Proposed corrective measures;
4. Monitoring date and protocols conducted, and;
5. Photo documentation from points established before construction

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum: photographs with a descriptive title, the date the photograph was taken, the name of the photographic site, the WDID number and ECM PIN number indicated above and success criteria for the Project. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant's NOI. Please include the project name,

termines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the MOU on or after July 10, 2016, for an initial and renewable term of up to, but not to exceed, four years.

Contact: Laura Patterson, Laura.Patterson@wildlife.ca.gov, 916-341-6981.

DEPARTMENT OF FISH AND WILDLIFE

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2016-002-01**

Project: Siskiyou Three Bridges Rail Upgrade
Location: Siskiyou County
Applicant: California Department of Transportation

Background

The California Department of Transportation (Applicant) proposes to replace and upgrade the existing bridge rails on three bridges in Siskiyou County along Highway 96 in order to bring them up to current design standards. In particular, the Siskiyou Three Bridges Rail Upgrade Project (Project) includes upgrading the rails of the bridges through the addition of shoulder space ranging from 3 to 7 feet on each side of the bridges, widening the foundation of the bridges, and replacement of adjacent guardrails. Additional construction work includes the widening of the road for 200 feet on each side of each bridge to transition the existing roadway onto the widened bridge deck, and installation of rock slope protection to protect bridge foundations and abutments. The bridge renovations will occur at three locations with their respective post miles (PM) along Highway 96: Beaver Creek (PM 88.26), Seiad Creek (PM 60.17), and Thompson Creek (PM 52.48), all of which are direct tributaries to the Klamath River.

The Project activities described above are expected to incidentally take¹ coho salmon (*Oncorhynchus kisutch*), Southern Oregon-Northern California Coast evolutionary significant unit (SONCC coho salmon) where those activities take place within Beaver Creek, Seiad Creek, and Thompson Creek. In particular,

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”).

SONCC coho salmon could be incidentally taken as a result of relocation of fish from the work area prior to the installation of a clear water stream diversion, construction of in-channel temporary work pads, and installation of two types of water diversions: clear water diversion, and stream diversions through coffer dam construction. SONCC coho salmon are designated as a threatened species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(2)(D).)

SONCC coho salmon individuals are documented as present at the project site and there is occupied coho salmon habitat within the creeks, downstream and upstream, adjacent to the Project site. Because of the occurrences of all life stages of SONCC coho salmon at all three Project sites, the known dispersal patterns of SONCC coho salmon, and the presence of suitable SONCC coho salmon habitat within the Project site, the National Marine Fisheries Service (Service) determined that SONCC coho salmon is reasonably certain to occur within the Project site during construction activities, and that Project activities are expected to result in the incidental take of SONCC coho salmon.

According to the Service, the Project will result in the temporary loss of 0.194 acre of riparian SONCC coho salmon habitat and 0.333 acre of aquatic (in-stream benthic) SONCC coho salmon habitat, totaling 0.527 acre of temporary habitat loss. Construction of the Project will also result in the permanent loss of 0.206 acre of riparian SONCC coho salmon habitat and 0.044 acre of aquatic (in-stream benthic) SONCC coho salmon habitat, totaling 0.250 acre of permanent habitat loss. The Service determined that potentially 85 total juvenile SONCC coho salmon would be captured and relocated as a result of the Project at the three bridge sites.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the Applicant, as a Federal Highway Administration agent, consulted with the Service as required by the ESA. On June 30, 2015, the Service issued a biological opinion (BO) (Service file No. WCR-2015-2682) to the Applicant. 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. The BO also requires the Applicant to implement and adhere to measures contained within the biological assessment (BA) and Essential Fish Habitat Assessment.

On April 28, 2016 the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO

and its related ITS are consistent with CESA for purposes of the Project and SONCC coho salmon.

Determination

CDFW has determined that the BO and associated ITS, are consistent with CESA as to the Project and SONCC coho salmon because the mitigation measures contained in the BO, ITS, and conditions in the BA, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of SONCC coho salmon will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO, ITS, and BA, 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 SONCC coho salmon. The mitigation measures in the BO, ITS, and BA include, but are not limited to, the following:

Avoidance, Minimization and Mitigation Measures

- The Applicant will conduct in-water work activities during the dry season (June 15–October 15) with a two week expansion to both ends of the work window (June 1– October 31).
- The Applicant will use block nets to exclude fish from the work area prior to and during the placement of diversion structures. The Applicant will use hand-labor to drive t-posts into the ground and attach exclusion fencing.
- The Applicant will limit pile driving to between June 1 and October 31 when flow is at its lowest and the wetted-channel is shallow. Applicant will drive piles at a minimum distance of 15.24 meters (50 feet) from the wetted-channel within a dry channel bed in a dewatered cofferdam.
- The Applicant will implement water-drafting specifications to prevent injury to fish or significant changes to flow conditions of their habitat, including limiting the diversion rate and reduction in pool volume to no more than 10 percent, using an appropriate screen mesh as defined by the Service. The Applicant will cease pumping if the screen becomes more than 10 percent obstructed by debris. In addition to implementation of Service and CDFW guidelines for electro-fishing and dewatering, CDFW staff may assist in the fish capture and relocation.

- The Applicant will limit disturbance or removal of vegetation to the minimum necessary to complete construction activities. The Applicant will replant disturbed areas using native riparian plant species. The Applicant will implement a three-year vegetation-monitoring plan.
- The Applicant will maintain fuel storage and refueling sites, and will service equipment in an upland location at least 50 feet from surface water. The Applicant will not operate construction equipment in anadromous waters unless the channel is dewatered or otherwise dry.
- The Applicant will provide mitigation for take through the construction the Fish Gulch Coho Enhancement Pond Project (FGCEPP), in collaboration with the Klamath National Forest, the Mid-Klamath Watershed Council, and the Karuk Tribe, at the junction of Fish Gulch and Horse Creek, which is a tributary to the Klamath River. Currently, it is expected that approximately 31,000 square feet of open water habitat would be created in three ponds at the FGCEPP, which could potentially support over 2,400 juvenile SONCC coho salmon.

Monitoring and Reporting Measures

- The Applicant will submit a written report to the Service at the completion of each year’s Project activities documenting fish capture and relocation activities. Although not a condition of the BO, CDFW requests a copy of the report.
- The Applicant will submit an underwater noise-monitoring plan to the service at least one week prior to the start of activities. Although not a condition of the BO, CDFW requests a copy of the underwater noise-monitoring plan.
- The Applicant will record daily and post-Project hydro-acoustic monitoring data and will submit monitoring reports to the Service. Although not a condition of the BO, CDFW requests a copy of the monitoring reports.
- The Applicant will provide monitoring reports to the Service and CDFW for the restoration of the Project sites, as required by the BO and BA. The reports shall include all success criteria, data, data analysis, and photo documentation as required to document progress towards successful restoration of the Project sites.
- The Applicant shall prepare reports for the FGCEPP off-site mitigation site and submit reports to CDFW in accordance with the schedule

developed in the mitigation, monitoring, and reporting plan for FGCEPP.

Financial Assurances

- The Applicant has provided financial assurances consistent with CESA, in the form of documentation from the State Highway Operation and Protection Program for Siskiyou County, Caltrans District 2, EA4E650, Caltrans Project Identification Number 02-1200-0012, that confirms all funds have been approved for the Project, and that adequate funds are available to construct the FGCEPP.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of the SONCC coho salmon, 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, and the BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, ITS, or the BA, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

By: /s/
Sandra Morey, Deputy Director
Ecosystem Conservation Division
California Department of Fish and Wildlife

Date: 5/27/16

DEPARTMENT OF HEALTH CARE SERVICES

DEPARTMENT OF HEALTH CARE SERVICES TO CHANGE CURRENT LANGUAGE FOR NURSING FACILITIES — LEVEL A (NF-A), DISTINCT PART NURSING FACILITIES — LEVEL B (DP/NF-B) AND DP/NF ADULT SUBACUTE UNITS

The Department of Health Care Services (DHCS) is revising current language in Attachment 4.19-D of the State Plan Amendment, per direction from the Centers for Medicare and Medicaid (CMS), regarding the application of the hold harmless provision and the median rate that are used in the rate setting methodology for DP/NF-Bs and DP/NF Adult Subacute units.

Also, DHCS is adding language to describe the rate setting methodology for NF-As with 100 beds or more.

The effective date of this change will be August 1, 2016, or any other date as approved by CMS.

PUBLIC REVIEW AND COMMENTS

The California statutes mentioned above are available for public review at Welfare offices in every county of the State. Written comments (or requests for copies of the statutes) may be submitted to:

Mr. Grant Gassman, Chief
Long Term Care Section
Department of Health Care Services
1501 Capitol Avenue, Suite 71.3.3054 MS 4600
P.O. Box 997417
Sacramento, CA 95899-7417

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, on May 25, 2016, the California Fish and Game Commission (Commission) received a petition from Toni Corelli, to list coast yellow leptosiphon (*Leptosiphon croceus*) as endangered under the California Endangered Species Act.

Coast yellow leptosiphon occurs at an evaluation of 14 meters atop a sea bluff at the edge of the coastline on a marine terrace supported by sedimentary sandstone derived soil. This habitat is highly influenced by wind, cool salt-laden air and fog.

Pursuant to Section 2073 of the Fish and Game Code, on May, 27, 2016, the Commission transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its October 19-20, 2016, meeting in Eureka.

Interested parties may contact Mr. Richard Macedo, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife, 1700 Ninth Street, 2nd Floor, Sacramento, CA 95811, or telephone (916) 653-3861, for information on the petition or to submit information to the Department relating to the petitioned species.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

NOTICE TO INTERESTED PARTIES

**ISSUANCE OF SAFE USE DETERMINATIONS
FOR DIISONONYL PHTHALATE IN TANDUS
CENTIVA ER3® MODULAR
VINYL CARPET TILES**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986. OEHHA received a request from Tandus Centiva, Inc. that OEHHA issue a Safe Use Determination (SUD) for the use of diisononyl phthalate (DINP) in Tandus Centiva ER3® modular vinyl carpet tiles, pursuant to OEHHA's authority under Section 25204(a) of Title 27 of the California Code of Regulations. The carpet tile products that are the subject of this request are used as indoor carpet for commercial and residential applications and are installed by professional carpet installers. DINP was listed under Proposition 65 as a chemical known to the state to cause cancer effective December 20, 2013.

In accordance with the process set forth in Section 25204(f), OEHHA held a written public-comment period on this request from January 16 to February 25, 2015. OEHHA also held a public hearing on February 19, 2015, in Sacramento, California. No public comments were received.

As provided in Sections 25204(a) and (k), OEHHA is issuing the following SUDs only to Tandus Centiva, Inc. for DINP in certain Tandus Centiva ER3® modular vinyl carpet tiles:

1. OEHHA is issuing a safe use determination for *DINP exposures to residents* of homes and other facilities from Tandus Centiva ER3® modular vinyl carpet tiles *with a DINP content in the secondary backing layer of 9% by weight, or less, with no DINP present in other parts of the product.*
2. OEHHA is issuing a safe use determination for *DINP exposures to professional carpet installers* from Tandus Centiva ER3® modular vinyl carpet

tiles with a DINP content in the secondary backing layer of 8.7% by weight, or less, with no DINP present in other parts of the product.

The essential elements and results of OEHHA's assessment are described in the supporting document available at <http://oehha.ca.gov/proposition-65/notices>.

Based on the screening level exposure analyses described in the supporting documentation, upper-end estimates of DINP exposure to residents and to professional carpet installers from Tandus Centiva ER3® modular vinyl carpet tiles were made for professional flooring installers and residents and compared to the No Significant Risk Level (NSRL) for DINP of 146 micrograms/day. The estimated exposure to DINP from Tandus Centiva ER3® modular vinyl carpet tiles:

- Corresponds to a calculated excess cancer risk of less than one in 100,000 for exposures to residents with Tandus Centiva ER3® modular vinyl carpet tiles installed in their homes, when the tiles contain up to 9% DINP by weight in the secondary backing layer, with no DINP present in other parts of the product. Thus OEHHA determined that exposure of residents to DINP from Tandus Centiva ER3® modular vinyl carpet tiles containing up to 9% DINP by weight in the secondary backing layer, with no DINP present in other parts of the product, is below the NSRL. A warning for DINP is not required for residents in buildings where these products are installed.
- Corresponds to a calculated excess cancer risk of one in 100,000 for professional installers as a result of installing Tandus Centiva ER3® modular vinyl carpet tiles, when the tiles contain 8.7% DINP by weight in the secondary backing layer, with no DINP present in other parts of the product. Thus OEHHA determined that exposure of professional installers to DINP is at or below the NSRL where DINP content is 8.7% by weight, or less, in the secondary backing layer, with no DINP present in other parts of the product. A warning would not be required for workers (i.e., professional installers) for products meeting this DINP concentration limit.

Supporting documentation for these Safe Use Determinations are available on OEHHA's web site.

Questions regarding this notice should be directed to:

Michelle Robinson
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, California 95812-4010
P65Public.Comments@oehha.ca.gov
Telephone: (916) 445-6900

DECISION NOT TO PROCEED

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY**

**TITLE 27, CALIFORNIA CODE OF
REGULATIONS**

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347

**SPECIFIC REGULATORY LEVELS:
CHEMICALS CAUSING REPRODUCTIVE
TOXICITY**

**MAXIMUM ALLOWABLE DOSE LEVEL
(ORAL EXPOSURE) ATRAZINE, PROPAZINE,
SIMAZINE,
2,4-DIAMINO-6-CHLORO-S-TRIAZINE
(DACT), DES-ETHYL ATRAZINE (DEA), AND
DES-ISOPROPYL ATRAZINE (DIA)**

On June 12, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) issued a notice of proposed rulemaking to adopt Proposition 65 Maximum Allowable Dose Levels (MADLs) for oral exposure to atrazine, propazine, simazine, 2,4-diamino-6-chloro-s-triazine (DACT)¹, des-ethyl atrazine (DEA), and des-isopropyl atrazine (DIA) that induce reproductive toxicity by amending Section 25805(b) of Title 27 of the California Code of Regulations. The Notice was posted on the OEHHA website and published in the California Regulatory Notice Register (CRNR). The rulemaking in this action has been delayed because the listing of these chemicals under Proposition 65 was challenged in a legal proceeding². Until that matter is resolved, OEHHA cannot complete the rulemaking within the one-year period required by

¹ DACT was incorrectly identified as 2,3-diamino-6-chloro-s-triazine (instead of 2,4-diamino-6-chloro-s-triazine), in the June 12, 2015 notice of proposed rulemaking. That typographical error will be corrected when the chemicals are ultimately added to the list.

² *Syngenta v OEHHA*, Sacramento County Superior Court case #34-2014-8000-1809. Judgment was entered in favor of OEHHA on April 8, 2016. Syngenta has appealed the decision and is asking the Third District Court of Appeal for a stay of the listing of these chemicals. However, no decision has yet been reached on that question by the Court of Appeal.

the Administrative Procedure Act. Pursuant to Government Code Section 11347, OEHHA hereby gives notice that it has decided to withdraw the rulemaking action published in the CRNR on June 12, 2015. However, OEHHA intends to proceed with the adoption of a safe harbor level for these chemicals, assuming no stay is imposed in by the Court of Appeal. Therefore, OEHHA is concurrently opening a new rulemaking record by publishing a new notice of proposed rulemaking on June 10, 2016 to adopt MADLs for these chemicals. OEHHA is also publishing on its website the notice of the proposed regulation, the proposed regulatory text, and the Initial Statement of Reasons for this new regulatory proposal. The public may comment on the proposed rulemaking during the comment period specified in the new notice to amend Section 25805(b).

Inquiries concerning this rulemaking activity may be directed to Monet Vela at (916) 323-2517, or by e-mail at monet.vela@oehha.ca.gov, or by mail to OEHHA, P.O. Box 4010, Sacramento, California 95812-4010. Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or mario.fernandez@oehha.ca.gov.

**RULEMAKING PETITION
DECISION**

DEPARTMENT OF SOCIAL SERVICES

May 24, 2016

Mr. Kevin Aslanian
Executive Director, Coalition of California Welfare
Rights Organizations
1901 Alhambra Boulevard
Sacramento, CA 95816

Dear Mr. Aslanian:

You sent the California Department of Social Services (CDSS) a Petition for Repeal of Manual of Policies and Procedures (MPP) Section 23-400.212. A copy of the petition is included for reference. The change you request is to repeal the ability of counties and county consortia to change the format of CDSS forms, even if CDSS permission to do so is granted.

We are denying your petition. Under MPP Section 23-400.112, CDSS has the ability to approve changes in required forms **if** the change is consistent with program policy and does not alter the legal content of the form. MPP Section 23-400.22 contains the procedure for counties and consortia to request a modification of the form. Sometimes there is a genuine need to make changes to address county-specific issues.

CDSS also has the ability to refuse a request for a form change. If the proposed formatting change does alter the legal content or conflict with program policy, the revision must be denied. Permission to reword the message will rarely be granted. Forms that absolutely must not be altered in any way are classified as required forms with no substitute permitted. MPP Section 23–400.111.

Given the existing rules and procedures to either approve or deny form changes, including reformatting, an amendment to MPP Section 23–400.212 is unnecessary. If you have any questions, please contact Kyle Weber, Chief of the Management and Staff Services Branch. His address is CDSS, 744 P Street, M.S. 8–4–180, Sacramento, CA 95814. Kyle’s telephone number is (916) 657–2009. Any interested party may receive a copy of the petition and this response by contacting the Office of Regulations Development at (916) 657–2586.

Sincerely,

/s/

BRIAN DOUGHTERY
Deputy Director, Administration Division

Enclosure

cc: Pete Cervinka, CDSS

Kevin M. Aslanian,
Executive Director
Coalition of California Welfare Rights Organization
1901 Alhambra Blvd.
Sacramento, CA 95816
916–712–0071
kevin.aslanian@ccwro.org

**BEFORE THE STATE DEPARTMENT OF
SOCIAL SERVICES**

**PETITION TO STATE DEPARTMENT
OF SOCIAL SERVICES FOR
REPEAL OF 23–400.212**

Pursuant to Government Code § 11340.6
April 25, 2016

**(a) The substance or nature of the regulation,
amendment, or repeal requested.**

This proposal would repeal MPP 23–400.212.

(b) The reason for the request.

MPP § 23–400.212 allows counties/consortia to take a mandatory form developed by the department in consultation with stakeholders and completely change the formatting when programming it into the computer system. This negates the positive impact that the form was designed to produce for beneficiaries of the programs.

Formatting of a form is a major element of the effectiveness of the form for the users of the form — beneficiaries. Formatting is a critical aspect of readability of forms and that should not be lost when transferring the form to computer systems.

(c) Reference to the authority of the state agency to take the action requested.

Welfare and Institutions Code section §10544 and Government Code § 11340.6.

PROPOSED REGULATION

CWDs/agencies **may cannot** reformat or restructure required Department forms for the purpose of accommodating individual CWD/agency Electronic Data Processing (EDP) **or consortia systems established pursuant to Section WIC§§ 10816–10824 provided that prior Department approval is obtained.**

**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# 2016–0418–04
BOARD OF BEHAVIORAL SCIENCES
Standards of Practice for Telehealth

This rulemaking action by the Board of Behavioral Sciences (“Board”) adopted section 1815.5 in title 16 of the California Code of Regulations to set forth standards of practice for telehealth. This action clarifies when a Board licensee or registrant is required to have a valid California license to engage in the practice of marriage and family therapy, educational psychology, clinical social work, or professional clinical counseling via telehealth, defines actions a Board licensee or registrant must take in order to protect the client in a telehealth setting, and provides that failure to comply with these provisions is unprofessional conduct.

Title 16
ADOPT: 1815.5
Filed 05/26/2016
Effective 07/01/2016
Agency Contact: Rosanne Helms (916) 574–7897

File# 2016-0418-01
BOARD OF EDUCATION
Instructional Materials

This change without regulatory effect filing by the Board of Education (“Board”) repealed four sections in title 5 of the California Code of Regulations (“CCR”) relating to elementary-level instructional materials.

Title 5
REPEAL: 9517.1, 9531, 9532, 9535
Filed 05/31/2016
Agency Contact: Hillary Wirick (916) 319-0644

File# 2016-0520-06
BOARD OF EDUCATION
California High School Proficiency Exam (CHSPE)

This emergency regulatory action by the State Board of Education (SBE) adopts and amends sections in CCR title 5, to implement Education Code section 48412, which prohibits the California Department of Education (CDE) from charging a fee to an examinee who meets the defined criteria of a homeless youth. Section 48412 authorizes any person 16 years of age or older, to have proficiency in basic skills taught in public schools. The law also requires SBE to award a certificate of proficiency to those who demonstrate it through an examination prepared by CDE. CDE is authorized to charge a fee for the examination to cover the cost of administering the examination. Educ. Code section 48412, prohibits the CDE from charging a fee to an examinee who is under 25 and is a homeless youth.

Title 5
ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522
Filed 05/31/2016
Effective 05/31/2016
Agency Contact: Hillary Wirick (916) 319-0644

File# 2016-0518-03
CALIFORNIA HEALTH BENEFIT EXCHANGE
Certified Application Counselors

The California Health Benefit Exchange submitted this emergency action to amend one of ten sections in title 10, chapter 12 of the California Code of Regulations that were adopted in OAL file number 2015-0625-02E. The proposed action amends section 6858(e) of the emergency regulations by eliminating a provision that required applicants to pay the cost of background checks after 6/30/2016, leaving intact a provision the HBEX will pay the cost of background checks.

Title 10
ADOPT: 6858
Filed 05/26/2016
Effective 05/26/2016
Agency Contact: Brian Kearns (916) 228-8843

File# 2016-0505-01
DEPARTMENT OF CONSERVATION
Conflict-of-Interest Code

This is a conflict-of-interest code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with Secretary of State and printing only.

Title 14
AMEND: 1670
Filed 05/25/2016
Effective 06/24/2016
Agency Contact:
Graham St. Michel (916) 445-0591

File# 2016-0520-03
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 73 square miles in the East Bakersfield area of Kern County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare, and Ventura, and a portion of Alameda, Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, and Stanislaus counties that are already under quarantine for the ACP.

Title 3
AMEND: 3435(b)
Filed 05/25/2016
Effective 05/25/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0527-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

The Department of Food and Agriculture submitted this emergency action to expand the interior quarantine area for the Asian citrus psyllid by approximately 36 square miles in the East Bakersfield and Maricopa areas of Kern County.

Title 3
 AMEND: 3435(b)
 Filed 06/01/2016
 Effective 06/01/2016
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0419-03
 DEPARTMENT OF INSURANCE
 Workers' Compensation Insurance Dividends

The Department of Insurance filed this action to update regulations in title 10 of the California Code of Regulations that govern the payment of dividends to workers' compensation policyholders.

Title 10
 AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502
 Filed 05/31/2016
 Effective 07/01/2016
 Agency Contact: Christina Carroll (916) 492-3283

File# 2016-0509-01
 DEPARTMENT OF JUSTICE
 Department of Motor Vehicles Bond Form

This file and print action amends section 51.22 of the title 11 listing of approved surety bonds and is the Department of Justice's approval and printing of the revised Surety Bond of Motorcycle Dealer, Motorcycle Lessor-Retailer, All-Terrain Vehicle Dealer, or Wholesale-Only Dealer (Less Than 25 Vehicles Per Year) for the Department of Motor Vehicles.

Title 11
 AMEND: 51.22
 Filed 06/01/2016
 Effective 06/01/2016
 Agency Contact: Karen W. Yiu (510) 622-2131

File# 2016-0413-05
 DEPARTMENT OF PUBLIC HEALTH
 Clinical Lab Standards (Proficiency Testing), Part 1

The California Department of Public Health in this section 100 action is amending section 1050 of title 17 of the California Code of Regulations. This regulatory section was last amended in 1978 and since that time SB 113 in 1995 and SB 75 in 2015 were passed. These bills made significant changes to the statutes that were implemented, interpreted and made specific in section 1050 of title 17 of the California Code of Regulations. The changes proposed in this action are designed to make the regulatory text consistent with statutes that have been changed.

Title 17
 AMEND: 1050
 Filed 05/25/2016
 Agency Contact: Linda Cortez (916) 440-7807

File# 2016-0524-02
 DEPARTMENT OF REHABILITATION
 Streamlined Eligibility and Medical Services

In this resubmittal of OAL File No. 2016-0125-02S, the Department of Rehabilitation (the "Department") adopts, amends, and repeals several sections in title 9 of the California Code of Regulations. These regulations govern the State Vocational Rehabilitation Services program and reflect changes in processes, increases efficiency, and removes regulations that reference outdated procedures, forms, terms, and definitions.

Title 9
 ADOPT: 7006.5 AMEND: 7019.1, 7020, 7024, 7029.9, 7054, 7055, 7060, 7062, 7062.3, 7122, 7143, 7157, 7164, 7164.4, 7194, 7198 REPEAL: 7004.3, 7019.2, 7022, 7029.3
 Filed 05/31/2016
 Effective 07/01/2016
 Agency Contact: Shelly Risbry (916) 445-4466

File# 2016-0520-01
 STATE WATER RESOURCES CONTROL BOARD
 Drought Emergency Water Conservation

The State Water Resources Control Board (Board) submitted this emergency action to adopt section 864.5 and to readopt and further amend sections 863, 864, 865, and 866 in title 23 of the California Code of Regulations, which pertain to drought emergency water conservation. The proposed action implements Governor Brown's most recent executive order regarding water conservation (B-37-16; issued May 9, 2016) requiring continued statewide water conservation measures through the end of January 2017 due to ongoing drought conditions in California, but directing the Board to make adjustments to the water conservation regulations to reflect differing water supply conditions across the state.

Title 23
 ADOPT: 863, 864, 864.5, 865, 866
 Filed 05/31/2016
 Effective 05/31/2016
 Agency Contact: David Rose (916) 341-5196

File# 2016-0520-04
 SUPERINTENDENT OF PUBLIC INSTRUCTION
 High School Equivalency Test (HSET)

The State Superintendent of Public Instruction (SSPI) in this emergency action is implementing Senate Bill 252 that prohibits California Department of Educa-

tion (CDE), Contractor(s) or testing centers from charging a fee for the California High School Equivalency Test (HSET) to an examinee who meets the defined criteria of a homeless youth.

Title 5

ADOPT: 11533, 11534 AMEND: 11530, 11531
 Filed 05/31/2016
 Effective 05/31/2016
 Agency Contact: Hillary Wirick (916) 319-0644

File# 2016-0502-03

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
 Conflict-of-Interest Code

This is a conflict-of-interest code that has been approved by the Fair Political Practice Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2

AMEND: 604
 Filed 05/25/2016
 Effective 06/24/2016
 Agency Contact: Tanya Bosch (916) 491-3851

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN December 30, 2015 TO June 1, 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

05/25/16 AMEND: 604
 05/23/16 AMEND: 23000
 05/19/16 ADOPT: 18750 REPEAL: 18750, 18750.1, 18750.2, 18752
 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

Title 3

06/01/16 AMEND: 3435(b)
 05/25/16 AMEND: 3435(b)
 05/23/16 AMEND: 3435(b)
 05/18/16 AMEND: 3435
 05/17/16 AMEND: 3906
 05/12/16 AMEND: 3435(b)
 05/12/16 AMEND: 3435(b)
 05/11/16 AMEND: 3435(b)
 05/11/16 AMEND: 3435(b)
 05/10/16 AMEND: 3435(b)
 05/09/16 ADOPT: 3591.27
 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)
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 12/30/15 AMEND: 3435(b)

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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
 04/21/16 ADOPT: 610
 04/13/16 ADOPT: 10091.1, 10091.2, 10091.3,
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 04/12/16 AMEND: 1489
 03/28/16 AMEND: 10176(d), 10181
 03/23/16 ADOPT: 12465 AMEND: 12460, 12461,
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 03/10/16 ADOPT: 5258, 5271, 5273 AMEND:
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 03/03/16 AMEND: 10176, 10179, 10180, 10181
 02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205,
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 01/26/16 ADOPT: 1866.1 AMEND: 1844
 01/25/16 AMEND: 10170.2, 10170.3, 10170.4,
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 04/25/16 AMEND: 41906.5, 41906.6
 03/28/16 ADOPT: 1700
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 03/21/16 AMEND: 80057.5, 80089.2
 03/03/16 AMEND: 19810
 02/26/16 AMEND: 27007
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 02/24/16 AMEND: 80014, 80014.1, 80066
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 04/12/16 AMEND: 3207, 3212
 03/23/16 AMEND: 9789.12.2, 9789.12.6,
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 03/14/16 AMEND: 9789.21, 9789.25
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 02/25/16 AMEND: 3328
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 04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704,
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 05/10/16 AMEND: 2353.1
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 03/08/16 ADOPT: 2240.15, 2240.16, 2240.6,
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- 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
- Title 11**
- 06/01/16 AMEND: 51.22
- 04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132
- 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)
- Title 12**
- 05/23/16 ADOPT: 462
- Title 13**
- 05/09/16 AMEND: 156.00, 156.01
- 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
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- 05/25/16 AMEND: 1670
- 05/11/16 AMEND: 17852
- 05/02/16 AMEND: 29.85
- 04/28/16 ADOPT: 131
- 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
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- 05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317
- 05/11/16 AMEND: 3000, 3213
- 05/10/16 AMEND: 3173.2
- 04/28/16 AMEND: 3000
- 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
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- 05/26/16 ADOPT: 1815.5
- 05/13/16 AMEND: 910
- 05/10/16 AMEND: 2403
- 05/04/16 AMEND: 4170
- 05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326, 2326.1, 2326.5
- 04/28/16 AMEND: 1417
- 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
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 01/25/16 AMEND: 420.1, 3021.1
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 05/24/16 AMEND: 2500, 2502, 2505
 04/25/16 AMEND: 100800
 04/04/16 ADOPT: 6500.03, 6500.05, 6500.9,
 6500.21, 6500.33, 6500.43, 6500.50,
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 6500.78, 6501.5 AMEND: 6500.35,
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 03/08/16 AMEND: 60201
 02/05/16 ADOPT: 59050, 59051, 59052, 59053,
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 01/21/16 AMEND: 100003
 01/11/16 ADOPT: 94017 AMEND: 94010, 94011,
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04/22/16 AMEND: 1668
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 03/28/16 AMEND: 2401, 2413, 2422
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 02/03/16 AMEND: 5218, 5235, 5237, 5267
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 2645, 2726 renumbered to 2646, 2727
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 2648, 2729 amended and renumbered to
 2650, 2729.1 amended and renumbered
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 2655, 2729.6 amended and renumbered
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 2658, 2732 amended and renumbered to
 2659, 2733 amended and renumbered to
 2670, 2734 renumbered to 2671

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 03/08/16 AMEND: 2.1
 02/10/16 AMEND: 1601, 1604, 1605.3

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 04/19/16 AMEND: 123000
 04/01/16 AMEND: 64417, 64418, 64418.1,
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 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
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02/10/16 AMEND: 102352, 102416.5, 102417, 102421
 12/30/15 ADOPT: 84092, 84093, 85092, 85093, 87794, 87795 AMEND: 84001, 84002, 84064, 84064.2, 84064.3, 84064.4, 84064.5, 84090, 84090.1, 84090.2,

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 03/30/16 ADOPT: 876
 03/21/16 ADOPT: 908, 911, 912, 916, 917, 922, 924, 931, 931.5, 932, 933, 934, 935, 936, 937, 938
 03/07/16 AMEND: 3930
 02/11/16 ADOPT: 863, 864, 865, 866
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 04/18/16 AMEND: 25603.3
 04/13/16 AMEND: 27001
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