



California Regulatory Notice Register

REGISTER 2012, NO. 51-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 21, 2012

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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.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

**NOTICE OF PROPOSAL TO AMEND
RULE 1843.2, CLASSIFICATION OF
DRUG SUBSTANCES**

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The proposed amendment of Rule 1843.2, Classification of Drug Substances, would update the California Horse Racing Board (CHRB) Penalty Categories Listing by Classification (Revised 12/12), which is incorporated by reference in Rule 1843.2, by adding and reclassifying specified drug substances to reflect changes to the Association of Racing Commissioners International (RCI) Uniform Classification Guidelines for Foreign Substances.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 21, 2013**, or as soon after that as business before the Board will permit, in the **Baldwin Terrace Room** at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the pro-

posed regulatory action to the Board. The written comment period closes at **5:00 p.m., on February 4, 2013**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6025
Fax: (916) 263-6022
E-mail: esward@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19580, 19581 and 19582, Business and Professions Code.

Business and Professions Code sections 19580, 19581 and 19582 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580, 19581 and 19582, Business and Professions Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines and penalties relating to equine medication to preserve and enhance the integrity of horse racing in this state. Section 19581 of the Business and Professions Code states that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Business and Professions Code section 19582 provides that violations of Business and Professions Code section 19581, as determined by the Board, are punishable in regulations adopted by the Board, and that the Board may classify violations based upon each class of prohibited drug substances, prior violations within the previous three years and prior violations within the violator's lifetime.

The Board proposes to amend Rule 1843.2 to reflect changes to the Association of Racing Commissioners International (RCI) Uniform Classification Guidelines for Foreign Substances, bringing the CHRB Penalty Categories Listing by Classification (Revised 12/12) in line with the RCI Model Rule drug classifications. The RCI is a national horse racing organization with goals that include reciprocity in the enforcement of the vari-

ous racing jurisdictions' rules and practices. To help accomplish its goals the RCI publishes the RCI Model Rules, which are the result of collective collaboration of the racing regulatory commissions in consultation with the public and affected industry participants. The Model Rules set a standard for integrity in horse racing. The RCI Model Rules committee meets several times each year to consider proposals that have been submitted. Adoption of the model rules by all racing regulatory jurisdictions would provide uniform standards and regulation, a goal of the RCI. The current CHRB drug classification system under Rule 1843.2, Classification of Drug Substances, was adopted in 2008 and is based on the RCI drug classifications as they existed in 2007. Since it was amended in 2008, Rule 1843.2 has not been updated. In an effort to promote national uniformity the CHRB Penalty Categories Listing by Classification (Revised 12/12) was based on the RCI Uniform Classification Guidelines for Foreign Substances with very few exceptions. The RCI has added or reclassified over 100 drugs since 2008. The proposed amendment of Rule 1843.2 will update the regulation to reflect the RCI changes.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment of Rule 1843.2 promotes national uniformity among the various state horse racing jurisdictions. The amendment benefits California by bringing the Board in line with the RCI Model Rule drug classifications, which will provide clarity for horsemen because, regardless of which state they are from, trainers and owners will be clear on how drugs are classified and what the penalties are. The proposed regulation will help to reduce drug violations and will promote drug safety, as owners and trainers will not be forced to change medications as they move from other states to race in California. This will help increase efficiency in the enforcement of the Board's medication rules and regulations because out-of-state owners and trainers will be familiar with the drug classification scheme. If more trainers and owners are complying with Board rules, the public will have more confidence in California horse racing and see it as an honest product, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions. The proposed amendment will also help to ensure the health and well-being of race horses as the CHRB Penalty Categories Listing by Classification (Revised 12/12) provides owners and trainers with information regarding drug substances that are prohibited for use in the sport.

Consistency with Existing State Regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment of Rule 1843.2 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.

The following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment of Rule 1843.2 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment of Rule 1843.2 promotes national uniformity among the various state horse racing jurisdictions. The amendment benefits California by bringing the Board in line with the RCI Model Rule drug classifications, which will provide clarity for horsemen because, regardless of which state they are from, trainers and owners will be clear on how drugs are classified and what the penalties are. The proposed regulation will help to reduce drug violations and will promote drug safety, as owners and trainers will not be forced to change medications as they move from other states to race in California. This will help increase efficiency in the enforcement of the Board's medication rules and regulations because out-of-state owners and trainers will be familiar with the drug classification scheme. If more trainers and owners are complying with Board rules, the public will have more confidence in California horse racing and see it as an honest prod-

uct, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions. The proposed amendment will also help to ensure the health and well-being of race horses as the classification of drug substances provides owners and trainers with information regarding drug substances that are prohibited for use in the sport.

Effect on small businesses: none. The proposal to amend Rule 1843.2 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, 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 on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chr.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn,
Regulation Analyst
Telephone: (916) 263-6397

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Erica Ward, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Erica Ward at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Erica Ward at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process

at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1845, AUTHORIZED BLEEDER MEDICATION

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The proposed amendment of Rule 1845, Authorized Bleeder Medication, would limit race-day bleeder medication to Furosemide (Lasix) only and only allow it to be administered by non-practicing veterinarians.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 21, 2013**, or as soon after that as business before the Board will permit, in the **Baldwin Terrace Room** at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on February 4, 2013**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6025
Fax: (916) 263-6022
E-mail: esward@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code.

Business and Professions Code sections 19940 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580 and 19581, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 states the Board has all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1845, Authorized Bleeder Medication, provides that authorized bleeder medication for the control of exercise-induced pulmonary hemorrhage (EIPH) may be administered to a horse on the authorized bleeder medication list. A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder medication, the official

veterinarian must be informed prior to entry, as specified.

The Board proposes to amend Rule 1845 to bring California in line with the national movement fostered by the RCI to strengthen procedures for the administration of authorized bleeder medication to horses on race day. Subsection 1845(e)(1) identifies Lasix as the only authorized bleeder medication allowed. This is necessary to eliminate any adjuncts, such as estrogens. According to the Board's Equine Medical Director, the effectiveness of estrogen has been questionable. Lasix is the only medication that is consistently effective in reducing bleeding. The proposed amendment to Rule 1845 would put the Board in step with the RCI's model rule, which was adopted in 2011 and which limits race day bleeder medication to Lasix administered by non-practicing veterinarians or veterinarian technicians. Subsection 1845(e)(2) states that Lasix shall be administered only by the official veterinarian, the racing veterinarian or his or her designee, or by a registered veterinary technician under the supervision of a veterinarian. Subsection 1845(e)(2)(a) provides that any veterinarian or registered veterinary technician designated to administer Lasix is prohibited from working as private veterinarians or registered veterinary technicians at the race track or with participating licensees. These two subsections will bring the Board's regulation in line with the RCI model rule and further the Board's goal of promoting integrity in horse racing. Practicing veterinarians who work privately on the track may have more of a vested interest in the horse than non-practicing third-party veterinarians contracted to provide the same service. The proposed amendment would also put the Board in accordance with the RCI, the New York Racing Association, Ontario, and some harness jurisdictions. In addition, requiring a non-practicing veterinarian to administer Lasix may be cost-effective because it could reduce the cost to owners of the race horses. Rather than paying high costs to private veterinarians, owners using non-practicing veterinarians contracted through associations could receive the benefit of standardized costs. Subsection 1845(e)(2)(b) states that the licensed owners of treated horses shall pay the reasonable costs associated with the administration of the Lasix. This is necessary to distinguish who will be held responsible for the payment of the Lasix injections to the horses on race days.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment of Rule 1845 promotes integrity and horse safety. Non-practicing veterinarians do not regularly treat the horses on the track and do not

have a vested interest in the performance of the horses as do practicing veterinarians. A non-practicing veterinarian is less likely to mask a horse's condition or administer an incorrect dosage on race day for this reason. If horses are given the correct dosages and are in the best condition to race, the public will have more confidence in California horse racing and see it as an honest product, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Consistency with Existing State Regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment of Rule 1845 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.

The following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1845 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment of Rule 1845 promotes integrity and horse safety. Non-practicing veterinarians do not regularly treat the horses on the track and do not have a vested interest in the performance of the horses as do practicing veterinarians. A non-practicing veterinarian is less likely to mask a horse's condition or administer an incorrect dosage on race day for this reason. If horses are given the correct dosages and are in the best condition to race, the public will have more

confidence in California horse racing and see it as an honest product, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Effect on small businesses: none. The proposal to amend Rule 1845 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, 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 on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn,
Regulation Analyst
Telephone: (916) 263-6397

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Erica Ward, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Erica Ward at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Erica Ward at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

**TITLE 4. CALIFORNIA SCHOOL
FINANCE AUTHORITY**

**Article 2, Sections 10178, 10179, 10181, 10182,
10185, and 10188
Title 4, Division 15
California Code of Regulations**

NOTICE IS HEREBY GIVEN that the California School Finance Authority (CSFA), organized and operating pursuant to Sections 17170 through 17199.5 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than 5:00 p.m. on Monday, February 4, 2013. The CSFA Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person(s) designated in this notice as Contact Person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

CSFA proposes to amend Sections 10178, 10179, 10181, 10182, 10185, and 10188 of Title 4 of the California Code of Regulations (Regulations). The Regulations implement CSFA's responsibilities related to the State Charter School Facilities Incentive Grants Program (Grant).

AUTHORITY AND REFERENCE

Authority: Sections 17179 and 17180, Education Code. Section 17179 provides CSFA with the authority to do all things reasonably necessary to carry out its responsibilities. Section 17180(a) of the Education Code provides CSFA the authority to adopt bylaws for the regulation of its affairs and the conduct of its business. Subdivision (d) provides CSFA with the authority to receive and accept grants from the federal government. Subdivision (o) allows CSFA the authority to adopt guidelines for grants.

Reference: Sections 17078.52–17078.66 of the Education Code, section 17180(d) of the Education Code; and sections 47600, et seq., of the Education Code. These Regulations implement the State Charter School Facilities Incentive Grants Program (Grant) and include a number of the requirements of that program contained in the reference code provisions and their implementing Regulations. They also rely on a number of provisions in the Charter Schools Act of 1992, commencing with section 47600 of the Education Code. Section 17180(d) provides CSFA with the authority to receive grants from the federal government.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

CSFA was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code section 17170, et seq.). CSFA is authorized to adopt bylaws for the regulation and conduct of its business, is vested with all powers reasonably necessary to carry out its powers and responsibilities, and may receive and accept grants from a federal agency (Education Code sections 17179 and 17180).

In 2004 and 2009, the United States Department of Education approved grant awards to CSFA pursuant to the State Charter School Facilities Incentive Grants Program (Grant), authorized under Title V, Part B, Subpart 1 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001. The Grant provides for \$49,250,000 in 2004 and \$48,502,749 in 2009 to be awarded over five-year periods for the purposes of funding per-pupil facilities aid programs for California charter schools. Grant funds may be applied toward a charter school's annual costs of rent, lease, mortgage, or debt service payments for facilities or toward the purchase, design, and construction costs of acquiring land and constructing or renovating a facility.

Pursuant to the federal rules governing the Grants, an annual portion of the funds must be allocated during each of five consecutive federal fiscal years. The first funding round began on June 28, 2005 when an emergency rulemaking file was approved by the Office of Administrative Law. Permanent Regulations implementing the Grant were approved March 24, 2006.

The allocation of these grant funds to eligible charter schools is based on preference points assigned for certain factors, including the low income population served by the school as reported by the percentage of students eligible to receive free/reduced price meals, the school's nonprofit status, whether a school is located in an overcrowded attendance area, and the school's performance in relation to API (Annual Per-

formance Index), AYP (Adequate Yearly Progress) and in comparison to its nearby public schools.

The proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

The amendments to the Regulations are briefly summarized below and are intended to clarify the requirements.

Section 10178(a): Clarifies that eligible costs may include any combination of costs for base rent, lease, mortgage, Proposition 39 pro rata costs, and debt service. This clarifies that other costs such as utilities or reserve accounts are not eligible costs under this program.

Section 10178(d): Clarifies that grant funds may not be applied toward overhead or administrative costs of the school, chartering authorizer, educational management organization, or any other entity.

Section 10178(e) (formerly Section 10178(d)): Grant funds may not be used to supplement any school project/location receiving funds through the Charter School Facilities Program (CSFP).

Sections 10179(a) and (b): Clarifies that the enrollment used to calculate grant awards will be based on eligible K–12 grade student enrollment on file with the California Department of Education, and that enrollment not reported on CDE’s website cannot be used for purposes of making grant awards.

Section 10179(d): Adds language to clarify the award of available grant funds to alternate subgrantees. Currently, grant funds that become available will be awarded to alternate applicants, in rank order, from the most recent funding round until the scheduled time for the next funding round at which time funds that become available will be combined with the available funds for the next funding round. The added language provides that if sufficient funds become available after the tenth funding round, CSFA may hold another funding round. Alternatively, if all alternate applicants from the tenth funding round are exhausted and an eleventh funding round is not scheduled, available funds may be awarded in rank order to current subgrantees of the final funding round, that demonstrate increased facility costs.

Section 10181(h): Clarifies that that site control for construction/renovation projects will need to demonstrate site control for a minimum of the three–year grant period.

Section 10181(j)(2): Clarifies that CSFA shall obtain verification at the time of application that the subgrantee will ensure that construction or renovation projects assisted with these federal funds will meet the prevailing wage requirements in the Davis–Bacon Act.

Section 10182(f): Clarifies that the First–Time Award Competitive Priority will apply to applicants under all funding rounds.

Section 10185: Amends the end of the grant period for the 2004 grant (funding rounds 1–5) to September 30, 2013.

Section 10188(b): Clarifies that disbursements are to be applied toward eligible costs as identified under the grant program.

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

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

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CSFA has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

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

While CSFA will incur additional expenses in implementing and administering the Grant, the U.S. Department of Education provides that CSFA may charge such additional expenses for CSFA’s administrative costs against the Grant, up to five percent. Therefore, there is no fiscal impact on the State’s General Fund or requirement of additional appropriations by the Legislature. There will be no cost or savings to any State Agency pursuant to Government Code Sections 11346.1(b) or 11346.5(a)(6).

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

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

EFFECT ON SMALL BUSINESSES

CSFA has determined that the adoption of the Regulations will not affect small business. The Grant is a voluntary financing program available to charter schools to assist in the financing of charter school facilities.

COST IMPACTS

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

ASSESSMENT OF EFFECT ON JOBS AND
BUSINESS EXPANSION, ELIMINATION
OR CREATION

Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

- a. The proposed regulations will unlikely have an impact on the creation or elimination of jobs within the State of California. The Authority has been implementing the Grant program since 2004 under two separate U.S. Department of Education grants. Consequently, the personnel employed or otherwise working on the implementation of Grant awards are already in place. In addition, the Authority is unaware of any reason providing grant funds to awardees would result in the elimination of jobs. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a grant

program that will disburse funds to existing charter schools in need across the State of California for per-pupil facilities funding. There are no provisions within the proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that jobs would be created or eliminated as a result.

- b. The proposed regulations will unlikely have an impact on the creation or elimination of new businesses within the State of California. As noted above, the purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a grant program that provides per-pupil facilities funding to existing charter schools in need. There are no provisions within the proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that businesses would be created or eliminated as a result.
- c. The proposed regulations will unlikely have an impact on the expansion of businesses currently doing business within the State of California. The purpose of the Grant and proposed regulations is to set forth administrative criteria and requirements for administering a grant program that will provide per-pupil facilities funding to existing charter schools.
- d. The proposed regulations are intended to provide per-pupil facilities funding to existing charter schools in need, especially serving communities with low-income households. As such, to the extent that the awards benefit the long-term viability of charter schools, the Grant and its proposed regulations have the potential to directly benefit economically vulnerable populations and communities throughout the State.

REASONABLE ALTERNATIVES

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

CSFA invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON(S)

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

Katrina Johantgen, Executive Director
California School Finance Authority

at:

304 South Broadway, Suite 550
Los Angeles, CA 90013-1224
(213) 620-4467

or

915 Capitol Mall, Room 101
Sacramento, CA 95814
(916) 651-7710

or

kjohantgen@treasurer.ca.gov

or

csfa@treasurer.ca.gov

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

Mark Paxson, General Counsel
State Treasurer's Office
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to CSFA. The written comment period on the Regulations will end at 5:00 p.m. on Monday, February 4, 2013. All comments to be considered by CSFA must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, CSFA will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations.

Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

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

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

PUBLIC HEARING

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

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, CSFA may adopt the Regulations substantially as described in this Notice, without further notice. If CSFA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through CSFA's Web site described above) for at least fifteen (15) calendar days before CSFA adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION
REQUEST FOR
LaPozz Mine Project
(2080-2012-016-04)
Kern County

The Department of Fish and Game (Department) received a notice on November 13, 2012, that the CalPortland Company proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves mining opaline silica from a localized deposit on a 150-acre claim block owned and managed by the U.S. Bureau of Land Management (BLM). This project includes the development, operation, and reclamation of an open pit mine and associated facilities. The proposed project is located in the Mojave Desert approximately 17 miles southwest of the community of Inyokern and 2.5 miles east of State Route 14, in Kern County.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File No. 8-8-11-F-37)(BO) and incidental take statement (ITS) to the BLM on December 23, 2011, which considered the effects of the project on the state and federally endangered desert tortoise (*Gopherus agassizii*).

Pursuant to California Fish and Game Code section 2080.1, CalPortland Company is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA

for the proposed project, CalPortland will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the project.

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT
INCONSISTENCY DETERMINATION NO.
2080-2012-016-04

Project: La Pozz Mine
Location: Kern County
Applicant: California Portland Company
Notifier: James E. Good, for Gresham Savage,
Attorneys at Law

Background

California Portland Company (CalPortland) (Applicant) proposes to mine opaline silica from a localized deposit on a 150-acre claim block owned and managed by the U.S. Bureau of Land Management (Bureau) located in the Mojave Desert approximately 17 miles southwest of the community of Inyokern and 2.5 miles east of State Route 14, in Kern County. The La Pozz Mine (Project) includes the development, operation, and reclamation of an open pit mine and associated facilities. The mining activities would occur in 8-14 phases over a 20-year duration. During each mining phase, CalPortland would drill, blast, crush, and stockpile approximately 30,000 to 50,000 tons of rock. Drilling, blasting, and crushing would occur in two phases per year depending on the required annual production. Drilling would require 9-15 days per phase, and would use a track-mounted crawler drill. Once a blast occurs, a loader would feed the material to a portable crushing plant on site. Blasting would occur 3-10 days per year, with one blast per day. Each mining phase would require 8-10 trucks to haul material. Each truck would make approximately four round trips per day during each mining phase. Truck traffic and other vehicles would access the mine site from the intersection of Red Rock Inyokern Road by traveling an unnamed road for approximately 0.64 miles. The unnamed road would be widened from 12 feet to 15 feet in discrete segments to accommodate truck traffic. CalPortland is expected to maintain the access road for the duration of mining activities.

The Project activities described above are expected to incidentally take¹ desert tortoise (*Gopherus agassizii*) where those activities take place within suitable desert tortoise habitat. In particular, desert tortoise could be incidentally taken as a result of blasting, excavation and grading, operation of heavy equipment, fuel and/or hazardous chemical spills and runoff. Take can be in the form of crushing; entombment in burrows; poisoning; vehicle strikes; dehydration (due to voiding bladders after blasting activities); loss of denning, foraging, breeding and dispersal habitat; and additional predation pressures by the common raven (*Corvus corax*). Desert tortoise is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(A)).

Desert tortoise individuals are documented as present at the Project site and there is suitable occupied desert tortoise habitat within and adjacent to the Project site. Because of the confirmed presence of desert tortoise within the Project site, and the presence of suitable desert tortoise habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that desert tortoise is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of desert tortoise. Since the Project is expected to result in take of a species designated as threatened under the federal ESA, the Bureau consulted with the Fish and Wildlife Service (Service) as required by the ESA. On December 23, 2011, the Service issued a biological opinion (Service file No. 8-8-11-F-37) (BO) to the Bureau. 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 measures in the BO for desert tortoise include, among others:

- The Applicant will designate a field contact representative who is responsible for overseeing compliance with protective stipulations for the desert tortoise and for coordination on compliance with the Bureau. The field contact representative will halt all mining activities that are in violation of the stipulations. The field contact representative will have a copy of the stipulation when on the site.

The field contact representative may be the mine operator, the mine manager, any other mine employees, or a contracted biologist.

- The Applicant will develop a desert tortoise education program for all workers using the site. The Bureau will approve the employee education program prior to the presentation of the program to mine workers. The program may consist of a class or video presented by an authorized biologist. All Project personnel will participate in the employee education program prior to initiation of mining activities. The operator is responsible for ensuring that the education program is developed and presented prior to conducting activities. New employees will receive formal, approved training prior to working on-site. The program will cover the following topics regarding desert tortoise: distribution, general behavior and ecology, sensitivity to human activities, legal protection, penalties for violation of Federal or State laws, reporting requirements, and Project protective mitigation measures.
- Only biologists authorized by the Service and the Bureau will handle desert tortoises. The Bureau will submit the name(s) of the proposed authorized biologist(s) to the Service for review and approval at least 30 days prior to the onset of activities. No mining activities will begin until the approval of the authorized biologist(s). The authorized biologist(s) will follow the protocols outlined in chapter 7 of the *Desert Tortoise Field Manual* (Service 2009) for handling and marking desert tortoises.
- An authorized biologist will be required on-site during the initial surface-disturbing activities. The authorized biologist will have authority from the operator to halt any action that may injure or kill a desert tortoise.
- Disturbance will occur in the smallest practical area, considering topography, placement of facilities, location of burrows, public health and safety, and other limiting factors. Work area boundaries delimited with flagging or other marking will minimize surface disturbance associated with vehicle straying. Workers will avoid special habitat features, such as burrows, as identified by the authorized biologist. Stockpiling of materials, storage of equipment, and parking of vehicles will occur in previously disturbed areas to the greatest extent possible. The authorized biologist, in consultation with the Project

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”).

proponent, will ensure compliance with this measure.

- Desert tortoise exclusion fencing constructed under the direction of an authorized biologist will enclose all temporary and long-term disturbance areas and avoid all desert tortoise burrows to the extent possible. (The definition of “long-term” is approximately 20 years, the anticipated life of the Project.) The Applicant will construct the fence according to the protocols provided in chapter 8 of the *Desert Tortoise Field Manual* (Service 2009). The Applicant will construct the mine gate to exclude desert tortoises when closed. This gate will remain closed except for the immediate passage of vehicles. To ensure its integrity, the Applicant will check the fence at least monthly and after major storm events (events that may cause debris buildup that may bury the fence and/or cause gulying under the fence) and provide immediate maintenance, as needed. If the fence remains in a dilapidated state for more than a week, additional desert tortoise surveys may be required to ensure that no desert tortoises have entered the site during the time that the fence was in disrepair.
- After exclusion fence installation, the authorized biologist will conduct a thorough survey for desert tortoises within the mine site. The authorized biologist will mark desert tortoises for future reference and translocate all desert tortoises from the enclosure to the outside of an adjacent fence. The authorized biologist will follow the protocols provided in chapter 7 of the *Desert Tortoise Field Manual* (Service 2009) for marking and translocating desert tortoises.
- Except on paved roads, vehicles speeds will not exceed 20 miles per hour through desert tortoise habitat.
- The Applicant will not allow dogs on the mine site. This excludes dogs that are not within the control of the Applicant’s workers. However, when possible, the Applicant will remove any loose dogs found within the mine area and turn them over to local animal control.
- All trash and food items will be promptly contained within closed, common raven-proof containers. The Applicant will remove containers regularly from the Project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators. Project workers will secure vehicle loads to prevent litter from blowing out along the road.
- A Service-approved weed management plan will be developed and implemented to minimize the introduction of non-native weed species. To minimize the introduction of non-native weeds, the Applicant will clean earth-moving equipment prior to transport to the Project site. Weed-seed free rice straw or other certified weed-seed free straw is required for erosion control. The Applicant will promptly eliminate non-native weed species inadvertently introduced onto the site during mining activities using methods approved by the Bureau and the Service.
- Due to the location of this Project within the range of the desert tortoise, associated infrastructure, and the increase in human activities that will occur if this Project is approved, a corresponding increase in the presence common ravens and predation on desert tortoises is anticipated. Because it is not possible to exclude completely common ravens from using Project infrastructure, it is appropriate to calculate the contribution of each project to the regional common raven management plan based on the total area required for the development of the Project. These funds are used to carry out the primary actions of the management plan. With the assistance of the National Fish and Wildlife Foundation, who will be holding and managing the funds to implement the management plan, the Service and the Department of Fish and Game (DFG) calculated the equitable contribution for projects that are expected to increase common raven presence and predation on the desert tortoise. This was accomplished by using modeling tools to determine a per-acre contribution for projects with permit terms of 20 to 30 years. The amount for a 20-year project is \$64.00 per acre. Therefore, if this Project disturbs 32.93 acres, then the amount to be paid is \$2,107.52.
- The Bureau will require the Applicant to compensate for loss of desert tortoise habitat in accordance with the West Mojave amendment to the California Desert Conservation Area Plan (Bureau et al. 2005). The Bureau will apply a compensation ratio of 1:1, as described in the California Desert Conservation Area Plan. The compensation will provide for implementation of measures outlined in the West Mojave Plan to offset the adverse effects associated with this Project.

In addition, in a letter dated October 14, 2012, the Service acknowledges an increase in the disturbance footprint for the Project from 32.78 acres to 34.48 acres.

In a comment letter received by the Bureau from the County of Kern in January 2012; the County of Kern noted that some of the figures in the November 2011 application received by the Bureau from the CalPortland Company did not accurately portray the operation and that final slopes from the mining process would be greater than two horizontal to one vertical. After making the appropriate changes to the figures, the Bureau found that the disturbance on the opaline silica cap rock changed from 17.95 acres as discussed in the BO to 19.85 acres, and the peripheral operational disturbance changed from 14.4 to 14.2 acres. The total area of existing disturbance and the acres of access road widening would stay the same. This results in an additional 1.7 acres of disturbance to the project not originally analyzed in the December 23, 2011 BO.

Therefore, according to the Service, the Project includes the 34.48 acre mine site, the 0.23 acre that would be disturbed for road widening, any desert tortoise habitat within a 1,000-foot area around any surface disturbance, and the 3.54 miles of unpaved road from State Route 14 to the Project site. The 1,000-foot-wide area accounts for effects associated with short-distance translocation of desert tortoises out of work areas; this area has been calculated as approximately 18.43 acres. The Project includes approximately 34.71 acres of direct surface disturbance and approximately 18.43 acres associated with the 1,000-foot translocation area, for a total of approximately 53.14 acres. Implementation of the Project also includes the reclamation of 18.3 acres of the disturbed area consisting of grading the surface of the bench to the original contour, scarifying the disturbed area to facilitate revegetation, and reseeding with an appropriate mixture of native plant species according to the Bureau's reclamation specifications. Of the 34.71 acres of anticipated surface disturbance, 16.41 acres of permanent impacts to desert tortoise habitat is expected to occur and with restoration, 18.3 acres of temporary impacts to desert tortoise habitat is also expected to occur.

On November 13, 2012 the Director of the DFG received a notice from James E. Good, for Gresham Savage Attorneys at Law, on behalf of 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 desert tortoise.

Determination

After review and consideration of the BO, including its ITS, DFG has determined that there is substantial ev-

idence to conclude the BO and ITS are **not consistent** with CESA because the required measures do not meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. This determination is based on the following considerations:

1. The BO does not provide DFG with any authority to approve various conditional take minimization and mitigation measures, nor does it require the applicant to provide notification to DFG for issues related to conditions in the BO, including: notification of take occurrences, approval of biological monitors, approval of biologists, documentation of training, project implementation reports, notification of project suspension, post-encounter coordination, and post-project reclamation implementation and compliance reporting. Since the BO does not provide DFG with such approval authority or notification, DFG cannot ensure that the Applicant will properly implement take minimization and mitigation measures. Thus, DFG cannot find that the impacts will be minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2).
2. The BO does not require the permanent protection and perpetual management of habitat management land to fully mitigate project-related impacts of the taking of desert tortoise that will result with implementation of proposed Project activities. The BO does not describe the instrument to be used to permanently protect habitat management lands or the requirement for management funding (e.g., an endowment) of these lands. For these reasons, the BO does not meet the requirements of Fish and Game Code section 2081, subdivision (b)(2) and (b)(4) to minimize and fully mitigate impacts and ensure adequate funding to carry out all required mitigation.
3. The BO does not describe the elements of the required reclamation plan for the 18.3 acres of temporary disturbance on-site to desert tortoise habitat and the success criteria, including the requirement of sufficient funding, for ensuring that the reclamation is effectively implemented by the applicant. For these reasons, the BO does not meet the requirements of Fish and Game Code section 2081, subdivision (b)(2) and (b)(4) to minimize and fully mitigate impacts and ensure adequate funding to carry out all required mitigation.

4. The letter sent by the Service, dated October 24, 2012, (Service file No. 08EVEN00–2012–I–0523) concurred with the Bureau determination that increasing the Project disturbance footprint by 1.7 acres is not likely to cause any additional effects to the desert tortoise and therefore, would not require reinitiation of formal section 7 consultation. No additional conditional take minimization and mitigation measures were required of the applicant. The letter does not provide DFG with any authority to concur that increasing the Project disturbance would not result in additional impacts of the taking of desert tortoise, or that further take minimization and mitigation measures are not necessary. As such, DFG cannot find that the impacts associated with the increase in the Project acreage will be minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2).

For the reasons described above, DFG has determined there is substantial evidence that the BO, including its ITS, are not consistent with CESA as it pertains to incidental take of desert tortoise by the Applicant during implementation of the Project because DFG cannot find that the impacts have been minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2), and DFG cannot find that the applicant has ensured adequate funding as required by Fish and Game Code section 2081, subdivision (b)(4). Pursuant to Fish and Game Code section 2080.1, subdivision (c), with this determination the incidental take of desert tortoise resulting from implementation of the Project may only be authorized by DFG pursuant to Fish and Game Code section 2081, subdivision (b).

Literature Cited

United States Bureau of Land Management, County of San Bernardino, and City of Barstow. 2005. Final Environmental Impact Report and Statement for the West Mojave Plan; a habitat conservation plan and California Desert Conservation Area Plan amendment. Moreno Valley, San Bernardino, and Barstow, California.

United States Fish and Wildlife Service. 2009. Desert tortoise field manual. Found online at http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/.

DECISION NOT TO PROCEED

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF DECISION NOT TO PROCEED
PURSUANT TO GOVERNMENT CODE
SECTION 11347**

**TITLE 27, CALIFORNIA CODE
OF REGULATIONS**

**PROPOSED AMENDMENT TO SECTION 25705
SPECIFIC REGULATORY LEVEL POSING NO
SIGNIFICANT RISK**

AND

**PROPOSED AMENDMENT TO SECTION 25805
SPECIFIC REGULATORY LEVELS
CHEMICALS CAUSING
REPRODUCTIVE TOXICITY**

**POLYCHLORINATED BIPHENYLS
(FOOD CHAIN EXPOSURES)**

DECEMBER 21, 2012

On April 13, 2012, the Office of Environmental Health Hazard Assessment (OEHHA) provided a notice to adopt a No Significant Risk Level under Section 25705 and a specific regulatory level having no observable effect under Section 25805 for polychlorinated biphenyls (PCBs) (Food Chain Exposures). Notice was also published on the OEHHA website.

OEHHA has reviewed and considered comments received on the proposed rulemaking, and has decided to withdraw the proposal at this time.

For questions regarding the withdrawal of the proposal, you may contact OEHHA's Proposition 65 program at (916) 445-6900 or email P65Public.Comments@oehha.ca.gov. Please include "PCBs safe harbor" in the subject line.

**OAL REGULATORY
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

**(Pursuant to Government Code Section 11340.5
and
Title 1, section 270, of the
California Code of Regulations)**

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

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

Date: December 5, 2012
To: Dino Monzo
From: Chapter Two Compliance Unit
Subject: 2012 OAL DETERMINATION
NO. 11(S)
(CTU2012-1107-01)
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))
Petition challenging as an underground regulation the Religious Matrix issued by Pleasant Valley State Prison

On November 11, 2012, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether a document titled "Religious Matrix" constitutes an underground regulation. The "Religious Matrix" is a list of personal religious items permitted by Pleasant Valley State Prison.

There is no indication on the document showing whether the document was issued by Pleasant Valley State Prison or by the California Department of Corrections and Rehabilitation. Your petition states that the document was issued by a Community Partnership Manager and the Chaplains at Pleasant Valley State Prison. For purposes of this determination, we will assume that you are correct and the document was issued by officials at Pleasant Valley State Prison. The document is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility....

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

¹ "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by officials at Pleasant Valley State Prison and applies solely to the inmates of Pleasant Valley State Prison. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³ If, however, evidence established that the rule is not limited to Pleasant Valley State Prison and was issued by the California Department of Corrections and Rehabilitation, the “local rule” exemption would not apply.

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/ _____
Debra Cornez
Director

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.
(B) The challenged rule is contained in a California statute.
(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

/s/ _____
Kathleen Eddy
Senior Counsel

Copy: Martin Hoshino
Tim Lockwood

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2012-1026-02
AIR RESOURCES BOARD
SORE, CI Engine, and Incorporated Test Procedures

This regulatory action amends California’s off-road exhaust emission regulations for new small off-road engines and tier 4 compression-ignition engines. The purpose is to provide better harmonization with related federal certification, testing requirements and associated test procedures. It also includes modifications to the test fuel requirements used in several other off-road categories of engines/vehicles (large spark-ignition engines, off-highway recreational vehicles and spark-ignition marine engines).

Title 13
California Code of Regulations
AMEND: 2403, 2404, 2407, 2412, 2421, 2423, 2424, 2425, 2425.1, 2426, 2427, 2433, 2447, 2783, 2784
Filed 12/11/2012
Effective 01/10/2013
Agency Contact: Trini Balcazar (916) 445-9564

File# 2012-1106-03
AIR RESOURCES BOARD
Section 100 — Section 95920 renumber correction — Cap and Trade

This action changes the lettering of one subdivision to be a numbered subdivision within the same section. It does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision. It is a change without regulatory effect.

Title 17
California Code of Regulations
AMEND: 95920
Filed 12/06/2012
Agency Contact: Amy Whiting (916) 322-6533

File# 2012-1029-04
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Aviation Security Course

This rulemaking by the Commission on Peace Officer Standards and Training (POST) amends the Aviation Security course (Penal Code section 832.1) requirements contained in section 1081(a) of Title 11 of the California Code of Regulations.

Title 11
California Code of Regulations
AMEND: 1081
Filed 12/12/2012
Effective 01/11/2013
Agency Contact: Patti Kaida (916) 227-4847

File# 2012-1121-03
DEPARTMENT OF MOTOR VEHICLES
Annual Fee Adjustment

This regulatory action by the Department of Motor Vehicles amends CCR Title 13, Section 423, to identify the annual adjustment of specified fees for 2013. Pursuant to Vehicle Code Sections 1678 and 1685, the Department is required to review and adjust a variety of fees annually. The adjusted fees are effective January 1, 2013.

Title 13
California Code of Regulations
AMEND: 423.00
Filed 12/10/2012
Effective 12/10/2012
Agency Contact: Randi Calkins (916) 657-8898

File# 2012-1108-03
DIVISION OF WORKERS' COMPENSATION
Electronic Adjudication Management System Rules
(Court Administrator)

This action by the Division of Workers' Compensation and Workers' Compensation Appeals Board makes changes without regulatory effect to Title 8 of the California Code of Regulations (CCR). Specifically, these changes include renumbering and reordering various sections of Subchapter 1.9 into newly created Subchapter 1.8.5 in Title 8, Division 1, Chapter 4.5 of the CCR. Changes without regulatory effect are also made to address the abolishment of the "court administrator" position pursuant to Stats. 2011, c.559 (A.B. 1426), in-

cluding changes to authority and reference citations and removal of references to "court administrator."

Title 8
California Code of Regulations
AMEND: 10210, 10211, 10212, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10228, 10229, 10232, 10232.1, 10232.2, 10245, 10250.1, 10252.1, 10253.1, 10270, 10271, 10273, 10290, 10291, 10293, 10294.5, 10297
Filed 12/10/2012
Agency Contact: Destie Overpeck (510) 286-7100

File# 2012-1105-04
EMPLOYMENT DEVELOPMENT DEPARTMENT
Taxable Value of Meals and Lodging

This regulatory action amends sections 926-3, 926-4 and 926-5 that establish the taxable value of meals and lodging furnished to employees by employers, for purposes of Unemployment Insurance payroll taxes. In order to establish the equivalent amount of cash wages paid by employers who pay a portion of their employee's wages in the form of meals or lodging, it is necessary to compute the reasonable cash value of such meals and lodging. The Employment Development Department (Department) makes this computation each calendar year to reflect the upward or downward trend in the cost of living during the previous calendar year. This yearly computation ensures an accurate and up-to-date calculation of the taxable values of meals and lodging for purposes of "wages" within the meaning of Unemployment Insurance Code section 926. Pursuant to Unemployment Insurance Code section 310, the Department established 1/1/2011 as the effective date of this regulatory action.

Title 22
California Code of Regulations
AMEND: 926-3, 926-4, 926-5
Filed 12/10/2012
Effective 01/01/2011
Agency Contact: Deanna Asuncion (916) 654-8410

File# 2012-1205-02
OFFICE OF REAL ESTATE APPRAISERS
Amend: Conflict-of-Interest Code
This is a Conflict-of-Interest code filing that has been approved by FPPC and is being submitted for filing with the Secretary of State and printing only.

Title 10
California Code of Regulations
AMEND: 3780
Filed 12/11/2012
Effective 01/11/2013
Agency Contact: Kathleen Chovan (916) 341-6126

File# 2012-1024-01
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facility Act of 1998; Priority
 Funding Process

In this regulatory action, the State Allocation Board amended the School Facility Program regulations. The amendments will improve the efficiency of the priority funding process by adjusting the priority funding filing periods and extending the length of time that priority funding requests remain valid.

Title 2
 California Code of Regulations
 AMEND: 1859.2, 1859.90.2
 Filed 12/06/2012
 Effective 12/06/2012
 Agency Contact: Robert Young (916) 375-5939

File# 2012-1030-01
 STATE WATER RESOURCES CONTROL BOARD
 Santa Ana Region Salt Management Plan Update

This Government Code section 11353 rulemaking action updates the Santa Ana Region Salt Management Plan by amending the Prado Basin Management Zone boundary, changing the annual due date of certain reporting which depends on the receipt of USGS data, and eliminating a nitrogen monitoring requirement, among other updates to the basin plan.

Title 23
 California Code of Regulations
 ADOPT: 3979.5
 Filed 12/06/2012
 Agency Contact: Hope Smythe (951) 782-4493

File# 2012-1025-01
 VICTIM COMPENSATION AND GOVERNMENT
 CLAIMS BOARD
 CalVCP Regulations

The Victim Compensation and Government Claims Board (VCGCB) is amending section 649.15 of title 2 of the California Code of Regulations. SB 1299, Statutes of 2012, Chapter 670 amends Government Code section 13953. Existing law provides for the compensation of victims and derivative victims of specified types of crimes by VCGCB for specified losses suffered as a result of those crimes if an application is received within specified time frames. Previously the law had given VCGCB discretion to extend the time for good cause and after considering "any relevant factors...." SB 1299 changed the statute to only allow VCGCB to extend for good cause the time for an application to be received for specified reasons. VCGCB therefore does not have discretion to determine what factors to consider. Title 2, section 649.15 of the California Code of Regulations is

being amended to remove the previously adopted factors and instead adopt the factors now listed in the statute.

Title 2
 California Code of Regulations
 AMEND: 649.15
 Filed 12/11/2012
 Effective 01/01/2013
 Agency Contact:
 Geoff Feusahrens (916) 491-3863

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN July 18, 2012 TO
 December 12, 2012**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 1**
 11/13/12 AMEND: 1, Appendix A
- Title 2**
 11/30/12 ADOPT: 7291.4, 7291.7, 7291.14, 7291.18 AMEND: 7291.2, 7291.3, 7291.4 and renumber 7291.5, 7291.5 and renumber 7291.6, 7291.6 and renumber 7291.8, 7291.7 and renumber 7291.9, 7291.9 and renumber 7291.10, 7291.10 and renumber 7291.17, 7291.11, 7291.12, 7291.13, 7291.15, 7291.16 REPEAL: 7291.8, 7291.14
 11/29/12 ADOPT: 558.1
 11/28/12 AMEND: 54100
 11/09/12 ADOPT: 599.945.4 AMEND: Article 27.5 heading
 11/08/12 AMEND: 18723
 11/06/12 REPEAL: 56600
 11/06/12 REPEAL: 52000
 11/06/12 REPEAL: 52300
 11/01/12 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95
 10/23/12 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.107, 1859.193, 1859.194, 1859.197
 10/22/12 ADOPT: 599.944, 599.946, 599.947
 10/18/12 AMEND: 1575
 10/18/12 ADOPT: 577, 578
 10/17/12 AMEND: 20804
 10/03/12 ADOPT: 18730.1

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10/02/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
09/20/12 ADOPT: 59730
09/19/12 AMEND: 1155.250, 1155.350
09/14/12 REPEAL: 52100
09/10/12 ADOPT: 59650
08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200
08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3
08/13/12 ADOPT: 59720
08/07/12 AMEND: 18640

Title 3

11/15/12 AMEND: 3435(b)
10/29/12 ADOPT: 1352.4 AMEND: 1351, 1358.4
10/23/12 ADOPT: 3639
10/23/12 ADOPT: 3439
09/21/12 AMEND: 3437(b) and (c)
09/18/12 AMEND: 6449.1, 6486.7
09/12/12 AMEND: 3700(c)
09/12/12 AMEND: 3435(b)
08/24/12 AMEND: 3406(b)
08/22/12 AMEND: 6800(b)
08/20/12 AMEND: 3435(b)
08/06/12 AMEND: 3435(b)

Title 4

12/03/12 AMEND: 10032, 10033, 10034, 10035
11/27/12 ADOPT: 4305, 4309 AMEND: 4300, 4302, 4304, 4306, 4307, 4308
10/30/12 AMEND: 5000, 5052
10/29/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
10/17/12 AMEND: 1656
10/17/12 AMEND: 1656
10/16/12 ADOPT: 1581.2
10/10/12 AMEND: 1867
09/27/12 AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540
09/12/12 ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392 AMEND: 12360
09/04/12 AMEND: 10032, 10033, 10034, 10035
08/30/12 ADOPT: 1489.1
08/29/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5190, 5200, 5230, 5370, 5170, 5350 REPEAL: 5133

08/01/12 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
08/01/12 AMEND: 5000, 5052
07/26/12 AMEND: 8070
07/26/12 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354
07/23/12 AMEND: 8035

Title 5

11/01/12 AMEND: 18407, 18422
10/31/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
09/27/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
09/27/12 AMEND: 3000, 3010, 3021, 3021.1, 3022, 3023, 3024, 3025, 3027, 3028, 3042, 3051.4, 3051.75, 3051.8, 3051.9, 3051.12, 3051.13, 3051.17, 3051.18, 3052, 3053, 3062, 3063, 3064, 3066, 3067, 3069, 3080, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3088.1, 3088.2, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099, 3100
09/06/12 AMEND: 1216.1
08/09/12 AMEND: 40403
08/09/12 AMEND: 59400, 59402, 59404, 59406, 59408
08/09/12 AMEND: 40500
08/09/12 ADOPT: 40541
08/09/12 AMEND: 40407.1
08/08/12 ADOPT: 40540
08/08/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
07/31/12 AMEND: 19816, 19816.1, 19845.2

Title 7

07/03/12 AMEND: 219

Title 8

12/10/12 AMEND: 10210, 10211, 10212, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10228, 10229, 10232, 10232.1, 10232.2, 10245, 10250.1, 10252.1, 10253.1, 10270, 10271, 10273, 10290, 10291, 10293, 10294.5, 10297
10/31/12 ADOPT: 6625.1 AMEND: 6505
10/23/12 AMEND: 1593, 3650
10/18/12 AMEND: 6325
10/02/12 ADOPT: 1613.11, 1613.12 AMEND: 1600, 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613, 1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1, 4885, 4999

10/02/12	AMEND: 4297	2477.18, 2477.19, 2477.20, 2477.21
09/25/12	AMEND: 2950, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427 REPEAL: 3428	AMEND: 2477
09/05/12	AMEND: 1512, 2320.10, 2940.10	10/09/12 AMEND: 2260, 2261, 2264, 2265, 2265.1, 2266, 2266.5, 2271 REPEAL: 2258
09/04/12	AMEND: 5189, 5192(a)(3), 5198(j)(2)(D)2., 1532.1(j)(2)(D)2.	09/25/12 AMEND: 156.00, 156.01
08/07/12	ADOPT: 3558 AMEND: 3207, 4184	09/14/12 AMEND: 2479
07/30/12	ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604	08/07/12 ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)
Title 9		08/07/12 ADOPT: 1961.2, 1961.3 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, 2317
07/27/12	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358, 7400	08/02/12 ADOPT: 426.00
Title 10		07/30/12 AMEND: 1268, 1270.3
12/11/12	AMEND: 3780	Title 13, 17
12/11/12	AMEND: 649.15	09/14/12 AMEND: 2299.2, 93118.2
12/06/12	AMEND: 1859.2, 1859.90.2	Title 14
11/19/12	AMEND: 2698.401	11/19/12 AMEND: 632
11/13/12	AMEND: 2498.4.9	11/07/12 AMEND: 701
08/30/12	AMEND: 2468.5	11/06/12 ADOPT: 1052.5 AMEND: 895, 916.9, 1052, 1052.1, 1052.2
08/27/12	AMEND: 260.204.9	11/02/12 AMEND: 163, 164
08/22/12	ADOPT: 2327, 2327.1, 2327.2	10/29/12 AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.30, 18660.31, 18660.32, 18660.33, 18660.34, 18660.35, 18660.36, 18660.37, 18660.38, 18660.39, 18660.41, 18660.43
08/03/12	ADOPT: 2561.1, 2561.2	10/18/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
07/19/12	AMEND: 2698.302	10/03/12 AMEND: 300
07/19/12	AMEND: 2699.301	10/02/12 AMEND: 632
07/19/12	AMEND: 5501, 5506	09/27/12 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6
Title 11		09/25/12 AMEND: 18660.40
12/12/12	AMEND: 1081	09/21/12 AMEND: 502
11/26/12	AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960	09/12/12 AMEND: 18660.17, 18660.19, 18660.31
11/15/12	AMEND: 1005, 1007, 1008	09/07/12 AMEND: 300
11/15/12	AMEND: 1005	08/31/12 ADOPT: 671.8 AMEND: 671.1
09/18/12	AMEND: 410, 411, 415, 416, 417, 420, 421, 425 REPEAL: 419, 419.1	08/14/12 AMEND: 13055
07/31/12	AMEND: 999.16, 999.17, 999.19, 999.22	08/02/12 ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320
Title 13		07/26/12 AMEND: 18836
12/11/12	AMEND: 2403, 2404, 2407, 2412, 2421, 2423, 2424, 2425, 2425.1, 2426, 2427, 2433, 2447, 2783, 2784	Title 15
12/10/12	AMEND: 423.00	10/25/12 ADOPT: 3999.14
11/13/12	AMEND: 1200, 1239	10/22/12 AMEND: 3019, 3044, 3091, 3120
11/06/12	ADOPT: 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218	10/18/12 ADOPT: 3999.13
10/15/12	ADOPT: 2477.1, 2477.2, 2477.3, 2477.4, 2477.5, 2477.6, 2477.7, 2477.8, 2477.9, 2477.10, 2477.11, 2477.12, 2477.13, 2477.14, 2477.15, 2477.16, 2477.17,	10/17/12 ADOPT: 3375.6 AMEND: 3000, 3375

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10/04/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
 09/25/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757
 09/13/12 AMEND: 3162
 09/13/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
 08/29/12 AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744
 08/20/12 AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1203, 1205, 1206, 1208, 1217, 1241

Title 16

11/29/12 AMEND: 2524, 2579.10
 11/27/12 ADOPT: 1495, 1495.1, 1495.2, 1495.3, 1495.4
 11/14/12 ADOPT: 1139, 1140, 1141, 1142, 1143, 1144
 11/13/12 ADOPT: 2333
 11/07/12 ADOPT: 1023.15, 1023.16, 1023.17, 1023.18, 1023.19
 10/31/12 AMEND: 1425
 10/29/12 ADOPT: 1065
 10/25/12 ADOPT: 2.8, 11, 11.1 AMEND: 9.2
 09/25/12 AMEND: 1514, 1525.1
 09/25/12 AMEND: 3340.15, 3394.6
 09/12/12 AMEND: 961 REPEAL: 933
 09/10/12 ADOPT: 4116, 4117, 4118, 4119
 09/07/12 AMEND: 4
 08/30/12 ADOPT: 2557, 2557.1, 2557.2, 2557.3, 2595, 2595.1, 2595.2, 2595.3
 08/29/12 ADOPT: 4146, 4148, 4149, 4149.1 AMEND: 4100, 4101
 08/20/12 ADOPT: 1333, 1333.1, 1333.2, 1333.3
 07/23/12 ADOPT: 1397.2 AMEND: 1380.4

Title 17

12/06/12 AMEND: 95920
 11/26/12 ADOPT: 95480.2, 95480.3, 95480.4, 95480.5 AMEND: 95480.1, 95481, 95482, 95484, 95485, 95486, 95488, 95490
 11/14/12 AMEND: 6508
 11/02/12 AMEND: 100500
 10/30/12 AMEND: 100060, 100070

10/03/12 AMEND: 95201, 95202, 95203, 95204, 95205
 09/04/12 ADOPT: 30305.1, 30308.1, 30311.1
 08/30/12 AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021
 08/29/12 AMEND: 100800
 08/15/12 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
 07/26/12 AMEND: 94006

Title 18

12/04/12 ADOPT: 2000
 10/23/12 AMEND: 313, 321
 08/07/12 AMEND: 1618
 07/27/12 AMEND: 1684

Title 20

10/26/12 AMEND: 1601, 1602, 1604, 1605.1, 1605.3, 1606, 1607

Title 21

08/28/12 AMEND: 6640, 6680

Title 22

12/10/12 AMEND: 926-3, 926-4, 926-5
 11/13/12 ADOPT: 2707.2-1 AMEND: 3302-1
 10/25/12 AMEND: 97005, 97019, 97041, 97052, 97053, 97054
 10/18/12 AMEND: 97240
 10/15/12 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75
 09/06/12 ADOPT: 66269.2
 08/20/12 AMEND: 87224
 08/13/12 AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127

Title 23

12/06/12 ADOPT: 3979.5
 11/14/12 AMEND: 1062, 1064, 1068
 11/13/12 ADOPT: 2924
 11/13/12 ADOPT: 3969.3
 09/06/12 ADOPT: 3959.5
 08/08/12 ADOPT: 3969.2
 07/30/12 ADOPT: 2923

Title 25

10/10/12 AMEND: 8201, 8205, 8212
 08/13/12 ADOPT: 7097 AMEND: 7054, 7056, 7058, 7060, 7062, 7062.1, 7072, 7076,

	7078, 7104 REPEAL: 7064, 7066, 7074, 7078.1, 7078.2, 7078.3, 7078.4, 7078.5, 7078.6, 7078.7	Title MPP	
Title 27		11/29/12	AMEND: 41-440, 42-716, 42-717, 44-207
11/19/12	AMEND: 25903	11/19/12	AMEND: 31-003, 31-021, 31-501
10/10/12	AMEND: 25707	11/01/12	AMEND: 42-213, 44-211
09/20/12	AMEND: 25705(b)	10/10/12	AMEND: 25707
09/12/12	AMEND: 25403(a), 25603.3(a)	09/20/12	AMEND: 25705(b)
Title 28		09/12/12	AMEND: 25403(a), 25603.3(a)
09/06/12	ADOPT: 1300.74.73		

