



# California Regulatory Notice Register

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. CALIFORNIA BLUEBERRY  
COMMISSION**

**NOTICE OF INTENTION TO ADOPT A  
CONFLICT OF INTEREST CODE**

NOTICE IS HEREBY GIVEN that the California Blueberry Commission intends to adopt a conflict of interest code pursuant to Government Code Sections 87300 and 87306. Pursuant to Government Code Sections 87300–87302, the Code will designate employees who must disclose certain investments, income, interest in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing February 18, 2011, and terminating on April 4, 2011. Any interested person may present written comments concerning the proposed code no later than April 4, 2011, to the California Blueberry Commission, 1415 L Street, Suite 400, Sacramento, CA 95814, attention: Ann M. Grotteit. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than fifteen (15) days prior to the close of the written comment period, a public hearing.

The California Blueberry Commission has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all the information upon which its proposal is based.

Copies of the proposed Code and all the information upon which it is based, may be obtained from the California Blueberry Commission. Any inquiries concerning the proposed Code should be directed to Ann M. Grotteit, Counsel, (916) 448–3826.

The California Blueberry Commission must determine that no alternative considered by the Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons and the proposed action.

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT OF INTEREST CODE**

**ADOPTION**

**MULTICOUNTY:** Truckee Tahoe Airport Land Use Commission

**AMENDMENT**

**MULTICOUNTY:** Bay Area Air Quality Management District  
Monterey Bay Unified Air Pollution Control District

A written comment period has been established commencing on **February 18, 2011** and closing on **April 4, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45–day comment period, the proposed conflict of interest code(s) will be submitted to the Commission’s Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re–submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **April 4, 2011**. If a

public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### **COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

#### **EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### **AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### **REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### **CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### **AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political

Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### **TITLE 2. STATE ALLOCATION BOARD**

#### **NOTICE OF PROPOSED REGULATORY ACTION**

#### **THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.76, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998**

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend Regulation Section 1859.76, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### **AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code. The proposal interprets and makes specific reference Sections 17070.35, 17072.12 and 17072.35 of the Education Code.

#### **INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB adopted the additional grant for general site development costs at its June 28, 2006 meeting, which

was approved by the OAL and filed with the Secretary of State on September 5, 2006. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. Districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

As first implemented, the additional grant for general site development costs was to be suspended “no later than January 1, 2008” unless extended by the SAB.

- First One-Year Extension: The SAB, at its December 12, 2007 meeting, approved extending the suspension date to “no later than January 1, 2009,” which was approved by the OAL and filed with the Secretary of State on July 10, 2008.
- Second One-Year Extension: The SAB, at its February 25, 2009 meeting, approved extending the suspension date to “no later than January 1, 2010,” which was approved by the OAL and filed with the Secretary of State on September 18, 2009.
- Third One-Year Extension: The SAB, at its November 4, 2009 meeting, approved extending the suspension date to “no later than January 1, 2011,” which was approved by the OAL and filed with the Secretary of State on April 8, 2010.
- Fourth One-Year Extension (Proposed): Most recently the SAB, at its June 23, 2010 meeting, approved extending the suspension date to “no later than January 1, 2012.”

The proposed amendment to one SFP regulation section is as follows:

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. It provides that the additional grant for general site development costs shall be suspended “no later than January 1, 2011” unless extended by the SAB. The proposed amendment extends the suspension of the additional grant for general site development costs until “no later than January 1, 2012.”

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

#### ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than April 4, 2011, at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, re-

quests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations  
Coordinator

Mailing Address: Office of Public School  
Construction  
707 Third Street, Room 1-430  
West Sacramento, CA 95605

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 376-5332

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375-5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

#### ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

#### SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be

adopted without complying anew with the notice requirements of the Administrative Procedure Act.

#### RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulation for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

#### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

### **TITLE 2. STATE ALLOCATION BOARD**

#### NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES  
TO AMEND REGULATION SECTION 1859.83,  
TITLE 2, CALIFORNIA CODE OF  
REGULATIONS, RELATING TO LEROY F.  
GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend Regulation Sec-

tion 1859.83, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Sections 17070.35 and 17075.15 of the Education Code. The proposal interprets and makes specific reference Sections 17072.32, 17074.15, 17074.16, 17075.10, 17075.15, 17077.40, 17077.42 and 17077.45 of the Education Code.

#### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

Existing SFP Regulation Section 1859.83 states that, “a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district.” Section 1859.83(a) stipulates that a district with a project in the geographic area designated in the Geographic Percentage Chart is eligible for the Excessive Cost Hardship Grant(s) determined by listed percentage factors. Santa Catalina Island has no listed percentage factor, but states “As specifically approved by the Board.”

The SAB, at its December 15, 2010 meeting, voted to remove “As specifically approved by the Board” and adopted a 50 percent cost percentage multiplier for school projects for excessive costs due to geographic location on Santa Catalina Island only. The Board considered the increased costs of construction on the island through the Saylor Construction Cost Index and price

research with Catalina Island businesses that would affect construction costs.

Construction projects are significantly more expensive on Santa Catalina Island because materials must be ferried in through the island’s only barge company and contractors and their staff must either be ferried in every day or obtain lodging in a resort community.

The proposed amendments are as follows:

Existing Regulation Section 1859.83 specifies additional school project funding (Excessive Cost Hardship Grants) for which school districts may apply as a result of unusual circumstances that create excessive project costs. Subsection (a) prescribes Excessive Cost Hardship Grants for excessive costs for projects in specific geographic locations. The proposed amendments change the Geographic Percentage Factor for school projects on Santa Catalina Island from “As specifically approved by the Board” to “50 percent.”

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

#### ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.

- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than April 4, 2011, at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations  
Coordinator

Mailing Address: Office of Public School  
Construction  
707 Third Street, Room 1–430  
West Sacramento, CA 95605

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 376–5332

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375–5939. If Mr. Young is unavailable, these questions may be directed to the backup

contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376–1753.

#### ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency’s regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

#### SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

#### RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under “Resources,” then click on “Laws and Regulations,” then click on “SFP Pending Regulatory Changes.”



ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency’s regulation coordinator named in this notice or may be accessed on the Web site listed above.

**TITLE 3. FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning **February 18, 2011**, and ending at 5:00 p.m. on **April 4, 2011**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals, substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407, 19380, 19381, 19382, 19383, 19384, and 19385, Food and Agricultural Code, and to implement, interpret or make specific sections 19227, 19228, 19240, 19260, 19280, 19300, 19300.5, 19301, 19302, 19303, 19305, 19310, 19310.5, 19310.7, 19312, 19313.1, 19313.5, 19313.8, 19315, 19320, 19321, of

said Code, the Department proposes to adopt, amend, and repeal various sections of Subchapter 2, Chapter 4, Division 2, of Title 3, California Code of Regulations, as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, Food and Agricultural Code section 407, authorizes the Department to adopt such regulations that are reasonably necessary to carry out the provisions of the Food and Agricultural Code, which it is authorized to administer or enforce.

Existing law, Chapter 5 (commencing with section 19200), of Part 3, Division 9, of the Food and Agricultural Code, authorizes the Department to regulate, in part, the rendering industry, which includes renderers, collection centers, dead animal haulers, and transporters of inedible kitchen grease.

Rendering establishments, dead animal haulers, and collection centers are exempt from inspection by the United States Department of Agriculture (USDA) but require a license and inspection in California.

Transporters of inedible kitchen grease are required to be registered with the Department. For transporters of inedible kitchen grease, statutes allow for a reduced registration fee for persons transporting grease for their personal, noncommercial use.

Existing regulations for the rendering industry are found under Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

This proposal amends, reorganizes, and repeals various sections, and adopts new sections, of Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations relating to regulation of the rendering industry. This proposal also incorporates by reference specified forms utilized by the Meat and Poultry Inspection Branch of the Department for use by the rendering industry. It also incorporates by reference specified sections of the 2007 California Building Code.

**Comparable Federal Regulations**

There are various federal rules and regulations relating to slaughter and processing establishments inspected by the USDA. However, there are no comparable federal rules and regulations for standards and requirements for State–licensed and inspected rendering establishments, collection centers, dead animal haulers and registered transporters of inedible kitchen grease.

**Incorporation by Reference**

The forms and materials listed below, as specified in this proposal, are incorporated by reference. The Department has included a copy of these documents in the rulemaking file which is available for public inspection.

Any person may request a copy of these documents or view them during regular business hours of the Department by contacting the persons named below in this Notice.

- MPI Form 79-005A (Rev. 12/04) Dead Animal Hauler License Application
- MPI Form 79-006A (Rev. 11/08) Collection Center License Application
- MPI Form 79-007A (Rev. 11/07) Licensed Renderer Application
- MPI Form 79-012A(1) (Rev. 02/10) Personal Use Inedible Kitchen Grease (Used Cooking Oil) Transporter Registration Application, or
- MPI Form 79-012A(2) (Rev. 02/10) Personal Use Inedible Kitchen Grease (Interceptor/Trap Grease) Transporter Registration Application, or
- MPI Form 79-012A(3) (Rev. 02/10) Commercial Use Inedible Kitchen Grease (Interceptor/Trap Grease) Transporter Registration Application, or
- MPI Form 79-012A(4) (Rev. 02/10) Commercial Use Inedible Kitchen Grease (Used Cooking Oil) Transporter Registration Application
- MPI Form 79-015 (Rev. 08/08) Driver/Vehicle Information for Renderers
- MPI Form 79-015A (Rev. 08/08) Registration of Transporters Of Inedible Materials
- MPI Form 79-016A (Rev. 12/04) Inedible Permit Application.
- MPI Form 79-019A (Est. 08/07) Inedible Kitchen Grease Renderer Application
- MPI Form 79-020 (Rev. 08/08) Driver/Vehicle Identification for Collection Centers
- MPI Form 79-028 (Rev. 01/75) California Retain/Reject Tag
- MPI Form 79-121 (04/10) Permit Request To Dispose of Carcass(es) At A Landfill
- MPI Form 79-122 (04/10) Permit To Transport Carcass(es) To A Landfill
- Division VI, Chapter 4A, Volume 1, Part 2, Title 24, California Building Code (2007)

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

Business Impact: The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

This proposal affects persons or businesses in the rendering industry, operating a collection center, or transporting inedible kitchen grease, or hauling dead animal carcasses. This proposal includes the following compliance requirements for businesses:

- There are existing record keeping, reporting, and paperwork requirements for renderers, collection centers, dead animal haulers, and transporters of inedible kitchen grease.
- There are existing costs for license and registration application and renewal, which are specified in statute. There are no new fees imposed by this proposal and all specified forms are provided by the Department. There are two enforcement fee categories for transporters of inedible kitchen grease (specified in statute) effective January 1, 2009, for commercial use, and a reduced fee for persons transporting inedible kitchen grease for noncommercial use.
- Record keeping: Standard business records for persons engaged in the rendering industry, or operating a collection center, dead animal hauler, or transporter of inedible kitchen grease, including receipts, logs, accounting records, and inspection records.
- Paperwork/Reporting: Application forms for licensure, vehicle registration, survey forms, and schedule of operation forms that are provided by the Department and must be submitted to Department as specified in this proposal.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will have no impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Private Persons or Entities: The Department is aware of the following cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action:

This proposal affects persons engaged in the business of rendering, operating a collection center, transporting inedible kitchen grease, or hauling dead animal car-

cases. This proposal includes the following compliance requirements:

- There are existing costs for license and registration application and renewal, which are specified in statute. There are no new fees imposed by this proposal and all specified forms are provided by the Department. There are two enforcement fee categories for transporters of inedible kitchen grease (specified in statute) effective January 1, 2009, for commercial use, and a reduced fee for persons transporting inedible kitchen grease for noncommercial use.
- Record keeping: Standard business records for persons engaged in the rendering industry, operating a collection center, hauling dead animals, or transporting inedible kitchen grease, including receipts, logs, accounting records and inspection records.
- Paperwork/Reporting: Application forms for licensure, vehicle registration, survey forms, and schedule of operation forms that are provided by the Department and must be submitted to Department as specified in this proposal.

In making these determinations the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- The consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Effect on Housing Costs: None.

Finding of Necessity for Report: The Department finds that it is necessary for the health, safety, and general welfare of the people of the state that these regulations requiring a report apply to businesses.

#### EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative which was considered or that has otherwise

been identified and brought to the attention of the Department would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

#### INITIAL STATEMENT OF REASONS

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

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

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations, or any written comments, facsimiles, or electronic mail concerning this proposal are to be addressed to the following:

Douglas Hepper, DVM, Chief  
 Department of Food and Agriculture  
 Meat and Poultry Inspection Branch  
 1220 N Street, Room A-125  
 Sacramento, CA 95814  
 Telephone: (916) 654-0504  
 Fax: (916) 654-2608  
 Email: DHepper@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Associate Analyst  
 Department of Food and Agriculture  
 Animal Health and Food Safety Services  
 1220 N Street, Room A-114  
 Sacramento, CA 95814  
 Telephone: (916) 651-7280  
 Fax: (916) 653-4249  
 E-mail: NGrillo@cdfa.ca.gov

Website Access:

Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

**TITLE 14. FISH AND GAME  
 COMMISSION**

**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5, of said Code, proposes to amend sections 7.00 and 7.50, Title 14, California Code of Regulations, relating to Central Valley salmon sport fishing regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW**

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 10, 2011 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 14, 2011 meeting.

Although there are no PFMC regulatory options to review at this time, there exists a possibility of continued ocean water closures off California due to low Chinook salmon returns to the Central Valley River System in 2010. These ocean closures may result in PFMC recommendations for Central Valley salmon fishery closures.

The Department is proposing a range of varied salmon season dates in the American, Feather and Sacramento rivers to encompass possible PFMC 2011 recommendations for Central Valley salmon stocks in mid-April. The scope of this option is intentionally broad to increase flexibility for development of the final Central Valley salmon seasons.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2010 Ocean Salmon*

*Fisheries and Preseason Report I Stock Abundance Analysis for 2011 Ocean Salmon Fisheries*, are available in late February 2011.

**Present Regulations**

The current regulations allow for no salmon fishing in all anadromous Central Valley rivers and streams except for the following short fishing seasons to achieve the 2010 PFMC harvest target of 8,200 Sacramento River Fall Chinook and allow continuance of the Central Valley Late-Fall Chinook fishery.

- 1) The American River downstream of the southwest boundary of Ancil Hoffman Park [subsection 7.50(b)(5)], was open to salmon fishing from October 30 to November 28 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 2) The Feather River downstream of 1000 feet below the Thermalito Afterbay Outfall [subsection 7.50(b)(68)], was open to salmon fishing from July 31 to August 29 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 3) The Sacramento River, subsection 7.50(b)(156) was open to salmon fishing as follows:
  - a. between Deschutes Road bridge and Red Bluff Diversion Dam from October 9 to October 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (H)];
  - b. between Sycamore Boat Ramp and Highway 113 bridge from October 9 to December 12 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (J)]; and
  - c. between Highway 113 bridge and Carquinez bridge from September 4 to October 3 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (K)].

**Proposed Regulations**

The range of varied season dates for the American, Feather and Sacramento rivers are proposed to cover the possible PFMC recommendations for the Commission's final action and other associated items are shown below:

American River, subsection 7.50(b)(5)

- 1) Subsection (D) is proposed to be split into two subsections. Subsection (D) will apply to the American River from the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street Bridge. New subsection (E) will apply to the American River from the Jibboom Street Bridge to the mouth.

- 2) The American River from Nimbus Dam to the mouth [subsections (A) through (E)] will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
- 3) The American River from Nimbus Dam to Hazel Avenue Bridge [subsection (A)]; from the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street Bridge [subsection (D)]; and from the Jibboom Street Bridge to the mouth [subsection (E)].
  - a. The proposal is a range of varied dates between July 16 and December 31 to be open to salmon fishing with existing trout and steelhead bag limits.
- 4) The American River from Hazel Avenue Bridge to the USGS gauging station cable crossing near Nimbus Hatchery [subsection (B)].
  - a. The proposal is a range of varied dates between July 16 and September 14 to be open to salmon fishing with existing trout and steelhead bag limits.
- 5) The American River from the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park [subsection (C)].
  - a. The proposal is a range of varied dates between July 16 and October 31 to be open to salmon fishing with existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) There are no proposed changes for the Feather River between Fish Barrier Dam to 1000 feet below the Thermalito Afterbay Outfall [subsections (A) through (C)].
- 2) The Feather River from 1,000 feet below the Thermalito Afterbay Outfall to the mouth [subsection (D)].
  - a. This segment of the Feather River will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
  - b. The proposal is a range of varied dates between July 16 and December 31 to be open to salmon fishing with existing trout and steelhead bag limits.
- 3) A line delineating the regulatory boundary at the Feather River mouth is proposed to be added to subsection (D).

Sacramento River above Keswick Dam, subsection 7.50(b)(156)

- 1) Subsection 7.50(b)(156) is proposed to be split into two subsections to separate the nonanadromous sections of the Sacramento River (upstream of Keswick Dam) from the anadromous sections (downstream of Keswick Dam).
- 2) Subsections (A) through (E) which apply only to non-anadromous salmonid regulations above Keswick Dam will remain in subsection (156).
- 3) There are no other proposed changes for subsections (A) through (E).
- 4) Subsections (F) through (K) are proposed to be moved to new subsection 7.50(b)(156.5).

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5)

- 1) Subsections (A) through (F) will keep the same area structure of subsections (F) through (K) of Section 7.50(b)(156).
- 2) The Sacramento River from Keswick Dam to the Carquinez Bridge [subsections (A) through (F)] will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
- 3) A range of varied dates between July 16 and December 31 is proposed for the Sacramento River from Keswick Dam to the Carquinez Bridge [subsections (A) through (F)] to be open to salmon fishing with existing trout and steelhead bag limits.

Associated Items

- 1) The Sacramento River note in the Sierra District regulations, subsection 7.00(b)(1), will be revised to include the new subsection 7.50(b)(156.5).
- 2) The bag limit of two Chinook is proposed to remain in place for all areas open to salmon fishing in 2011.
- 3) A minor change is proposed to the note describing wild trout at the end of subsection 7.50(b) to improve clarity and reduce public confusion.
- 4) Additional minor changes are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites Los Angeles International Airport—North, 9801 Airport Boulevard, Los Angeles, California, on Thursday, March 3, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Na-

toma Inn, 702 Gold Lake Drive, Folsom, California, on Thursday, April 7, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Thursday, April 21, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 15, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 20, 2011. All comments must be received no later than April 21, 2011, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Stafford Lehr, Branch Chief, Fisheries Branch, Department of Fish and Game, (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

**Impact of Regulatory Action**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to

Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME COMMISSION**

**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5, of said Code, proposes to amend Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Sport Fishing Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, Federal, and Tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and Tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

Two Tribal entities within the Klamath River System, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commer-

cial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by the Hoopa and Yurok Tribes.

**Klamath River Fall–Run Chinook**

Klamath River fall–run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between Tribal and non–Tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2011 KRFC in–river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath basin and equitably distribute harvest while operating within annual allocations.

**Klamath River Spring–Run Chinook**

The Klamath River System also supports Klamath River spring–run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases. In addition to natural stocks, the California Department of Fish and Game’s (Department) Trinity River Hatchery facility produces 1.4 million KRSC salmon annually as mitigation for habitat lost above the Trinity Dam.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in–river recreational fishery is managed by general basin seasons, daily bag limit and possession limit regulations. KRSC harvest will be monitored on the lower Klamath River in 2011 and ensuing years by creel survey.

**KRFC Allocation Management**

The 2010 allocation for the Klamath River System recreational harvest was 12,000 adult KRFC. Preseason stock projections of 2011 adult KRFC abundance will not be available from the PFMC until March 2011. The 2011 basin allocation will be recommended by the PFMC in April 2011 and presented to the Commission for adoption prior to its April 2011 teleconference call.

For public notice requirements, the Department recommends the Commission consider an allocation range of 0–40,000 adult KRFC in the Klamath River basin for the river recreational fishery. This recommended range encompasses the historical range of the Klamath River basin allocations and allows the PFMC and Commission to make adjustments during the 2011 regulatory cycle.

The Commission may modify the KRFC in–river recreational salmon harvest allocation which is normally 15% of the non–Tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan other-

wise harvest opportunities may be reduced in the California ocean fisheries.

The annual KRFC in-river harvest allocation is split into 4 geographic areas with sub-quotas assigned to each. They are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec 17% of the recreational fishery allocation,
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth 50% of the recreational fishery allocation,
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat 16.5% of the recreational fishery allocation, and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River 16.5% of the recreational fishery allocation.

The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), closes to all fishing after 15% of the lower Klamath River sub-quota (area number 2 above) has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the total Klamath River System recreational fishery allocation will be met. This closure is intended to prevent excessive take near the mouth where fish are concentrated and will help to provide an equitable distribution of KRFC harvest in the upper river.

These geographic areas are based upon historical angler effort distribution and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. The sub-quota system requires the Department to monitor angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River for the 2011 season. The Department has reviewed salmon harvest and run-timing data for these areas. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates historic creel survey data from the Klamath River downstream of Iron Gate Dam to the confluence with the Pacific Ocean and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. The HPM is driven by the positive relationship between KRFC harvested in the Klamath River and Trinity River. The

HPM will be used by the Department to implement fishing closures to ensure that anglers do not exceed established sub-quota targets.

**Current Recreational Fishery Management**

The KRFC in-river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time sub-quota management. KRSC in-river recreational harvest is managed by general season, daily bag limit and possession limit regulations.

The Department presently differentiates the two stocks by following dates:

**Klamath River**

1. January 1 through August 14 — General Season KRSC. For purposes of clarity, daily bag and possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec.
2. August 15 to December 31 — KRFC quota management.

**Trinity River**

1. January 1 through August 31 — General Season KRSC. For purposes of clarity, daily bag and possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
2. September 1 through December 31 — KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

**Proposed Changes**

The Department is proposing the following changes to current regulations:

No changes are proposed for the general (KRSC) opening and closing season dates.

KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2011 basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

The proposed open seasons and range of bag limits for KRFC salmon stocks are as follows:

1. Klamath River — August 15 to December 31
2. Trinity River — September 1 to December 31
3. Bag Limit — [0–4] Chinook salmon — only [0–3] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed as a range of [0–9] Chinook salmon of which [0–6] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.



Removal of Section 7.50 subsection (b)(91.1)(E)6.c., Canyon Creek, from regulations pertaining to anadromous waters of the Klamath River basin

Section 7.50 subsection (b)(91.1) is intended to regulate all anadromous waters of the Klamath River basin. Pursuant to the first paragraph of Section 7.50 subsection (b)(91.1)(E), the anadromous waters of Canyon Creek are closed to all angling. The waters of Canyon Creek upstream of the falls located about four miles north of the wilderness area boundary are nonanadromous waters, but have been inappropriately included in the anadromous Klamath River basin regulations. The Department wishes to correct this discrepancy by relocating the subsection concerning the non-anadromous waters of Canyon Creek from Klamath Basin regulations and appropriately adding it to the Alphabetical List of Waters with Special Regulations as Section 7.50 subsection (b)(35.6).

Minor changes are also proposed to improve the clarity and consistency of the regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites Los Angeles International Airport—North, 9801 Airport Boulevard, Los Angeles, California, on Thursday, March 3, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on Thursday, April 7, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Thursday, April 21, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 15, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 20, 2011. All comments must be received no later than April 21, 2011, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, includ-

ing environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Mr. Mark Pisano, Acting Fisheries Program Manager, Northern Region, Department of Fish and Game, (530) 225-2280, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability

of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have an unknown impact on the net revenues to businesses servicing sport fishermen. This is not likely to affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME COMMISSION**

**Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 205, 215, 219, 220, 240, 331, 332, 460, 1050, 1053, 1055, 1055.1, 1572, 3452, 3453, 3454, 4302, 4331, 4336, 4340, 4347 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 201, 202, 203, 203.1, 205, 206, 207, 210, 215, 219, 220, 240, 331, 332, 458, 459, 460, 713, 1050, 1053, 1055, 1055.1, 1570, 1571, 1572, 3452, 3453, 3454, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4902, 10500 and 10502, of said Code, proposes to amend Sections 360, 361, 362, 363, 364, 365, 366, 702 and 711, and subsections 353(k), 354(j), and 478.1(a) and (c); and add Sections 708.1 through 708.17; and repeal. Section 708, Title 14, California Code of Regulations, relating to mammal hunting regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**360(a) Re: Deer A, B, C and D Zone Hunts**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(a) A, B, C, and D Zone Hunts</b>		
<b>Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
A	65,000	30,000–65,000
B	55,500	35,000–65,000
C	8,150	5,000–15,000
D3–5	33,000	30,000–40,000
D–6	10,000	6,000–16,000
D–7	9,000	4,000–10,000
D–8	8,000	5,000–10,000
D–9	2,000	1,000–2,500
D–10	700	400–800
D–11	5,500	2,500–6,000
D–12	950	100–1,500
D–13	4,000	2,000–5,000
D–14	3,000	2,000–3,500
D–15	1,500	500–2,000
D–16	3,000	1,000–3,500
D–17	500	100–800
D–19	1,500	500–2,000

**360(b) Re: Deer X–Zone Hunts**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are nec-

essary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(b) X–Zone Hunts</b>		
<b>Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
X–1	1,275	1,000–6,000
X–2	190	50–500
X–3a	230	100–1,200
X–3b	875	200–3,000
X–4	355	100–1,200
X–5a	65	25–200
X–5b	110	50–500
X–6a	325	100–1,200
X–6b	370	100–1,200
X–7a	200	50–500
X–7b	120	25–200
X–8	220	100–750
X–9a	650	100–1,200
X–9b	325	100–600
X–9c	325	100–600
X–10	400	100–600
X–12	760	100–1,200

**360(c) Re: Deer Additional Hunts**

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 2 and continue for two (2) consecutive days and reopen on October 9 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 1 and October 8, respectively, in order to accommodate for Base operations.

Existing regulations provide for additional premium deer hunts on several military bases (Hunts G-7, G-8,

G-9, G-10, G-11 and J-10). Under Special Conditions for these deer hunts, it specifies that in the event the Base Commander cancels the hunt, tagholders will only have the option of exchanging the unused tag for any remaining deer tag or receiving a refund. However, current regulations only provide for the refund of deer tag application fees under a very limited set of circumstances and conditions as specified in Section 708.14. These military hunt Special Conditions are in direct conflict with tag application refund policies addressed in Section 708.14 and may create confusion in the event of hunt cancellation. In addition, existing regulations for these premium deer hunts on military bases do not address the restoration of accumulated or earned preference points for tags issued through the Big Game Drawing in the event of hunt cancellation. The proposed change would eliminate reference to tag application fee refunds for cancelled military hunts under Special Conditions, thereby eliminating conflict with other regulations and policies. In the event of hunt cancellation, the proposal would also provide for the restoration of accumulated and earned preference points for those tags issued through the Big Game Drawing following procedures described in Section 708.14.

<b>Deer: § 360(c) Additional Hunts Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military *	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military * and 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	15 Military * and 15 Public	15 Military * and 15 Public
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military * and DOD **	500 Military *, DOD and as Authorized by the Installation Commander**
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50

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<b>Deer: § 360(c) Additional Hunts</b>		
<b>Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	10	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 (Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 (Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military* and 75 Public	10 Military* and 75 Public
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

*\*Specific numbers of tags are provided for military hunts through a system that restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

*\*\*DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

**361 Re: Archery Deer Hunting**

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range.

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through November 8, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The Base Commander has requested the season be modified to include weekdays as well, and extend the season through the Veterans Day holiday (original proposed season from 2007 Environmental Document), in order to provide equal hunting access and opportunity to those military personnel normally assigned to work on weekends and holidays. The proposal would modify the season to include all weekdays and weekends between the season opener and Veterans Day. No loss of

hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

Existing regulations provide for additional premium deer hunts on military bases (Hunt A-33). Under Special Conditions for these deer hunts, it specifies that in the event the Base Commander cancels the hunt, tag-holders will only have the option of exchanging the unused tag for any remaining deer tag or receiving a refund. However, current regulations only provide for the refund of deer tag application fees under a very limited set of circumstances and conditions as specified in Section 708.14. These military hunt Special Conditions are in direct conflict with tag application refund policies addressed in Section 708.14 and may create confusion in the event of hunt cancellation. In addition, existing regulations for these premium deer hunts on military bases do not address the restoration of accumulated or earned preference points for tags issued through the Big Game Drawing in the event of hunt cancellation. The proposed change would eliminate reference to tag application fee refunds for cancelled military hunts under Special Conditions, thereby eliminating conflict with other regulations and policies. In the event of hunt cancellation, the proposal would also provide for the restoration of accumulated and earned preference points for those tags issued through the Big Game Drawing following procedures described in Section 708.14.

<b>Archery Deer Hunting: § 361</b>		
<b>Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
A-3 (Zone X-1 Archery Hunt)	130	50-1,000
A-4 (Zone X-2 Archery Hunt)	10	5-100
A-5 (Zone X-3a Archery Hunt)	30	10-300
A-6 (Zone X-3b Archery Hunt)	90	25-400
A-7 (Zone X-4 Archery Hunt)	115	25-400
A-8 (Zone X-5a Archery Hunt)	15	15-100
A-9 (Zone X-5b Archery Hunt)	5	5-100
A-11 (Zone X-6a Archery Hunt)	55	10-200
A-12 (Zone X-6b Archery Hunt)	140	10-300
A-13 (Zone X-7a Archery Hunt)	50	10-200
A-14 (Zone X-7b Archery Hunt)	25	5-100
A-15 (Zone X-8 Archery Hunt)	40	5-100
A-16 (Zone X-9a Archery Hunt)	140	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500

<b>Archery Deer Hunting: § 361 Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	120	25-200
A-20 (Zone X-12 Archery Hunt)	170	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	25 Military* and 25 Public	25 Military* and 25 Public

\* Specific numbers of tags are provided for military hunts through a system that restricts hunter access to desired levels and ensures biologically conservative hunting programs.

**362 Re: Nelson Bighorn Sheep**

The existing regulation provides for limited hunting of 22 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on biennial bighorn sheep population surveys conducted by the Department. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 2010 estimate of the

bighorn sheep population in each zone. Tags are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by February of 2011 pending completion of all surveys and analyses.

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

<b>HUNT ZONE</b>	<b>NUMBER OF TAGS</b>
Zone 1 – Marble Mountains	3-4
Zone 2 – Kelso Peak/Old Dad Mountains	3-4
Zone 3 – Clark/Kingston Mountain Ranges	2
Zone 4 – Orocopia Mountains	1-2
Zone 5 – San Geronio Wilderness	2-3
Zone 6 – Sheep Hole Mountains	1-2
Zone 7 – White Mountains	3-5
Zone 8 – South Bristol Mountains	2-3
Zone 9 – Cady Mountains	3-4
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	1
<b>TOTAL</b>	<b>23-32</b>

Existing regulations provide for limited hunting of Nelson bighorn rams in 7 hunt zones located in San Bernardino, Inyo, and Riverside counties. The proposed

change creates two additional (Zone 8 and Zone 9) hunt zones located in the South Bristol Mountains and Cady Mountains (San Bernardino County), respectively. This

proposal is in compliance with Fish and Game Code Section 4902, which provides for limited hunting of Nelson bighorn sheep in management units for which herd plans have been prepared.

Existing Regulations define the boundaries of the Kelso Peak/Old Dad Mountains Hunt Zone. The proposed change will modify the western boundary of this hunt zone to exclude the South Soda Mountains. This change is intended to facilitate expansion of the population of bighorn sheep now established in the South Soda Mountains which will no longer be part of the Kelso Peak/Old Dad Mountains Hunt Zone.

Existing regulations provide for a fund-raising tag to be allocated in the Marble/Clipper and Sheep Hole Mountains hunt zones. The proposed change would remove the Sheep Hole Mountains and add the South Bristol Mountains as valid hunt zones permitted for this fund-raising tag. This change to the fund-raising tag

zone is necessary to take advantage of the potentially higher revenue generated from adding a hunting opportunity in a new area where mature rams are known to occur.

**363 Re: Pronghorn Antelope**

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2011. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed 2011 tag allocation ranges for the hunt zones are as set forth below.

<b>2011 Pronghorn Antelope Tag Allocation Ranges</b>						
<i>Hunt Area</i>	<i>Archery-Only Season</i>		<i>General Season</i>			
			<i>Period 1</i>		<i>Period 2</i>	
	<b>Buck</b>	<b>Doe</b>	<b>Buck</b>	<b>Doe</b>	<b>Buck</b>	<b>Doe</b>
Zone 1 — Mount Dome	1-10	0-3	3-60	0-20	0	0
Zone 2 — Clear Lake	1-10	0-3	5-80	0-25	0	0
Zone 3 — Likely Tables	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4 — Lassen	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5 — Big Valley	1-15	0-5	3-150	0-50	0	0
Zone 6 — Surprise Valley	1-10	0	3-25	0-7	0	0
Likely Tables Apprentice Hunt	N/A		1-5 Either-Sex		0	
Big Valley Apprentice Hunt	N/A		1-15 Either-Sex		0	
Lassen Apprentice Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Apprentice Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

**364 Re: Elk**

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This

proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.



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2011 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull
<b>Roosevelt Elk</b>										
Siskiyou	0-30		0-30							
Del Norte	0-20		0-15							
Marble Mountains	0-30		0-70							
Marble Mtns (Apprentice)		0-4								
Marble Mtns Muzzleloader/ Archery		0-10								
Klamath	0-20		0-20							
Big Lagoon	0-10		0-10							
Northwestern California		0-30								
<b>Rocky Mountain Elk</b>										
Northeastern	0-10		0-30					0-20		
Northeastern Apprentice		0-4								
<b>Roosevelt/Tule Elk</b>										
Mendocino	0-4		0-4							
<b>Tule Elk</b>										
Cache Creek	0-4		0-4							
Cache Creek Apprentice			0-2							
La Panza										
Period 1	0-10		0-12							
Period 1 Apprentice	0-2		0-2							
Period 2	0-12		0-12							
Owens Valley										
Multiple-Zone									0-10	0-10
Bishop										
Period 1										
Muzzleloader					0-10	0-30				
Period 2. Apprentice	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Independence										
Period 1										
Muzzleloader					0-10	0-10				
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Lone Pine										
Period 1 Archery									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Tinemaha & West Tinemaha										
Period 1 Archery									0-30	0-20
Period 2	0-30		0-20							
Period 3	0-30		0-20							
Period 4	0-30		0-20							
Period 5	0-30		0-20							
Tinemaha Mountain										
Period 1			0-8							
Period 2			0-8							
Period 3			0-8							
Period 4			0-8							
Period 5			0-8							
Whitney										
Period 1 Archery									0-30	0-10
Period 2	0-10		0-4							
Period 3	0-10		0-4							
Period 4	0-10		0-4							
Period 5	0-10		0-4							

2011 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull
<b>Grizzly Island</b>										
Period 1	0-12		0-3	0-6						
Period 1 <b>Apprentice</b>	0-2			0-2						
Period 2	0-12		0-3	0-6						
Period 2 <b>Apprentice</b>				0-2						
Period 3	0-12		0-3	0-4						
Period 4	0-4		0-2	0-2						
Period 5	0-4		0-2	0-2						
<b>Fort Hunter Liggett</b>										
Archery Only								0-12	0-20	
Period 1	0-28									
Period 1 <b>Apprentice</b>	0-8									
Period 2	0-32									
Period 3			0-28							
Period 3 <b>Apprentice</b>			0-4							
Muzzleloader Bull					0-12					
Early Season Bull			0-4							
<b>East Park Reservoir</b>										
Period 1			0-4							
Period 3	0-8									
<b>San Luis Reservoir</b>	0-5	0-10	0-10							
<b>Bear Valley</b>	0-2		0-4							
<b>Lake Pillsbury</b>	0-4		0-4							
<b>Alameda</b>			0-4							
<b>Santa Clara</b>			0-4							

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposal modifies the following: modifies the period three bull (general and apprentice) from the fourth Wednesday in December to the fourth Thursday in December continuing for twelve consecutive days; modifies the early season bull hunt from the second Tuesday in September to the third Wednesday in August continuing for five consecutive days and reopening on the fourth Wednesday in August continuing for five consecutive days.

Existing regulations specify bull and antlerless tag holder’s hunt during the same time frame for the Lake Pillsbury tule elk hunt. The proposal modifies the following: modifies the Lake Pillsbury antlerless hunt from the second Wednesday in September to the Wednesday preceding the second Saturday in September and continuing for ten consecutive days; modifies the Lake Pillsbury bull hunt from the second Wednesday in September to the Monday following the fourth Saturday in September and continuing for ten consecutive days.

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest in the Tinemaha and West Tinemaha zones in the Owens Valley. The proposal will authorize tags valid in both the Tinemaha and West Tinemaha zones utilizing the existing hunt periods. The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations specify three hunt periods during the Grizzly Island elk hunts. In an effort to better distribute hunters the current proposal adds two addi-

tional hunt periods. The proposal adds the following hunt periods: Period four, the season for antlerless elk shall open on the second Tuesday in September and continue for four consecutive days, whereas the season for bulls and spike bulls shall open on Thursday following the second Tuesday and continue for four consecutive days; Period five, the season for antlerless elk shall open on the third Tuesday in September and continue for four consecutive days, whereas the season for bulls and spike bulls shall open on the Thursday following the third Tuesday in September and continue for four consecutive days.

Currently the Mendocino elk hunt is classified as a tule elk hunt. Since there are both Roosevelt elk and tule elk within the zone it does not accurately reflect the current status of elk and creates confusion among hunters as to which subspecies they are actually hunting. The proposal modifies the name of the hunt to the Mendocino elk hunt.

**365 Re: Bear**

Existing subsection 365(b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season, because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

In addition, there is a minor edit to clarify the regulations by specifying that the limit for bear hunting is one bear per hunting license year rather than one bear per season.

**366 Re: Archery Bear Hunting**

Existing Section 366, Title 14, California Code of Regulations, provides a statewide archery bear hunting season beginning the third Saturday in August for 23 consecutive days. The proposed change would begin the archery bear seasons with the archery deer seasons. This would eliminate a problem in deer hunting zone A, where the general bear hunting season opens before the archery bear hunting season.

Current regulations specify that one bear may be taken per season. This is confusing for individuals who hunt both the general and archery seasons, because only one bear may be taken per year. The proposed change clarifies that one bear may be taken per license year.

Currently, subsection 366(f) specifies that “no more than 15,000 bear tags shall be issued pursuant to section 367.” Section 367 was repealed by regulatory action in 2002. The proposed change deletes this subsection.

**363(k), 354(j), 478.1(a) and (c), 702, 708, and 711 (and Add 708.1 through 708.17)**  
**Re: Methods Authorized to Take Big Game, Archery Equipment and Crossbow Regulations, Bobcat Hunting Tags, Hunting Applications and Fees, Cold Storage/Frozen Food Locker Plant Records and Distribution of Big Game License Tags and Reporting Procedures in an Automated License Data System**

Existing regulations specify rules to issue big game license tags in a paper license system. The Department began piloting an Automated License Data System (ALDS) in August 2010. Beginning in 2011, recreation licenses will be issued via ALDS point of sale terminals at Department license sales offices and license agents.

ALDS customers no longer need to fill out multiple paper applications or forms to apply for a license or other entitlement. Items such as deer tags and bear tags, that were previously only available at nine Department license sales offices, will now be issued to hunters at point of sale terminals from a network of approximately 1,400 license agents located throughout the state and neighboring states. Hunters would now be able to apply for premium deer, elk antelope or big horn sheep tags issued from the big game drawing at any Department sales office or license agent. Hunters would receive a paper receipt from the point of sale terminal as proof of entering the big game drawing.

Establish specific dates for hunters to apply for the annual big game drawing, leftover and restricted deer tags and payment of fees for elk, antelope, and bighorn sheep tags. Under existing regulations, deer tags are issued based on the tag choice the hunter entered on the deer tag application. This proposal would allow restricted deer tags to be issued if available and would not be dependent on what order the hunter requested the tag. The instructions for filling out a big game tag would also be standardized.

Establish procedures to replace big game tags and limit the number of replacements to prevent issuing hunters more tags than are allowed.

Standardize renewal eligibility requirements for some disabled hunting permits.

Adjust the hunting fees in regulation as allowed under Fish and Game Code.

Editorial division and relocation of Section 708 to new Sections 708.1 through 708.16 is proposed to establish individual sections based on subject and to improve readability for the public.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites Los Angeles International Airport—North, 9801 Airport Boulevard, Los Angeles, California, on Thursday, March 3, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on Thursday, April 7, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Lake Arrowhead Room, Doubletree Hotel, Ontario Airport, 222 North Vineyard Avenue, Ontario, California, on Thursday, May 5, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 21, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on May 4, 2011. All comments must be received no later than May 5, 2011, at the hearing in Ontario, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

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

representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Dan Yparraguirre, Department of Fish and Game, (916) 445-3685, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

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

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

#### Impact of Regulatory Action

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

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

360(a) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags

available and the area over which they are distributed, these proposals are economically neutral to business.

360(b) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

360(c) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action would adjust tag quotas for existing hunts, modify season dates for two hunts and clarifies refund and preference point policies in the event of military hunt cancellation. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

361 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts, modifies the season for one hunt and clarifies refund and preference point policies in the event of military hunt cancellation. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

362 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

363 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

364 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses

in other states. Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

365 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action modifies the statewide black bear harvest. Given the number of individuals willing to participate in bear hunting will remain relatively stable statewide, this proposal is economically neutral to business.

366 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts season dates for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

353(k), 354(j), 478.1(a) and (c), 702, 708, 708.1 through 708.17 and 711 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California.  
None.
- (c) Cost Impacts on Private Persons.  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.  
None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies.  
None.
- (f) Programs Mandated on Local Agencies or School Districts.  
None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.  
None.

(h) Effect on Housing Costs.  
None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME  
COMMISSION**

**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing regulations.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan (FMP). These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as ocean fishing regulations by the National Marine Fisheries Service.

California’s sport fishing regulations will need to conform to the new Federal regulations to achieve optimum yield in California under the FMP. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport fishery in State waters (zero to three miles offshore) which are consistent with Federal fishery management goals and are effective at the same time.

**PFMC Regulatory Outlook**

On March 10, 2011, the PFMC will develop the ocean salmon fisheries regulatory options for public review and the final PFMC regulation recommendations will be made on April 14, 2011. The various ocean salmon sport fishery alternatives that the PFMC will examine in the process of adopting options may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler–day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

**Commission Regulatory Outlook**

Although there are no PFMC regulatory options to review at this time, the PFMC March options will serve as the basis for the Commission’s 2011 regulatory action affecting the State’s ocean salmon sport fishery. There exists a possibility of continued ocean water closures off California due to low Chinook salmon returns to the Central Valley River System and/or the Klamath River Basin in 2010.

Further Commission actions affecting the ocean salmon sport fishery may be developed after the annual PFMC reports, *Review of 2010 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2011 Ocean Salmon Fisheries*, are available in late February 2011.

**Present Regulations**

Current regulations had recreational salmon fishing north of Horse Mountain including Humboldt Bay from May 29 to September 6, 2010. Between Horse Mountain and Point Arena, there was recreational salmon fishing from April 3 to September 6, 2010. All areas south of Point Arena had recreational salmon fishing season from April 3 to September 6, 2010 with 7 days per week until April 30 and 5 days per week running

Thursday to Monday from May 1 to September 6. All recreational salmon fishing is currently closed until further action by the PFMC and/or the Commission.

**Proposed Regulations**

For public notice purposes to facilitate Commission discussion, the Department of Fish and Game (Department) is proposing three regulatory options to encompass all possible actions for Commission consideration:

- 1) All areas remain closed to salmon fishing (no change option),
- 2) Varied levels of salmon fishing in all areas, and
- 3) Automatic conformance with federal regulations to facilitate in–season changes and emergency actions.

The proposed changes from current regulations are shown below:

Option 1 — No fishing in all areas

This is the no change option as all salmon fishing seasons are currently closed in the Section 27.80 regulations.

Option 2 — Varied levels of salmon fishing in all areas

The date ranges in the following areas are proposed to encapsulate all possibilities of the Commission final action on the PFMC 2011 recommendations in mid–April. This approach will allow final State ocean salmon regulations to be effective at the same time as salmon regulations in federal ocean waters.

- (1) For the all waters of the ocean north of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1–September 30. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may occur within the range of May 1–November 13. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may occur within the range of May 1–November 13. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC.
- (4) For the areas between Pigeon Point and Point Sur: The season, if any, may occur within the range of May 1–October 2. The exact opening and closing dates, and the length of the season will be determined in, April by the PFMC.
- (5) For the areas south of Point. Sur: The season, if any, may occur within the range of May 1–October 2. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC.

- (6) Minimum Size Range:
- a. North of Horse Mountain: The minimum size may range from 20 to 24 inches total length.
  - b. South of Horse Mountain: The minimum size may range from 20 to 24 inches total length.

Option 3 — Automatic conformance with federal regulations

The Department is proposing this option to replace the existing regulations for Commission consideration. Significantly more stakeholder and public involvement takes place each year during the annual Federal PFMC salmon regulatory process. This option is included to reduce administrative workload on Department and Commission staff and to allow for quicker implementation of season opening date regulations, since the Federal process is far more expedient than the State's.

The Commission's final action on ocean salmon fishing in late April each year is almost always limited to adopting state regulations that exactly mirror Federal regulations that have already been approved by PFMC earlier in the month of April. This option proposes automatic conformance of State ocean salmon regulations with Federal regulations. This approach will ensure that State ocean salmon regulations are effective at the same time as salmon regulations in Federal ocean waters and would simplify application of Federal emergency or in-season action to State regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites Los Angeles International Airport—North, 9801 Airport Boulevard, Los Angeles, California, on Thursday, March 3, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on Thursday, April 7, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Thursday, April 21, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 15, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April

20, 2011. All comments must be received no later than April 21, 2011, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Marija Vojkovich, Marine Region Manager, Department of Fish and Game, (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:  
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME  
COMMISSION**

**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the au-

thority vested by sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code; and sections 36725(a) and 36725(e), Public Resources Code and to implement, interpret or make specific sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e), and 8500, Fish and Game Code; and sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to Southeast Farallon Island Special Closure.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

On August 5, 2009, the California Fish and Game Commission (Commission) adopted regulations to implement marine protected areas (MPAs) in the north central coast region of California, the second study region considered under the Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015). These regulations went into effect May 1, 2010. Subsequent to their implementation, an error was identified in the regulations for the special closure established at Southeast Farallon Island.

As originally proposed by the Blue Ribbon Task Force (BRTF), the Southeast Farallon Island Special Closure specified the area from Fisherman’s Bay to East Landing be a seasonal closure only (from December 1 through September 14), thus allowing boat access during the remainder of the year. However, the regulation that was adopted and went into effect on May 1, 2010 did not include this seasonal component for the area, and was instead defined in regulation as a year-round closure. This error was identified through public testimony. A review of supporting documents from the regulation development process verified that the original intent was to make this portion of the special closure seasonal in nature, and that inclusion of a year-round closure in this area was a drafting error. Therefore, subsection 632(b)(33)(B) is proposed to be amended to add a seasonal component to the closure area between Fisherman’s Bay and East Landing within the Southeast Farallon Island Special Closure, as originally intended and reflected in the maps and supporting documents.

In addition, feedback from enforcement and the public has highlighted that the complexity of the regulations language describing boundaries and exceptions to year-round closure are confusing as described in the existing regulations. As a result of the confusion, there is heavy reliance on mapped images in order to understand the written boundaries. Therefore, subsection 632(b)(33)(B) is proposed to be modified to improve clarity and ease public understanding by sub-dividing the description of areas that provide exceptions to year-



round closure, and modifying only the description of the boundaries without modifying the boundaries.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites Los Angeles International Airport—North, 9801 Airport Boulevard, Los Angeles, California, on Thursday, March 3, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on Thursday, April 7, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 1, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 4, 2011. All comments must be received no later than April 7, 2011 at the hearing in Folsom, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout—underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Department of Fish and Game, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from the agency program staff.

**Impact of Regulatory Action**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Allowing seasonal access to the area from Fisherman’s Bay to East Landing, within the Southeast Farallon Island Special Closure, may reduce potential local adverse impacts identified in OAL File 2010-0413-02SR and may benefit the local economy.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

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

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

Any additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and depend on not only the impacts of the proposed regulation but also other regulations and processes. Given that the proposed activities were previously occurring in the area from Fisherman’s Bay to East Landing, within the Southeast Farallon Island Special Closure, it is unlikely that changes to existing enforcement would be required.

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

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 15. PRISON INDUSTRY  
AUTHORITY**

**NOTICE OF PROPOSED REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 8**

**NOTICE IS HEREBY GIVEN** that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific PC Sections 832.5, 2801, 2805 and 2807, and Labor Code Sections 6303 and 6304.3 propose to amend Section 8000 of Article 1 and adopt Sections 8007 and 8008 of Article 3 of the California Code of Regulations (CCR), Title 15, Division 8 concerning CALPIA Inmate Appeals and CALPIA Health or Safety Complaints.

**PUBLIC HEARING**

Date and Time: April 15, 2011 — 10:00 a.m. to 11:30 a.m.

Place: CALPIA Central Office  
560 East Natoma Street  
Folsom, CA 95630

Purpose: To receive comments about this action.

**PUBLIC COMMENT PERIOD**

The public comment period will close, April 15, 2011 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department,

comments must be submitted to the CALPIA, Legal Services Unit, Regulation and Policy Manager, 560 East Natoma Street, Folsom, CA 95630; by fax at (916) 358-1610; or by e-mail at [CALPIAregs@calpia.ca.gov](mailto:CALPIAregs@calpia.ca.gov) before the close of the comment period.

**CONTACT PERSON**

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

**Ann Cunningham  
Regulation and Policy Manager  
California Prison Industry Authority  
560 East Natoma Street, CA 95630  
Telephone (916) 358-1711**

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

**Lynn Braydis  
Legal Secretary  
California Prison Industry Authority  
Telephone (916) 358-1711**

**LOCAL MANDATES**

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

**FISCAL IMPACT STATEMENT**

- Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: *None*
- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

**EFFECT ON HOUSING COSTS**

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

**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES**

The CALPIA under the authority of the PIB is not aware of any cost impacts that a representative private

person or business would necessarily incur in reasonable compliance with the proposed action.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

#### EFFECT ON SMALL BUSINESSES

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

#### ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The CALPIA under the authority of the PIB has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

#### CONSIDERATION OF ALTERNATIVES

The CALPIA under the authority of the PIB must determine that no reasonable alternative considered by the CALPIA, or that has otherwise been identified and brought to the attention of the CALPIA, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

#### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The CALPIA under the authority of the PIB has prepared, and will make available, the text and the Initial

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

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person.

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to the authority granted by PC Section 2801 and 2808 in order to implement, interpret and make specific PC Sections 832.5, 2801, 2805 and 2807, and Labor Code Sections 6303 and 6304.3 propose to amend Section 8000 of Article 1 and adopt Sections 8007 and 8008 of Article 3 of the CCR, Title 15, Division 8 concerning CALPIA Inmate Appeals and CALPIA Health or Safety Complaints.

PC Section 2801 authorizes the CALPIA to develop and operate industrial and service enterprises; to create and maintain working conditions within the enterprises as much like those which prevail in private industry, to assure prisoners employed therein the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills; and to operate a work program for prisoners which is self-supporting by generated sufficient funds from the sale of products and services.

PC Section 2808 authorizes the PIB's continued existence, therein maintaining the ability to exercise its duties, and have all of the powers and do all of the things that the board of directors of a private corporation would do, except as specifically limited in this section, specifically (a) through (k).

The CALPIA and the PIB have implied rulemaking authority to adopt regulations to implement, interpret or make specific the laws enforced or administered by CALPIA, or to govern its procedures.

This action proposes the adoption of text as follows:

- **Section 8000 includes** a definition of a Health or Safety Complaint.
- **New Section 8007 informs** CALPIA inmate workers to utilize the regular appeal process, to appeal any departmental decision, action, condition, or policy which they can demonstrate as having an adverse effect upon their welfare, except for CALPIA health or safety complaints.
- **New Section 8008 is adopted** to interpret law which establishes the CALPIA health or safety complaint process, and is therefore separate from the Regular Appeal Process. The regulations:
  - (a) Reiterate that the CALPIA health or safety complaint, shall not be submitted using the regular appeal process.
  - (b) Instruct inmates, should they encounter any urgent health or safety situation, to immediately report it to any staff available and not wait to file it in written format.
  - (c) Interpret LC 6304.3(b) to mean all complaints alleging unsafe or unhealthy working conditions are to be in written format and placed in a readily accessible complaint box or presented personally to any CALPIA staff member, in accordance with Title 8, Section 344.40(d).
  - (d) CALPIA staff members who receive a written health or safety complaint either after retrieving it from the complaint box or after being personally handed the written complaint, to then personally present it to a member of the local CALPIA Safety Committee.
  - (e) Restates existing law from LC 6304.3(b) to provide clarity to inmates that their complaint is to be reviewed and responded to within 15 calendar days of its filing.
  - (f) Provides instruction for inmates who are dissatisfied with the CALPIA safety committee response. Complainant can request to refer it to the Department of Industrial Relations, Division of Occupational Safety and Health (DOSH). CALPIA staff shall facilitate this complaint to the DOSH.

## TITLE 16. DENTAL BOARD OF CALIFORNIA

### DEPARTMENT OF CONSUMER AFFAIRS

**NOTICE IS HEREBY GIVEN** that the Dental Board of California (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs  
2005 Evergreen Street, 1<sup>st</sup> Floor Hearing Room  
Sacramento, California 95815  
Monday, April 4, 2011  
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 4, 2011 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 480, 482, 820, 1670, 1670.1, 1680, and 1684.1 of said Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board currently regulates a total of 72,866 licensees; consisting of 37,508 dentists, 34,084 registered dental assistants, and 1,277 registered dental assistants in extended functions. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees

for violating of the Dental Practice Act (DPA); monitoring licensees whose licenses have been placed on probation; and managing the Diversion Program for licensees, whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Business and Professions Code Section 1614 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Dental Practice Act.

The Department of Consumer Affairs (Department) encouraged the healing arts boards to pursue regulatory action to assist the boards with investigating and prosecuting complaints in a timely manner, and to provide the boards with tools to improve the enforcement process and ensure patient safety.

The main purpose of the proposed language is to provide the Board with the means to expedite the enforcement process by further defining unprofessional conduct and to permit the Board to require the examination of an applicant who may be impaired by a physical or mental illness affecting competency. Existing laws do not provide the Board with the authority to receive reports or require examinations of applicants. These changes have been proposed to provide the Board with the ability to provide better public protection by receiving more timely information from licensees and the authority to examine applicants for possible physical or mental illness affecting competency. The Board is proposing the following changes:

Adopt Section 1018.05 of Article 4.6 of Division 10 of Title 16 of the California Code of Regulations (Unprofessional Conduct Defined):

This proposal adopts a new Article 4.6, Section 1018.05 to define the term “conviction” for the purposes of this Section, and to specify that the following acts constitute unprofessional conduct:

- Failure to provide records requested by the Board within 15 days;
- Failure of a licensee to report an indictment within 30 days;
- Failure of a licensee to report a felony charge within 30 days;
- Failure of a licensee to report a conviction within 30 days; and
- Failure of a licensee to report disciplinary action taken by another professional licensing entity or other specified agency within 30 days.

Amend Section 1020 of Division 10 of Title 16 of the California Code of Regulations (Application Review and Criteria for Evaluating Rehabilitation)

This proposal also amends Section 1020 to provide the Board the authority to require an examination of an

applicant by a physician and surgeon, or psychologist if it appears the applicant may be unable to safely practice due to a mental illness or a physical illness that affects competency.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Board currently regulates a total of 72,866 licensees, including 37,508 dentists, 34,084 registered dental assistants, and 1,277 registered dental assistants in extended functions. The Board only regulates activities that appear to affect small businesses as defined in California Government Code Section 14837.

Licensees may incur a nominal fee for the copying and mailing of records requested by the Board. However, current statute requires licensees to comply with the Board’s records request or they risk being fined. Since current statute previously required the copying and submission of records, there should be no additional fiscal impact to the licensee or their business as a result of this regulation.

Licensees will be considered to have committed unprofessional conduct if they fail to provide records requested by the Board within 15 days. As a result, licensees may face disciplinary action against their license.

Licensees may incur a nominal fee when reporting an indictment, felony charge, conviction, or disciplinary action by another professional licensing entity to the Board. This regulation does not specifically state the manner of how a licensee is to report to the Board. Licensees may choose from a variety of methods to notify the Board, including email, or mailing a letter. A licensee may incur nominal costs associated with mailing their notification to the Board. Licensees will be considered to have committed unprofessional conduct if they fail to report an indictment, felony charge, conviction, or disciplinary action by another professional licensing entity to the Board within 30 days. As a result, licensees may face disciplinary action against their license.

A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Applicants required by the Board to be examined by a physician and surgeon or psychologist will not incur a fiscal impact. The Board is responsible for the full cost of the examination. Existing law, Section 820 of the Code, authorizes the Board to examine licensees for mental illness or physical illness that may affect competency. Since licensees may already be subject to such an examination, the Board has determined that the proposed regulation will not have a significant statewide adverse economic impact on the businesses of the physicians and surgeons or the psychologists designated to perform the examination. The physicians and surgeons or the psychologist designated to perform the examination have the necessary equipment to perform the examination and will not experience additional costs as a result of this regulation. However, the physician and surgeons or psychologist may incur more revenue as a result of this regulation, depending on how many applicants are required to be examined.

Impact on Jobs/New Businesses:

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

Licensees who have committed unprofessional conduct may face disciplinary action against their license. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. Licensees who are in compliance with the law will not incur any fiscal impact.

Applicants required by the Board to be examined by a physician and surgeon or psychologist will not incur a

fiscal impact. The Board is responsible for the full cost of the examination. If an examination finds that the applicant is unable to safely practice, their application may be denied by the Board.

Cost Impact on Representative Private Person or Business:

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

Licensees who have committed unprofessional conduct may face disciplinary action against their license. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

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Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not have a significant economic impact on small businesses. The Board only regulates activities

that appear to affect small businesses as defined in California Government Code Section 14837.

Small businesses owned by licensees may incur a nominal fee for the copying and mailing of records requested by the Board. However, current statute requires licensees to comply with the Board's records request or they risk being fined. Since current statute previously required the copying and submission of records, there should be no additional fiscal impact to the licensee's small business as a result of this regulation.

Licensees found to have committed unprofessional conduct may face disciplinary action against their license. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the small business where the licensee works depending on the nature and severity of the violation. A small business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore the number or percentage of small businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a small business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Small businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Existing law, Section 820 of the Code, authorizes the Board to examine licensees for mental illness or physical illness that may affect competency. Since licensees may already be subject to such an examination, the Board has determined that the proposed regulation will not have a significant statewide adverse economic impact on the small businesses of the physicians and surgeons or psychologists designated to perform the examination. The physicians and surgeons or the psychologists designated to perform the examination have the necessary equipment to perform the examination and will not experience additional costs as a result of this regulation. However, the physician and surgeons or psychologist may incur more revenue as a result of this regulation, depending on how many applicants are required to be examined.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either

be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

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

**INITIAL STATEMENT OF REASONS AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Sarah Wallace, Legislative and Regulatory Analyst  
 Address: 2005 Evergreen Street, Suite 1550  
 Sacramento, CA 95815  
 Telephone No.: (916) 263-2187  
 Fax No.: (916) 263-2140  
 E-Mail Address: Sarah.Wallace@dca.ca.gov

The backup contact person is:

Name: Richard DeCuir, Executive Officer  
 Address: 2005 Evergreen Street, Suite 1550  
 Sacramento, CA 95815  
 Telephone No.: (916) 263-2300  
 Fax No.: (916) 263-2140  
 E-Mail Address: Richard.DeCuir@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's Web site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND GAME**

**Department of Fish and Game —  
 Public Interest Notice**

For Publication February 18, 2011  
 CESA CONSISTENCY DETERMINATION  
 REQUEST FOR  
 Central Valley Natural Gas Storage Project  
 Colusa County  
 2080-2011-005-02

The Department of Fish and Game (Department) received a notice on February 3, 2011 that Central Valley Gas, LLC, proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action would consist of converting the depleted Princeton Gas Field into a natural gas storage facility.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (File No. 81420-2010-F-0556-2)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on February 2, 2011 which considered the effects of the project on the Federally and State threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code Section 2080.1, Central Valley Gas, LLC 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, Central Valley Gas, LLC 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  
 CONSISTENCY DETERMINATION NO.  
 2080-2011-001-02**

**Project:** City of Maxwell Public Utility District Treated Effluent Reuse Project

**Location:** Colusa County

**Applicant:** Mr. David Wadsworth, Maxwell Public Utility District

**Notifier:** Mr. Robert Neilson, United States Department of Agriculture Rural Development

**Background**

City of Maxwell Public Utility District (Applicant) proposes to upgrade the wastewater collection, treatment, and disposal system that it currently owns and operates (Project) (Figure 1). The United States Department of Agriculture Rural Development (USDARD) is a primary funding agency for the Project with resources provided by the American Recovery and Reinvestment Act (ARRA) of 2009. The Applicant services the community of Maxwell in Colusa County (Figure 2). The Project is being undertaken to comply with the California Regional Water Quality Control Board-Central Valley Region (RWQCB) treated effluent discharge permit regulations. The permit compliance issues include the comprehensive remedy for violations of the Applicant's current waste discharge permit requirements for concentrations of ammonia and chlorine residuals in the treated effluent that is being released into an unnamed surface drainage. Additionally, the RWQCB also adopted Administrative Civil Liability Order No. R5-2008-0561 and Time Schedule Order No. R5-2007-0073 that requires the Applicant to comply with treated effluent limitations by a RWQCB mandated deadline.

The Applicant plans to meet the mandate of the RWQCB and remedy the non-compliance by upgrading the existing effluent treatment facility and by changing the effluent disposal practice from surface drainage to land application reuse using an irrigation system. The use of treated effluent as irrigation water will be in compliance with Title 22 of the California Code of Regulations as permitted by the California Department of Public Health.

The Project will consist of upgrading the existing wastewater treatment facility, installing an effluent pipeline and constructing an effluent reuse area with an irrigation system.

The Project covers a total of approximately 30.6 acres that includes the 12.6 acre West Field, the existing 16.1



acre treatment pond area and the 2 acre South Field (Figure 3). A small irrigation ditch that conveys treated effluence from the north end to the south end of the existing treatment facility for discharge into an unnamed drainage is also included in the project. The Project footprint includes the 30.6 acres of the treatment plant and the effluent reuse area and irrigation system. The effluent reuse area will result in the conversion of 79.8 acres of rice field into irrigated alfalfa cropland. Another 20.7 acres of rice field will be used for the irrigation reservoir. The irrigation reservoir will store secondary treated wastewater. The effluent reuse area and the irrigation reservoir together will result in the permanent loss of 100.5 acres of rice field.

The Project activities described above are expected to incidentally take giant garter snake (*Thamnophis gigas*) where those activities take place within upgraded areas of the existing wastewater treatment facility, the installation area of the new effluent pipeline and during construction of the effluent reuse area and associated irrigation system. In particular, giant garter snake could be incidentally taken as a result of the removal of refugial vegetative cover and basking sites, by the inadvertent or direct fill or crushing of borrows or crevices, obstruction of snake movement, decrease in prey abundance or availability, direct disturbance, displacement, injury or direct mortality. Disturbed snakes may disperse onto existing roadways and may be killed by construction equipment or other vehicles. Disturbance from the Project may cause snakes to move into unsuitable habitat where they may be prone to increased mortality from vehicles or predation. Silt, fill or chemical spills associated with the Project may also cause snake mortality.

Giant garter snake is designated as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(E).)

Giant garter snake individuals are documented as present in a 1984 record from west of the City of Maxwell, near Stone Corral Creek, approximately 2.5 miles to the northwest of the Project site. The next nearest documented occurrence is from near Delevan, 5 miles to the north (California Natural Diversity Database, 2007). The Project lies within the giant garter snake Colusa Basin "population cluster" identified by the United States Fish & Wildlife Service (Service) (1999) and there is suitable giant garter snake habitat within and adjacent to the Project site. Because of the proximity of the nearest documented giant garter snake, dispersal patterns of giant garter snake, and the presence of suitable giant garter snake habitat within the Project site, the Service determined that giant garter snake is reasonably

certain to occur within the Project site and that Project activities are expected to result in the incidental take of giant garter snake.

According to the Service, the Project will result in the temporary loss of 14.5 acres of upland giant garter snake habitat, and the permanent total loss of 100.5 acres of irrigated rice field, which is potential aquatic giant garter snake habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the USDARD consulted with the Service as required by the ESA. On June 4, 2010, the Service issued a biological opinion (Service file No. 81420-2009-F-0835-4) (BO) to the USDARD. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

The BO also requires the Applicant to implement and adhere to measures contained within the Project Biological Assessment (BA), the RWQCB Administrative Civil Liability Order No. R5-2008-0561, and the RWQCB Time Schedule Order No. R5-2007-0073.

On January 6, 2011 the Director of the Department of Fish and Game (DFG) received a notice from the USDARD 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 giant garter snake. (See Cal. Reg. Notice Register 2011, No. 3-Z, p. 87.)

### Determination

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

#### Avoidance, Minimization, and Mitigation Measures

- USDARD will compensate for permanent loss of rice field habitat by creating not less than 33.5 acres of managed marsh habitat within the Colusa Basin specifically to meet the ecological needs of giant garter snake.

- USDARD will develop an Offsite Compensatory Mitigation Plan which will include site protection measures and ecological performance standards.
- All work will be completed within one season and all disturbed areas of giant garter snake upland habitat will be restored to provide habitat equal to the preconstruction conditions.
- Giant garter snake aquatic habitat will be dewatered prior to construction.
- Applicant will only conduct construction during the giant garter snake active season (May 1 through October 1). If it appears that construction activity may go beyond October 1, Applicant will contact the Service to determine if additional measures are necessary to minimize take.
- Construction personnel will participate in a Service-approved worker environmental awareness training.

Monitoring and Reporting Measures

- If garter snake are encountered during construction or preconstruction surveys, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it has been determined that giant garter snake will not be harmed. Any sighting of giant garter snake will be reported immediately to DFG and the Service.

Financial Assurances

- USDARD will provide the Service with evidence that funds have been committed to, and an obligation signed for the appropriate compensation prior to any groundbreaking on the proposed project.
- The Offsite Compensatory Mitigation Plan to be prepared for the Project will include financial assurance measures for long term site management. The cost for the implementation of the Offsite Compensatory Mitigation Plan will be included in the funding amount obligated for the proposed project by the USDARD.
- The USDARD proposes that upon approval of the cost estimate for the Offsite Compensatory Mitigation Plan by the Service and DFG and after completion of funding by USDARD, a Letter of Conditions for the funding will be provided to each agency showing an approved line item cost for the Giant Garter Snake mitigation. Also, a financial commitment in a form approved by both the Service and DFG will be provided to both

agencies to ensure the performance of the planned conservation measures.

- Applicant has provided financial assurances consistent with CESA, in the form of a completed purchase agreement for creation and permanent protection of 33.5 acre of giant garter snake marsh habitat, and documentation of the security of the federal funding to implement all mitigation and restoration measures.

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

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

Date: 2/4/11

**DEPARTMENT OF FISH AND GAME**

Department of Fish and Game —  
Public Interest Notice  
For Publication February 18, 2011  
**PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES**  
Monitoring California Least Tern Nesting Colonies

The Department of Fish and Game (“Department”) received a proposal on April 4, 2010, from Mr. Tom Ryan, Monrovia, requesting authorization to study California Least Terns (*Sterna antillarum browni*) (least terns), a Fully Protected species, for research purposes, consistent with the conservation and recovery of this species. The proposed activities consist of:

- 1) Using up to 50 dead or abandoned least tern eggs per year as bait in traps for American crows at the Venice Beach least tern colony, Marina del Rey, Los Angeles County, California, and at the Port of Los Angeles, Los Angeles, Los Angeles County, California.

- 2) Fitting up to 50 adult least terns with 1.2-gram British Antarctic Survey Mk10 backpack-mounted geolocators, to determine the as-yet undescribed migratory route and wintering grounds of the least tern. This will take place at the Venice Beach least tern colony, Marina del Rey, Los Angeles County, California, and at the Port of Los Angeles, Los Angeles, Los Angeles County, California, between June and July 2011. Mr. Ryan will attempt to recapture and remove the geolocators from as many of these same individuals as possible in 2012.

Mr. Ryan has the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize Mr. Ryan to carry out the proposed activities. As these birds are also federally-listed endangered species, Mr. Ryan already possesses a valid federal Threatened and Endangered Species Recovery permit (TE #097516-2), dated November 24, 2010, that authorizes these activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after March 18, 2011, for an initial term of two years. Contact: Wildlife Program, 4949 Viewridge Avenue, San Diego, CA 92123, Attn.: Nancy Frost.

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication February 18, 2011  
PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES  
Monitoring and Research of California Clapper Rail  
and California Black Rail

The Department of Fish and Game (Department) received a proposal on February 3, 2011, from Douglas A. Bell, David L. Riensche, Steven Bobzien, and Peter J. Alexander, East Bay Regional Park District (EBRPD), 2950 Peralta Oaks Court, Oakland, CA 94605-0381, requesting authorization to take California clapper rail (*Rallus longirostris obsoletus*) (clapper rail) and

California black rail (*Laterallus jamaicensis coturniculus*) (black rail) (hereinafter referred to as rails), which are Fully Protected birds, for research purposes, consistent with the protection and recovery of the species. The applicants are required to each have a Scientific Collecting Permit (SCP) to take protected bird species. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

EBRPD is planning to conduct presence/absence surveys throughout the range of each species, using taped vocalizations (call count surveys); locate and monitor nests; candle eggs during the breeding season; and conduct winter population high-tide surveys, using motorized boats, in accordance with standard protocols and the time limitations specified in EBRPD's federal U.S. Fish and Wildlife permit (TE817400-7, expires 02/01/2014, and amendments that follow). No adverse effects on individual rails or rail populations are expected to occur as a result of this work.

Destruction and alteration of wetlands is the principal reason for the decline of the rails. Effective management efforts and species recovery requires a thorough understanding of the distribution and habitat requirements of these species. Tasks listed in the federal California Clapper Rail Recovery Plan (1984) may benefit from the issuance of this permit, as this research may help to: determine the causes of clapper rail population fluctuations; evaluate the effects of pollutants, sedimentation, and freshwater fluctuations on invertebrate prey of clapper rails; determine habitat preferences of clapper rail in tidal marshes; determine habitat preferences of the clapper rail in non-tidal diked marshes; and determine the effects of flood and mosquito control, as well as sea level changes, on the clapper rail. Similar information may be gleaned from presence/absence surveys for the black rail.

The Department intends to issue, under specified conditions, a Memorandum of Understanding that would authorize the applicants, with Douglas Bell as the Principal Investigator, to carry out the proposed activities. As clapper rails are also federally endangered species, applicants are required to possess a valid federal threatened and endangered species recovery permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after March 18, 2011, for an initial and renewable term of two years. Contact: Esther Burkett, [eburkett@dfg.ca.gov](mailto:eburkett@dfg.ca.gov), 916-445-3764.

DEPARTMENT OF FISH AND GAME

Public Interest Notice for Publication on  
February 18, 2011  
PROPOSED RESEARCH ON A  
FULLY-PROTECTED SPECIES:  
Taking the Salt-Marsh Harvest Mouse

The Department of Fish and Game (Department) is evaluating a proposal received on February 2, 2011, from James Mark Statham, University of California, Davis, for authorization to take the salt-marsh harvest mouse (*Reithrodontomys raviventris*) (mouse) for research purposes consistent with the conservation and recovery of the species. The mouse is a Fully Protected species of mammal. Agency personnel from the U.S. Geological Survey and the Department survey this species by using live traps at multiple locations throughout the year. The proposed activity consists of taking a genetic sample (plucked hair and/or oral swab) from each of the individuals captured during agency surveys. The genetic samples will be used to determine the status of local populations and the species as a whole. It is intended that this work be carried out throughout the range of the species.

For the purpose of allowing take of mammals which are native to California, the Department would require that James Mark Statham, and each person conducting field work on the mouse associated with his project, obtain a State scientific collecting permit (SCP) to take mammals prior to beginning work. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization for taking the mouse to James Mark Statham through specific written conditions in a Memorandum of Understanding or other type of special permit.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of a Fully Protected species of mammal after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the research proposed by James Mark Statham is consistent with the requirements of FGC Section 4700 for take of Fully Protected mammals, the Department would issue the authorization on or after March 18, 2011, for an initial and renewable term of two years. For further information, contact Dr. Scott Osborn, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, California 95811, telephone (916) 324-3564.

DEPARTMENT OF TOXIC SUBSTANCES  
CONTROL

CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL

Notice of Intent to Recertify  
Hazardous Waste Environmental Technology

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) intends to recertify the following hazardous waste environmental technology:

The SCIGEN NEUTRALEX technology for treating aqueous formaldehyde in 10% neutral buffered Formalin waste resulting from histopathology tissue specimen preservation and automated processor activities.

Applicant: SCIGEN, Inc.  
333 East Gardena Blvd  
Gardena, California 90249

Section 25200.1.5., Health and Safety Code, authorizes DTSC to certify the performance of hazardous waste environmental technologies. DTSC certifies only technologies which are determined to not pose a significant potential hazard to the public health and safety or to the environment when used under specified operating conditions.

Due to the current budget shortfall for the State of California, and associated budget uncertainty, DTSC is not accepting any new applications into its hazardous waste technology certification program. DTSC considers recertification requests for technologies already certified which have not changed their design, formulation, or operation.

The certification program provides an independent technical evaluation of technologies to identify those meeting applicable quality standards, so as to facilitate regulatory and end-user acceptance and to promote and foster growth of California's environmental technology industry.

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The end-user is solely responsible for complying with the applicable federal, state, and local regulatory requirements. Certification does not limit DTSC's authority to require additional measures for protection of public health and the environment.

By accepting certification, the manufacturer assumes, for the duration of certification, responsibility for maintaining the quality of the manufactured equipment and materials and their operation at a level equal to

or better than was provided to obtain certification and agrees to be subject to quality monitoring by DTSC as required by the statute under which certification is granted.

DTSC's proposed decision to recertify is subject to public review and comment.

Written comments must be submitted to DTSC no later than 30 days after publication of this notice. All comments will be considered and appropriate changes will be made prior to publishing DTSC's final decision.

Additional information supporting DTSC's proposed decision is available for review. Requests for additional information or comments concerning this proposed decision should be submitted to the following address:

California Environmental Protection Agency  
 Department of Toxic Substances Control  
 Office of Pollution Prevention and Technology  
 Development  
 P.O. Box 806  
 1001 I Street, 12<sup>th</sup> Floor  
 Sacramento, California 95812-0806  
 Attn: Dick Jones (916) 322-3292

#### BACKGROUND

The Scigen Neutralex technology was originally certified effective June 29, 1997, for a three-year term. The final decision to certify was published in the May 30, 1997, California Regulatory Notice Register, Volume 97, Number 22-Z. The original certification included a description of the technology, the certification statement and associated conditions and limitations, and the technical basis for the original certification decision. These documents are available at <http://dtsc-cm/TechnologyDevelopment/TechCert/scigen-batch-treat-formaldehyde-techcert.cfm> or may be obtained from DTSC.

Following re-evaluations and proposed decisions with 30-day public comment periods, DTSC published final decisions to recertify the Neutralex technology for three-year terms effective June 10, 2001, and, after a one year extension, March 25, 2005. The technology was recertified again on May 16, 2008. Reports describing the basis for these recertification decisions are available from DTSC.

DTSC has now re-evaluated the Neutralex technology, and is proposing to recertify the technology for an additional three-year term.

#### EFFECT ON CURRENT CERTIFICATION STATUS

Pursuant to Title 22, California Code of Regulations section 68100, the existing certification shall remain

valid during the public comment period for this proposed recertification decision, during the period in which DTSC responds to any comments received and prepares a final decision, and during the public notice period for the final recertification decision.

#### BASIS FOR RECERTIFICATION

Previous recertification evaluations included laboratory testing of the effectiveness of Neutralex for treating 10% neutral buffered Formalin wastes, and discussions with end users. According to Scigen, the Neutralex technology has not changed since it was originally certified. For the current recertification evaluation, DTSC staff contacted three more end users of the Neutralex technology to confirm previous information on its performance under the conditions of use at health care facilities. All were satisfied with the product. Most found the directions clear and followed them. None of the users contacted had any problems with the technology. A regional health and safety manager representing approximately thirty regional hospitals again reported no problems. They use the technology to treat 40,000 gallons per year of formalin waste.

In earlier certification reviews, DTSC did extensive investigations and lab tests of the Neutralex product. The results were consistently positive. Later reviews used customer interviews and again produced positive results. DTSC has not received nor is aware of any complaints or reports of problems with the Neutralex technology.

#### REGULATORY CONSIDERATIONS

Title 22, California Code of Regulations, Section 67450.20, specifies that treatment of formaldehyde by health care facilities using any technology certified as effective for that purpose is authorized for operation under a grant of conditional exemption. The treatment must be operated pursuant to the conditions imposed on the certification. In addition, the generator conducting the treatment must comply with the conditions of the Conditional Exemption in Section 25201.5 of the Health and Safety Code. The reader should refer to these statutory and regulatory sections for additional information.

#### CERTIFICATION CONDITIONS

The conditions of the original certification, published in the May 30, 1997, California Regulatory Notice Register, Volume 97, Number 22-Z remain in effect.

#### CERTIFICATION REFERENCE

As a holder of a valid hazardous waste environmental technology certification, Scigen is authorized to use the

certification seal (California Registered Service Mark Number 046720) during the term of the certification. Scigen shall cite the certification number and date of issuance in conjunction with the certification seal whenever it is used.

When providing information on the certification to an interested party, Scigen shall at a minimum provide the full text of the original and recertification decisions as published in the California Regulatory Notice Registers.

#### DURATION OF THE CERTIFICATION

This recertification will remain in effect for the period of three years from the date of issuance, unless it is revoked for cause or amended.

### PROPOSITION 65

#### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### EXTENSION OF PUBLIC COMMENT PERIOD AND ANNOUNCEMENT OF A PUBLIC HEARING

#### TITLE 27, CALIFORNIA CODE OF REGULATIONS

#### AMENDMENT TO SECTION 25705 SPECIFIC REGULATORY LEVELS POSING NO SIGNIFICANT RISK 4-METHYLIMIDAZOLE

**February 18, 2011**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act), which is codified as Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act describes the mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8).

On January 7, 2011, OEHHA published a notice in the *California Regulatory Notice Register* proposing to

establish a specific regulatory level posing no significant risk for 4-methylimidazole by amending Title 27, California Code of Regulations, section 25705.

Publication of the prior notice initiated a 45-day public comment period that was scheduled to close on February 21, 2011. OEHHA has received a request from an interested party for a public hearing. **A public hearing is scheduled for March 10, 2011 at 10:00 a.m. in the Sierra Hearing Room located at 1001 I Street in Sacramento, CA. OEHHA hereby extends the public comment period on this proposed amendment to 5:00 p.m., Thursday, March 24, 2011.**

Written comments, along with any supporting documentation, may be transmitted via email addressed to [mvela@oehha.ca.gov](mailto:mvela@oehha.ca.gov) or to:

Ms. Monet Vela  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-2517  
Telephone: (916) 323-2610

### 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# 2010-1221-03  
AIR RESOURCES BOARD  
SF6 Gas Insulated Switchgear

The Air Resources Board submitted this rulemaking action to adopt regulations to reduce sulfur hexafluoride (SF6) emissions from gas insulated switchgear (GIS) used in electric power systems. The regulations establish maximum annual SF6 emission rates for owners of GIS. The emission rate requirements begin in 2012 at ten percent of the GIS owners' total equipment capacity averaged over 2011. The emission rate will steadily decline by one percent per year until 2020, at which time the maximum annual SF6 emission rate will be set at one percent.

Title 17  
 California Code of Regulations  
 ADOPT: 95350, 95351, 95352, 95353, 95354,  
 95355, 95356, 95357, 95358, 95359  
 Filed 02/02/2011  
 Effective 02/02/2011  
 Agency Contact: Amy Whiting (916) 322-6533

File# 2011-0127-01  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
 Emergency Notice for Sudden Oak Death, 2011

The Board of Forestry and Fire Protection submitted this emergency rulemaking action to amend several title 14 sections and to adopt a new title 14 section to address the growing threat of sudden oak death disease that is the result of the plant pathogen, *Phytophthora ramorum*.

Title 14  
 California Code of Regulations  
 ADOPT: 1052.5 AMEND: 895, 916.9, 936.9, 956.9,  
 1052, 1052.1, 1052.2  
 Filed 02/07/2011  
 Effective 02/07/2011  
 Agency Contact:  
 Christopher Zimny (916) 712-7329

File# 2010-1229-01  
**BOARD OF OPTOMETRY**  
 Fictitious Name Permits, Licensing & Examinations

This regulatory action updates and clarifies information for requirements regarding licensure and examination, permit fees for creating a fictitious business name and usage of topical pharmaceutical agents.

Title 16  
 California Code of Regulations  
 AMEND: 1518, 1523, 1531, 1532, 1533, 1561  
 Filed 02/08/2011  
 Effective 03/10/2011  
 Agency Contact: Andrea Leiva (916) 575-7182

File# 2010-1228-01  
**BOARD OF PILOT COMMISSIONERS**  
 Pilot and Inland Pilot Training

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (Board) amended section 215 of title 7 of the California Code of Regulations to reduce the frequency of the requirement to complete a combination course from every three to every five years and to reduce the required length of the manned scale model shiphandling course from six to five days.

Title 7  
 California Code of Regulations  
 AMEND: 215  
 Filed 02/02/2011  
 Effective 03/04/2011  
 Agency Contact: Terri Toohey (916) 768-5638

File# 2010-1221-02  
**BOARD OF PSYCHOLOGY**  
 Renewal of License—Disclosure of Discipline & Criminal Convictions

The Board of Psychology (Board) submitted this regulatory action to add sections 1381.7, 1381.8, and 1381.9 to title 16 of the California Code of Regulations. The Board currently mandates that all licensees submit fingerprints to the Department of Justice (DOJ) for a state and federal criminal offender record information (CORI) search. This action requires all Board licensees who have not previously submitted fingerprints to the DOJ or for whom an electronic fingerprint record does not exist to successfully complete a CORI search as a prerequisite to license renewal. This action also requires licensees to disclose any disciplinary action against their license by any government agency or disciplinary body since their last renewal date.

Title 16  
 California Code of Regulations  
 ADOPT: 1381.7, 1381.8, 1381.9  
 Filed 02/02/2011  
 Effective 03/04/2011  
 Agency Contact: Linda Kassis (916) 263-0712

File# 2010-1221-04  
**MANAGED RISK MEDICAL INSURANCE BOARD**  
 HFP Modification of Mental Health Benefits

The Healthy Families Program (HFP) is California's state- and federally-funded Children's Health Insurance Program (CHIP) established pursuant to title XXI of the federal Social Security Act. The Managed Risk Medical Insurance Board (Board) administers the HFP. The HFP provides comprehensive health, dental and vision insurance to low-income children under the age of 19 with family income above the Medi-Cal income eligibility levels. Approximately, two-thirds of the funding for HFP is provided by the federal CHIP. This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2010-0615-01E) that removed the treatment limitations for mental health and substance abuse treatment services bringing HFP into compliance with federal mental health parity law, clarified that the HFP participating health plans provide care for children with serious emotional disturbance (SED) or a California Children's Service (CCS) eligible condition until the needed care is authorized

and provided by the County Mental Health Department or CCS, respectively, extended the 2009–2010 HFP benefit year by three months (from July 1 through October 1), and established ongoing HFP benefit years to run October to October.

Title 10  
California Code of Regulations  
AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721  
Filed 02/02/2011  
Agency Contact: Dianne Knox (916) 324–0592

File# 2011–0106–01  
OFFICE OF SPILL PREVENTION AND RESPONSE  
Oil Spill Contingency Plans

In this regulatory action, the Office of Spill Prevention and Response amends a regulation pertaining to oil spill contingency plans for marine facilities. Specifically, the requirements for determining the “Response Planning Volume” for offshore platforms with active well drilling and without active well drilling are modified to reference the daily volume for 30 days (rather than 7 days) from an uncontrolled blowout of a well.

Title 14  
California Code of Regulations  
AMEND: 817.02  
Filed 02/08/2011  
Effective 03/10/2011  
Agency Contact:  
Joy D. Lavin–Jones (916) 327–0910

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN September 7, 2010 TO  
February 9, 2011**

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

**Title 2**

01/28/11 ADOPT: 559  
01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4  
AMEND: Heading for Subchapter 1.3 — Article 25

01/25/11 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104  
01/13/11 AMEND: 1859.2, 1859.302, 1866, Form SAB 50–02, 50–03, 50–04, 50–06, 50–07, 50–08, 50–09, 50–10, 61–04, 40–20, 40–21, 40–24  
01/12/11 ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12)  
REPEAL: 172.9  
01/12/11 AMEND: 59.3 Appendix A  
01/06/11 ADOPT: 649.17.1, 649.19, 649.20  
AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62  
01/06/11 AMEND: 67.3  
12/28/10 AMEND: Div. 8, Ch. 114, Sec. 59590  
12/21/10 AMEND: 561, 561.1, 561.2, 561.3, 561.4, 561.5, 561.8, 561.9, 561.11 (renumbered to 561.10), 561.12 (renumbered to 561.11), 561.13 (renumbered to 561.12) REPEAL: 561.10, 561.14  
12/20/10 AMEND: 18723  
12/20/10 ADOPT: 18215.2 AMEND: 18215, 18225, 18450.1, 18450.4, 18450.5  
12/16/10 ADOPT: 1859.90.1 AMEND: renumber 1859.90.1 as 1859.90.2 (not shown), 1859.129, 1859.197  
11/30/10 AMEND: 67.8 (Appendix A)  
11/23/10 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05  
11/22/10 AMEND: 1859.2, 1859.83  
11/16/10 AMEND: 7286.1  
11/15/10 AMEND: 18545, 18703.4, 18730, 18940.2, 18943  
11/15/10 AMEND: 18225  
10/29/10 ADOPT: 1859.90.2 AMEND: Renumber 1859.90.2 to 1859.90.3, 1859.129, 1859.197  
10/28/10 AMEND: 59.1  
10/27/10 ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5  
10/26/10 ADOPT: 2297.1  
10/21/10 ADOPT: 58.8 AMEND: 59.3



**CALIFORNIA REGULATORY NOTICE REGISTER 2011, VOLUME NO. 7-Z**

10/11/10 ADOPT: 599.937.4  
 10/07/10 AMEND: 51.1  
 10/07/10 AMEND: 51.2(u)  
 10/07/10 AMEND: div. 8, ch. 46, sec. 53500  
 10/05/10 AMEND: div. 8, ch. 79, sec. 56800  
 10/05/10 ADOPT: 1859.172 AMEND:  
 1859.162.3, 1859.171  
 10/04/10 AMEND: 1859.2, 1859.81  
 10/04/10 ADOPT: 642, 643, 644, 645 AMEND:  
 640, 641  
 09/27/10 AMEND: 18942, 18944.1  
 09/07/10 AMEND: Renaming of headings only, as  
 follows: Article 4 of Chapter 1 to new  
 Subchapter 1.2; Subarticles 1–10 of nes  
 Subchapter 1.2 to new Articles 1–10; and  
 Chapters 1–5 of new Article 6 to new  
 Subarticles 1–5.

**Title 3**

01/13/11 AMEND: 3425(b), (c)  
 01/13/11 AMEND: 3591.20(a)  
 01/13/11 AMEND: 3591.15(a), (b)  
 01/11/11 AMEND: 1430.142  
 01/11/11 AMEND: 3591.20(a)  
 12/30/10 AMEND: 3435(b)  
 12/29/10 AMEND: 3434(b) and (c)  
 12/20/10 ADOPT: 6446, 6446.1 AMEND: 6400,  
 6452.4, 6624  
 12/14/10 AMEND: 3434(b) and (c)  
 12/14/10 AMEND: 850  
 12/09/10 AMEND: 6860  
 12/06/10 AMEND: 3906  
 11/30/10 AMEND: 3406  
 11/24/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3,  
 3701.4, 3701.5, 3701.6, 3701.7, 3701.8  
 AMEND: 3407  
 11/24/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3,  
 3701.4, 3701.5, 3701.6, 3701.7, 3701.8  
 AMEND: 3407  
 11/22/10 AMEND: 3435(c)  
 11/18/10 AMEND: 105, 108  
 11/17/10 AMEND: 3434(b)  
 11/17/10 AMEND: 3434(b)  
 11/17/10 AMEND: 3437  
 11/15/10 REPEAL: 3000, 3001, 3002, 3003, 3004  
 11/09/10 AMEND: 3437  
 10/27/10 AMEND: 6447, 6447.2, 6784  
 10/21/10 AMEND: 3591.5(a)  
 10/18/10 AMEND: 3437(b)  
 10/11/10 AMEND: 3558(a)  
 10/11/10 AMEND: 3855  
 10/06/10 ADOPT: 1391, 1391.1, 1391.2, 1391.3,  
 1391.4 AMEND: 1391 (renumbered to  
 1391.5), 1391.1 (renumbered to 1391.6)  
 10/01/10 AMEND: 3434(b)

09/27/10 AMEND: 3  
 09/27/10 AMEND: 3437  
 09/22/10 AMEND: 3591.20(a)  
 09/14/10 AMEND: 3434(b)  
 09/13/10 ADOPT: 3437  
 09/09/10 AMEND: 3434(b)

**Title 4**

01/24/11 ADOPT: 4140, 4141, 4142, 4143, 4144,  
 4145, 4146, 4147, 4148, 4149, 4200,  
 4201, 4202, 4203, 4204, 4205  
 01/06/11 AMEND: 8070, 8072, 8073, 8074  
 01/06/11 ADOPT: 5000, 5010, 5020, 5021, 5030,  
 5031, 5032, 5033, 5034, 5035, 5036,  
 5037, 5038, 5039, 5050, 5051, 5052,  
 5053, 5054, 5055, 5056, 5060, 5061,  
 5062, 5063, 5064, 5080, 5081, 5082,  
 5100, 5101, 5102, 5103, 5104, 5105,  
 5106, 5107, 5120, 5130, 5131, 5132,  
 5140, 5141, 5142, 5143, 5150, 5151,  
 5152, 5153, 5154, 5155, 5170, 5180,  
 5181, 5182, 5183, 5190, 5191, 5192,  
 5193, 5194, 5200, 5210, 5211, 5212,  
 5220, 5230, 5231, 5232, 5240, 5250,  
 5260, 5265, 5266, 5267, 5268, 5269,  
 5270, 5275, 5280, 5281, 5282, 5283,  
 5290, 5291, 5300, 5310, 5311, 5312,  
 5313, 5314, 5315, 5320, 5321, 5330,  
 5340, 5350, 5360, 5370, 5371, 5372,  
 5380, 5381, 5382, 5383, 5384, 5400,  
 5410, 5411, 5420, 5421, 5422, 5423,  
 5430, 5431, 5432, 5433, 5434, 5435,  
 5440, 5450, 5460, 5461, 5470, 5480,  
 5490, 5491, 5492, 5493, 5494, 5500,  
 5510, 5520, 5530, 5531, 5532, 5533,  
 5534, 5540, 5550, 5560, 5570, 5571,  
 5572, 5573, 5580, 5590  
 12/14/10 AMEND: 10322(h)(5), 10325(c)(3)(B),  
 10325(c)(8)  
 12/07/10 ADOPT: 12347, 12348 AMEND: 12002,  
 12345  
 11/29/10 AMEND: 1374.2  
 11/29/10 AMEND: 8070, 8072, 8073, 8074  
 11/04/10 AMEND: 8034, 8035, 8042, 8043  
 11/02/10 AMEND: 12480, 12488, 12492, 12494,  
 12496, 12498, 12499, 12501, 12502,  
 12504, 12508  
 10/26/10 AMEND: 1844  
 10/04/10 ADOPT: 10030, 10031, 10032, 10033,  
 10034, 10035, 10036  
 09/29/10 AMEND: 8070, 8072, 8073, 8074  
 09/15/10 AMEND: 10323  
 09/09/10 AMEND: 1766

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09/09/10	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164	71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130
<b>Title 5</b>		
01/20/11	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033	
01/14/11	ADOPT: 11968.5	
01/10/11	AMEND: 30730, 30731, 30735, 30736	
12/23/10	AMEND: 2, 30, 50, 70, 401, 641, 1021, 1023.1, 1025, 1030, 1633, 3082, 3088.1, 3947, 4417, 4421, 4422, 4424, 5504, 5594, 5601, 5710, 10042, 10070, 10090, 11004, 11005, 11010, 11214, 11234, 11250, 11503, 11508, 11523, 11530, 11531, 11537, 11538, 13000, 13009, 13014, 13025, 13039, 13040, 13043, 13052, 14100, 15106, 15158, 15184, 15375, 15376, 15384, 15405, 15531, 15532, 15534, 15535, 15550, 15551, 16000, 18000, 18009, 18013, 18016, 18025, 18031, 18032, 18056, 18057, 18070, 18071, 18072, 18073, 18242, 18300, 18303, 18305, 18306, 18307, 18308, 18460, 18461, 18533	
12/22/10	AMEND: 80413.3 REPEAL: 80430.2	
12/02/10	ADOPT: 4700, 4701, 4702, 4703	
12/01/10	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240	
11/18/10	ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410,	10/18/10 AMEND: 80015, 80015.1, 80015.2, 80015.3, 80015.4, 80021, 80021.1, 80024.7, 80024.8 10/18/10 ADOPT: 1216.1 10/01/10 AMEND: 57020 REPEAL: 50721, 50722, 50723, 50724, 50725, 50727, 50728, 50729, 50730, 50731, 50732 09/13/10 ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807

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02/02/11 AMEND: 215  
 11/23/10 AMEND: 206, 207  
 11/09/10 AMEND: 219, 202  
 10/13/10 AMEND: 212.5  
 10/13/10 AMEND: 212.5

**Title 8**

02/01/11 AMEND: 5291  
 01/20/11 AMEND: 344.6, 344.16, 344.18  
 12/29/10 AMEND: 1709  
 12/09/10 AMEND: 2813  
 12/09/10 AMEND: 1742  
 12/08/10 AMEND: 344.30  
 12/08/10 AMEND: 1648, 1675, 3276, 3277, 3278, 3287, 3413, 3458.1 REPEAL: 1678, 3279, 3280  
 11/15/10 AMEND: 9701, 9702  
 11/04/10 AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464  
 11/02/10 ADOPT: 5197  
 11/02/10 AMEND: 1504, 1637, 3622  
 10/27/10 ADOPT: 1600.1 AMEND: 1600, 1601  
 10/05/10 AMEND: 3395  
 09/27/10 AMEND: 10232.2  
 09/23/10 AMEND: 9767.3  
 09/14/10 AMEND: 10253.1  
 09/13/10 AMEND: 5206(d)(4)(a), 1532.2(d)(4)(a), 8359(d)(4)(a)

**Title 9**

12/06/10 ADOPT: 3200.028, 3200.252, 3630.05, 3630.10, 3630.15 AMEND: 3630, 3650  
 10/18/10 ADOPT: 1810.326, 1810.376, 1810.439 AMEND: 1810.317, 1810.321, 1810.323, 1810.345, 1810.350, 1810.360, 1810.365, 1810.375, 1810.380, 1810.425, 1810.430, 1810.435, 1810.436, 1810.438, 1820.220, 1820.225, 1830.215, 1840.112, 1850.213  
 09/20/10 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212  
 09/20/10 ADOPT: 7213, 7213.1, 7213.2, 7213.4, 7213.5, 7213.6, 7214, 7214.1, 7214.2, 7214.3, 7214.4, 7214.5, 7214.6, 7214.7, 7214.8, 7215, 7215.1, 7216, 7216.1, 7216.2, 7218, 7220, 7220.3, 7220.5, 7220.7, 7221, 7225 AMEND: 7213.3, 7224, 7226, 7226.1, 7226.2, 7227, 7227.1, 7227.2 REPEAL: 7213, 7213.1, 7213.2, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7225

**Title 10**

02/02/11 AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721  
 01/31/11 ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741  
 01/24/11 AMEND: 2222.12  
 12/31/10 ADOPT: 2582, 2582.1, 2582.2, 2582.3  
 12/30/10 AMEND: 2614, 2614.7, 2614.13  
 12/29/10 ADOPT: 2188.65, 2695.180, 2695.181, 2695.182, 2695.183 AMEND: 2190.2, 2190.3  
 12/29/10 AMEND: 2542.4  
 12/23/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122  
 11/04/10 AMEND: 2689.8(c)  
 10/21/10 AMEND: 2498.6  
 10/18/10 ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741  
 10/11/10 ADOPT: 2278.50, 2278.51, 2278.52, 2278.53, 2278.54, 2278.55, 2278.56, 2278.57, 2278.58, 2278.59  
 09/28/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404,

1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122  
 09/23/10 AMEND: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78  
 09/20/10 AMEND: 2494.4.9  
 09/16/10 AMEND: 3006, 3007, 3007.05, 3007.2, 3007.3, 3007.6, 3008, 3010, 3011.1, 3011.2, 3011.4, 3012.2 REPEAL: 3005

**Title 11**

01/31/11 ADOPT: 4075 AMEND: 4047, 4049, 4050, 4051, 4052, 4053, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4070, 4071, 4072, 4073, 4074 REPEAL: 4055  
 12/30/10 AMEND: 1005, 1060  
 12/29/10 AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1052, 1053, 1055, 1056, 1071, 1080, 1081, 1083  
 11/02/10 ADOPT: 51.26  
 10/07/10 ADOPT: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15 AMEND: 994.1, 994.2, 994.4, 994.5, 994.6 REPEAL: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16  
 10/06/10 AMEND: 9040, 9041

**Title 13**

01/27/11 AMEND: 2621(i), 2623  
 01/19/11 AMEND: 1961  
 01/18/11 ADOPT: 2711 AMEND: 2701, 2702, 2703, 2704, 2705, 2706, 2707  
 01/03/11 AMEND: 1239  
 12/23/10 AMEND: 423.00  
 11/09/10 AMEND: 551.15, 551.17, 556, 558, 561, 586  
 11/08/10 AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141 REPEAL: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174  
 10/12/10 ADOPT: 1235.7 AMEND: 1200, 1235.1, 1235.2, 1235.4, 1256

**Title 13, 17**

01/20/11 AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3  
 10/19/10 AMEND: Title 13: 2025, 2449, 2449.3, 2452, 2453, 2456, 2458, 2460, 2461, 2462 and Title 17: 93116.1, 93116.2, 93116.3

**Title 14**

02/08/11 AMEND: 817.02  
 02/07/11 ADOPT: 1052.5 AMEND: 895, 916.9, 936.9, 956.9, 1052, 1052.1, 1052.2  
 01/12/11 AMEND: 632  
 01/05/11 AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13  
 01/05/11 AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13  
 12/30/10 ADOPT: 1722.8, 1722.8.1, 1722.9, 1773.1, 1773.2, 1773.3, 1773.4, 1773.5, 1774.1, 1774.2, 1777, 1777.1, 1777.2, 1777.3 AMEND: 1722, 1760, 1770, 1773, 1774 REPEAL: 1724.2  
 12/03/10 AMEND: 29.80  
 11/22/10 AMEND: 1220  
 11/19/10 AMEND: 895.1, 914.7, 915.1, 916.9, 923.1, 923.2, 923.5, 934.7, 935.1, 936.9, 943.1, 943.2, 943.5, 954.7, 955.1, 956.9, 963.1, 963.2, 963.5, 1093.2, 1104.1  
 11/09/10 AMEND: 163, 164  
 10/27/10 AMEND: 18660.40  
 10/18/10 AMEND: 13800  
 10/11/10 ADOPT: 749.6  
 10/07/10 AMEND: 20030, 20040, 20050, 20060, 20070, 20080, 20090, 20100, 20110  
 10/05/10 AMEND: 125, 125.1  
 10/05/10 ADOPT: 700.3 AMEND: 105, 105.1, 106, 107, 110, 112, 116, 119, 120.2, 120.3, 102.6, 120.7, 122, 123, 124.1, 126, 147, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 700.4, 705  
 10/05/10 AMEND: 25231  
 09/21/10 AMEND: 502, 507  
 09/21/10 AMEND: 787.1, 787.4, 787.5, 787.6 REPEAL: 787.2, 787.9  
 09/08/10 AMEND: 300

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01/14/11 ADOPT: 4190, 4191 REPEAL: 4192.5, 4193, 4196  
 12/13/10 ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085  
 11/22/10 ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767  
 11/16/10 AMEND: 1730, 1778, 1790  
 10/14/10 ADOPT: 4168.7, 4171.5 AMEND: 4166, 4168, 4168.5, 4169, 4169.5, 4169.9, 4170.5, 4171, 4173, 4174, 4174.5, 4174.6 REPEAL: 4172  
 10/11/10 ADOPT: 3999.10

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09/22/10	ADOPT: 3999.9	12/23/10	AMEND: 94508, 94509
09/09/10	AMEND: 3605	11/10/10	AMEND: 50300
<b>Title 16</b>		11/09/10	AMEND: 30253, 30255, 30256
02/08/11	AMEND: 1518, 1523, 1531, 1532, 1533, 1561	10/20/10	ADOPT: 95380, 95381, 95382, 95383, 95384, 95385, 95386, 95387, 95388, 95389, 95390, 95391, 95392, 95393, 95394, 95395, 95396, 95397, 95398
02/02/11	ADOPT: 1381.7, 1381.8, 1381.9	10/13/10	AMEND: 30100, 30195 REPEAL: 30321, 30321.1, 30322
02/01/11	ADOPT: 87.9, 88.2, 90	09/20/10	AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94515
01/31/11	AMEND: 2000, 2010, 2010.1, 2015, 2015.2, 2020, 2023, 2024 REPEAL: 2014.5, 2017, 2018	09/09/10	AMEND: 94801, 94804, 94805, 94806
01/27/11	AMEND: 3394.3, 3394.4, 3394.5, 3394.6, 3394.7	<b>Title 18</b>	
01/11/11	ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6	01/31/11	AMEND: 1506
12/21/10	ADOPT: 38, 47, 48.4 AMEND: 48.6	01/12/11	AMEND: 1584
12/20/10	AMEND: 1520	01/10/11	AMEND: 1533.1
12/20/10	ADOPT: 1399.557	10/18/10	AMEND: 1020 REPEAL: 471
12/20/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6	<b>Title 19</b>	
12/15/10	ADOPT: 321.1	01/12/11	ADOPT: 3.00 AMEND: 1.05, 1.07, 1.08, 1.09, 1.11, 1.12, 1.13, 2.02, 3.00 (renumbered to 3.00.1), 3.01, 3.02, 3.03, 3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22, 3.23, 3.25, 3.26, 3.28, 3.29, 3.31, 3.32, 4.3, 4.5, 204, 303, 315, 324, 325, 332, 340, 341, 571, 743, 745, 746, 747, 748, 749, 750, 753, 754, 755, 756, 760, 904, 904.7, 1173, 1174, 2060 REPEAL: 752
12/14/10	AMEND: 1018	<b>Title 21</b>	
12/09/10	ADOPT: 1571	01/25/11	AMEND: 6680
11/24/10	AMEND: 1417	09/30/10	AMEND: 7000
11/23/10	AMEND: 144	<b>Title 22</b>	
11/18/10	AMEND: 811	01/10/11	AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
11/17/10	ADOPT: 1707.5	01/10/11	ADOPT: 52000, 52100, 52101, 52102, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52507, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600 REPEAL: 52103
11/08/10	AMEND: 1974, 1996.1	12/22/10	REPEAL: 65700, 65700.2, 65700.6, 65700.8, 65700.10, 65700.12, 65710, 65715, 65720, 65725, 65730, 65735, 65740, 65745, 65750, 65755
10/18/10	AMEND: 3394.3, 3394.4, 3394.6	12/21/10	ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7
10/12/10	AMEND: 1399.501, 1399.511, 1399.520, 1399.525, 1399.526, 1399.527, 1399.545, 1399.550, 1399.556, 1399.573, 1399.612 REPEAL: 1399.508	12/15/10	AMEND: 100105
09/30/10	AMEND: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4226, 4228, 4230, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4258, 4264	11/10/10	AMEND: 51516.1
09/29/10	AMEND: 109(b)(2), 109(b)(7), 117(e)(2), 121(a)(2)	10/26/10	AMEND: 97234, 97264, 97267
09/23/10	AMEND: 1391.1	10/06/10	AMEND: 100080
09/23/10	ADOPT: 1399.419.1, 1399.419.2	10/06/10	AMEND: 100080
09/22/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6		
09/21/10	ADOPT: 1426.1, 1430, 1431 AMEND: 1420, 1421, 1422, 1423, 1424, 1425, 1425.1, 1426, 1427, 1428, 1428.6, 1429, 1430 (renumbered to 1432)		
<b>Title 17</b>			
02/02/11	ADOPT: 95350, 95351, 95352, 95353, 95354, 95355, 95356, 95357, 95358, 95359		
01/10/11	ADOPT: 100800		
01/10/11	AMEND: 100080		

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**Title 22, MPP**

10/11/10 AMEND: 88030

**Title 23**

01/19/11 ADOPT: 3775.5, 3776, 3779.5 AMEND:  
3720, 3721, 3722, 3723, 3730, 3733,  
3740, 3741, 3742, 3750, 3751, 3762,  
3763, 3775, 3777, 3778, 3779, 3780,  
3781 (Appendices A and C) REPEAL:  
3760, 3761, 3764, 3776, 3782

01/18/11 ADOPT: 5000

01/03/11 ADOPT: 3919.9

12/23/10 ADOPT: 3939.37

12/20/10 ADOPT: 907, 910, 915, 920, 921, 925,  
929, 930

12/17/10 ADOPT: 596, 596.1, 596.2, 596.3, 596.4,  
596.5

12/15/10 AMEND: 3943

12/07/10 ADOPT: 3909 AMEND: 3900

11/18/10 AMEND: 2200, 2200.3, 2200.4, 2200.6

11/17/10 AMEND: 1062, 1064, 1066, 3833.1

11/4/20 ADOPT: 3929.5

09/27/10 ADOPT: 2922

09/22/10 ADOPT: 2921

09/15/10 ADOPT: 3929.4

**Title 25**

01/28/11 AMEND: 3070, 4204, 4210, 4212

01/26/11 ADOPT: 7980, 7980.1, 7980.2, 7980.3

**Title 27**

01/26/11 AMEND: 25705

01/26/11 AMEND: 25705

12/16/10 AMEND: 25805

11/18/10 AMEND: 25805

**Title MPP**

01/31/11 AMEND: 31-021

12/22/10 AMEND: 42-302, 42-712, 42-713