



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

MULTI-COUNTY: Coalition for Controlling Insurance Costs in California Schools Health & Welfare Trust

**AMENDMENT**

MULTI-COUNTY: Cooperative Personnel Services

A written comment period has been established commencing on **February 22, 2008** and closing on **April 7, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 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 or 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 or 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 7, 2008**. 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 **Ashley Clarke**, 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 **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 8. DEPARTMENT OF  
INDUSTRIAL RELATIONS**

**STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OFFICE OF SELF INSURANCE PLANS**

**NOTICE OF RULEMAKING**

**Workers' Compensation —  
Self Insurance Regulations  
(Title 8, California Code of Regulations,  
Sections 15201-15499.5)**

**Cal-OSHA Targeted Inspection Assessment  
(Title 8, California Code of Regulations,  
Section 15601.7)**

**PROPOSED REGULATORY ACTION**

**NOTICE IS HEREBY GIVEN** that the Director of the Department of Industrial Relations proposes to adopt, amend, and repeal regulations to implement the provisions of Labor Code Sections 3700, 3701, 3702, 3702.2, and 3702.8 of the California Labor Code regarding the administration of Self Insurance Plans described below after considering all comments, objections and recommendations regarding the proposed action.

**INFORMATIVE DIGEST AND POLICY  
STATEMENT OVERVIEW**

Existing Section 3702.10 of the Labor Code authorizes the Director of Industrial Relations to adopt, amend, and repeal regulations reasonably necessary to carry out the purposes of Labor Code Sections 3700, 3701, 3702, 3702.2, and 3702.8 of the California Labor Code. Existing Labor Code Section 3700 requires every employer except the state to secure the payment of compensation by either being insured against liability to pay compensation by one or more insurers or by securing from the Director of Industrial Relations a certificate of

consent to self-insure, either as an individual employer or as one employer in a group of employers. Existing Labor Code Section 3701 requires private self-insuring employers, including groups of self-insuring employers, to post security deposits with the Department of Industrial Relations. Existing Section 3702 establishes cause for the Director of Industrial Relations to revoke consent to self-insure. Existing Labor Code Section 3702.2 requires each self-insured employer to file a self-insurer's annual report to enable the director to determine the amount of security deposit required by Section 3701. Existing Labor Code Section 3702.8 establishes obligations of employers who have ceased to be self-insured.

The Department of Industrial Relations proposes to amend existing Chapter 8, Subchapter 2, Article 1 Section, 15201, Article 2 sections 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, and 15205, Article 3 sections 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, and 15215, Article 4, Section 15230, Article 5, Section 15251, Article 7, Section 15353, Article 8, Section 15360, Article 9, Section 15405, Article 13, sections, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, and Subchapter 2.06, Article 2, Section 15601.7 in Title 8 of the California Code of Regulations, and add to Chapter 8, Subchapter 2, Article 13, new sections 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, and 15499.5 in Title 8 of the California Code of Regulations.

The affected articles of Chapter 8, Subchapter 2 define terms in Articles 1 through 13, set requirements, including fees, for obtaining a Certificate of Consent to Self Insure, establish security deposit requirements, specify annual license fees and other assessments, specify annual report filing requirements, specify record-keeping and audit requirements, and set requirements for obtaining consent to self-insure as members of self insured employer groups. The affected article of Subchapter 2.06 specifies the manner in which assessments are made to fund workers' compensation related funds.

**PUBLIC HEARING**

The Department has not scheduled a formal public hearing on this proposed action. However, the Director will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Office of Self Insurance Plans. The written comment period closes at 5:00 p.m. on April 7, 2008. The Department will consider only comments post marked or received at the Office of Self Insurance Plans by that date. Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Mark Johnson, Chief  
Office of Self Insurance Plans  
2265 Watt Avenue, Suite 1  
Sacramento, CA 95825

AUTHORITY AND REFERENCE

Labor Code Sections 55 and 3702.10, authorize the Director of Industrial Relations to adopt, amend, and repeal regulations which would implement and make specific the provisions of Chapter 2 of Division 1 of the California Labor Code and to carry out the purposes of Articles 1 (commencing with Section 3700), Article 2 (commencing with Section 3710), and Article 2.5 (commencing with Section 3740.2) of the California Labor Code.

**Chapter 8, Subchapter 2, Article 1**

Existing Section 15201 provides definitions for commonly used terminology related to workers' compensation self-insurance. Amendments to this section will add as an amended subsection (p) the definition of Core Group Member as related to private group self insurers and provide that the Core Group Members need not be the same each year, re-order subsections so as to retain alphabetical order of the definitions contained in the section, and expand the definition of a group self insurer in subsection (t), formerly subsection (s), to add a private, non-profit charitable corporation, a private, non-profit public benefit corporation, or a private, non-profit religious corporation, substitute "homogeneous grouping" for "industry" and add clarification that a group self insurer issued a Certificate of Consent to Self Insure is not deemed to be an Insurance Company and not subject to regulations covering insurance companies. In addition, the definition of "Group Administrator" on subsection (v), formerly subsection (u), is amended grammatically and to clarify that the term "Group Administrator" can apply to a business entity as well as to an individual.

**Article 2**

Existing Section 15203 specifies the application forms to be used by every type of employer to procure an initial certificate to self-insure its workers' com-

pensation liabilities. Amendments will remove the application and financial requirements for group self-insurers and group members from this section so that they will be included in Article 13, thus addressing all private group self insurance requirements in the same article rather than scattered around several articles in Subchapter 2. Amendments will be re-ordered to accommodate these changes and subsection (a) will be amended to specify that forms are available on the website of the Office of Self Insurance while removing the note referencing the location of application forms as being contained in the index of the regulations (that were enacted in prior years). Subsection (c)(7), formerly (b)(7), is amended to clarify that the required evaluation of an injury and illness prevention program be in writing, and subsection (h) is amended to add that a notice of deficiency including a list of items to be corrected is an action that may be taken on an application, and delete reference to a maximum processing time for applications.

Existing Section 15203.1 provides that a corporate parent must execute an Agreement of Assumption and Guarantee of Liabilities for any subsidiary or affiliate private sector applicant for self insurance, and provides that if the parent company will not execute an agreement, the Director may require a deposit level of 200% of the company's estimated future liabilities, or higher, or deny the application. This section is amended to limit its application to individual private self insurance applicants and removing reference to private group self insurers so that private group requirements will all be addressed in Article 13, and for grammatical clarity.

Existing Section 15203.2 requires annual filing of financial statements by current self insurers. Subsection (a) provides that if a private self insurer has not prepared a certified, independently financial statement, it shall advise the Manager and submit a consolidated financial statement prepared by an independent certified public accountant. Subsection (b) provides that joint powers authorities that are responsible for their members' claims shall submit consolidated reports of their financial conditions to the Manager, and subsection (c) specifies private group self insurance financial reporting requirements. Subsection (d) provides that impairment of solvency of a self insurer is good cause for an increased security deposit and/or revocation of consent to self insure.

Subsection (e) specifies net worth and net earnings requirements for private individual self insurers after July 1, 1994, and subsection (e) specifies those requirements for existing self insurers granted consent to self insure before July 1, 1994. Subsection (f) indicates financial requirements for private group self insurers.

This section is amended to limits its application to private individual self insurers, deleting the private

group financial statement, net worth, and net earnings requirements from subsections (c) and (f) so that all private group self insurance requirements will be relocated to Article 13, Section 15484, and is amended for grammatical clarity and to reorder the remaining subsections accordingly. Subsection (a) is also amended to provide that the failure to submit a financial statement pursuant to this may result in an increased security deposit and/or revocation of a Certificate of Consent to Self Insure, and subsection (c), formerly subsection (d), is amended to include the failure to submit a financial statement of a revoked, as well as a current, private self insured employer as among the reasons that constitute good cause for an increased security deposit and/or revocation of a Certificate of Consent to Self Insure.

Existing Section 15203.3 requires a self insured application to include a resolution adopted by the company's Board of Directors to authorize application for self insurance, and requires the resolution to identify the employer by legal name, state, and date of incorporation. Subsection (b) requires that in the event of a reincorporation or other change of legal identity the company shall execute a new resolution to ratify the maintenance of self insurance within 30 days of the change, and subsection (c) provides that the manager shall include a model resolution as part of the application. This section is amended for grammatical clarity and to limit its applicability to private individual self insurers in order to relocate group self insurance resolution requirements to a new Section 15485 so that all private group regulations will be in Article 13.

Existing Section 15203.4 provides that a resolution to self insure for a public entity or joint powers authority be executed by the governing board, and is amended for grammatical clarity.

Existing Section 15203.5 provides that applicants to self insure execute an Agreement for Undertaking For Security Deposit, provided as part of the application, and is amended to add the word "individual" to limit the section to individual self insurers in order the relocate group self insurance requirements for the form to a new Section 15486 in Article 13.

Existing Section 15203.6 provides that if a private self insurer does not start its self insurance within six months of approval, the approval shall be invalid and a new application shall be required, and provides that if self insurance has not begun within three months of approval, the employer may be required to provide current certification of good standing with the Secretary of State and current financial information, and is amended to limit its application to private individual self insurance in order to relocate requirements related to delayed start up of private group self insurance to a new Section 15487 in Article 13.

Existing Section 15203.7 addresses the issuance of a Certificate to Self Insure. Subsection (a) provides that an employer shall receive written confirmation of its self insured status within seven days after it has posted an assumption agreement and an adequate security deposit, and subsections (b) and (c) provide posting requirements for a self insured employer to display its Certificate of Consent to Self Insure and notify employees of coverage and how and where to file claims.

Subsection (d) provides that if an employer is required to provide evidence of its self insured status, the Manager shall provide certification.

The section is amended by limiting its applicability to private individual self insurers in order to relocate requirements related to the issuance of certificates to group self insurers for private group self insurance to a new Section 15488 in Article 13. Subsection (a) is eliminated, and subsection (c), formerly subsection (d), is amended to specify that the public can determine the status of a self insured employer at the website of the Office of Self Insurance Plans or obtain signed certification for a \$10 fee beginning July 1, 2008.

Section 15203.8 specifies that self insured employers must notify the Manager of any changes in its legal status within 30 days of a change and provides requirements for the self insured employer to retain its self insured status. This section is amended for grammatical clarity and to limit its application to public self insurers and private individual self insurers in order to relocate requirements related to change of status of private group self insurers to a new Section 15489.1 in Article 13.

Existing Section 15203.9 addresses the validity of a Certificate of Consent to Self Insure issued to a private self insurer, and provides that the Manager shall not issue a certificate with an effective date earlier than the date the complete application and required documents were submitted for approval. This section is amended for grammatical clarity and to limit its application to private individual self insurers in order to relocate requirements related to the validity of certificates for group self insurers to a new Section 15490 in Article 13. A new subsection (e) is added to provide that once the self insurance program has been initiated, other than through an Interim Certificate of Consent to Self Insure, the certificate is valid until revoked by the Director.

Existing Section 15203.10 addresses the circumstances under which a Certificate of Consent to Self Insure may be reinstated, including the requirement that the applicant issues a statement indicating that it assumes and guarantees all liabilities incurred during its prior period of self insurance. This section is amended to require the employer to submit a properly executed Assumption and Guarantee of Workers' Compensation

Liabilities within 90 days of issuing the signed statement guaranteeing liabilities, and is amended for grammatical clarity and to limit its application to public self insurers and private individual self insurers in order to relocate requirements related to the validity of certificates for group self insurers to a new Section 15490.1 in Article 13.

Existing Section 15204 addresses application filing fees for private employers. This section is amended to limit its application to private individual self insurers in order to relocate requirements related application filing fees for group self insurers and group members, including requests for Interim Certificates, to a new Section 15491 in Article 13. In addition, this section is amended to specify that there will be a \$100 filing fee for a request for an Interim Certificate and that application fees shall be \$500 per application for a private individual, affiliate, or subsidiary certificate rather than \$500 for a single application and \$100 for each application submitted together with the first application, except that the application fee shall be reduced to \$400 if the application is to replace an Interim Certificate.

Existing Section 15205 provides that the manager shall issue an Interim Certificate of Consent to Self Insure for qualifying subsidiaries or affiliates of existing private self insurers, and specifies the information and documentation that must be submitted with the request for an Interim Certificate.

The section provides that the Interim Certificates will be issued for a period not to exceed 180 days, and that an application and application filing fee must be submitted within 90 days of issuance of the Interim Certificate. This section is amended to delete the requirement that the application be submitted within 90 days of the issuance of the Interim Certificate and to allow the Manager to extend an interim period of self insurance for up to 90 additional days upon a showing of cause by the Interim Certificate holder.

In addition, this section is amended to limit its applicability to public and private individual self insurers so that requirements related to Interim Certificates will be relocated to a new Section 15482.2 in Article 13.

**Article 3**

Existing Section 15210 addresses security deposit requirements for all private self insurers and is amended to limit its application to private individual self insurers and for grammatical clarity.

Existing Section 15210.1 addresses adjustments to security deposit requirements for all private self insurers and is amended to limit its application to private individual self insurers and for grammatical clarity.

Existing Section 15210.2 addresses audits and increases of all private self insurers and is amended to limit its application to private individual self insurers.

Existing Section 15210.3 addresses authority for all self insurers to insure part of their liabilities and is amended for clarity and to limit its application to private individual and public self insurers.

Existing Section 15211 permits private self insured affiliates and subsidiaries that are granted Certificates of Consent to Self Insure under the master Certificate of Consent to Self Insure of a parent company to post separate security deposits under that Master Certificate. This section is amended to limit its application to private individual (non-group) self insurers and to prohibit the posting of separate security deposits that apply only to subsidiaries or affiliates included under the master certificate.

Existing Section 15211.1 authorizes the Manager to order an independent financial evaluation of a private self insurer in the event that self insurer wishes to appeal the Manager’s requirement for an increased security deposit because of the self insurer’s impaired financial status, and specifies that the appeal will be considered by the Manager upon receipt of the report. This section is amended to limit its application to private individual (non-group) self insurers and to specify that if the matter is not resolved between the self insurer and the Manager, the appeal will be addressed pursuant to Labor Code Section 3701.5(g) and Article 11 of these regulations.

Existing Section 15211.2 provides that at the discretion of the Manager, the liabilities of any self insurer may be assumed and guaranteed by any other legal entity or person, and specifies the form required for such a guarantee. The section also provides that a private affiliate or subsidiary self insurer shall provide a guarantee agreement executed by its parent company, but allows the Director to waive the requirement for the parental guarantee if the self insurer maintains “. . . a minimum of a 200% deposit rate. . . .” The section also requires board resolutions authorizing signature authority for execution of guarantee agreements and establishes parameters for the termination of guarantee agreements. This section is amended to limit its application to private individual (non-group) self insurers, for grammatical clarity, and to specify that an increased security deposit may be required pursuant to Section 15203.1.

Existing Section 15215 sets the requirement for institutions offering letters of credit as security deposits for private self insured employers. This section is amended for grammatical clarity, to substitute the term “financial institution” for “savings institution”, and to add federally or state chartered credit unions insured by the National Credit Union Share Insurance Fund to the list of institutions acceptable for providing letters of credit. The section is also amended to specify that letters of credit must conform to the “current revision” rather than the “1993

Revision” of the Uniform and Practices for Documentary Credits published by the ICC.

**Article 4**

Existing Section 15230 addresses annual license fees paid by all private self insured employers, and is amended for clarity to specify that payment is due 30 days after the date of the invoice rather than stating that the “assessment is due 30 days after the invoice mailing.” In addition, the requirement that each new private self insurer pay a pro rata share of the annual license fee is rescinded.

**Article 5**

Existing Section 15251 sets requirements for the filing of self insurers’ annual reports. Subsection (a) is amended for clarity to specify that self insurers must continue filing annual reports until all claims have been closed. This subsection is also amended to state the Manager shall post the annual report and instructions for filing the report in the website of the Office of Self Insurance Plans no later than 60 days before the required filing date, and to eliminate reference to the availability of the forms in the appendices of regulations promulgated in various earlier years. Subsection (a) is also amended to eliminate the requirement that private group self insurers file their annual reports on a different form than individual private self insurers, and to eliminate the requirement that public sector self insurers that belong to joint powers authorities file their reports on a different form than individual public sector self insurers, therefore requiring all private self insurers to file on one form already existing in regulations, and all public self insurers to file on another form already existing in regulations

Subsection (b) is amended to eliminate reference to filing separate location reports for subsidiaries of self insurers that post separate security deposits under the same master certificate in order to conform to amended Section 15211 and new Section 15499, and to eliminate that the provision requiring claims of a self insurer that merges into another self insurer be merged into the surviving self insurer’s file after five years. This section is also amended for grammatical clarity and to provide that credit against the security deposit for specific excess insurance reported on a private self insurer’s annual report shall not exceed \$500,000 per occurrence unless the excess carrier meets specified financial rating requirements.

Subsection (c) is amended for grammatical clarity and to eliminate the requirement that public sector self insurers that are members of joint powers authorities submit separate location reports even if claims are adjusted at the same location, so long as the employer for each employer is indicated for each claim listed on the list of open indemnity claims, to indicate that no deposit

calculation page is required for public self insurers, and to eliminate requirements for joint powers authorities’ annual reports that are separate for public individual self insurer requirements provided in subsection (b).

**Article 7**

Existing Section 15353 sets requirements for evaluation of employers’ injury and illness programs that are applying to self insure, and is amended to clarify the designation of a “Certified Safety Professional.”

**Article 8**

Existing Section 15360 addresses the provisions for a self insured employer to transfer its self insured liabilities to a third party. This section is amended to adopt and publish minimum insurer financial rating standards for companies issuing special excess workers’ compensation policies assuming liabilities of a self insured employer, as required by Labor Code Section 3702.8(c)(3).

**Article 9**

Existing Section 15405 addresses confidentiality of financial information of self insured employers submitted to the Director or Manager, including data related to an employer’s solvency and to its claim liabilities, and lists exceptions related to data needed by the Self Insurers’ Security Fund on employers that have defaulted on their liabilities, audit reports submitted to the Division of Workers’ Compensation, and information required by subpoena or court order. This section is amended to reorder subsections to address information related to financial statements in subsection (a), Self Insurer’s Annual Reports in subsection (b), and audit reports in subsection (c). Subsection (a) is amended to specify that financial data needed to evaluate self insurers for the alternative security program shall be provided to the Self Insurers’ Security Fund pursuant to Labor Code Section 3701.8, and to specify that the board of trustees of any group self insurer shall make the group financial statement available to group members on request. Subsection (b) is amended to specify that Self Insurers’ Annual Reports of employers whose liabilities have been assumed by the Security Fund, and of employers participating in the alternative security program, shall be provided to the Security Fund, and that portions of Self Insurers’ Annual Reports indicating aggregate liabilities shall be provided to parties on request Public Records Act requests, pursuant to Labor Code Section 3702(c) and Government Code Section 6253. Subsection (c) is amended to provide that audit reports of employers whose liabilities have been assumed by the Security Fund shall be provided to the Security Fund, and those of any self insured employers that are the subject of investigation or audit by the Division of Workers’ Compensation shall be provided to the Division of Workers’ Compensation.



**Article 13**

Existing Section 15470 sets forth general requirements for group self insurance, including specifying in subsection (a) that a group must be a California not-for-profit mutual benefit corporation formed to pool the workers' compensation liabilities. Subsection (a) is amended for grammatical clarity and to apply to for-profit members only, and a new subsection (b) is added to provide that non-profit charitable corporations, non-profit public benefit corporations, non-profit mutual benefit corporations, and non-profit religious or apostolic corporations may also be formed to pool liabilities of non-profit corporations.

Existing subsections (b) through (i) are re-lettered as subsections (c) through (j) and amended for clarity and to add appropriate references to other specific regulations. Subsection (d), amended from subsection (c), is also amended to provide that initial qualifying group member applications shall be submitted together with the group application for consent to self insure. A new subsection (k) is added to provide that group self insurers are subject to assessments for annual license fees set forth in Article 4, and a new subsection (1) is added to specify that a group self insurer is not an insurance company and not subject to regulations governing insurance carriers unless otherwise provided by statute or Title 8 regulations.

Existing Section 15471 provides that each application to be self insured as a group self insurer shall include a feasibility study, and sets forth required components of the feasibility study. The section is amended for grammatical clarity and to add additional items to be addressed in the feasibility study report, including requirements that the actuarial projections of expected claims costs be completed by an actuary with current experience in making California workers' compensation actuarial projections for self insured employers or group insurance, that the group's operating plan include descriptions of policies related to commissions, fees, and other expenses, that any restrictions imposed by the specific excess carrier be specified in the report, and that the report include an indication of how frequently actuarial reports will be completed.

Existing Section 15472 sets minimum net worth requirements of group self insurers through reference to existing Section 15203.2(f), which is rescinded in order to provide group self insurers' net worth requirements in this section. Subsection (a) is amended to include the provision from Section 15203.2(f) that group self insurers can meet financial requirements to self insure by demonstrating aggregate net worth of \$5 million and aggregate average net earnings of \$500,000 per year from certified, independently audited financial statements of group members. Subsection (a) is also

amended to provide two additional options for meeting financial requirements for group self insurers — by demonstrating \$10 million in aggregate net worth from certified, independently audited financial statements of group members if those qualifying group members do not demonstrate average net earnings of \$500,000 per year, or by demonstrating \$15 million in aggregate net worth from qualifying group members if documented with reviewed financial statements of qualifying group members rather than certified, independently audited financial statements, or if the qualifying members consist, in whole or in part, of IRS Subchapter S — Corporations.

Subsection (b) is amended to change the requirement that the group administrator "maintain a copy of the current and immediate past year's independently audited financial statement of each group member" to a requirement that the group administrator shall provide to the Manager within 30 days of request documentation showing that the group self insurer's core members continue to meet the requirements of subsection (a). Subsection (b) is also amended to specify that the core members of the group need not be the same affiliate group members from year to year.

A new subsection (d) is added to specify that financial statements submitted to qualify group members pursuant to subsection (a) must be prepared according to Generally Accepted Accounting Principles (GAAP), and allow the Manager to accept as meeting requirements documentation that up to 75% of the fair market value of real property to be considered as net worth and up to 50% of the corporate owner/officer's payroll to be considered as net earnings.

Existing Section 15473 sets forth the manner in which group self insurers must demonstrate and maintain homogeneity of their group members. Subsection (a) is amended to replace demonstrating homogeneity by sharing the same two-digit Standard Industrial Classification (SIC) code with sharing the same three digit North American Industry Classification System (NAICS) code, and by replacing demonstrating homogeneity by sharing three-digit SIC codes if sponsored by trade associations with sharing the same governing class code as established by the Workers' Compensation Insurance Rating Bureau (WCIRB).

Subsection (b) is amended to replace the provision that the Manager shall also consider other information available on the nature of the business of each group member with a provision that the group self insurer may demonstrate homogeneity of a member by showing that the risk factors of the group member are comparable to those contemplated in the feasibility study, or if a group member is a wholly owned subsidiary of a group member that has demonstrated homogeneity and the payroll

of the subsidiary does not exceed its total payroll and no more than 25% of its payroll fails to meet homogeneity requirements as set forth in this section, or if no less than 75% of its payroll is distributed among two industry specific payroll classifications that are within 10% of each other.

The provision that the Manager may require the group self insurer to submit additional information or documentation to demonstrate homogeneity is amended grammatically for clarity and re-located to a new subsection (d).

Existing Section 15474 requires self insurance groups to administer their groups on a calendar year basis and to file an annual report as required by Section 15251, and is amended grammatically and to clarify that the first year's annual report must be filed by March 1 and may be for a period shorter than 12 months, but the group self insurer's first program year may be for a period longer or shorter than 12 months.

Existing Section 15475 sets forth the duties and responsibilities of the Board of Trustees of a group self insurer. The section is amended grammatically and for clarity and to specify additional responsibilities and duties that may be delegated to the group administrator.

Subsection (b) is amended to specify that no service provider or person with financial interest in a service provider shall serve as a voting member of the group self insurer's board of trustees.

Subsection (d)(1) is amended to specify that the Board of Trustees must ensure that there are no conflicts of interest involving board members, the group administrator, or other service providers, Subsection (d)(3) is amended to must contract with a third party administrator to handle claims, Subsection (d)(5) is amended to must ensure that any financial institution handling accounts for the group self insurer must be located in California, Subsection (d)(6) is amended to must obtain an annual audit of the group self insurer's financial accounts, Subsection (d)(7) is amended to must contract with an actuary to complete annual actuarial studies that comply with Section 15471(a)(4), Subsection (d)(8) is amended to must ensure that group funds are handled pursuant to Section 15475.2 and/or invested pursuant to Section 15471.3 and that no group member is extended credit for contributions, and Subsection (d)(9) is amended to change the requirement that the board restrict investments to certain bonds and/or securities to a requirement that the Board ensure surplus funds are invested only as provided by new Section 15475.3. In addition, a new subsection (d)(10) is added to require the Board to ensure that board meetings are held no less frequently than annually to adopt a budget, approve contribution rates, and review investments, and a new subsection (d)(11) is added to require the Board to ensure that the group administrator immediately reports in

writing to the Board any non-compliance with statutory are regulatory requirements for the group self insurance program or any instance where a group member's membership is terminated for cause.

Subsection (e) is amended grammatically for clarity and to specify that duties delegated by the Board of Trustees must be specifically authorized in the Group By-Laws, including advising the Board if prospective members do not fully meet group underwriting criteria and establishing accounts in financial institutions and procedures for accounting and controlling group funds.

A new Section 15475.1 is proposed to require separation among service providers for group self insurers. Proposed subsection (a) prohibits a group self insurer's claims administrator or claims bill reviewer or any of their employees, officers, or directors from having any direct or indirect management or financial interest in the group administrator or any affiliate member of a group self insurer, or vice versa. Proposed subsection (b) prohibits a group administrator, claims administrator, or insurance broker from serving as the certified public accountant for any group self insurer that it provides services to, and prohibits any owner or employee of an affiliate group member from serving as the certified public accountant of the group self insurer. Proposed subsection prohibits any insurance broker of a private self insured group or employee, officer, or director of the insurance broker with a direct or indirect management or financial interest in the self insured group's claims administrator from being an employee, officer or director of, or having a direct or indirect management or financial interest in the Group Administrator of the same private self insured group unless the group self administrator notifies the Board of Trustees of the group self insurer in writing of its relationship, and prohibits the group self insurer from being required by the Group Administrator to utilize only the Group Administrator as broker of record. Proposed subsection (d) prohibits the actuary of a private self insured group preparing a written actuarial report pursuant to Section 15475(d)(7) from being an employee, officer or director of, or have a direct or indirect management or financial interest in the Group Administrator of the same private self insured group unless the Group Administrator notifies the group self insurer and the Manager in writing of its relationship; and provides that the Manager at his or her discretion may require that a written actuarial report pursuant to Section 15475(d)(7) be prepared at the expense of the group self insurer by an independent actuary with no relationship to the group administrator.

A new Section 15475.2 is proposed to restrict the use of funds by the group. Proposed subsection (a) requires that all expenses and costs be fully disclosed to the group membership and reported to the Manager as a separate exhibit in the annual financial report of the

group, and that contributions for each program year be adequate to pay incurred but not reported (IBNR) and unallocated loss adjustment expense (ULAE) at the 80% actuarial confidence level. Proposed subsection (b) prohibits the group, trustees, group administrator, claim administrators, and other agents and vendors of the group self insurer from utilizing funds for any purpose not directly related to the payment of claims or of fees related to funding the group, including the posting of a security deposit, penalties, excess insurance premiums, or for any other reasonable obligations or costs of operation of the group as determined by the Board, including the refunding of surplus funds authorized pursuant to Section 15477. Proposed subsection (c) prohibits the board trustee, group administrator, claim administrators and other agents and vendors from borrow money from the private group self insurer or in the name of the group, lending or permitting any lending or issuance of debt instruments or other encumbrances or obligations, or extending credit to any group member for the payment of contributions or assessments. Proposed subsections (c)(1) through (c)(3) allow the group self insurer to permit fixed installment plans not to exceed ten (10) months for the payment of contributions or of special assessments to make up funding insufficiencies of current members, and prohibit the commingling of funds or assets of any group member or any other group self insurer. Proposed subsection (d) specifies that once surplus funds of the private group self insurer have been declared, they shall not be commingled in the checking account(s) dedicated to the payment of and administration of current liabilities of group member claims, assessments, or other claims related costs of the group's operation.

A new Section 15475.3 is proposed to address the investment of funds by a group self insurers. Subsection (a) provides that, subject to the limitations set forth in proposed Section 15475.2, the board may invest funds not immediately needed for the payment of group liabilities in United States Treasury Bills, Notes, U.S. Bonds, bond that are insured or guaranteed by the federal government, certificates of deposit insured or collateralized as long as they have a maximum maturity of two years and do not exceed 15% of the total portfolio, money market accounts in financial institutions in California that are insured by a federal agency, and other state or local government bonds.

Proposed subsection (b) provides that the board may invest funds in other instruments as long as they are invested through a registered investment advisor, including prime bankers acceptances of the 50 largest global banks, commercial paper meeting specified rating requirements, as long as the maximum maturity does not exceed 270 days or 25% of the total portfolio, medium-term notes with a maximum maturity of five years or

less as long as they do not exceed 30% of the total portfolio, preferred stock not exceeding 10% of the total portfolio, and equities as long as they do not exceed 30% of the total portfolio.

Proposed subsection (c) prohibits the practice of "selling short", and proposed subsection (d) prohibits investment in group funds in commodities, futures contracts, stock not listed on an exchange or sold to the public, stock options, or limited partnerships. Proposed subsection (e) limits the investment of group funds in a single issuer or mortgage-related security, with the exception of government notes or bonds, to 5% of the group's total portfolio. Proposed subsection (e) specifies that the weighted average portfolio maturity may not exceed five years.

Existing Section 15476 prohibits contribution discounts to any group members, and is amended for clarity.

Existing Section 15477 addresses surplus and insufficient funding of group self insurers. Subsection (a) is amended to specify that surplus funds may be declared when a group self insurer's assets exceed its liabilities and when funds for a given program year exceed the amount of funds needed for any given program year, and substitutes the term "program year" for "calendar year." Subsection (a) is also amended to change the provision that surplus funds may be declared to be refundable at any time to provisions that the amount of the surplus need not be known at the time of the declaration, that surplus funds may not be distributed to group members any sooner than 23 months after the end of the program year without the express written consent of the Manager but that they may be transferred to an escrow account before that time, and the provision that surplus funds may be refunded to group members after 23 months after the end of the program year without the Manager's consent, but only if funding for the year remains at the 80% confidence actuarial level. Subsection (a) is also amended to provide that the Manager may authorize earlier release of surplus funds or a declaration based on a lesser actuarial confidence level, but may require a special audit or an independent actuarial study for such a refund, and to prohibit a reduction in contribution rates for group members unless supported by an actuarial study conducted pursuant to Section 15481.

Subsection (b) is amended grammatically for clarity and to add the options that the Manager may approve to correct funding deficiencies of a group, including, but not limited to, re-evaluating and increasing contribution rates, prohibiting the addition of new members to a group, suspending the release of over-collected contributions or investment earnings, the immediate collection of all assessments, or an examination and restructuring of group self insurer's operations.

Subsection (d) is amended to correctly identify it as subsection (c) and to change the provision that the Manager may require the board of trustees of a group self insurer to show cause before the Director why it should not immediately assess its members to make up a deficiency or require that surplus funds distributed to members during the previous year be immediately returned to the group self insurer, and/or why the Director should not order the appointment of a conservator or liquidator.

Subsection (e) is amended as subsection (d) to correct the lettering sequence, for grammatical clarity, and to specify that the Self Insurer's Security Fund may be appointed as a group self insurer's conservator or liquidator.

Existing Section 15478 specifies requirements for specific excess insurance for group self insurers. Subsection (a) is amended to specify that one or more, rather than just one, excess policy must be maintained, increases the mandatory self insurer's retention level from \$500,000 to \$1,000,000, but only with written consent of the Manager, specifies that the minimum upper limit of excess insurance coverage shall be no less than \$25,000,000, establishes credit rating standards for an excess carrier providing specific excess coverage for the group self insurer, and requires the group self insurer to obtain coverage through another carrier that meets financial standards if the carrier falls below the required financial standards.

A new subsection (b) is proposed to provide that a group self insurer wishes to obtain approval for a retention level above \$500,000, it must demonstrate its ability to assume such a retention level through its audited financial statement and a current actuarial study, provides that the Manager may require other factors to determine whether a higher retention level may be allowed, and provides that in no event shall the retention level be above \$1,000,000 per occurrence.

Existing subsection (b) is amended as subsection (c), and eliminates requirements for aggregate excess insurance if it is obtained, and specifies that no security deposit credit will be allowed for any aggregate excess insurance obtained by the group self insurer. Existing subsection (c) is amended as subsection (d) and eliminates unnecessary reference to a group self insurer's inability to pay claims. Existing subsection (d) is amended as subsection (e), eliminates reference to aggregate excess insurance, adds a requirement that any direct or indirect ownership in a group self insurer's specific excess carrier by the group administrator or any other service provider be disclosed to the group self insurer's board of trustees along with the price quoted for coverage, and prohibits a group self insurer or group member from functioning as a re-insurer for the group's specific excess carrier.

Existing Section 15479 prides requirements for the execution of an Indemnity Agreement and Power of Attorney for each group member, and is amended for grammatical clarity and to include the internet location of the Indemnity Agreement and Power of Attorney form.

Existing Section 15480 addresses requirements for an affiliate group member's termination of group membership. Subsection (a) is amended for grammatical clarity and to provide that notification to a broker of involuntary termination or membership in a group self insurer shall not be deemed as notice to the member. Subsection (b) is amended for clarity, to specify that a group member whose membership is terminated shall remain liable for contributions and assessments during its membership, and to eliminate the notes following the subsection.

Subsection (c) is amended to delete the provision that notice to the Manager of termination of a group member's membership in a group is good cause for cancellation of consent to self insure of the group member, which is re-located to a new subsection (d), and to add provisions that a group self insurer shall not incur liability for any claim of a group member after the effective date of coverage through a standard workers' compensation insurance policy obtained by the member, and to add instances in which a group member may transfer its claims from the group to another entity, including through the purchase of special excess insurance, transfer to another group or to another individual self insurer.

A new subsection (e) is proposed to provide that group member leaving group self insurer coverage shall provide proof of insurance to the Manager unless the employer no longer has employees in California, and to provide that the Manager shall notify the Labor Commissioner if the employer still operating with California employees leaves the group without providing proof of insurance. A new subsection (f) is proposed to provide that a group member may leave a group self insurer at the end of a program year, but if the Group Bylaws require a specified period of membership, the group may specify penalties, loss of return of surplus funds or other sanctions.

Existing Section 15481 requires group self insurers to submit an actuarial analysis at least every two years and present it to the group self insurer's board of trustee, requires the group self insurer's board of trustees to submit the written actuarial report to the Manager by March 1 of each required year, and requires the board of trustees to ensure that funding of claims for the group be based on the actuarial projection at the 80% confidence level. This section is amended to require that the actuarial analysis be conducted annually rather than every two

years, that projections be conducted at both the 80% and the 70% confidence factor and include incurred but not reported and unallocated loss expense projections, that the report be presented to the board of trustees and the group administrator within 90 days of the end of the group's program year and to the Manager within 120 days of the end of the program year. Subsection (c) is amended to require that the report shall project the amount of losses projected at both the 80% and 70% confidence levels and include the amount of contributions collected and the amount of surplus funds distributed to members for the program year.

A new Section 15482 is proposed to address the requirements for applications for Certificates of Consent to Self Insure for private groups of employers. The requirements pertaining to applications for group self insurers from existing Section 15203(a), (d), and (e) are re-located to this new proposed section with relatively few changes. Proposed subsection (a) adds the requirement that applications be submitted no less than 60 days before the requested date of self insurance and include applications for qualifying group members. Proposed subsection (b) includes new requirements that applications include financial statements from qualifying group members, that applicants may qualify based on their parent companies' financial statements if the parent company has guaranteed liabilities of the applicant, and that certification that an employer is licensed to do business in California is dated within 90 days of receipt by the Manager. In addition the former requirement from amended Section 15203 that all financial statements be certified, independently audited financial statements is not included in proposed Section 15482.

A new Section 15482.1 is proposed to address the requirements for applications for Certificates of Consent to Self Insure for private group members of employers. These requirements are re-located from amended Section 15203(e) to this proposed section with relatively few changes. Proposed Section 15482.1(a)(1) provides that financial statements are not required for new non-core members of approved groups that have already financially qualified for self insurance, and proposed subsection (b) provides that notwithstanding subsection (a)(1) the Manager may require a financial statement for any new group member with projected contributions of 25% or more of the group's total contribution. Proposed subsection (c) provides that a separate application is required for any new or separate subsidiary or affiliate of an existing group member in order for it to be considered for self insurance, and proposed subsection (d) requires a new application if a group member reincorporates, merges, or otherwise changes its identity.

A new Section 15482.2 is proposed to address the requirements for allowing new group members to qualify

and be approved for self insurance on an interim basis. Provisions addressing the granting of Interim Certificates for private group members are re-located from existing Section 15205, which is amended to apply to subsidiaries and affiliates of individual self insurers, but not group members. Provisions related to the issuance of Interim Certificates for group members remain the same as under Section 15205, except that proposed Section 15482.2(a) provides that the Manager may extend the duration of the Interim Certificate for an additional 90 days beyond the 180 day duration of the Interim Certificate. In addition, subsection (b) provides that to qualify for the issuance of Interim Certificates, the group self insurer must demonstrate that core members meet the financial requirements of Section 15472(a), and the group self insurer must not be prohibited from adding new members pursuant to Section 15474(b)(5). Proposed subsection (c) provides that a request for an Interim Certificate must include the new member's experience modification and NAICS code as well as information required under amended Section 15205, as well as a signed statement from the group administrator certifying that the new member meets homogeneity and underwriting requirements of the group self insurer and that the group self insurer shall be financially responsible to pay all of the member's workers' compensation liabilities incurred during the interim period. Proposed subsection (f) provides that if the interim certificate is revoked before the expiration date or allowed to expire, the group self insurer shall provide proof of workers' compensation insurance to the Manager and the group administrator and shall remain responsible for liabilities incurred from the effective date of the member's self insurance until the effective date of the insurance coverage, the expiration date of the Interim Certificate, or the 60<sup>th</sup> day after any Notice of Intent to Revoke the Certificate issued by the Manager whichever comes first. Proposed subsection (f) also provides that the Manager shall notify the Labor Commissioner has not provided proof of insurance within 45 days after denial of a permanent certificate.

A new Section 15483 is proposed to address requirements for the group self insurer to execute Agreements of Assumption and Guarantee of Workers' Compensation Liabilities for all group members. The provision in existing Section 15203.1(b) that states that the Manager may require a 200% security deposit in lieu of a guarantee agreement is rescinded, so that if a group administrator declines to execute the agreement, the Director must revoke the certificate or deny the application. In addition, subsection (b) is proposed to provide that the Director may deny an application for a group member if the member's parent company declines to execute a guarantee for the group member.

A new Section 15484 is proposed to specify requirements for a group's certified, independently audited financial statement. Requirements for the group self insurer to annually submit a financial statement to demonstrate its continuing financial capacity to pay all claims are relocated from existing Section 15203.2 to this new section with clarifying language to identify the requirements of the financial statement, by indicating that the statement must meet Generally Accepted Auditing Standards (GAAP). In addition, proposed subsection (a) establishes a deadline, requiring that the financial statement be submitted by July 1 following the end of a program year, and proposed subsection (b) lists certain financial data required to be itemized in the financial statement, including fees and commissions paid to the group administrator, brokers, and the third party administrator, and costs associated with posting a security deposit, obtaining actuarial reports accounting services, and other expenses. Other requirements related to the continuing financial capacity of group self insurers in proposed Section 15484 are provisions indicating that the group self insurer shall annually obtain necessary financial statements from core members to ensure that the group continues to meet financial requirements, providing that the group self insurer may determine other members' suitability for membership from other documentation, and requiring the group administrator immediately in writing if the group's core members no longer meet the financial requirements of Section 15472(a).

A new Section 15485 is proposed to require corporate resolutions to authorize self insurance for group self insurers and their members. These requirements are relocated from existing Section 15203.3 with no substantive changes other than to tailor the language to apply to group self insurance, and not to individual self insurers.

A new Section 15486 is proposed to require all private group self insurers to execute an Agreement and Undertaking for Security Deposit, and for all security deposits of group self insurers to be posted in accordance with the provisions of the Agreement and Undertaking. These provisions are relocated to this proposed new section for group self insurers with no substantive changes.

A new Section 15486.1 is proposed to require group self insurers to obtain written evaluations of the injury and illness prevention programs of their initial core members and submit them with their applications to become self insured. The requirements from existing Section 15353 in Article 7 as they pertain to group self insurers are relocated to this section with no substantive changes, except that proposed this Section 15486.1 requires evaluations of the initial core members of the group self insurer when the group self insurance application are submitted, and the Board of Trustees is

then required to ensure that the group self insurer maintain an effective safety and risk control program among the group's membership. In addition, a qualified safety professional is required to submit a report of safety and risk control activities to the group's Board of Trustees no less frequently than annually.

A new Section 15487 is proposed to address requirements involving the delayed start up of any group self insurer after approval by the Director for a Certificate of Consent to Self Insure. The provisions of this proposed section are re-located from the portions of existing Section 15203.6 that involve group self insurance with the no substantive changes other than to add a provision in subsection (b) that the Manager may extend the approval for a new group self insurer for an additional three months upon a showing of good cause, and to provide that the required security deposit amount may be recalculated in the event that start up is delayed.

A new Section 15488 is proposed to address the initial issuance of a Certificate of Consent to Self Insure to a group self insurer and to set forth requirements for the posting of the Certificate of Consent to Self Insure and required Notice to Employees and to set forth the requirements for obtaining certification of self insurance for the public. The provisions of this proposed section are re-located from the portions of existing Section 15203.7 that involve group self insurance with no substantive changes other than to specify that the Certificate of Consent to Self Insure will be provided to the group administrator, which will issue the certificate to the group member instead of being provided to the group member directly from the Manager within seven days of approval. In addition, the indication that a sample of a Certificate of Consent to Self Insure is in the appendix of regulations adopted in 1992 is omitted, and the provision that certification of self insured status can be obtained from the Manager is changed to indicate the address of the website of the Office of Self Insurance Plans where the status of self insurance of self insured employers can be determined, and to specify that there is a \$10 fee for signed certification of self insured status effective July 1, 2008.

A new Section 15489 is proposed to require the group self insurer and/or group administrator of a group self insurer to notify the Manager in writing and provide copies of any amendments, changes or updates to a group self insurer's charter, by-laws, underwriting criteria, or operating agreement.

A new Section 15489.1 is proposed to require a group self insurer and/or group member that changes its business structure or ownership in a material manner from the status that existed at the time of the issuance of its Certificate to Self Insure to notify the Manager in writing within 30 days of the change, and to provide documentation of the change. The provisions of this pro-

posed section are relocated from the portions of existing Section 15203.8 that involve group self insurance with no substantive changes.

A new Section 15490 is proposed to provide that a Certificate of Consent to Self Insure issued to a group self insurer or affiliate group self insurer is valid only to the entity to which it is issued, that except as provide in Labor Code Section 3701.7 a Certificate shall not be issued with an effective date earlier than the date of approval of the group member by the Board of Directors of the group self insurer, and to specify that except for Interim Certificates, a Certificate is valid until revoked by order of the Director. These provisions are re-relocated from the portions of amended Section 15203.9 that pertained to group self insurers with no substantive changes, except that the earliest effective date for self insurance is changed from the date of approval by the Director to the date of approval by the group self insurer's board of trustees.

A new Section 15490.1 is proposed to address reinstatement of a Certificate of Consent to Self Insure for a private group self insurer or affiliate member of a group self insurer. These provisions for group self insurers are re-located from the portions of amended Section 15203.10 with no substantive changes other than for grammatical clarity, to tailor the language for group self insurance, to provide that the group administrator will provide a statement indicating that the group self insurer's Assumption and Guarantee of all workers' compensation liabilities will include any additional self insured liabilities incurred after the group member's change in status, or, if indicated, execute a new Assumption and Guarantee Agreement regarding the affected group member. In addition, proposed subsection 15490.1(c) specifies that the Manager shall prepare and issue an order reflecting the change in status of the group self insurer and/or group members and reinstating its Certificate(s) to Self Insure.

A new Section 15491 is proposed to address application fees for private group self insurers and group members, and fees for Interim Certificates of Consent to Self Insure for group members. Fees specified in existing Section 15204 for all private self insurers are changes for private individual self insurers and their subsidiaries and affiliates in that section, and for group self insurers and group members in this section. Application fees for group self insurers are increased from \$500 to \$1,000, and fees of \$100 are established for requests for Interim Certificates. In addition the application fee structure for applications bundled together is changed from \$500 for a single application and \$100 for additional applications submitted together with the first application to a structure wherein there is a \$500 fee for each application, whether bundled together with other applications or not, but \$400 per application if an Interim Certificate

had been issued and is in effect. No other changes to the application fee structure are being proposed.

A new Section 15496 is proposed to address security deposit requirements for group self insurers. Security deposit requirements for all private self insurers, including employers self insured or as members of groups, have been addressed pursuant to Section 15210(c) once a self insurer has been self insured more than three years, Section 15210(d) from the date of approval of self insurance until after the self insurer has been self insured for three full years, and Section 15210(e) to cover the addition of new group members that were not covered when the initial security deposit was calculated. Those requirements are re-located to this proposed Section 15496 for group self insurers with no substantive changes other than for clarity. In addition, an alternative method for calculating a group self insurer's initial security deposit is added as proposed Section 15496(b)(2), which provides that the initial deposit may be calculated as no less than the greater than the statutory minimum deposit, 60% of one year's projected losses as indicated in the actuarial report submitted with the application, or a higher amount approved by the Director. Proposed subsection (c) provides that if the deposit is based on 60% of projected one year's losses, the deposit will be increased in three installments over the group self insurer's first year of self insurance in order to be no less than 135% of estimated future liabilities by the end of the first year of self insurance.

A new subsection (d) provides that the group self insurer's deposit shall be increased by an amount equal to one year's average losses over the past three years for the new member, or, if the new member has no loss history, based on one year's projected contributions, and provides that the increase shall be posted within 30 of issuance of the Interim Certificate. Proposed subsection (e) relocates the provisions covering the types of security deposits permissible from Section 15210(f) to specify the same manner in which the security deposit may be posted for group self insurers — by surety bond, letter of credit, cash, securities, or a combination of those instruments. Proposed subsection (f) re-locates for group self insurers the provision in existing Section 15210(g) that failure to maintain a security deposit may result in the assessment of civil penalties and/or revocation of the Certificate of Consent to Self Insure. Proposed subsection (g) provides that a self insurer requesting a hearing related to action taken for failure to maintain a security deposit shall provide proof of workers' compensation insurance coverage for the period of time without the required security deposit or deposit increase.

A new Section 15497 is proposed to address adjustments in the security deposit amounts for group self in-

surers. Proposed subsection (a) specifies that the Manager shall review each group self insurer's security deposit requirement each year following receipt of its Self Insurer's Annual Report, calculate the deposit requirement pursuant to Labor Code Section 3701 and Section 15496(a) of these regulations, and the group self insurer shall post any required increase no later than May 1 of that year. This amendment relocates for private group self insurers the requirement to post a deposit increase annually if indicated from existing Section 15210.1(b) in Article 2, and specifies the same deadline for group self insurers as provided in existing Section 15210.1(b).

Proposed subsection (b) provides that the Manager may require amounts additional to the amount calculated pursuant to subsection (a) in the event that new members are added to the group that have not yet reported a full year of losses, and proposed subsection (c) provides that a group self insurer shall not decrease its security deposit based on calculations made pursuant to subsection (a) without prior written authorization from the Manager. Proposed subsection (d) provides that the Manager may require a group self insurer to increase its security deposit for good cause, and provides that good cause includes increases in group membership, increased losses as indicated on the group self insurer's annual reports or by audits, or by failure of the group self insurer to maintain total assets greater than its total liabilities. Proposed subsection (e) relocates for group self insurers the provisions of existing Section 15210.1(e) that written notification from the Manager for an increased security deposit creates a perfected security interest for the Self Insurer's Security Fund.

A new Section 15497.1 is proposed to relocate for group self insurers the provisions of existing Section 15210.2 that upon revocation of a Certificate of Consent to Self Insure of a private group self insurer or affiliate group self insurer, the Manager shall determine the need for a special revocation audit of the claims of the group self insurer and/or the need for a deposit adjustment to secure future liabilities of the revoked group self insurer or group member, and that the amount or rate of the deposit may be at a rate or amount higher than as determined by Labor Code Section 3701.

A new Section 15498 is proposed to address requirements related to additional or complete insurance coverage obtained by private group self insurers or group members. Most of the requirements of existing Section 15210.3 in Article 3 related to insurance coverage for all self insurers are located in new Section 15498 with editorial revisions to apply to private group self insurers and their members. Additional requirements unique to private group self insurers and their members are added as well. Proposed Section 15498(a) provides that any group self insurer or group member shall be permitted to insure all or part of its liability to secure the payment

of compensation pursuant to Labor Code Section 3700 by obtaining a standard workers' compensation insurance policy from a carrier licensed to do business in California, and that full coverage for all workers' compensation liabilities under a standard policy shall be cause for revocation of consent to self insure. Two provisions not in Section 15210.3 are added to provide that insurance obtained must be from a carrier licensed to do business in California and that complete coverage of all members or a number of group members sufficient to reduce the size of the group to the extent that it no longer meets net worth and/or financial requirements is cause for revocation of the private group self insurer's Certificate of Consent to Self Insure.

Proposed Section 15498(b) provides that any group self insurer or group member shall provide the Manager upon request any information regarding standard workers' compensation insurance policies, specific excess insurance policies, and/or any aggregate excess insurance policies, as well as any documentation related to such insurance coverage, including Certification of Insurance, any binders or endorsements, or Notices of Cancellation.

Proposed Section 15498(c) provides that the Group Administrator of the group self insurer shall provide a Certificate of Insurance, a copy of the workers' compensation insurance policy or policies maintained by the group self insurer or its group members, and copies of insurer loss runs related to any affiliate group self insurer upon request of the Manager, adding for group self insurers a provision to specify that it is the group administrator's obligation to provide the documentation, including loss runs for group members if requested. Proposed Section 15498(d) provides that a group self insurer that elects to purchase an aggregate excess policy shall not be given any credit or reductions in its security deposit requirement based on its aggregate excess coverage. This provision is taken from existing Section 15210.3(d) with no substantive changes other than for grammatical clarity and to tailor the language to apply to private group self insurers. However, the provision in existing Section 15210.4(d) that specific excess insurance is not required is not applied to private group self insurers in this section because specific excess insurance is required pursuant to Section 15478. Proposed Section 15498(e) provides that a private group self insurer or group member may sell off any or all of its workers' compensation liabilities through the purchase of special excess workers' compensation insurance policy pursuant to Labor Code Section 3702.8(c).

A new Section 15498 is proposed to provide that a group self insurer's security deposit shall apply to all group members, prohibiting the group self insurer from posting separate deposits that apply to certain group members only.



A new Section 15499.5 is proposed to set forth the procedure that a group self insurer must follow to appeal a security deposit increase required by the Manager because of the group self insurer's impaired financial condition. Subsection (a) provides that in the event that the Manager requires a group self insurer to increase its security deposit based on the impaired financial status of the group self insurer, and the group self insurer appeals the increase, the Manager shall order a detailed, independent third party financial and/or actuarial evaluation of the private group self insurer by a group self insurance risk and/or actuarial consultant. The evaluation shall be completed at the group self insurer's expense. These provisions as related to group self insurers are relocated from existing Section 15211.1 in Article 3, with the only changes being to apply the requirements to group self insurers only, except that the requirement that the evaluation include a "Dun and Bradstreet Risk Assessment Report" is changed to provide that the evaluation may be an actuarial evaluation and may be completed by a group self insurance risk and/or actuarial consultant. Proposed subsection (b) provides that if the appeal is not resolved after consideration by the Manager, it will be addressed pursuant to Article 11 of these regulations, a change from the provision in Section 15211.1 that the appeal will be "considered by the Manager."

Existing Section 15211.1 in Article 3 provides that on receipt of a written appeal of a security deposit increase based on the employer's impaired financial condition, the Manager shall order a detailed, third-party financial evaluation of the private self insurer in order to determine the employer's financial strength, and provides that ". . . (s)uch a third party financial evaluation shall include, but not be limited to, a Dun & Bradstreet Risk Assessment Report. . . ." Existing Section 15211.1 provides that the cost of the report shall be paid by the self insurer, and that upon receipt of the report, ". . . the appeal will be considered by the Manager."

While existing Section 15211.1 indicates only that ". . . (u)pon receipt of the evaluation report, the appeal will be considered by the Manager. . ." proposed Section 15499.5 adds the provision that if the appeal is not resolved after consideration by the Manager, it will be addressed pursuant to Article 11 of these regulations. This provision is necessary to permit due process as established for all self insurers pursuant to Labor Code Section 3701.5(g) and Article 11.

**Subchapter 2.06, Article 2**

Existing Section 15601.7 of Subchapter 2.06, Article 2 addresses the determination of self insured employers subject to the Targeted Inspection Assessment pursuant to Labor Code Section 62.7. This section is amended with no regulatory effect to replace references to the

Standard Industrial Classification Code (SIC Code) with references to the North American Industry Classification Code (NAICS Code).

**Disclosures Regarding the Proposed Action**

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate

The Director of Industrial Relations has determined that the proposed regulations do not impose a mandate on local agencies or school districts or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California constitution."

Cost or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or schools are required to be reimbursed in accordance with Government Code Sections 17500 through 17630.

Other Non-discretionary Costs or Savings Imposed on Local Agencies or School Districts

This proposal does not impose non-discretionary costs or savings imposed on local agencies or school districts.

Costs or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Individual group self insurers may find the new security deposit requirements to be slightly higher than current requirements, but the increased costs are necessary to ensure that the security deposits posted for group self insurers are adequate to cover their liabilities.

Impact on Business

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

Small Business Impact

This regulation will have no adverse impact on small business, but, to the contrary, is likely to have a positive impact on small businesses by allowing them to participate in group self insurance without incurring the unnecessary costs of obtaining reviewed financial statements for their business in instances where the group self insurer has already qualifies financially to self insure. Increases in application fees are minimal and are off-set by the elimination of pro-rata first year annual license fees.

Assessment of Job/Business Creation or Elimination

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

**ALTERNATIVES CONSIDERED**

The Director must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention that 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 INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS**

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the Regulations Coordinator named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, the proposed text of the regulations, pre-rulemaking and the Form 399.

In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at <http://www.dir.ca.gov/SIP/>. To access them, click on the "Proposed Regulations — Rulemaking" link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at

the Department of Industrial Relations, Office of Self Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento, California 95825, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the Regulations Coordinator.

**CONTACT PERSON FOR GENERAL QUESTIONS**

Non-substantive inquiries concerning this action, such as requests to be added to the mailing list for rule-making notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Tina Freese  
Workers' Compensation Compliance Officer/  
Regulations Coordinator  
Department of Industrial Relations  
Office of Self Insurance Plans  
2265 Watt Avenue, Ste. 1  
Sacramento, CA 95825  
E-mail: [tfreese@dir.ca.gov](mailto:tfreese@dir.ca.gov)

The telephone number of the contact person is (916) 574-0737.

**CONTACT PERSON FOR SUBSTANTIVE QUESTIONS**

In the event the contact person above is unavailable, or for questions regarding the substance of the proposed regulations, inquiries should be directed to:

James Ware  
Acting Manager  
Department of Industrial Relations  
Office of Self Insurance Plans  
2265 Watt Avenue, Ste. 1  
Sacramento, CA 95825  
E-mail: [jware@dir.ca.gov](mailto:jware@dir.ca.gov)

The telephone number of this contact person is (916) 574-0300.

**AUTOMATIC MAILING**

A copy of this Notice, the Initial Statement of Reasons and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations with any final amendments will appear in title 8 of the California Code of Regulations, commencing with section 1. The text of the final regulations also may be available through the website of the Office of Administrative Law at [www.oal.ca.gov](http://www.oal.ca.gov).

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

The Agency has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Office of Self Insurance Plans at 2265 Watt Avenue, Suite 1, Sacramento, California 95825 during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the close of the forty-five (45) day public comment period, the Director of the Department may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Director regarding this proposal, the Director may determine that changes to the proposed regulation are appropriate. If the Director makes substantive 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 Director adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Tina Freese at the above address. The Department will accept further written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

The Department is required to prepare a Final Statement of Reasons. Once the Department has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Department Contact Person identified in this Notice.

**DEPARTMENT INTERNET WEBSITE**

The Department maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://sip.dir.ca.gov>.

**TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**NOTICE OF PUBLIC HEARING**

**NOTICE OF PROPOSED REGULATORY ACTION:  
PEACE OFFICER SELECTION REQUIREMENTS  
Chapter 5, AMENDED AND REFORMATTED**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to replace Regulation 1002 (Minimum Standards for Peace Officer Employment), Commission Procedure C-2 (Medical and Psychological Suitability Examinations), and those portions of Commission Procedures C-1 (Background Investigation) that directly relate to peace officers with new regulations. These current regulations are within Title 11, Division 2 of the California Code of Regulations (CCR). The Commission is replacing the deleted regulations and portions of the procedures, now numbered in the 1000 series, with new regulation numbers in the 9000 numbered series. The new regulations, when adopted, will become part of Title 11, Division 9 of the CCR.

**AUTHORITY AND REFERENCE**

The proposed changes are being made pursuant to the authority vested by Government Code (GC) § 1029 (disqualifying convictions for peace officers), GC § 1031 (minimum standards for peace officers), GC § 1031.5 (citizenship requirements), Vehicle Code § 2267 (citizenship requirements for California Highway Patrol Officers), Penal Code (PC) § 13503 (powers of the Commission on POST), PC § 13506 (power to adopt regulations) and PC § 13510 (power for the Commission to adopt selection standards for certain peace officers). The proposed changes are intended to interpret, implement, and make specific Government Code (GC) § 1031 (minimum selection standards for peace officers), GC § 1031.5 (citizenship requirements), Vehicle Code § 2267 (citizenship requirements for California Highway Patrol officers), GC § 12900 et seq. [California Fair Employment and Housing Act (FEHA)], and 42 USC 12101 [Americans with Disabilities Act of 1990 (ADA)] for departments that participate in the POST program.

**PUBLIC HEARING**

At its January 24, 2008 meeting, the Commission reviewed the proposed regulations and approved the

scheduling of a public hearing. A public hearing to adopt the proposed regulations will be held before the full Commission on:

**Date:** April 24, 2008

**Time:** 10:00 a.m.

**Location:** Crowne Plaza Anaheim Resort  
12021 Harbor Boulevard  
Garden Grove, CA 92840

Notice is also hereby given that any interested person may present oral statements or arguments relevant to the action proposed during the public hearing.

#### WRITTEN COMMENT PERIOD

The Commission hereby requests written comments on the proposed action. **The written comment period for this rulemaking ends at 5:00 p.m. on April 7, 2008.** Written comments should be directed to Paul Cappitelli, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax 916.227.2801 or email at [paul.cappitelli@post.ca.gov](mailto:paul.cappitelli@post.ca.gov).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The POST selection requirements for peace officers are currently contained in **Commission Regulation 1002** (Minimum Standards for Peace Officer Employment), **Procedure C-1** (Background Investigations) and **Procedure C-2** (Medical and Psychological Examinations). Each past update of these regulations has focused on one specific section of the POST selection requirements. The current project to reformat the entire *POST Administrative Manual (PAM)* provides the opportunity to evaluate the entire set of selection standards as one integrative whole. The goals of this revision include clarifying the requirements in these regulations, enhancing clarity and readability, balancing POST authority against local practices and hiring standards, establishing requirements that promote screening practices that are efficient and effective, and providing references to relevant statutes that directly impact peace officer selection practices.

The development of these proposed regulations were based on meetings held among POST staff and with a wide array of end-users, including peace officers, background investigators, screening psychologists, screening physicians, human resource personnel, association representatives (e.g., California Background Investiga-

tors Association, California Association of Law Enforcement Background Investigators, California Police Chiefs Association, California Peace Officers Association, California State Sheriffs Association, and the Occupational Health Standard and Training Operating Procedures Association), the POST Advisory Committee, and other personnel selection practitioners and experts.

Several overarching goals drove the revision of these standards. They include:

1. Enhancing consistency in selection requirements across peace officer classifications. Although peace officer position requirements vary both within and across departments, the purpose of POST standards is to ensure that all California peace officers meet the same minimum standard. Consistent with this purpose, these proposed regulations remove all regulatory differences among peace officer classifications. Reserve officers will be required to meet the reading and writing ability requirement [9051(a)], and will no longer be required to undergo updated medical and psychological evaluations when they promote to regular officers within the same department.
2. Minimizing time and resources required by departments to comply with POST requirements. Unnecessary duplication of effort will be offset by several of the proposed requirements, including those related to the conduct of abbreviated background investigation updates [9053(f)], and distinguishing between “date of employment” and “date of appointment” to allow more time for the completion of selection requirements before trainees are vested with peace officer powers [9050(a)(2)].
3. Providing latitude in the manner which the requirements can be satisfied. Many of the assessments stipulated in these requirements have several alternative means for achievement. For example, the reading and writing requirement [9051] can be satisfied through successful completion of a reading and writing test or the basic course training requirement. Similarly, the psychological screening requirements will give departments the latitude to conduct their psychological evaluations using two separate written assessments geared toward identifying abnormal behavior or choosing an assessment that is geared toward identifying abnormal and/or

normal behavior patterns as one of the two required assessments [9055(d)(2)].

4. Enhancing the specificity, clarity, and consistency of documentation requirements. The additional specificity and clarity included in these regulations is intended to promote consistency in the manner in which documentation is collected and the criteria used in POST compliance reviews. Consistent with this purpose, background investigation standards [9053] now include detailed collection and reporting requirements for each area of investigation as well as for the preparation of background narrative reports. [9053(g)(1)].
5. Promoting consistency in the selection practices across departments. Many of the proposed regulations are targeted to ensuring that all departments in the POST program use consistent selection practices. To that end the POST Background Investigation Dimensions [9053(b)] and the POST Peace Officer Psychological Screening Dimensions [9055(c)] will be required in the selection of all peace officers. Similarly, the hiring department's screening physicians [9054(d)] and psychological evaluators [9055(d)] will be required to review relevant sources of information (agency-specific job information, applicant medical history statements, and applicant medical records) prior to making their respective determinations of suitability.
6. Referencing other laws that directly impact peace officer selection. The peace officer selection process is affected by a myriad of other statutes and regulations beyond those imposed by GC 1031 and POST regulations. Referencing these laws, and how they impact the selection process, will assist hiring departments in the lawful conduct of peace officer selection. Some of the laws referenced include those associated with reporting and record retention requirements [e.g., Government Code § 12946], and federal and state fair employment laws [i.e., Americans with Disabilities Act; California Fair Employment and Housing Act].

TEXT OF PROPOSAL, RULEMAKING FILE,  
AND INTERNET ACCESS

The following detailed information regarding the proposed regulatory action is provided on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

- POST Bulletin
- Notice of Proposed Regulatory Action

- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4258 or by submitting a written request to the contact person listed below. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

ADOPTION OF PROPOSED REGULATIONS

Following the public hearing, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated by this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Offi-

cer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

**Cost Impacts on Representative Private Persons or Businesses:** The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Housing Costs:** The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### ASSESSMENT

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

#### CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise 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 as and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to Melani Singley, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov), by telephone at 916.227.4258, or by FAX at 916.227.0476. The back-up contact person as well as inquiries concerning the substance of the proposed revisions to the peace officer selection standards should be directed to Shelley Spilberg at [shelley.spilberg@post.ca.gov](mailto:shelley.spilberg@post.ca.gov) or 916.227.4824.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### NOTICE OF PUBLIC HEARING

#### **NOTICE OF PROPOSED REGULATORY ACTION: PUBLIC SAFETY DISPATCHER SELECTION REQUIREMENTS Chapter 5, AMENDED AND REFORMATTED**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to delete Regulation 1018(c) (Minimum Selection Standards for Public Safety Dispatchers), and the portion of Commission Procedures C-1 (Background Investigation) directly related to public safety dispatchers and incorporated by reference into Regulation 1018. These current regulations are within Title 11, Division 2 of the California Code of Regulations (CCR). The Commission is replacing the deleted regulations and the portion of the procedures, now numbered in the 1000 series, with new regulation numbers in the 9000 numbered series. The new regulations, when adopted, will become part of Title 11, Division 9 of the CCR.

#### AUTHORITY AND REFERENCE

The proposed changes are being made pursuant to the authority vested by Penal Code (PC) § 13503 (powers of the Commission on POST), PC § 13506 (power to adopt regulations) and PC 13510 (power for the Commission to adopt selection standards for certain public safety dispatchers). The proposed changes are intended to interpret, implement, and make specific POST's requirements, the California Fair Employment and Housing Act (FEHA) — GC § 12900 et seq., and the Americans with Disabilities Act of 1990 — 42 USC 12101 as they apply to agencies who participate in the POST Public Safety Dispatcher Program.

#### PUBLIC HEARING

At its January 24, 2008 meeting, the Commission reviewed the proposed regulations and approved the scheduling of a public hearing. A public hearing to adopt the proposed regulations will be held before the full Commission on:

**Date:** April 24, 2008  
**Time:** 10:00 a.m.  
**Location:** Crowne Plaza Anaheim Resort  
12021 Harbor Boulevard  
Garden Grove, CA 92840

Notice is also hereby given that any interested person may present oral statements or arguments relevant to the action proposed during the public hearing.

#### WRITTEN COMMENT PERIOD

The Commission hereby requests written comments on the proposed action. **The written comment period for this rulemaking ends at 5:00 p.m. on April 7, 2008.** Written comments should be directed to Paul Cappitelli, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax 916.227.2801 or email at [paul.cappitelli@post.ca.gov](mailto:paul.cappitelli@post.ca.gov).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The POST selection requirements for public safety dispatchers are currently contained in **Commission Regulation 1018(c)** and in selection portions of **Procedure C-1** (Background Investigations). The current project to reformat the entire *POST Administrative Manual (PAM)* provides an opportunity to re-evaluate these selection standards to enhance their clarity, readability, and effectiveness at promoting screening practices that are efficient and effective.

The development of these proposed regulations were based on input from POST staff and from a wide array of end-users, including public safety dispatchers, background investigators, screening physicians, human resource personnel, association representatives (e.g., California Background Investigators Association, California Association of Law Enforcement Background Investigators, California Police Chiefs Association, California National Emergency Number Association, California State Sheriffs Association, and the Occupational Health Standard and Training Operating Procedures Association), the POST Advisory Committee, and other personnel selection practitioners and experts.

Several overarching goals drove the revision of these standards. They include:

1. Providing better alignment between the public safety dispatcher and peace officer selection standards. Research leading to the creation of the POST Background Investigation Dimensions demonstrated that, despite the fact that peace officers and public safety dispatchers involve very different duties and tasks, these two occupations are strikingly similar with respect to many worker requirements (e.g., Integrity, Stress Tolerance). Closer alignment of POST background investigation requirements for dispatchers and peace officers also serves to make POST standards

consistent with the selection practices of the vast majority of law enforcement employers across the state.

2. Minimizing time and resources required by departments to comply with POST requirements. Unnecessary duplication of effort will be offset by several of the proposed requirements, such as those related to the conduct of abbreviated background investigation updates [9059(f)].
3. Providing latitude in the manner which the requirements can be satisfied. Many of the assessments stipulated in these requirements have several alternative means for achievement. For example, the verbal, reasoning, and perceptual abilities assessment requirement [9057] can be satisfied through successful completion of the POST Dispatcher Exam or specific experience and training.
4. Enhancing the specificity, clarity, and consistency of documentation requirements. The additional specificity and clarity included in these regulations is intended to promote consistency in the manner in which documentation is collected and the criteria used in POST compliance reviews. Consistent with this purpose, background investigation standards [9059] now include detailed collection and reporting requirements for each area of investigation as well as for the preparation of background narrative reports. [9059(g)(1)].
5. Promoting consistency in the selection practices across departments. Many of the proposed regulations are targeted to ensuring that all departments in the POST program use consistent selection practices. To that end the POST Background Investigation Dimensions [9059(b)] will be required in the selection of all public safety dispatchers. Similarly, the hiring department's screening physicians [9060(d)] will be required to review relevant sources of information (agency-specific job information, applicant medical history statements, and applicant medical records) prior to making their respective determinations of suitability.
6. Referencing other laws that directly impact public safety dispatcher selection. The public safety dispatcher selection process is affected by a myriad of other statutes and regulations beyond those imposed by POST regulations. Referencing these laws, and how they impact the selection process, will assist hiring departments in the lawful conduct of public safety dispatcher selection. Some of the laws referenced include those associated with reporting and record

retention requirements [e.g., Government Code § 12946], and federal and state fair employment laws [i.e., Americans with Disabilities Act; California Fair Employment and Housing Act].

**TEXT OF PROPOSAL, RULEMAKING FILE,  
AND INTERNET ACCESS**

The following detailed information regarding the proposed regulatory action is provided on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

- POST Bulletin
- Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4258 or by submitting a written request to the contact person listed below. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

**ADOPTION OF PROPOSED REGULATIONS**

Following the public hearing, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated by this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

**ESTIMATE OF ECONOMIC IMPACT**

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

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

**ASSESSMENT**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

**CONSIDERATION OF ALTERNATIVES**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise 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 as and less burdensome to affected private persons than the proposed action.

**CONTACT PERSONS**

Please direct any inquiries or comments pertaining to the proposed action to Melani Singley, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov), by telephone at 916.227.4258, or by FAX at 916.227.0476. The back-



up contact person as well as inquiries concerning the substance of the proposed revisions to the public safety dispatcher selection standards should be directed to Shelley Spilberg at [shelley.spilberg@post.ca.gov](mailto:shelley.spilberg@post.ca.gov) or 916.227.4824.

## 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, and 3004.5, of the Fish and Game Code, and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 2055 and 3004.5, of said code, proposes to amend Section 355, Title 14, California Code of Regulations, relating to Ammunition Certification for Big Game and Nongame bird and Nongame Mammal Hunting in Condor Range.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Governor signed AB 821 into law in 2007 establishing section 3004.5 of the Fish and Game Code. This section states:

*3004.5. (a) Nonlead centerfire rifle and pistol ammunition, as determined by the commission, shall be required when taking big game with rifle or pistol, as defined by Section 350 of the department's mammal hunting regulations, and when taking coyote, within the department's deer hunting zone A South, but excluding Santa Cruz, Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of Highway 101 within Santa Clara County, and areas between Highway 5 and Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties, and within deer hunting zones D07, D08, D09, D10, D11, and D13.*

*(b) By July 1, 2008, the commission shall establish, by regulation, a public process to certify centerfire rifle and pistol ammunition as nonlead ammunition, and shall define, by regulation, nonlead ammunition as including only centerfire rifle and pistol ammunition in which there is no lead content. The commission shall establish and annually update a list of certified centerfire rifle and pistol ammunition.*

Based on this Section of the Fish and Game Code, the Commission adopted changes to Sections 353 and 475,

Title 14, CCR that made more specific some of the above Code sections.

#### **Section 353**

The intent of the regulation changes was to reduce the risk of indirect lead poisoning to the California condor (as well as other scavenging birds) from big game hunting activities by requiring "non-lead" projectiles. The Commission action defined "non-lead" projectiles to mean projectiles that contain only trace amounts of lead resulting from the projectile production process. The Commission established a maximum amount of lead allowable in projectiles of less than 1 percent content by weight.

The changes made:

1. Established the regulatory definition of projectile. A "projectile" is defined as any bullet, ball, sabot, slug, buckshot or other device which is expelled from a firearm through a barrel by the force of any explosion.
2. Established a maximum threshold of allowable lead in a projectile to account for trace elements present in the projectile production process. The threshold was established as less than 1 percent content by weight.
3. Established the geographic area in which non-lead projectiles would be required for big game hunting as specified in Section 3004.5 of the Fish and Game Code.
4. Established that it is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm capable of firing the projectile while taking or attempting to take any big game.

#### **Section 475**

The intent of the regulation change was to reduce the risk of indirect lead poisoning to the California condor (as well as other scavenging birds) from nongame hunting activities by requiring "non-lead" projectiles.

The changes made:

1. Established the regulatory definition of projectile. A "projectile" is defined as any bullet ball, sabot, slug, buckshot or other device which is expelled from a firearm through a barrel by the force of any explosion.
2. Established a maximum threshold of allowable lead in a projectile to account for trace elements present in the projectile production process. The threshold was established as less than 1 percent content by weight.
3. Established the geographic area in which non-lead projectiles would be required for nongame bird and nongame mammal hunting as specified in Section 3004.5 of the Fish and Game Code.

4. Established that it is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm capable of firing the projectile while taking or attempting to take any nongame bird or nongame mammal.
5. Established that .22 caliber rimfire cartridges used or possessed while hunting nongame birds or nongame mammals must be non-lead as defined by the Commission.

Enforcement of the projectile regulations is expected to be problematic, but the Department continues to work with the ammunition and bullet manufacturers, and other industries to develop tools to better enforce the regulations regarding non-lead projectiles.

The intent of the current proposed regulation change is to facilitate the above changes by identifying ammunition and projectiles that will be certified to meet the “non-lead” standard set by the Commission in Sections 353 and 475 of Title 14, CCR. This proposal specifically establishes a public process by which the Commission (OPTION 1) or the Department (OPTION 2) shall certify a list of centerfire rifle and pistol ammunition and projectiles that contain no lead for use when hunting big game and nongame birds and nongame mammals in condor range as specified in subsection 353(h) Title 14, CCR. This process includes the type of information the manufacturer will need to supply for certification. It also establishes that certified ammunition and projectiles will be placed on a public list to facilitate compliance by hunters. Finally, it provides for a process by which ammunition or projectiles will be removed if/when errors in certification are discovered.

The ultimate purpose of using ammunition and projectiles certified to contain no lead is to ensure that hunters are not exposing condors to secondary lead poisoning.

This proposal adds projectiles to the certification process. The statute identifies only ammunition to be certified. All ammunition is composed of an ignition source, propellant, and projectile, all of which are housed in a cartridge. Only the projectile comes into contact with the intended target and therefore is the only component of ammunition that is relevant to potential lead poisoning of condors. In addition, many hunters manufacture their own ammunition for hunting. Because the statute does not recognize these facts, the proposal must focus on certifying the projectiles to be lead free for the intended result to be realized.

Another issue that the proposed regulation repairs relative to the statute is the reality that not all big game and nongame birds and nongame mammals are taken with centerfire rifles or pistols. Currently, both muzzle-loading and shotguns may be used to take these animals. However, neither are defined as centerfire rifles and

pistols. This proposal makes specific that those hunters using these firearms must use projectiles certified to be lead free.

Lastly, nongame birds and nongame mammals may be taken with rimfire firearms. This proposal makes specific that those hunters using rimfire firearms for hunting nongame birds and nongame mammals must use projectiles certified to be lead free.

Failing to certify and establish a list of ammunition and projectiles that meet the standard of non-lead ammunition as identified in subsection 353(h) Title 14, CCR, would result in the loss of most hunting opportunities for big game and non-game birds and mammals in condor range.

The code requires that this process be established by July 1, 2008.

**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 Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California on Friday, March 7, 2008, 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 at the University of California, Davis, Bodega Bay Marine Laboratory — Lecture Hall, 2099 Westside Road, Bodega Bay, California on Friday, April 11, 2008, 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 March 28, 2008, 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 8, 2008. All comments must be received no later than April 11, 2008, at the hearing in Bodega Bay, 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, John Carlson, Jr., 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 Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, 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 Businesses, 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 only establish the process to certify ammunition and have no known private sector 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 agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under

Part 7 (commencing with Section 17500) of Division 4: 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.

**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 Section 1050, of the Fish and Game Code, and to implement, interpret or make specific sections 1050 and 7852.2, of said Code, proposes to amend Sections 122, 125, 149.1, 150, 150.02, 150.03, 150.05, 163, 163.5, 164, 174, and 180.3; and add Section 124.1, Title 14, California Code of Regulations, relating to Commercial Fishing Permit Renewal Provisions.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

***1. Amend existing T14 regulations to conform to new language in Section 7852.2 of the Fish and Game Code, regarding commercial fishing permit renewal late fees, late fee deadlines, and appeal provisions, as established by AB 1144 (Ch. 279, Stats. 2007).***

New language in Section 7852.2 of the Fish and Game Code, effective April 1, 2008, provides as follows:

*Notwithstanding any other provision of law, a commercial fishing license, stamp, permit, or other entitlement for which there is a renewal deadline shall not be renewed after that deadline, except as follows:*

*(a) In addition to the base fee for the license, stamp, permit, or other entitlement, the department shall assess a late fee for any renewal the application for which is received after the deadline, according to the following schedule:*

*(1) One to 30 days after the deadline, a fee of one hundred twenty-five dollars (\$125).*

(2) *Thirty–one to 60 days after the deadline, a fee of two hundred fifty dollars (\$250).*

(3) *Sixty–one days or more after the deadline, a fee of five hundred dollars (\$500).*

(b) *The department shall not waive the applicable late fee. The late fees specified in this section are applicable beginning in the 2008 license year, and shall be adjusted annually thereafter pursuant to Section 713.*

(c) *The department shall deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.*

(d) *An applicant who is denied renewal of a late application may submit a written appeal for renewal to the commission within 60 days of the date of the department's denial. The commission, upon consideration of the appeal, may grant renewal. If the commission grants renewal, it shall assess the applicable late fee pursuant to subdivision (a).*

Existing Title 14 regulations in Sections 122, 125, 149.1, 150, 150.02, 150.03, 150.05, 163, 163.5, 164, and 180.3 establish commercial permit requirements and permit renewal provisions for spiny lobster, rock crab, squid, nearshore, herring and spot prawn fisheries. The late fees, payment deadlines, and grace periods for permits in each of these Sections differs slightly from one another, as the regulations for each fishery–specific permit were adopted by the Commission over many years in numerous regulatory actions. The language in these sections conflicts with the new statutory provisions which now prevail on matters surrounding renewal for all commercial fishing permits. Amendment of the antiquated regulations is needed for clarity and consistency, and to allow the sliding late fee schedule established by statute to be implemented as the Legislature intended.

Additionally, the statute defines late permit renewal appeal provisions which now also apply to each of these commercial fishery permit programs. Amendments to the regulatory language in several of these Sections are needed for consistency and clarity on this subject as well.

Subdivision 1050(c) of the Fish and Game Code gives authority to the Commission to prescribe the terms and conditions under which commercial fishing permits shall be issued by the Department. The proposed amendments to each of these Sections would be promulgated under this authority, and would result in striking the old provisions and replacing them with the statement that late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code Section 7852.2. The changes will also aid the De-

partment's License and Revenue Branch staff and the permittees themselves, as streamlining the terms for all commercial permit renewals will allow for a simpler, more efficient and consistent renewal process for all fisheries.

**2. *Establish a renewal deadline of April 30 each year for Gill Net/Trammel Net Permits and Halibut Trawl Vessel Permits effective in 2009; consistent with the date for other moratorium and restricted access permit programs.***

Section 174, Title 14, CCR, establishes a permit requirement for users of gill and trammel nets, and qualifications for this permit. However, there is no renewal deadline for the permit established in regulation or the Code, unlike virtually all of the other commercial fishing permit programs which require renewal by a set date each year. While Section 8681.5 of the Fish and Game Code allows for annual renewal of existing permits, since there is no established deadline, permittees may renew at any time during the permit year (April 1 through March 31). Beyond March 31, there is no regulation providing for grace period or late payment provisions, and since the provisions of Section 7852.2 are predicated upon the existence of a renewal deadline, the new statutory provisions would not apply.

Establishment of an annual renewal deadline is necessary to provide better notice to permittees of the annual renewal requirement, and in order for the renewal provisions of newly–amended Section 7852.2 to apply regarding late fees, late fee deadlines, and late renewal appeal provisions. The Department proposes a renewal date of April 30 each year, beginning in 2009, consistent with other commercial fishery permit programs. Requiring the same renewal deadlines across permit programs assists the Department in more efficient program administration by reducing the number of mailings and notices sent to commercial fishermen, as many individuals and vessels are issued permits for multiple fisheries each year.

Similarly, there is no annual renewal deadline for the statutorily–established California Halibut Trawl Vessel Permit, which has been required for halibut trawlers since April of 2006 pursuant to Fish and Game Code Section 8494. The Department proposes that the Commission add Section 124.1 to Title 14 to make specific the terms of Section 8494, by requiring the permit be renewed annually by April 30<sup>th</sup> of each year; and specify that the late fees, late fee deadlines, and late renewal appeal provisions for this permit are provided in Section 7852.2 of the Fish and Game Code.

**3. *Amend Section 174 of T14 relating to Gill Net/Trammel Net Permits, for consistency with other existing statutes.***

Regulations of subsection 174(a), Title 14, CCR provide that it is unlawful to fish with a gill net or trammel

net unless a permittee is aboard the vessel. Fish and Game Code Section 7857(c), amended after the regulation in subsection (a) was adopted, is specific on this point. The Department therefore proposes the Commission amend the provision in the regulation to make clear that the terms of Section 7857(c) govern, which will provide clarity and consistency. Additionally, because gill/trammel net permits may be issued at any Department office that issues commercial licenses, the Department proposes the Commission strike language in subsection 174(a) indicating permits shall be issued at department offices in Eureka, Menlo Park, Monterey, Long Beach and San Diego.

Amendments to subsections (c) and (d) are proposed to make clear that permits must be renewed annually by April 30, with late provisions specified in Section 7852.2 of the Fish and Game Code (see discussion in items 1 and 2 above). Additionally, language indicating that gill/trammel net permits are not transferable would be repealed, as permits in fact are transferable subject to conditions specified in Section 8681 of the Fish and Game Code. Other language which duplicates Code provisions relative to whom permits may be issued and the duration of the permit would also be removed as these provisions are duplicative.

Revocation provisions specified in subsection (h) are proposed to be updated to reflect that Fish and Game Code Section 8681 specifies that the commission may suspend, revoke, or cancel a permit, license, and commercial fishing privileges pursuant to Fish and Game Code Section 7857.

Typographical errors and technical corrections are proposed to subsections (b)(6) and (i).

***4. Amend Section 180.3 of T14 relating to Spot Prawn Trap Fishery Permits, for consistency with other existing statutes, regulations and current Department licensing procedures.***

Amendments to existing text of subsections (g), (i), (m), and (n) are proposed to make clear that permits must be renewed annually by April 30, with late provisions specified in Section 7852.2 of the Fish and Game Code (see discussion in items 1 and 2 above). Subsection (i), regarding appeal procedures for reinstatement of expired permits, would be repealed as the language is not consistent with appeal provisions of Section 7852.2. As a result, re-lettering of subsections (j) through (n) is proposed.

Amendments to subsection (h) are proposed to remove the street address of the Department's Monterey office. If a Department office moves to a new location, the regulation becomes inaccurate.

Amendments to re-lettered subsection (i), formerly subsection (j), are proposed to repeal listing the possession of a commercial fishing license, which is already

required by Section 7857 of the Fish and Game Code. It is not necessary to restate the requirement.

Amendments to re-lettered subsection (j), formerly subsection (k), are proposed for clarity. A notarized statement from a spot prawn permittee who wishes to transfer the permit or change ownership of vessel with a valid permit is sufficient for the Department to review the permittee's request. It is not necessary to have a separate application for this purpose.

Additionally, amendments are proposed to change the time period to allow permit holders to transfer a permit from once each 12 months to once each permit year. Commercial fishing permits are valid for a permit year, April 1 through the following March 31. For administrative consistency for permittees, the time frame to transfer a permit should be the same as the valid period of the permit.

Amendments to re-lettered subsection (k), formerly subsection (l), are proposed that would require that persons applying for a change of ownership submit their request in the form of a notarized statement. Under existing regulations of other Sections of Title 14, persons applying for a transfer submit their request in the form of a notarized statement to the Department. The change is proposed for consistency. Re-lettered subsection (m) lists the change of ownership fee. Subsection (k)(4) would be added to specify the requirement that the fee be paid to the department, similar to the provisions listed for the transfer of a permit.

**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 University of California, Davis, Bodega Bay Marine Laboratory — Lecture Hall, 2099 Westside Road, Bodega Bay, California on Friday, April 11, 2008, 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 March 28, 2008, at the address given below, or by fax at (916) 653-5040, or by e-mail to 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 8, 2008. All comments must be received no later than April 11, 2008, at the hearing in Bodega Bay, 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, John Carlson, Jr., 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 Sheri Tiemann at the preceding address or phone number. **Marci Yaremko, phone (805) 568-1220, 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 Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed regulatory 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.

- (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 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. The proposed changes are necessary to conform to recent statutory changes specifying permit renewal late fees, late fee deadlines, and renewal appeal provisions.

- (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: 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.

**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 8841 and 8495, Fish and Game Code, and to implement, interpret or make specific Sections 8392, 8494, 8495, 8496, 8497, 8830, 8831, 8832, 8833, 8834, 8834.1, 8834.5, 8835, 8836, 8837, 8840, 8841, and 8843, Fish and Game Code, proposes to amend Section 124, Title 14, California Code of Regulations, relating to California Halibut Trawl Grounds.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Section 8495 of the Fish and Game Code specifies certain state waters along the mainland shore between Point Arguello and Point Mugu as the California Halibut Trawl Grounds (CHTG). This area now encompasses the last remaining ocean waters of the state where commercial bottom trawl fishing activity is authorized. Generally speaking, state waters extend to three nautical miles from the mainland shore of California, and three nautical miles from the shore of California's coastal islands.

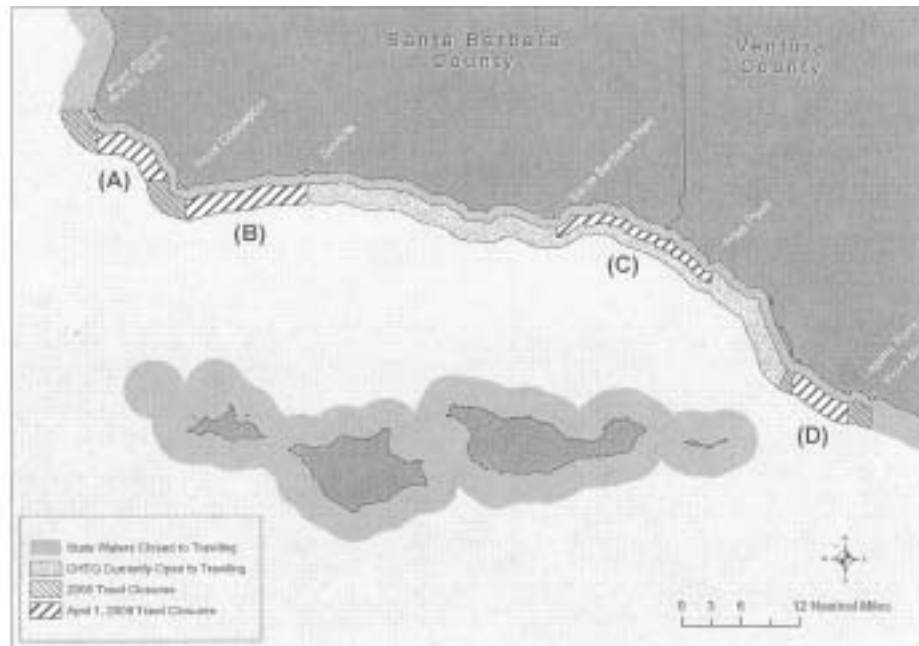
S.B. 1459 (Chapt. 721, Stats. 2004), which amended Section 8495, resulted in closure of about 13 percent of the CHTG, effective in 2005. The closures occurred in four specific areas surrounding Point Arguello, Point Conception, Hueneme Canyon and Point Mugu.

As part of that Legislative action, subdivision (c) of Section 8495 was added, which specifies that commencing April 1, 2008, four additional areas within the CHTG, amounting to about 42 percent of the remaining open area, will close unless the Fish and Game Commission (Commission) makes certain findings. A map of the CHTG, including the 2005 closures and the clo-

surements slated for April 2008, is provided below.

The four areas can be described generally as waters lying approximately between the following points:

- (A) Rocky Point to Point Conception; one to three miles from shore
- (B) Point Conception to Gaviota; one to three miles from shore
- (C) Santa Barbara Point to Pitas Point; one to two miles from shore
- (D) Hueneme Canyon to Laguna Point; one to three miles from shore



Subdivision (c) also specifies the findings to be made that would keep these four areas open, as follows:

*“Commencing April 1, 2008, the following areas in the California halibut trawl grounds shall be closed to trawling, unless the commission finds that a bottom trawl fishery for halibut minimizes bycatch, is likely not damaging sea floor habitat, is not adversely affecting ecosystem health, and is not impeding reasonable restoration of kelp, coral, or other biogenic habitats: (2) In making the finding described in paragraph (1), the commission shall pay special attention to areas where kelp and other biogenic habitats existed and where restoring those habitats is reasonably feasible, and to hard bottom areas and other substrate that may be particularly sensitive to bottom trawl impacts.”*

The Commission has taken testimony at recent discussion hearings and is considering all available information in its deliberations, and may determine that such findings are warranted for one or more of the four areas. If such findings are made, the Commission would subsequently take regulatory action at its April 11th meeting to keep one or more of the four areas open. This

Initial Statement of Reasons has been prepared prior to the Commission making a determination on any findings in order to allow the Notice to appear in the California Regulatory Notice Register, initiating the 45-day public comment period as required by the Administrative Procedure Act. If no findings are made, no subsequent regulatory action would be necessary, and the areas would close as required by the statute.

Pursuant to Fish and Game Code Section 8496, the season for trawling in the California Halibut Trawl Grounds opens on June 16<sup>th</sup>, and runs through March 14 each year. Should the Commission make any findings at or before its April 11, 2008 meeting, it would be able to adopt regulations at that time to keep one or more of the areas open to fishing. Action to adopt on that date should allow adequate time for review of the file by the Office of Administrative Law prior to the June 16<sup>th</sup> season opener, thereby allowing any fishing activity to commence in these four areas without interruption.

**Regulatory Options**

During the discussion hearing on this issue at its February 7<sup>th</sup> meeting in San Diego, the Commission requested that it be provided the option to keep any combination of the four areas open to bottom trawling, allowing it to review data presented and make a determination on each area independently. The proposed regulatory language included with this Initial Statement of Reasons has been constructed accordingly.

**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 Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California on Friday, March 6, 2008, 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 at the University of California, Davis, Bodega Bay Marine Laboratory — Lecture Hall, 2099 Westside Road, Bodega Bay, California on Friday, April 11, 2008, 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 March 31, 2008, at the address given below, or by fax at (916) 653-5040, or by e-mail to 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 8, 2007. All comments must be received no later than April 11, 2008, at the hearing in Bodega Bay, 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, John Carlson, Jr., 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 Shawn Cabbage at the preceding address or phone number. **Marci Yaremko, phone (805) 568-1220, 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 Businesses, 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.

If the Commission makes the finding described herein and takes action to keep the areas open, there will be no negative economic impact to businesses, which are primarily fish businesses and owners, operators and crewmembers employed upon vessels holding a California Halibut Trawl Vessel Permit. If the Commission does not make the finding and the four areas close as required by the statute, the economic impacts would have been considered during the Legislative process associated with adoption of SB 1459 (Chapt. 721, Stats. 2004).

Additionally, as described above, the Department's report entitled "Information Concerning the California Halibut Trawl Fishery off Southern California" includes updated discussion of estimated economic impacts of closing each of the four areas.

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

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



None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

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.

**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 subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Sport Fishing.

**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 sport, ocean commercial, river sport, and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport 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 sport (inside three miles) and the Klamath River System sport 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 subsistence fishing and commercial 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 (KRFC) salmon harvest allocations and spawning escapement goals are established by the PFMC. The KRFC salmon harvest allocation between tribal and non–tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The annual KRFC river sport salmon quota is recommended by the PFMC and the 2008 PFMC allocation is currently unknown. All proposed closures for adult Chinook salmon are designed to maximize and equitably distribute harvest of adult KRFC salmon while operating within the annual quota.

**Klamath River Spring–Run Chinook**

The Klamath River System also supports Klamath River spring–run Chinook salmon (KRSC). Presently, KRSC salmon are managed under the general basin seasons, daily bag limits, and possession limit regulations and are not under PFMC allocation management.

**KRFC Salmon Quota Management**

The 2007 quota for the Klamath River System river sport harvest was 10,600 adult KRFC salmon. Pre-season stock projections of 2008 adult KRFC abundance will not be available from the PFMC until March 2008 and the 2008 basin quota will be recommended by the PFMC and adopted by the Commission at their April 2008 meeting.

For public notice requirements, the Department recommends the Commission consider a range of 0–15,000 adult KRFC salmon quota in the Klamath River basin for the river sport fishery. The Commission may modify the KRFC river sport salmon quota which is normally 15% of the non–tribal PFMC harvest allocation. Commission modifications need to meet bio-

logical and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean fisheries.

The annual KRFC salmon quota is split evenly, with 50% of the quota allocated to the lower Klamath River downstream of the Highway 96 Bridge at Weitchpec and 50% to the remainder of the upper Klamath River System upstream of the Highway 96 Bridge at Weitchpec and the Trinity River Basin. This division ensures equitable harvest of adult KRFC salmon throughout the Klamath River System.

The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), is proposed to close to all fishing after 15% of the Klamath River System quota has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the total Klamath River System quota will be met.

The upper Klamath River System is further divided into three sub-quota areas:

1. 17% from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec,
2. 16.5% for the Trinity River downstream from Hawkins Bar to the confluence with the Klamath River, and
3. 16.5% for the Trinity River downstream from Old Lewiston Bridge to Cedar Flat.

These sub-quota areas are based upon historical angler effort distribution and ensure equitable harvest of adult KRFC salmon in the upper Klamath River and Trinity River.

**Current Sport Fishery Management**

The KRFC salmon annual quota is divided into sub areas and the harvest conducted under real-time quota management. The KRSC salmon harvest is managed under the general basin seasons without real-time monitoring due to lack of adequate funds.

The Department presently differentiates the two stocks by following dates with minor sub-area differences to providing equitable harvest opportunities:

1. December 1 through August 15 — General Season (KRSC).
2. August 15 to November 30 — KRFC quota management.

The daily bag limits and weekly 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:

Open Season and Bag Limits

The Department proposes combining all of the open season and bag limit language into the regulations table contained in (b)(91.1)(E) to have these important regulations found in one location to reduce public confusion and improve angler compliance.

General Area Closures

The general area closures ending dates are proposed to extend until December 31 to provide additional protection to KRFC salmon still in the system.

KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2008 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 opening date for the Klamath and Trinity rivers are proposed to be the same for all subareas within each river. The Trinity River will open two weeks after the Klamath River to allow for adequate migration time from the ocean. The ending date is proposed to extend until December 31.

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 — [0–3] Chinook salmon – only [0–2] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The weekly possession limit is proposed as a range of 0 to 4 Chinook salmon over 22 inches total length may be retained in any 7 consecutive days when the take of salmon over 22 inches total length is allowed. The annual possession limit of no more than 12 Chinook salmon is proposed to be dropped as this measure was not adequately enforceable.

KRSC Season, Bag Limit, and Possession Limit

The wild KRSC salmon are primarily limited to two sub-basins of the Klamath River watershed, the Salmon River and the South Fork of the Trinity River (SFTR). The populations of wild spring-run Chinook salmon in these watersheds appear to be at all time lows.

The Department is proposing more restrictive measures to protect wild KRSC salmon outside of the KRFC quota period.

The proposed open seasons for KRSC salmon stocks are as follows:

1. Klamath River — January 1 to August 14
2. Trinity River — January 1 to August 31

- a. Except for Trinity River main stem downstream from 250 feet below Lewiston Dam to the Old Lewiston bridge — April 1 to August 31

This section of river is designated as wild trout waters.

3. No Chinook salmon may be retained in the following areas:
  - a. Klamath River downstream from Iron Gate Dam to Weitchpec — January 1 to August 14
  - b. Trinity River downstream from the South Fork Trinity River mouth to the confluence with the Klamath River — January 1 to August 31

These closures provide protection for naturally produced KRSC while allowing sport harvest opportunities on the hatchery component of the KRSC salmon run in the lower Klamath River.

The bag and possession limits are proposed as a range from 0 to 2 Chinook salmon of any size and the weekly and annual possession limits are proposed to be dropped to provide additional conservation measures.

South Fork Trinity River Season Change

The Department proposes to change the opening dates for angling on the SFTR and Hayfork Creek from the fourth Saturday in May to November 1. Current regulations allow angling in both of these areas from the fourth Saturday in May through March 31. During this period anglers may take hatchery trout/steelhead and brown trout on the SFTR. There is no take of trout on Hayfork Creek. There is no take of Chinook salmon allowed in either system.

The Department recommends that angling on the SFTR downstream of the Hyampom Bridge to its confluence with the Trinity River and Hayfork Creek from the Highway 3 Bridge downstream to its confluence with the SFTR should be open from November 1 through March 31.

Trinity River Trout Bag and Possession Limits

For public notice requirements, the Department proposes increasing the daily bag limit range from 1 to 5 hatchery trout or steelhead and increasing the possession limit range from 1 to 10 hatchery trout or steelhead on the main stem Trinity River downstream from the Old Lewiston Bridge to the confluence with the Klamath River. This will increase angling opportunity to the general public on Trinity River Hatchery stocks and reduce straying of excess hatchery stocks into natural spawning areas.

Brown Trout Bag Limit Change

Based upon public input and Department data that shows no brown trout distribution outside of the Trinity River, the brown trout bag and possession limits will

only apply to the main stem of the Trinity River to reduce public confusion and mistaken identification and take of other salmonids of special concern in areas where the brown trout are not found.

Additional minor changes were made to the regulations for clarity.

**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 Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California, on Friday March 7, 2008 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 UC Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay, California, on Friday, April 11, 2008 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, 1416 Ninth Street, Room 1320, Sacramento, California, on Tuesday, April 15, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 4, 2008 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 14, 2008. All comments must be received no later than April 15, 2008 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, John Carlson, Jr., 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 John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Neil Manji, Chief, Fisheries Branch, Department of Fish and Game, phone (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 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: 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.

**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, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 360, 361, 362, 363, 364 and 702, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2008-2009 Mammal Hunting Regulations.

At the Fish and Game Commission’s meeting on February 8, 2008, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2008–2009 seasons: proposes to amend sections 360, 361, 362, 363, 364, and 702, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2008–2009 Mammal Hunting Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

**Section 360, subsection (a), 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 overwinter adult survival, final tag quotas may fall below the proposed range.

Existing regulation inaccurately describe the A zone South Unit 110. This regulatory proposal includes portions of the counties of Madera, Merced, and Tulare in the area description.

<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	8,575	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

<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>
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

**Section 360, subsection (b), 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 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 overwinter 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	2,230	1,000-6,000
X-2	180	50-500
X-3a	280	100-1,200
X-3b	795	200-3,000
X-4	415	100-1,200
X-5a	55	25-200
X-5b	115	50-500
X-6a	335	100-1,200
X-6b	390	100-1,200
X-7a	250	50-500
X-7b	120	25-200
X-8	250	100-750
X-9a	750	100-1,200
X-9b	325	100-600
X-9c	325	100-600
X-10	400	100-600
X-12	805	100-1,200

**Section 360, subsection (c), Additional Hunts**

Existing regulations for Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) provide for hunting to begin on the Thursday preceding the Columbus Day weekend and run for five consecutive days to accommodate Base operations and other hunt opportunities. The proposal would modify the season by splitting a five consecutive day season into two periods (one of two days, the other of three) in order to accommodate other hunts and Base operations.

Existing regulations for Additional Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for hunting to begin on October 4 and extend for five

consecutive days and reopen October 13 and extend for two consecutive days. The proposal would modify the season by removing two days from the season in order to accommodate Base operations.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts 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 overwinter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(c) Additional Hunts</b>					
<b>Tag Allocations</b>					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	2,850	500-5,000	M-11	20	20-200
G-3	35	5-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	10 Military * 10 Public	10 Military * and 10 Public	J-3	15	15-30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	400 Military *	400 Military *	J-7	15	10-50
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	15	10-20
G-12	30	10-50	J-9	5	5-10
G-13	300	50-300	J-10	10 Military * 75 Public	10 Military * 75 Public
G-19	25	10-50	J-11	40	10-50

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
G-39	5	5-150	J-15	10	5-30
M-3	20	10-75	J-16	75	10-75
M-4	15	5-50	J-17	25	5-25
M-5	10	5-50	J-18	75	10-75
M-6	80	25-100	J-19	25	10-40
M-7	150	50-150	J-20	20	5-20
M-8	10	5-50	J-21	50	20-80
M-9	15	5-100			

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

\*\* *DOD = Department of Defense*

**Section 361, Archery Deer Hunts**

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 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 overwinter 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 the Veteran's Day holiday. The proposal would modify the season by removing two clays from the end of the season in order to accommodate Base operations.

<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 Zone Archery Only Tag)	2,045	150-3,000
A-3 (Zone X-1 Archery)	265	50-1,000
A-4 (Zone X-2 Archery)	10	5-100
A-5 (Zone X-3a Archery)	35	10-300
A-6 (Zone X-3b Archery)	90	25-400
A-7 (Zone X-4 Archery)	105	25-400
A-8 (Zone X-5a Archery)	20	15-100
A-9 (Zone X-5b Archery)	5	5-100
A-11 (Zone X-6a Archery)	55	10-200
A-12 (Zone X-6b Archery)	175	10-300
A-13 (Zone X-7a Archery)	30	10-200
A-14 (Zone X-7b Archery)	20	5-100
A-15 (Zone X-8 Archery)	25	5-100
A-16 (Zone X-9a Archery)	130	50-500
A-17 (Zone X-9b Archery)	300	50-500
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	115	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)	New	25 Military* and 25 Public



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

**Section 362, Nelson Big Horn Sheep**

Existing regulations provide for the number of big-horn sheep hunting tags for each hunt zone. This pro-

posed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on survey results that should be completed by March of 2008. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bighorn sheep. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3-5
Zone 2 - Kelso Peak/Old Dad Mountains	4-6
Zone 3 - Clark/Kingston Mountain Ranges	1-3
Zone 4 - Orocopia Mountains	0-1
Zone 5 - San Gorgonio Wilderness	0-2
Zone 6 - Sheep Hole Mountains	1-3
Zone 7 - White Mountains	3-6
Open Zone Fund-Raising Tags	1-3
<b>TOTAL</b>	<b>13-29</b>

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2007 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone,

**Section 363, Pronghorn Antelope**

Existing regulations provide for the number of prong-

horn 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 2008. 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 tag allocation ranges for the hunt zones are as set forth below.

Pronghorn Antelope Tag Allocation Ranges - 2008						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
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
Big Valley Junior Hunt	N/A		1-15 Either-Sex		0	
Lassen Junior Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Junior Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

**Section 364, 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.

**CALIFORNIA REGULATORY NOTICE REGISTER 2008, VOLUME NO. 8-Z**

2008 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antlerless	Muzzle-loader either-sex	Archer y Either-Sex	Archer y Antlerless	Archer y Bull
<b>Roosevelt Elk</b>										
Siskiyou	0-30	0-30								
Def Norte	0-20		0-10							
<b>Marble Mountains</b>										
Marble Mtns Junior		0-80								
Klamath	0-20	0-4	0-20							
Big Lagoon		0-10								
Northwestern California		0-25								
<b>Rocky Mountain Elk</b>										
<b>Rocky Mtn Elk</b>										
Northeastern		0-20						0-10		
Northeastern Junior		0-4								
<b>Tule Elk</b>										
Cache Creek	0-4		0-4							
Cache Creek Junior			0-2							
<b>La Panza</b>										
Period 1	0-12		0-10							
Period 1 (Junior)			0-2							
Period 2	0-12		0-12							
<b>Owens Valley</b>										
Region Wide								0-10		
<b>Bishop</b>										
Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2 Junior	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
<b>Independence</b>										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
<b>Lone Pine</b>										
Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
<b>Tinemaha &amp; W. Tinemaha</b>										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
<b>Grizzly Island</b>										
Period 1	0-12			0-6						
Period 1 Junior	0-2			0-2						
Period 2	0-12		0-2	0-6						
Period 3	0-12		0-2	0-4						
<b>Fort Hunter Liggett</b>										
<b>Archery Only</b>										
Period 1	0-14							0-6	0-10	
Period 1 Junior	0-4									
Period 2	0-14									
Period 3			0-14							
Period 3 Junior Elk			0-2							
<b>East Park Reservoir</b>										
Period 1			0-2							
Period 2			0-2							
Period 3	0-10									
<b>San Luis Reservoir</b>										
	0-5	0-10	0-10							

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett do not change the number of days. These regulations slightly modify the season dates for period 1 antlerless hunt (including the junior hunt) and the archery antlerless hunt from the first to the second Thursday in October; the period 2 antlerless hunt from the third to the fourth Wednesday in November; the period 3 bull hunt (including the junior hunt) from the fourth Thursday to the fourth Saturday in December; the archery either-sex hunt from the first Saturday in September to the last Saturday in August.

Existing regulations define bull and antlerless elk. The proposed regulations modify these definitions because under field conditions it is very difficult to identify antlers above the hairline but less than four inches and there have been several incidents where antlerless elk hunters have inadvertently harvested a bull (by definition) with antlers less than four inches.

Existing regulations for the Big Lagoon and Northwestern Roosevelt elk hunt reference Simpson Timber Company under area description. The proposed regulation replaces Simpson Timber Company with California Redwood Company to reflect the current organizational structure of the Company.

The proposed amendment makes minor changes in the La Panza Tule Elk Hunt section to improve clarity and consistency, and reduce redundancy.

**Section 712 Restriction of Importation of Hunter-Harvested Deer and Elk Carcasses**

Section 712 has become one of the higher profile regulations due to the Department's educational and enforcement efforts. Noteworthy progress has been made in educating the public about chronic wasting disease and the illegal importation of cervid (deer, elk) body parts.

Clarification of Section 712 can help further educate the public and supply more enforcement consistency.

It is prudent that potential questions, concerns and potential enforcement problems get addressed. Questions, problems and concerns concerning Section 712 can be directly addressed by amending the present wording of the section. By making the section more clear our constituents and enforcement officers can more readily understand the nuances of the mandates within the section. The proposal also allows additional and reasonable flexibility.

The proposal will clarify what is meant by a clean skull plate, clarifies that processed meat cannot include spinal column or portions of the head, allows noncommercial processed cuts of meat to be imported, and clarifies that antlers in the velvet stage are permitted for importation.

**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 Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California, on Friday, March 7, 2008 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 UC Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay California, on Friday, April 11, 2008 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 Beach Resort Monterey, La Grande Room, 2600 San Dunes Drive, Monterey, California, on Friday, May 9, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before May 7, 2008 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 7, 2008. All comments must be received no later than May 9, 2008 at the hearing in Monterey, 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, John Carlson, Jr., 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 John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

**Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. 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:

**Sections 360(a)(b) and (c), 361, 362, 363, 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. 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.

**Section 712** — 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 proposal clarifies and simplifies the basic purpose of the current wording of Section 712.

**The following “Impacts of Regulatory Action apply to all sections in this notice:**

- (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: 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.

**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.

**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 (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. These recommendations are subsequently implemented as ocean fishing regulations by the National Marine Fisheries Service (NMFS).

California's sport fishing regulations will need to conform to the new Federal regulations to achieve optimum yield in California. 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 14, 2008, the PFMC will develop the ocean salmon fisheries regulatory options for public review and the final PFMC regulation recommendations will be made on April 11, 2008. 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 2008 ocean salmon sport regulations could range from no fishing after April 7 to status-quo (2007) regulations. The PFMC March options serve as the basis for the Commission's regulatory action affecting the state's ocean salmon sport fishery. There exists a possibility that the NMFS will close federal waters before May 1 due to projected low Central Valley salmon abundance.

For public notice purposes, the Department is proposing the full range of regulatory possible changes from no fishing after April 7 to current regulations with two options for the area north of Horse Mountain and Humboldt Bay.

The reference to Section 1.74 in subsection 27.80(a)(1) is proposed to be removed as salmon report

cards are no longer required in ocean waters north of Horse Mountain.

### Seasons and Exceptions

- (1) North of Horse Mountain and Humboldt Bay
  - a. There are two options for this area:
    - i. Option 1 — The 2008 season is proposed to open between May 1 and August 31 and close between September 1 and September 30.
    - ii. Option 2 — The area will remain closed for 2008.
  - b. In 2009, the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.
- (2) Between Horse Mountain and Point Arena
  - a. The 2008 season will open February 16 and is proposed to close between April 7 and November 16.
  - b. In 2009, the season will open February 14.
- (3) Between Point Arena and Pigeon Point
  - a. The 2008 season will open April 5 and is proposed to close between April 7 and November 9.
  - b. In 2009, the season will open April 4.
  - c. Exception for the ocean area outside San Francisco Bay is closed for any reason during the proposed season.
    - i. The San Francisco Bay will open to salmon fishing on April 5 and close between April 7 and November 9. For purposes of this regulation, the San Francisco Bay is defined as the waters of San Francisco and San Pablo bays plus all their tidal bays, tidal portions of their rivers and streams, sloughs and estuaries between Golden Gate Bridge and Carquinez Bridge unless otherwise noted in Section 7.50.
- (4) Between Pigeon Point and Point Sur
  - a. The 2008 season will open April 5 and is proposed to close between April 7 and October 5.
  - b. In 2009, the season will open April 4.
- (5) South of Point Sur
  - a. The 2008 season will open April 5 and is proposed to close between April 7 and October 5.
  - b. In 2009, the season will open April 4.

Bag Limit and Minimum Size

- (1) North of Horse Mountain: The bag limit may be zero, one or two salmon per day and the minimum size will range between 20 and 24 inches total length.
- (2) South of Horse Mountain: The bag limit may be zero, one or two salmon per day and the minimum size will range between 20 and 24 inches total length.

Further Commission action affecting the ocean salmon sport fishery may be needed after the annual PFMC reports, *Review of 2007 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2008 Ocean Salmon Fisheries*, are available in late February 2008.

**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 Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California, on Friday, March 7, 2008 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 UC Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay California, on Friday, April 11, 2008 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, 1416 Ninth Street, Room 1320, Sacramento, California, on Tuesday, April 15, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 4, 2008 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 14, 2008. All comments must be received no later than April 15, 2008 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, John Carlson, Jr., 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 John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Marija Vojkovich, Regional Manager, Marine Region, 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. 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: 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.

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 Section(s) 1050, 9054 and 9055 of the Fish and Game Code and to implement, interpret or make specific Section(s) 1050, 7850, 7852.2, 7857, 9054 and 9055 of said Code, proposes to amend Section 120.7, Title 14, California Code of Regulations, relating to Urchin Fishing Days, Permit Renewals, Lottery Provisions and Logbooks.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulatory action would result in the following amendments:

**1. Change urchin fishing days of the week as requested by fishermen and processors.**

Current regulations of subsection 120.7(1), Title 14, CCR, specify the open fishing days each month for the commercial harvest of sea urchins. Depending on the month, the number of open fishing days ranges between two days per week and seven days per week.

Sea urchin fishery representatives recommend that the Commission change the authorized fishing days to ensure a more reliable supply of urchins to customers year round, thereby improving the economic sustainability of the fishery. The proposed regulatory changes would add a total of 42 open days to each fishing season, and would authorize fishing seven days per week from November through May, and four days per week from June through October. The open days for June through October would be Monday, Tuesday, Wednesday and Thursday.

In previous regulatory actions modifying urchin fishing days, the Department has noted that limiting the number of days is a management tool that is designed to curtail fishing effort, which may help maintain a sustainable urchin resource. Industry representatives describe that in today's sea urchin fishery, weather and limited market demand successfully work to control fishing effort, and too many closed fishing days results in an unstable supply of urchin.

**2. Amend existing urchin fishing regulations to conform to new language in Section 7852.2 of the Fish and Game Code, regarding commercial fishing permit renewal late fees, late fee deadlines, and appeal provisions, as established by AB 1144 (Ch. 279, Stats. 2007).**

New language in Section 7852.2 of the Fish and Game Code, effective April 1, 2008, provides as follows:

*Notwithstanding any other provision of law, a commercial fishing license, stamp, permit, or other entitlement for which there is a renewal deadline shall not be renewed after that deadline, except as follows:*

- (a) *In addition to the base fee for the license, stamp, permit, or other entitlement, the department shall assess a late fee for any renewal the application for which is received after the deadline, according to the following schedule:*



- (1) *One to 30 days after the deadline, a fee of one hundred twenty-five dollars (\$125).*
- (2) *Thirty-one to 60 days after the deadline, a fee of two hundred fifty dollars (\$250).*
- (3) *Sixty-one days or more after the deadline, a fee of five hundred dollars (\$500).*
- (b) *The department shall not waive the applicable late fee. The late fees specified in this section are applicable beginning in the 2008 license year, and shall be adjusted annually thereafter pursuant to Section 713.*
- (c) *The department shall deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.*
- (d) *An applicant who is denied renewal of a late application may submit a written appeal for renewal to the commission within 60 days of the date of the department's denial. The commission, upon consideration of the appeal, may grant renewal. If the commission grants renewal, it shall assess the applicable late fee pursuant to subdivision (a).*

Existing regulations in subsection 120.7(c), Title 14, CCR establish commercial urchin fishing permit renewal provisions. The renewal deadline is presently June 30, and applications received after June 30 and before August 1 are assessed a \$50 late fee. Beyond July 31, there are no permit renewal provisions and applications postmarked after this date is not considered.

This regulatory language now conflicts with the new statutory provisions of Section 7852.2, which now prevails on matters surrounding renewal late fees and late payment penalty schedules for all commercial fishing permits. Therefore, amendment of the antiquated urchin permit regulations is needed for clarity and consistency, and to allow the sliding late fee schedule established by statute to be implemented as the Legislature intended for all fisheries.

Additionally, the new statute defines late permit renewal appeal provisions which now also apply to urchin fishing permits. Amendments to the regulatory language in subsection 120.7(g) is needed for clarity and consistency on this subject as well.

Subdivision 1050(c) of the Fish and Game Code gives authority to the Commission to prescribe the terms and conditions under which commercial fishing permits shall be issued by the Department. The proposed amendments to subsections 120.7(c) and 120.7(g) of Title 14 would be promulgated under this authority, and would result in striking the old urchin

permit renewal and appeal provisions and replacing them with the statement that late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code Section 7852.2. The changes will also aid the Department's License and Revenue Branch staff and urchin permittees who hold multiple commercial fishing permits, as streamlining the permit renewal process will allow for simpler, more efficient and consistent procedures for all fishermen who hold limited entry or moratorium permits.

**3. Change the urchin permit renewal deadline to April 30 each year effective in 2009; consistent with the date for other moratorium and restricted access permit programs.**

The proposed regulatory action would result in changing the urchin permit renewal deadline to April 30, beginning in 2009, for consistency with most other commercial fishing moratorium and restricted access permit renewal deadlines. The change is also needed because the present renewal deadline has created difficulties for the urchin lottery program, which is used to issue new urchin permits each year to urchin crewmembers under specified conditions.

The current language of subsection 120.7(c) specifies that the permit renewal deadline is June 30<sup>th</sup>, and through the next month a permittee may renew if the application is accompanied with payment of a \$50 late fee. Renewal applications are not accepted with postmarks dated after July 31. The number of new permits that are to be issued in the lottery is determined prior to August 1 each year.

Because the number of new permits issued in the lottery is calculated based upon the number of permits renewed in the current season compared with the number of permits issued for the prior season, an earlier renewal deadline in April, rather than June, will help to ensure that the calculation of the number of permits to issue in the lottery is accurate and based on complete information, as there will be more time between the renewal deadline and the time the number of permits to issue in the lottery is determined.

Urchin industry representatives support an earlier renewal deadline of April 30 and also recommend continuing with the existing lottery timelines, anticipating that most permittees will continue to renew by the deadline, thereby avoiding late renewal fees which can reach \$500 under the new statute. However, one result of the proposed regulatory and statutory changes will be that the number of permits issued in the lottery each year will continue to be determined prior to August 1, seven months before the final renewal opportunity expires. Consequently, if urchin permittees delay renewal of the permit until after the lottery is conducted, more new ur-

chin permits could be issued in the lottery each year than would be issued under present rules.

**4. Amend the form, regulations, and instructions for urchin fishing records (logbooks).**

Subsection 120.7(m) specifies that any person who operates a vessel used for sea urchin fishing must prepare a daily record of such activity on a dive logbook and provide it to the Department on or before the 10<sup>th</sup> day of each month. The regulations would be changed so that all sea urchin permittees, instead of the vessel operator, would be required to complete dive records. This would mean that in the future, permittees diving off of a vessel operated by another person would be required to independently fill and return their own logbook documenting their personal diving activity.

Additionally, the current dive logbook form, incorporated by reference and in use since 1999, would be updated slightly for the next printing, and would include the following amendments:

- a) Fishery block charts, the grid system used by all fishermen to record the general location of their commercial fishing activity off California, were modified slightly to improve precision of the block data.
- b) Both a landmark name and the latitude/longitude of the site where each day's fishing activity occurs would be required. The existing logbook form allows the diver to select which type of location information to provide. The change is needed because the Department has found that having both types of location data is often necessary to precisely determine where fishing activity occurred.
- c) Changes to the format of the form are proposed regarding how the pounds of urchin and incidental catches shall be recorded.
- d) The average depth field would be eliminated, although the depth range fished would continue to be required.

**5. Other changes to update information, correct typographic errors, and for clarity/consistency.**

The address of License and Revenue Branch in the present regulations is incorrect. Changes are proposed to require that payments and forms be made to the License and Revenue Branch office in Sacramento. Other minor changes are proposed to correct typographic errors and for clarity and consistency.

**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 Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California, on March 7, 2008 at 8:30 am., 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 University of California Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay, California, on Friday, April 11, 2008, 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 March 28, 2008, 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 8, 2008.** All comments must be received no later than April 11, 2008, at the hearing in Bodega Bay, 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, John Carlson, Jr., 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 John Carlson, Jr., or Jon K. Fischer at the preceding address or phone number. **Ms. Marci Yaremko, Department of Fish and Game, phone (805) 568-1220, 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 ini-

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

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

No anticipated adverse economic impacts. According to urchin fishing industry representatives, changes to the open fishing days will result in some unquantifiable but positive impact to permittees, crewmembers and urchin processors in terms of future sales.

- (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: 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.

**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 16. BOARD OF PHARMACY**

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action

proposed in writing. 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 of Pharmacy at its office not later than 5:00 p.m. on April 7, 2008.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5 p.m. on March 24, 2008.

The Board of Pharmacy, 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 4005 of the Business and Professions Code and section 11420 et seq. of the Government Code and to implement, interpret, and make specific sections 4300 and 4301 of the Business and Professions Code, and sections 11420.20 and 11425.50(e) of the Government Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Business and Professions Code section 4005 generally authorizes the board to amend rules and regulations pertaining to the practice of pharmacy.

Business and Professions Code section 4300 authorizes the board to discipline a licensee as well as refuse to issue a license to an applicant.

Business and Professions Code section 4301 authorizes the board to take action against a licensee for unprofessional conduct as defined.

Government Code section 11420,20 authorizes the board to adopt regulations to govern an adjudicative proceeding.

Government Code section 11425.50(e) prohibits a penalty from being based upon a guideline unless the guideline has been adopted as a regulation.

16 California Code of Regulations Section 1760 incorporates by reference the Disciplinary Guidelines. Board staff, Deputy Attorneys General, Administrative Law Judges, licensees, and attorneys use these guidelines to assist in determining penalties in the disciplinary case against board licensees. The board is proposing

to update the “Disciplinary Guidelines” to conform with changes to the pharmacy law, to clarify some existing terms and conditions of probation that appear ambiguous, establish new terms and conditions necessary to ensure rehabilitation of licensees and remove terms no longer utilized or necessary in the interest of public protection.

#### 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 Section 17561 Requires 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 as it only affects licensees that have been disciplined by the board.

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

Cost Impact on Representative Private Person or Business: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur unless that individual is licensed by the board and subject to disciplinary action by the board.

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The Board of Pharmacy has made an initial determination that the proposed regulatory action would not have a significant adverse economic impact directly affecting small business as it will only effect businesses licensed by the board that are subject to disciplinary action.

#### CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be

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

Any interested person may present written statements relevant to the above determinations to the Board of Pharmacy at the above-mentioned address.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy 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 may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd. N219, Sacramento, California 95834, or from the Board of Pharmacy Web site ([www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)).

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

All the information upon which the proposed regulation is 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

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

Name: Virginia Herold  
Address: 1625 N. Market Blvd. N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7911  
Fax No.: (916) 574-8618  
E-Mail Address: [virginia\\_herold@dca.ca.gov](mailto:virginia_herold@dca.ca.gov)

The backup contact person is:

Name: Karen Cates  
Address: 1625 N. Market Blvd. N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7914  
Fax No.: (916) 574-8618  
E-Mail Address: [karen\\_cates@dca.ca.gov](mailto:karen_cates@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

**AUTHORITY**

The authority granted by Government Code (GC) Section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections (CDC), Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

**GENERAL PUBLIC INTEREST**

**FISH AND GAME COMMISSION**

**CALIFORNIA FISH AND  
GAME COMMISSION  
NOTICE OF RECEIPT OF PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on January 23, 2008 received a petition from the Center for Biological Diversity to list the Pacific fisher (*Martes pennanti*) as an endangered or threatened species.

Fishers are generally found in forest stands with high canopy closure, large trees and snags, large woody debris, large hardwoods, and multiple canopy layers.

Pursuant to Section 2073 of the Fish and Game Code, on January 31, 2008 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95814, or telephone (916) 445-3555 for information on the petition or to submit information to the Department relating to the petitioned species.

**CONTACT PERSON**

Please direct any inquiries regarding this action to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

**RULEMAKING PETITION  
DECISIONS**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3, Adult Institutions, Programs  
and Parole**

**PETITIONER**

Edmund Carolan

**AVAILABILITY OF PETITION**

The petition to amend regulations is available upon request directed to the Department's contact person.

**SUMMARY OF PETITION**

Petitioner requests that CDCR adopt regulations pertaining to the rules contained in CDCR's *Computing Technology Use Agreement (CDC 1857)*. Petitioner contends that the Department requires all employees who use a computer to sign the CDC 1857, thereby agreeing to abide by it. Petitioner expresses a reluctance to sign the CDC 1857 due to lack of clarity within the document of what is being agreed to. Petitioner contends that the requirement to sign CDC 1857 is a state-wide condition of general application. As such, Petitioner contends that this constitutes an underground regulation and requests that CDCR adopt regulations to establish the authority for the rules contained in CDC 1857 to provide an opportunity for those who are affected by the regulation to give input into the policies contained in the form. Petitioner contends that the for-

mal rulemaking process will clarify issues surrounding CDC 1857.

**DEPARTMENT DECISION**

The Secretary of the CDCR denies this petition in its entirety.

The CDCR agrees that a rule which meets the definition of a regulation in Government Code Section 11342.600 is required to be adopted pursuant to the Administrative Procedures Act (APA). CDCR does not promulgate regulations through the DOM. The DOM is an accumulation of the Department's operational policies. Regulations as they pertain to those policies are contained in the California Code of Regulations (CCR). When CDCR determines it must amend or adopt a particular policy, that policy is reviewed to evaluate its regulatory impact, and properly promulgates regulations if they are required. The purpose of the DOM is to explain in greater detail what is being set forth in the regulations, or to set forth policies for which there is no regulatory impact.

Petitioner is directed to the "Reference" section at the end of each DOM article. The references for DOM Section 48010 include the State Administrative Manual (SAM). SAM Chapter 4800, Section 4842.2, requires all State Government employees to sign an acknowledgement of security responsibility. In compliance with the SAM, DOM Section 48010.8.2 requires each new employee to complete the CDC Form 1857. The purpose of the form is to notify CDCR staff of their responsibilities pertaining to using CDCR computing technologies, and reminds employees that the use of state agency electronic information resources is a privilege and the policies implementing usage are requirements that mandate adherence.

The overall authority for use of computing technologies lies within the Department of General Services, not CDCR. Therefore, the Secretary of CDCR does not have the statutory authority to regulate this policy area. That authority lies with the Department of General Services.

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# 2008-0115-01  
**BUSINESS, TRANSPORTATION AND HOUSING AGENCY**  
Conflict of Interest — Small Business Board and Financial Development Corporations

The Business, Transportation and Housing Agency is amending its conflict of interest code found at title 10, section 5101, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on December 3, 2007.

Title 10  
California Code of Regulations  
AMEND: 5101  
Filed 02/11/2008  
Effective 03/12/2008  
Agency Contact: Glenn Stober (916) 323-5400

File# 2007-1231-02  
**CALIFORNIA HIGHWAY PATROL**  
Lamp Spacing for Fog Lamps, Passing Lamps and Turn Signal Lamps

This regulatory action adopts by reference requirements for manufacturers to mount fog lamps, passing lamps and turn signal lamps as specified in the Federal Motor Vehicle Safety Standards (FMVSS) 108.

Title 13  
California Code of Regulations  
AMEND: 621, 691, 693, 699  
Filed 02/08/2008  
Effective 03/09/2008  
Agency Contact: Cris Morgan (916) 445-1865

File# 2007-1227-08  
**DEPARTMENT OF FISH AND GAME**  
Incidental Take Permit Guidelines for Timber Operations

This rulemaking implements Fish and Game Code section 2081 related to when incidental take permits may be issued in accordance with Fish and Game Code section 2112 for timber operations or activities that may take coho salmon. Coho salmon is listed as threatened or endangered under the California Endangered Species Act. These regulations are the companion regulations to the Board of Forestry and Fire Protection regulations previously approved by this office (OAL File 07-1015-07S).

**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 indi-

Title 14  
 California Code of Regulations  
 ADOPT: 787.0, 787.1, 787.2, 787.3, 787.4, 787.5,  
 787.6, 787.7, 787.8, 787.9  
 Filed 02/11/2008  
 Effective 02/11/2008  
 Agency Contact: Mark Stopher (530) 225-2275

File# 2008-0207-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Light Brown Apple Moth Eradication Area

This emergency regulatory action adds Santa Barbara County as an area of eradication for the light brown apple moth (“*Epiphyas postvittana*”).

Title 3  
 California Code of Regulations  
 AMEND: 3591.20  
 Filed 02/08/2008  
 Effective 02/08/2008  
 Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0206-02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Light Brown Apple Moth Interior Quarantine

These proposed emergency amendments will expand the existing regulated area in San Mateo County as an additional quarantine area with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*) due to detection of the requisite number in that area.

Title 3  
 California Code of Regulations  
 AMEND: 3434(b)  
 Filed 02/11/2008  
 Effective 02/11/2008  
 Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1228-01  
 DEPARTMENT OF MENTAL HEALTH  
 Mental Health Services Act (2)

California voters approved Proposition 63 during the November 2004 General Election. Proposition 63, now known as the Mental Health Services Act (the Act), became effective on January 1, 2005. The Act is intended to expand mental health services to children/youth, adults and older adults who have severe mental illnesses/severe mental disorders and whose service needs are not being met through other funding sources. The Act seeks to establish prevention and early intervention programs as well as to develop innovative programs. Through imposition of a 1% tax on personal income in excess of \$1 million, the Act provides the opportunity for the Department of Mental Health (DMH) to provide increased funding, personnel and other re-

sources to support county mental health programs and monitor progress toward statewide goals for children/youth, adults, older adults and families.

On December 30, 2005, the Department of Mental Health (DMH) submitted to the Office of Administrative Law (OAL), and the same day OAL filed with the Secretary of State (SOS), an emergency regulatory action which implemented Proposition 63, the Mental Health Services Act. Section 5898 of the Welfare and Institutions Code provides that such regulations, if adopted in 2005, are deemed an emergency, exempt from the review of OAL, and shall remain in effect as emergency regulations for no more than one year. On January 13, 2006, DMH submitted an amendment to these emergency regulations, by way of a new subsection (b) to section 3400, which was approved by OAL and filed with the SOS on January 23, 2006 and subsequently readopted twice. The public hearing on these regulations was conducted on June 5, 2006. On December 29, 2006, DMH replaced those emergency regulations expiring on December 30, 2006 with more extensive emergency regulations that were developed during the rulemaking proceeding. The changes were so extensive that DMH went back out to another 45 day notice and the subsequent public hearing was held on April 16, 2007.

These emergency regulations were readopted on May 1, 2007 and on August 23, 2007. This filing is a certificate of compliance for these emergency regulations.

Title 9  
 California Code of Regulations  
 ADOPT: 3100, 3200.010, 3200.020, 3200.030,  
 3200.040, 3200.050, 3200.060, 3200.070,  
 3200.080, 3200.090, 3200.100, 3200.110,  
 3200.120, 3200.130, 3200.140, 3200.150,  
 3200.160, 3200.170, 3200.180, 3200.190,  
 3200.210, 3200.220, 3200.225, 3200.230,  
 3200.240, 3200.250, 3200.260, 3200.270,  
 3200.280, 3200.300, 3200.310, 3300, 3310, 3315,  
 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510,  
 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40,  
 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630,  
 3640, 3650 REPEAL: 3100, 3200.000, 3200.010,  
 3200.020, 3200.030, 3200.040, 3200.050,  
 3200.060, 3200.070, 3200.080, 3200.090,  
 3200.100, 3200.110, 3200.120, 3200.130,  
 3200.140, 3200.150, 3200.160, 3310, 3400, 3405,  
 3410, 3415  
 Filed 02/13/2008  
 Effective 02/13/2008  
 Agency Contact: Susan R. Ichiho (916) 654-1393

File# 2007-1227-10  
 DEPARTMENT OF PUBLIC HEALTH  
 Revision of Waterworks Standards

This action is a complete reworking and updating of the California Waterworks Standards contained in T22 CCR, Chapter 16.

Title 22

California Code of Regulations

ADOPT: 64551.10, 64551.20, 64551.30, 64551.35, 64551.40, 64551.60, 64551.70, 64551.100, 64552, 64554, 64556, 64558, 64560, 64560.5, 64561, 64570, 64572, 64573, 64575, 64576, 64577, 64578, 64580, 64582, 64583, 64585, 64591, 64600, 64602, 64604 AMEND: 64590, 64593, 64654, 64658 REPEAL: 64417, 64555, 64560, 64562, 64563, 64564, 64566, 64568, 64570, 64600, 64602, 64604, 64612, 64622, 64624, 64626, 64628, 64630, 64632, 64634, 64636, 64638, 64640, 64642, 64644

Filed 02/08/2008

Effective 03/09/2008

Agency Contact: Jasmin Delacruz (916) 440-7688

File# 2007-1221-01

DEPARTMENT OF PUBLIC HEALTH

Reporting HIV Infection by Name

This is the timely certification of compliance for an emergency action that updated the Department's regulations that specify the HIV test information that must be reported by a health care provider to the local health officer, the reporting forms, and the manner of transmitting a report to conform to the new requirement to include reporting of the patient's name in accordance with Health and Safety Code section 121022. Also included is a regulation that adds the requirement that people with access to such records must annually sign a specified "Confidentiality Agreement."

Title 17

California Code of Regulations

ADOPT: 2641.56, 2641.57 AMEND: 2641.5, 2641.30, 2641.35, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77

Filed 02/06/2008

Effective 02/06/2008

Agency Contact:

Barbara S. Gallaway (916) 657-3197

File# 2007-1227-07

EMPLOYMENT DEVELOPMENT DEPARTMENT

Paid Family Leave Acceptable Documentation

The Employment Development Department seeks to amend California Code of Regulations, title 22, section 2708(c)-1 to clarify the documentation required for determining eligibility for the Family Temporary Disability Insurance (FTDI) program, known as the Paid Family Leave (PFL) program, within the existing State Disability Insurance (SDI) program, administered by the

Employment Development Department in accordance with the provisions of Part 2 (commencing with section 2601) of the California Unemployment Insurance Code.

Title 22

California Code of Regulations

AMEND: 2708(c)-1

Filed 02/06/2008

Effective 03/07/2008

Agency Contact: Laura Colozzi (916) 654-7712

File# 2008-0102-02

FISH AND GAME COMMISSION

Automated License Data System — License Buyer Surcharge

This rulemaking action adds a three percent surcharge to the cost of a fishing or hunting license, tag, permit, reservation, etc., that is purchased through the Automated License Data System (ALDS). The ALDS system is currently in the system-design and piloting stages and will allow for, among other advantages, point-of-sale printing of licenses at all licensing agent locations and at the Department of Fish and Game and will allow for licensing via telephone and the internet. The surcharge is necessary to finance the ALDS without impacting the Fish and Game Preservation Fund and the activities funded under it.

Title 14

California Code of Regulations

ADOPT: 704

Filed 02/13/2008

Effective 03/14/2008

Agency Contact: Jon Snellstrom (916) 653-4899

File# 2007-1227-02

STATE WATER RESOURCES CONTROL BOARD

TMDL for Trash in Lake Elizabeth, Munz Lake, and Lake Hughes

On June 7, 2007, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted R4-2007-009 amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan). This Basin Plan amendment establishes a Total Maximum Daily Load for trash in Lake Elizabeth, Munz Lake, and Lake Hughes, and establishes the numeric target of zero for calculation of waste load allocations for point source discharges and load allocations for nonpoint source discharges for these three lakes. Waste-load allocations will be implemented through storm water permits via the authority vested in the Executive Officer by section 13267 of the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.). Load allocations will be implemented through either (1)



a conditional waiver from waste discharge requirements, or (2) an alternative program implemented through waste discharge requirements or an individual waiver or another appropriate order of the Los Angeles Water Board. On December 4, 2007, the State Water Resources Control Board approved this amendment under Resolution No. 2007-0073.

Title 23  
California Code of Regulations  
ADOPT: 3939.28  
Filed 02/08/2008  
Agency Contact: Nick Martorano (916) 341-5980

File# 2007-1227-01  
STATE WATER RESOURCES CONTROL BOARD  
Basin Plan Amendment: TMDL for Trash in the Ventura River Estuary

This action sets a total maximum daily load for trash in Ventura River Estuary in Los Angeles County. On June 7, 2007, the Los Angeles Regional Water Quality Control Board (Los Angeles Board) adopted Resolution No. R4-2007-006, amending the Basin Plan to protect the waters of Ventura River Estuary from trash. This Total Maximum Daily Limit (TMDL) establishes the numeric target of zero for calculation of waste load allocations for point source discharges and load allocations for nonpoint source discharges in the Ventura River Estuary. Under this plan amendment, responsible jurisdictions can propose a plan for periodic trash collection and wasteload allocations will be implemented through storm water permits. Load allocations will be implemented through either (1) a conditional waiver from waste discharge requirements, or (2) an alternative program implemented through waste discharge requirements or an individual waiver or another appropriate order of the Los Angeles Water Board. On December 4, 2007, the State Water Resources Control Board approved this amendment under Resolution No. 2007-0072.

Title 23  
California Code of Regulations  
ADOPT: 3939.27  
Filed 02/11/2008  
Effective 02/11/2008  
Agency Contact: Nick Martorano (916) 341-5980

File# 2007-1227-04  
STATE WATER RESOURCES CONTROL BOARD  
TMDL for Trash in Machado Lake

This action sets a total maximum daily load for trash in Machado Lake in Los Angeles County.

Title 23  
California Code of Regulations  
ADOPT: 3939.30  
Filed 02/08/2008  
Agency Contact: Nick Martorano (916) 341-5980

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN SEPTEMBER 12, 2007 TO  
FEBRUARY 13, 2008**

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

**Title 1**

01/29/08 AMEND: 1, 6, 90, and Appendix A (Std. Form 400)

**Title 2**

01/07/08 AMEND: 1859.2, 1859.43, 1859.50, 1859.51, 1859.81, 1859.106  
01/07/08 AMEND: 18531.61  
01/03/08 ADOPT: 547.69, 547.70, 547.71  
AMEND: 547.69 renumbered as 547.72, 547.70 renumbered as 547.74, 547.71 renumbered as 547.73  
12/26/07 AMEND: div. 8, ch. 54, sec. 54300  
12/19/07 ADOPT: 18413  
12/18/07 ADOPT: 1859.324.1, 1859.330  
AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329  
12/17/07 AMEND: 58700  
12/17/07 AMEND: 18351  
12/13/07 ADOPT: 18531.2  
12/13/07 AMEND: 18530.4  
12/13/07 AMEND: 18421.2  
12/06/07 AMEND: 649, 649.1 (Renumbered to 649.15), 649.1.1 (Renumbered to 649.16), 649.2 (Renumbered to 649.12), 649.3 (Renumbered to 649.24), 649.7 (Renumbered to 649.35), 649.8 (Renumbered to 649.36), 649.9 (Renumbered to 649.7), 649.10 (Renumbered to 649.22), 649.11 (Renumbered to 649.8), 649.12 (Renumbered to 649.9), 649.13

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(Renumbered to 649.23),	649.14	10/03/07	ADOPT: 1859.167.2, 1859.167.3
(Renumbered to 649.27),	649.15		AMEND: 1859.2, 1859.163.3, 1859.167
(Renumbered to 649.11),	649.16		REPEAL: 1859.167.1
(Renumbered to 649.30),	649.17	10/01/07	ADOPT: 1859.71.6, 1859.77.4 AMEND: 1859.2
(Renumbered to 649.31),	649.18	09/24/07	ADOPT: 18420.5
(Renumbered to 649.26),	649.20, 649.21,	09/24/07	ADOPT: 18361 AMEND: 18360,
649.22 (Renumbered to 649.10),	649.71		18361.7
(Renumbered to 649.25),	649.72	09/20/07	ADOPT: 18466
(Renumbered to 649.4),	650.1	09/20/07	REPEAL: 18530.9
(Renumbered to 649.6),	651.1	<b>Title 3</b>	
(Renumbered to 649.1),	651.2	02/11/08	AMEND: 3434(b)
(Renumbered to 649.14),	651.3	02/08/08	AMEND: 3591.20
(Renumbered to 649.13),	651.4	02/04/08	AMEND: 3434(b)
(Renumbered to 649.34),	651.5	01/29/08	AMEND: 3700(c)
(Renumbered to 649.5),	652.1	01/28/08	AMEND: 3433(b)
(Renumbered to 649.39),	652.2	01/28/08	AMEND: 4500
(Renumbered to 649.40),	653.1	01/25/08	ADOPT: 6445, 6445.5, 6448, 6448.1,
(Renumbered to 649.42),	653.2		6449, 6449.1, 6450, 6450.1, 6450.2,
(Renumbered to 649.2),	653.3		6451, 6451.1, 6452, 6452.1, 6452.2,
(Renumbered to 649.41),	653.4		6452.3(a), 6452.3(b), 6452.3(c),
(Renumbered to 649.37),	653.5		6452.3(d), 6452.3(e), 6452.3(f), 6452.4,
(Renumbered to 649.38),	653.6		6536(a), 6536(b)(1-3), 6536(b)(4)
(Renumbered to 649.61),	654.1		AMEND: 6000, 6400, 6450, 6450.1,
(Renumbered to 649.3),	654.2		6450.2, 6450.3, 6452, 6453, 6502, 6624,
(Renumbered to 649.43),	654.3	01/24/08	6626, 6784
(Renumbered to 649.46),	654.4	01/24/08	AMEND: 1391, 1391.1
(Renumbered to 649.44),	654.5	01/22/08	AMEND: 3591.6
(Renumbered to 649.45),	654.6	01/22/08	AMEND: 3591.6
(Renumbered to 649.47),	655.1	01/22/08	AMEND: 3591.2(a)
(Renumbered to 649.51),	656.1	01/22/08	AMEND: 3591.5(a)
(Renumbered to 649.52),	656.2	01/18/08	AMEND: 3423(b)
(Renumbered to 649.54),	656.3	01/18/08	ADOPT: 3152
(Renumbered to 649.55),	656.4	01/11/08	AMEND: 3406(b)
(Renumbered to 649.53),	656.5	01/10/08	AMEND: 3433(b)
(Renumbered to 649.56),	656.6	01/07/08	AMEND: 1180.3.1
(Renumbered to 649.50),	656.7	12/26/07	AMEND: 3433(b)
(Renumbered to 649.58),	656.8	12/26/07	AMEND: 3963
(Renumbered to 649.57),	657.1	12/21/07	AMEND: 3434(b)
(Renumbered to 649.59),	657.2	12/20/07	ADOPT: 606
(Renumbered to 649.60),	657.3	12/19/07	AMEND: 3700(c)
(Renumbered to 649.62)		12/19/07	AMEND: 3433(b)
10/31/07	ADOPT: 18200	12/10/07	AMEND: 3406(b)
10/30/07	AMEND: 1138.10, 1138.30, 1138.72,	12/06/07	AMEND: 3589
	1138.90	12/03/07	AMEND: 3434(b)
10/17/07	ADOPT: 2970	11/29/07	AMEND: 3434(b)
10/15/07	ADOPT: 2291, 2292, 2293, 2294, 2295,	11/29/07	AMEND: 3591.2
	2296	11/27/07	AMEND: 3406(b)
10/09/07	AMEND: 1896.98, 1896.99.100,	11/27/07	AMEND: 3433(b)
	1896.99.120	11/21/07	AMEND: 3433(b)
		11/16/07	AMEND: 3417(b)
		11/15/07	AMEND: 3434

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11/14/07 AMEND: 3589  
 11/14/07 AMEND: 3591.20  
 11/09/07 AMEND: 3434(b)  
 11/06/07 AMEND: 3406(b)  
 11/01/07 AMEND: 1380.19, 1437.12  
 10/29/07 AMEND: 3433(b)  
 10/29/07 AMEND: 3406(b)  
 10/25/07 AMEND: 3591.20(a & b)  
 10/15/07 AMEND: 3406(b)  
 10/03/07 AMEND: 3433(b)  
 09/28/07 AMEND: 3434(b)  
 09/25/07 AMEND: 3591.2(a)  
 09/24/07 ADOPT: 3591.20  
 09/19/07 AMEND: 3700(c)  
 09/17/07 AMEND: 3406(b)  
 09/12/07 AMEND: 3700(c)

**Title 4**

01/22/08 AMEND: 8070, 8072, 8073  
 01/10/08 AMEND: 1632  
 12/26/07 AMEND: 12002, 12122, 12202,  
 12203.2, 12222  
 11/21/07 ADOPT: 12347  
 11/09/07 AMEND: 1371  
 10/25/07 ADOPT: 1747, 1748  
 10/24/07 AMEND: 1486  
 09/20/07 AMEND: 1844

**Title 5**

12/20/07 ADOPT: 1202 AMEND: 1200, 1204,  
 1204.5, 1205, 1207, 1207.1, 1207.2,  
 1207.5, 1209, 1210, 1211, 1211.5, 1215,  
 1215.5, 1216, 1217, 1218, 1219, 1225  
 11/19/07 ADOPT: 11981.3, 11984.5, 11984.6,  
 11985, 11985.5, 11985.6 AMEND:  
 11981 (renumber to 11980), 11982  
 (renumber to 11981), 11985 (renumber  
 11981.5), 11980 (renumber to 11982),  
 11986 (renumber to 11982.5), 11983,  
 11983.5, 11984  
 11/05/07 ADOPT: 18134  
 10/29/07 ADOPT: 24010, 24011, 24012, 24013  
 10/24/07 ADOPT: 11996, 11996.1, 11996.2,  
 11996.3, 11996.4, 11996.5, 11996.6,  
 11996.7, 11996.8, 11996.9, 11996.10,  
 11996.11  
 10/02/07 AMEND: 80001  
 10/01/07 AMEND: 43726  
 09/24/07 ADOPT: 17604.1, 17605.1, 17624,  
 17630.1, 17638, 17639, 17643, 17644,  
 17650 AMEND: 17600, 17601, 17602,  
 17603, 17604, 17605, 17606, 17607,  
 17608, 17609, 17625, 17626, 17627,  
 17628, 17629, 17630.2, 17631, 17632,

17640, 17641, 17642, 17646, 17648  
 REPEAL: 17633, 17634, 17645, 17647,  
 17649

**Title 8**

12/31/07 AMEND: 3650  
 12/28/07 AMEND: 1604.24  
 12/11/07 ADOPT: 9767.16, 9813.1, 9813.2  
 AMEND: 9767.1, 9810, 9811, 9812,  
 9813  
 12/10/07 ADOPT: 13800  
 12/04/07 AMEND: 3214, Figure E-1 of 3231,  
 Plate B-17  
 11/29/07 ADOPT: 33485 AMEND: 32135, 32166,  
 32500, 32630, 32700, 32781, 32784,  
 32786, 33480, 61020, 61450, 61470,  
 61480, 81020, 81450, 81470, 81480,  
 91020, 91450, 91470, 91480  
 11/26/07 ADOPT: 392.4 AMEND: 347, 350.1,  
 355, 359, 359.1, 371.2, 374, 385, 392.5  
 11/05/07 AMEND: 4324  
 10/31/07 AMEND: 1704  
 10/30/07 AMEND: 1532.2, 5203, 5206, 8359  
 10/23/07 ADOPT: 3324  
 10/10/07 ADOPT: 5349, 5350, 5351, 5352, 5353,  
 5354, 5355.1 AMEND: 5355, 5356,  
 5357, 5358  
 10/10/07 AMEND: 4884  
 10/09/07 AMEND: 2320.2  
 10/03/07 ADOPT: 3458.1

**Title 9**

02/13/08 ADOPT: 3100, 3200.010, 3200.020,  
 3200.030, 3200.040, 3200.050,  
 3200.060, 3200.070, 3200.080,  
 3200.090, 3200.100, 3200.110,  
 3200.120, 3200.130, 3200.140,  
 3200.150, 3200.160, 3200.170,  
 3200.180, 3200.190, 3200.210,  
 3200.220, 3200.225, 3200.230,  
 3200.240, 3200.250, 3200.260,  
 3200.270, 3200.280, 3200.300,  
 3200.310, 3300, 3310, 3315, 3320, 3350,  
 3360, 3400, 3410, 3500, 3505, 3510,  
 3520, 3530, 3530.10, 3530.20, 3530.30,  
 3530.40, 3540, 3610, 3615, 3620,  
 3620.05, 3620.10, 3630, 3640, 3650  
 REPEAL: 3100, 3200.000, 3200.010,  
 3200.020, 3200.030, 3200.040,  
 3200.050, 3200.060, 3200.070,  
 3200.080, 3200.090, 3200.100,  
 3200.110, 3200.120, 3200.130,  
 3200.140, 3200.150, 3200.160, 3310,  
 3400, 3405, 3410, 3415

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12/10/07	AMEND: 13035		2172.3, 2172.4, 2172.5, 2172.6, 2172.7,
12/06/07	AMEND: 9100		2172.8, 2172.9, 2173, 2174 AMEND:
<b>Title 10</b>			1956.8, 1958, 1961, 1976, 1978, 2111,
02/11/08	AMEND: 5101		2122, 2136, 2141, Incorporated Test
01/14/08	ADOPT: 2844 AMEND: 2840, 2842		Procedures
01/08/08	ADOPT: 2240.5 AMEND: 2240, 2240.1,	11/09/07	AMEND: 1968.2, 1968.5, 2035, 2037,
	2240.2, 2240.3, 2240.4		2038
12/27/07	ADOPT: 1436, 1950.314.8	11/08/07	AMEND: 423.00
12/19/07	AMEND: 2698.82(b), 2698.84, 2698.87,	10/23/07	AMEND: 156.00
	2698.89.1	10/22/07	AMEND: 1090
11/30/07	AMEND: 2699.6611	10/17/07	AMEND: 811, 813
11/30/07	ADOPT: 2699.6603, 2699.6604	10/16/07	AMEND: 425.01
	AMEND: 2699.6603 (renumbered to	10/15/07	AMEND: 2023.1, 2023.3, 2023.4
	2699.6602), 2699.6605, 2699.6607,	10/12/07	AMEND: 1201, 1212, 1212.5, 1213,
	2699.6608, 2699.6611, 2699.6625		1234
11/15/07	AMEND: 2498.6	09/18/07	AMEND: 125.02, 125.04, 125.08,
11/07/07	AMEND: 1409, 1422, 1423		125.12, 125.16, 125.20
11/02/07	AMEND: 2498.6	<b>Title 13, 17</b>	
10/31/07	AMEND: 2318.6, 2353.1	09/12/07	ADOPT: 93116.3.1 of title 17 AMEND:
10/10/07	AMEND: 2498.6		2451, 2452, 2453, 2455, 2456, 2458,
10/10/07	AMEND: 2218.63(b)		2459, 2460, 2461, and 2462 of title 13,
10/09/07	AMEND: 5.2001		93116.1, 93116.2, and 93116.3 of title 17
09/19/07	ADOPT: 2538.1, 2538.2, 2538.3, 2538.4,	<b>Title 14</b>	
	2538.5, 2538.6, 2538.7, 2538.8	02/13/08	ADOPT: 704
09/17/07	AMEND: 2498.6	02/11/08	ADOPT: 787.0, 787.1, 787.2, 787.3,
<b>Title 11</b>			787.4, 787.5, 787.6, 787.7, 787.8, 787.9
01/16/08	REPEAL: 1305	01/29/08	ADOPT: 25202, 25203, 25204, 25205,
12/19/07	ADOPT: 2021		25206, 25207, 25208, 25209, 25210,
12/11/07	AMEND: 300		25211
12/10/07	AMEND: 1005, 1007, 1008	01/28/08	ADOPT: 17987, 17987.1, 17987.2,
10/15/07	AMEND: 1053, 1054, 1055, 1058, 1070		17987.3, 17987.4, 17987.5
09/28/07	AMEND: 51.19	01/17/08	AMEND: 890
<b>Title 13</b>		01/10/08	AMEND: 1670
02/08/08	AMEND: 621, 691, 693, 699	01/08/08	AMEND: 251.3
02/01/08	ADOPT: 1300, 1400, 1401, 1402, 1403,	01/04/08	ADOPT: 11970 AMEND: 11900
	1404, 1405 REPEAL: 1300, 1301, 1302,	12/28/07	AMEND: 1280
	1303, 1304, 1304.1, 1305, 1310, 1311,	12/27/07	AMEND: 2.25, 2.30, 5.75, 5.86, 5.93,
	1312, 1313, 1314, 1315, 1320, 1321,		5.95, 6.37, 7.50, 8.00, 670.5
	1322, 1323, 1324, 1325, 1330, 1331,	12/26/07	ADOPT: 2990, 2995, 2997 AMEND:
	1332, 1333, 1334, 1335, 1336, 1337,		2125, 2518
	1338, 1339, 1339.1, 1339.2, 1339.3,	12/26/07	AMEND: 2.00
	1339.4, 1339.5, 1339.6, 1340, 1341,	12/17/07	AMEND: 17210.2, 17210.4, 17855.2,
	1342, 1343, 1344, 1350, 1351, 1352,		17862, 17867
	1353, 1354, 1355, 1356, 1360, 1361,	12/17/07	AMEND: 632
	1362, 1363, 1364, 1365, 1366, 1370,	12/14/07	ADOPT: 700.4, 700.5 AMEND: 1.74,
	1371, 1372, 1373, 1374, 1375, 1400,		29.15, 116, 300, 551, 705
	1401, 1402, 1403, 1404, 1405, 1406,	11/29/07	ADOPT: 916.9.1, 936.9.1, 916.9.2,
	1410, 1411, 1412, 1413, 1414, 1415,		936.9.2, 916.11.1, 936.11.1, 923.9.1,
	1416, 1417, 1418, 1420, 1421, 1422,		943.9.1, 923.9.2, 943.9.2 AMEND:
	1423, 1424, 1425 and Article 15 text.		859.1, 916.9, 936.9, 956.9, 923.9, 943.9,
12/10/07	AMEND: 553.70		963.9
12/05/07	ADOPT: 2166, 2166.1, 2167, 2168,	11/29/07	AMEND: 895.1, 1052.1, 1052.4
	2169, 2170, 2171, 2172, 2172.1, 2172.2,		

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11/29/07	ADOPT: 1093, 1093.1, 1093.2, 1093.3, 1093.4, 1093.6 AMEND: 895, 895.1, 1037	01/11/08	ADOPT: 3340.43 AMEND: 3340.42
11/28/07	AMEND: 163, 164	12/27/07	AMEND: 1833.1, 1870
11/13/07	AMEND: 1038(i)	12/27/07	ADOPT: 1887.13, 1887.14 AMEND: 1816.7, 1887.7
11/07/07	AMEND: 550, 551, 552	12/18/07	AMEND: 1707, 1709.1, 1715, 1717, 1746, 1780.1, 1781, 1787, 1790, 1793.8, Form 17M-13, Form 17M-14 REPEAL: 1786
11/05/07	AMEND: 825.05	12/13/07	ADOPT: 1044.4 AMEND: 1044, 1044.1, 1044.3, 1044.5
10/25/07	AMEND: 502	11/30/07	AMEND: 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1856, 1858 REPEAL: 1833.3, 1855, 1857
10/24/07	AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9	11/26/07	ADOPT: 4400, 4402, 4404, 4406, 4420, 4422, 4424, 4426, 4428, 4443, 4500, 4520, 4522, 4540, 4542
10/16/07	ADOPT: 1.46, 28.38, 28.41, 28.42 AMEND: 1.17, 1.59, 27.60, 27.90, 28.59, 159, 195	11/26/07	ADOPT: 4580
10/12/07	AMEND: 815.05	11/21/07	AMEND: 998
10/09/07	AMEND: 29.85	11/19/07	AMEND: 1749
09/19/07	AMEND: 502, 509	11/07/07	AMEND: 1523
<b>Title 14, 27</b>		11/02/07	ADOPT: 4440, 4442, 4444, 4446, 4448, 4450, 4452, 4470, 4472, 4474, 4476, 4478, 4480, 4482, 4484
10/17/07	Title 14: 18050, 18051, 18060, 18070, 18072, 18075, 18077, 18078, 18081, 18104.4, 18105.4, 18105.6, 18209, 18304, 18304.2, 18306, 18307, 18831 Title 27: 21563, 21615, 21620, 21650, 21680	10/31/07	AMEND: 1707.2
<b>Title 15</b>		10/05/07	AMEND: 306, 306.1, 310, 390, 390.2, 390.3, 390.4, 390.5
02/04/08	ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792	10/04/07	AMEND: 1399.678
01/23/08	AMEND: 3190, 3191	10/01/07	AMEND: 3394.6
01/17/08	AMEND: 2275	09/20/07	AMEND: 2649
01/08/08	AMEND: 3282	09/17/07	ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6
12/28/07	ADOPT: 3269.1 AMEND: 3005, 3315, 3341.5	<b>Title 17</b>	
12/18/07	AMEND: 3052, 3054.1	02/06/08	ADOPT: 2641.56, 2641.57 AMEND: 2641.5, 2641.30, 2641.35, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77
12/11/07	AMEND: 176	02/06/08	ADOPT: 2641.56, 2641.57 AMEND: 2641.5, 2641.30, 2641.35, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77
11/29/07	AMEND: 2600.1	01/11/08	AMEND: 60201
11/29/07	AMEND: 2616	12/27/07	ADOPT: 93109.1, 93109.2 AMEND: 93109
10/22/07	REPEAL: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11	11/16/07	AMEND: 57310, 57332
10/18/07	ADOPT: 3486 AMEND: 3482, 3484, 3485	11/08/07	AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94514, 94515, 94523
10/16/07	AMEND: 3000, 3045.2, 3170.1, 3176, 3177, 3815	10/29/07	AMEND: 93119
10/09/07	ADOPT: 2536.1	09/24/07	ADOPT: 93102.1, 93102.2, 93102.3, 93102.4, 93102.5, 93102.6, 93102.7, 93102.8, 93102.9, 93102.10, 93102.11, 93102.12, 93102.13, 93102.14, 93102.15, and 93102.16 AMEND: 93102
10/01/07	ADOPT: 3075.4 AMEND: 3000		
<b>Title 16</b>			
02/04/08	AMEND: 2751		
02/01/08	ADOPT: 1028.2, 1028.3, 1028.4, 1028.5 AMEND: 1021		

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09/18/07 ADOPT: 93115.1, 93115.2, 93115.3, 93115.4, 93115.5, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.11, 93115.12, 93115.13, 93115.14, 93115.15  
AMEND: 93115

**Title 18**

01/24/08 AMEND: 1699  
01/23/08 AMEND: 101, 171  
01/23/08 AMEND: 101, 171  
01/07/08 ADOPT: (new Division 2.1) 5000, 5200, 5201, 5202, 5210, 5210.5, 5211, 5212, 5212.5, 5213, 5214, 5215, 5215.4, 5215.6, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5232.4, 5232.6, 5232.8, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5239, 5240, 5241, 5242, 5243, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5250, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5270, 5271, 5310, 5311, 5312, 5321, 5322, 5322.5, 5323, 5323.2, 5323.4, 5323.6, 5323.8, 5324, 5324.2, 5324.4, 5324.6, 5324.8, 5325, 5325.4, 5325.6, 5326, 5326.2, 5326.4, 5326.6, 5327, 5327.4, 5327.6, 5328, 5328.5, 5331, 5332, 5332.4, 5332.6, 5333, 5333.4, 5333.6, 5334, 5334.4, 5334.6, 5335, 5335.4, 5334.6, 5336, 5336.5, 5337, 5337.4, 5337.6, 5338, 5338.4, 5338.6, 5340, 5341, 5342, 5343, 5344, 5345, 5410, 5411, 5412, 5420, 5421, 5422, 5423, 5424, 5430, 5431, 5432, 5435, 5440, 5441, 5442, 5443, 5444, 5450, 5451, 5452, 5454, 5460, 5461, 5462, 5463, 5464, 5465, 5510, 5511, 5512, 5521, 5521.5, 5522, 5522.2, 5522.4, 5522.6, 5522.8, 5523, 5523.1, 5523.2, 5523.3, 5523.4, 5523.5, 5523.6, 5523.7, 5523.8, 5530, 5540, 5541, 5550, 5551, 5560, 5561, 5562, 5563, 5570, 5571, 5572, 5573, 5574, 5575, 5576 AMEND: Renumber Division 2.1 to 2.2, renumber Division 2.2 to 2.3, renumber Division 2.3 to 2.4, 5090 (amend and renumber to 5600), 5091 (amend and renumber to 5601), 5092 (amend and renumber to 5602), 5093 (amend and renumber to 5603), 5094 (amend and renumber to 5604), 5095 (amend and renumber to 5605), 5200 (amend and renumber to 5700)

REPEAL: 5010, 5011, 5012, 5020, 5021, 5022, 5023, 5024, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5040, 5041, 5042, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5070, 5071, 5072, 5073, 5074, 5074.5, 5075, 5075.1, 5076, 5076.1, 5077, 5078, 5079, 5080, 5081, 5081.2, 5082, 5082.1, 5082.2, 5083, 5085, 5086

01/04/08 AMEND: 1521  
01/02/08 AMEND: 1802  
11/21/07 AMEND: 4703  
11/08/07 ADOPT: 474

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02/05/08 REPEAL: 3.33  
02/04/08 AMEND: 208, 209  
12/18/07 AMEND: 2510, 2520, 2530, 2540, 2550  
10/31/07 AMEND: 2040  
10/01/07 AMEND: 2600

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11/29/07 AMEND: 1601, 1602, 1605.3, 1606  
10/16/07 ADOPT: 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913

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01/10/08 AMEND: 6662.5, 6663(b), 6753, 6754(b)(2)

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02/08/08 ADOPT: 64551.10, 64551.20, 64551.30, 64551.35, 64551.40, 64551.60, 64551.70, 64551.100, 64552, 64554, 64556, 64558, 64560, 64560.5, 64561, 64570, 64572, 64573, 64575, 64576, 64577, 64578, 64580, 64582, 64583, 64585, 64591, 64600, 64602, 64604 AMEND: 64590, 64593, 64654, 64658 REPEAL: 64417, 64555, 64560, 64562, 64563, 64564, 64566, 64568, 64570, 64600, 64602, 64604, 64612, 64622, 64624, 64626, 64628, 64630, 64632, 64634, 64636, 64638, 64640, 64642, 64644  
02/06/08 AMEND: 2708(c)-1  
02/06/08 AMEND: 2708(c)-1  
01/08/08 ADOPT: 7107, 7118 AMEND: 7314  
12/13/07 ADOPT: 64651.21, 64651.34, 64651.38, 64651.88, 64653.5, 64657, 64657.10, 64657.20, 64657.30, 64657.40, 64657.50 AMEND: 64650, 64651.10, 64651.50, 64651.53, 64651.60, 64652, 64652.5, 64653, 64654, 64655, 64658, 64660, 64661, 64662, 64663, 64664, 64666

12/06/07 ADOPT: 97930, 97930.1, 97930.2,  
97930.3, 97930.4, 97930.5, 97930.6,  
97930.7, 97930.8, 97930.9, 97930.10  
11/29/07 AMEND: 51531  
11/20/07 AMEND: 311-1  
11/08/07 ADOPT: 72038, 72077.1, 72329.1  
AMEND: 72077, 72329  
11/07/07 ADOPT: 66269.1  
11/06/07 AMEND: 51003(e) REPEAL: 51307,  
51506.2  
10/23/07 AMEND: 4400, 4409.1, 4415 REPEAL:  
4440.1  
10/18/07 AMEND: 67391.1  
10/16/07 AMEND: 10100 REPEAL: 10101  
10/03/07 AMEND: 67386.5, 67386.6, 67386.11  
09/18/07 ADOPT: 64432.3, 64432.8 AMEND:  
64413.1, 64431, 64432, 64447.2,  
64463.1, 64465, 64481 REPEAL: 64450

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12/31/07 ADOPT: 86500, 86501, 86501.5, 86505,  
86505.1, 86506, 86507, 86508, 86509,  
86510, 86511, 86512, 86517, 86518,  
86519, 86519.1, 86519.2, 86520, 86521,  
86522, 86523, 86524, 86526, 86527,  
86528, 86529, 86531, 86531.1, 86531.2,  
86534, 86535, 86536, 86540, 86542,  
86544, 86545, 86546, 86552, 86553,  
86554, 86555, 86555.1, 86558, 86559,  
86561, 86562, 86563, 86564, 86565,  
86565.2, 86565.5, 86566, 86568.1,  
86568.2, 86568.4, 86570, 86572,

86572.1, 86572.2, 86574, 86575, 86576,  
86577, 86578, 86578.1, 86579, 86580,  
86586, 86587, 86587.1, 86587.2, 86588  
AMEND: 11-400c, 11-402, 45-101(c),  
45-202.5, 45-203.4, 45-301.1

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02/11/08 ADOPT: 3939.27  
02/08/08 ADOPT: 3939.28  
02/08/08 ADOPT: 3939.30  
02/05/08 ADOPT: 3939.29  
01/24/08 ADOPT: 3939.31  
12/18/07 AMEND: 2621, 2632, 2634, 2635, 2636,  
2637, 2638, 2661, 2666, 2711, 2713  
12/07/07 ADOPT: 3919  
12/06/07 ADOPT: 3918  
11/30/07 ADOPT: 3959.1  
11/07/07 ADOPT: 3915

**Title 25**

12/10/07 ADOPT: 8207.1, 8212.3 AMEND: 8204,  
8207, 8208, 8209, 8210, 8211, 8212,  
8212.1, 8213, 8216, 8217

**Title 27**

12/18/07 AMEND: 15290 (reports 3, 4 & 6),  
15400.1, Division 3 — Subdivision 1 —  
Chapters 1, 2, 3, 4, 5, 6

**Title 28**

01/10/08 AMEND: 1300.67.60

**Title MPP**

11/28/07 AMEND: 47-110, 47-260, 47-301,  
47-430, 47-601, 47-602, 47-620,  
47-630 REPEAL: 47-610

