

**State of California
Office of Administrative Law**

In re:
Department of Fish and Wildlife

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 748.5

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF CERTIFICATE OF COMPLIANCE

Government Code Sections 11349.1 and 11349.6(d)

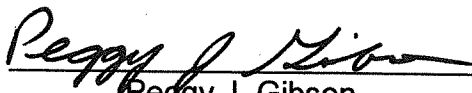
OAL Matter Number: 2016-0105-01

OAL Matter Type: Certificate of Compliance (C)

This timely Certificate of Compliance makes permanent the adoption of title 14, section 748.5 of the California Code of Regulations (OAL file #2015-0703-01E). Senate Bill 861, amended Fish and Game Code section 12025 (Chapter 35, Statutes of 2014, Effective June 20, 2014) to deter environmental damage associated with the cultivation of controlled substances. The primary crop is marijuana. The amendment to Fish and Game Code section 12025 provides for civil penalties and directed the Department to hold hearings. The legislature also adopted Fish and Game Code section 12025.1 in AB 92 (Chapter 2, Statutes of 2015, Effective March 27, 2015) to prohibit those cultivating controlled substances from constructing or maintaining in certain fish and game districts any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down a stream. This regulation established the hearing procedures for civil penalties and contains procedures the Department will use to assess the civil penalties allowed by the Fish and Game.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: February 18, 2016


Peggy J. Gibson
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Charlton Bonham
Copy: Craig Martz

CERT

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2015-1103-02	2016-0105-01C	

For use by Office of Administrative Law (OAL) only

RECEIVED FOR FILING PUBLICATION DATE	2016 JAN -5 A 10:20
NOV 03 '15	NOV 13 '15
Office of Administrative Law	OFFICE OF ADMINISTRATIVE LAW
NOTICE	REGULATIONS

ENDORSED - FILED

in the office of the Secretary of State of the State of California

FEB 18 2016

2:22 PM

AGENCY WITH RULEMAKING AUTHORITY	AGENCY FILE NUMBER (if any)
Department of Fish and Wildlife	

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Civil Penalties and Conducting Hearings	14	748.5	November 13, 2015
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
	Craig Martz	(916) 653-4674	
OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		2015 46-Z	11/13/2015

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
CIVIL PENALTIES AND CONDUCTING HEARINGS	2015-0703-01E
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	748.5
TITLE(S)	AMEND
14	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State
	<input type="checkbox"/> \$100 Changes Without Regulatory Effect
	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input type="checkbox"/> Other (Specify)	<input type="checkbox"/> State Fire Marshal

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
CRAIG MARTZ	(916) 653-4674		CRAIG.MARTZ@WILDLIFE.CA.GOV

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
<i>CM Bonham</i>	11/2/2015
TYPED NAME AND TITLE OF SIGNATORY	
Charlton H. Bonham, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 18 2016

Office of Administrative Law