REGULAR

(See instructions on reverse)

For use by Secretary of State only

ENDORSED - FILED
In the office of the Secretary of State

AUG 30 2016
1:47 PM

OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
DEPARTMENT OF FISH AND WILDLIFE

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

1. SUBJECT OF NOTICE

2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE

☐ Notice of Proposed Regulatory Action
☐ Other

☐ Approved as Submitted
☐ Approved as Modified
☐ Disapproved/Withdrawn

4. AGENCY CONTACT PERSON

TELEPHONE NUMBER
FAX NUMBER (Optional)

OAL USE ONLY

ACTION ON PROPOSED NOTICE

NOTICE REGISTER NUMBER
PUBLICATION DATE

2016 19 2
4 29 2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)

Fees for Lake and Streambed Alteration Agreements

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLED AND SECTIONS (Including title 26, if toxics related)

SECTION(S) AFFECTED
(List all section number(s) individually. Attach additional sheet if needed.)

ADOPT
AMEND
REPEAL

TITLE(S)

1
4
699.5

3. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code §11346)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)
☐ Emergency (Gov. Code, §11346.1(b))

☐ 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.
☐ Emergency Readopt (Gov. Code, §11346.1(h))
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ File & Print
☐ Print Only
☐ 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)

6/13 - 6/14
2016; June 30 - July 18, 2016

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.18d Cal. Code Regs., title 1, §100)

☒ Effective January 1, April 1, July 1, October 1 (Gov. Code §11343.4(a))
☐ Effective on filing with Secretary of State
☐ $100 Changes Without Regulatory Effect (Gov. Code §11343.4(a))
☐ Other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURMNCULIY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) (SAM §6660)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify)

7. CONTACT PERSON

Lance Salisbury

TELEPHONE NUMBER
(916) 653-3559

FAX NUMBER (Optional)

E-MAIL ADDRESS (Optional)
Lance.Salisbury@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

FOR USE BY OFFICE OF ADMINISTRATIVE LAW (OAL) ONLY

ENDORSED APPROVED
AUG 30 2016
Office of Administrative Law

TYPED NAME AND TITLE OF SIGNATORY
Charlton H. Bonham, Director
MEMORANDUM

TO: Lance Salisbury
FROM: OAL Front Desk
DATE: September 1, 2016
RE: Return of Rulemaking Materials
   OAL Matter Number 2016-0719-03
   OAL Matter Type Regular (S)

OAL hereby returns the rulemaking record your agency submitted for review regarding “Fees for Lake and Streambed Alteration Agreements.”

If this is an approved matter, it contains a copy of the regulation(s) stamped “ENDORSED APPROVED” by the Office of Administrative Law and “ENDORSED FILED” by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). 

Beginning January 1, 2013, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped “ENDORSED FILED” by the Secretary of State) as follows:

(1) January 1 if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
(2) April 1 if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
(3) July 1 if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
(4) October 1 if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation’s effective date. Additionally, the effective date of the regulation will be noted on OAL’s web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

Please note this new requirement: Unless an exemption applies, Government Code section 11343 now requires:

1. Section 11343(c)(1): Within 15 days of OAL filing a state agency’s regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.

2. Section 11343(c)(2): Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).
OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at postedregslink@oal.ca.gov.

NOTE ABOUT EXEMPTIONS. Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; or regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

DO NOT DISCARD OR DESTROY THIS FILE
Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that “…no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of.” See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq. regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures
State of California
Office of Administrative Law

In re:
Department of Fish and Wildlife

Regulatory Action:
Title 14, California Code of Regulations

Adopt sections:
Amend sections: 699.5
Repeal sections:

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2016-0719-03

OAL Matter Type: Regular (S)

The Department of Fish and Wildlife in this action is increasing all fees in the existing fee schedule for Lake and Streambed Alteration Agreements by 129%. This increase in fees for the Lake and Streambed Alteration Program is designed to generate revenues to maintain the existing program at its current level. This rulemaking will also establish an additional fee for marijuana cultivation sites that require remediation. This action will also allow for the payment of fees by credit card.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2016.

Date: August 30, 2016

Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Charlton Bonham
Copy: Lance Salisbury