

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
OFFICE OF SPILL PREVENTION AND RESPONSE**

Title 14, California Code of Regulations

Adopt Sections 790.1, 790.3, 790.5

Amend Sections 791.7, 796, 797, 816.01, 816.03, 817.02, 817.04, 819.02, 819.07, 820.01,
820.02, 826.01, 826.03, 830.7, 830.11, 852.61.11, 885.2, 885.3

Repeal Section 798

FINAL STATEMENT OF REASONS

I. Date of Initial Statement of Reasons: January 21, 2022

Date of Final Statement of Reasons: May 25, 2022

II. Update to the Initial Statement of Reasons:

The California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR) has adopted regulations to consolidate various general provisions applicable to the entire subdivision into one chapter. The regulations proposed for adoption relate to procedures for asserting confidentiality, procedures for requests for reconsideration, and the severability clause. Additionally, OSPR has adopted conforming amendments to several other sections and the repeal of one section, within Title 14, California Code of Regulations.

Public Comment Periods

The proposed adoptions, amendments, and repeal were noticed for a 45-day public comment period starting February 5, 2022 and ending March 21, 2022 (California Regulatory Notice Register No. Z2022-0121-01). No public hearings were held nor requested. No public comments were received from the 45-day comment period.

OSPR submitted the Final Statement of Reasons to the Office of Administrative Law (OAL) on March 23, 2022. Upon receipt of comments from OAL after their initial review, it was determined that modifications were deemed necessary, thus an additional 15-day public comment period was noticed to the public for the period starting May 10, 2022 and ending May 24, 2022. No public comments were received from the 15-day comment period.

15-Day Continuation of Public Comment Period: Changes to Text of Proposed Regulation

Modifications were made to the express terms of the regulations at section 790.3. Subsection (d) did not provide criteria when the Administrator may or may not notify a person who submitted a document designated as exempt from public disclosure when a request is made for the Administrator to publicly disclose that information. This presented a clarity issue. OSPR chose to eliminate that provision [subsection (d)] entirely.

OSPR also made the following changes to the proposed regulations:

- Subsection 791.7(h)(1)(G)1. and 2. of section 791.7 have corrections to citations consistent with existing regulations.
- Subsection 817.02(e)(1)(B) has a correction to content within a table consistent with existing regulations.

III. Reasonable Alternatives to the Proposed Regulation and Reasons for Rejecting Those Alternatives:

No alternative was presented to OSPR, and no alternative considered by OSPR would be more effective in carrying out the purpose for which this regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to affected private persons, or equally effective in implementing the statutory policy or law. The proposed regulations merely consolidates existing provisions into one chapter that are applicable to the entire subdivision with the intent of eliminating redundancy, minor inconsistencies, and the volume of regulations overall.

IV. Local Mandate Determination:

The proposed regulations do not impose any mandate on local agencies or school districts.

V. Small Business Impact:

OSPR has determined that the proposed regulations have no substantial effect to small business. No alternatives were proposed that would lessen any adverse economic impact on small businesses.