

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NOTICE OF PROPOSED RULEMAKING ACTION**

**ADD SECTION 723
TO TITLE 14 OF THE CALIFORNIA CODE REGULATIONS -
SUSPENSION OR REVOCATION OF
LAKE AND STREAMBED ALTERATION AGREEMENTS**

NOTICE OF CHANGES TO PROPOSED REGULATION

NOVEMBER 19, 2024

NOTICE IS HEREBY GIVEN that pursuant to the requirements of Government Code section 11346.8(c) and California Code of Regulations (CCR), title 1, section 44, the California Department of Fish and Wildlife (CDFW) hereby provides notice of changes to the above-referenced regulation.

The full text of the resulting amendment with the change clearly indicated, shall be made available to the public for at least 15 days before the agency amends, or repeals the resulting regulation. Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9.

On May 3, 2024, a notice of proposed action (NOPA) to adopt the above-referenced regulation was mailed and noticed in compliance with Government Code section 11346.4. The NOPA explained that CDFW was proposing to add section 723 to title 14 of the California Code of Regulations to implement Fish and Game Code section 1612. Section 1612 authorizes CDFW to suspend or revoke a lake or streambed alteration agreement (agreement) when the permittee fails to comply with the terms of their agreement or fails to provide timely status reports, provided CDFW gives the permittee an opportunity to correct any deficiency before CDFW suspends or revokes the agreement.

The comment period on the proposed regulation ended on June 18, 2024. Several comments urged CDFW to give permittees an opportunity to appeal CDFW's determinations of noncompliance, suspension, and revocation, as set forth in the proposed regulation, arguing the regulation does not afford permittee's adequate due process. In response to these and other comments, CDFW has modified the regulation as originally proposed and is providing this notice in accordance with Government Code section 11346.8(c) and title 1, section 44 CCR.

The regulation with the proposed changes indicated in double underline (for added text) and single strikeout (for removed text) is attached to this notice.

Any interested person, or their authorized representative, may submit written comments by mail or email on the proposed revisions to:

California Department of Fish and Wildlife

Attn.: Mike Randall, Regulations Unit

PO Box 944209

Sacramento CA 94244-2090

Email: regulations@wildlife.ca.gov (please mention in the subject line, "723 LSA Revisions").

Comments must be received by December 5, 2024. When commenting, please indicate the proposed rulemaking action to which your comment refers. All written comments received by December 5, 2024, which pertain to the indicated changes will be considered by CDFW and will be summarized and responded to in the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the documents related to this rulemaking can be accessed via CDFW's website at <https://www.wildlife.ca.gov/Notices/Regulations/>