

**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: 228

Repeal sections:

NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE

Government Code Section 11349.1 and  
11349.6(d)

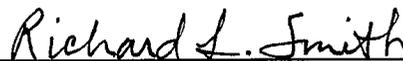
OAL File No. 2014-0620-01 C

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The Department of Fish and Wildlife submitted this timely certificate of compliance action to make permanent the amendments to title 14, California Code of Regulations, section 228 that were made in OAL file nos. 2013-0618-02E, 2013-1216-01EE, and 2014-0314-01EE. The amendments broadened the definition of "suction dredging" to include alternative forms of the activity in order to keep all such activity within the current statutory moratorium on the use of any vacuum or suction dredge equipment for instream mining in Fish and Game Code section 5653.1.

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

Date: 8/4/2014



Richard L. Smith  
Senior Attorney

For: DEBRA M. CORNEZ  
Director

Original: Charlton Bonham  
Copy: Helen Birss

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

**ENDORSED FILED  
IN THE OFFICE OF**

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-2014-0415-23</b>	REGULATORY ACTION NUMBER <b>2014-0620-01C</b>	EMERGENCY NUMBER
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2014 AUG -4 PM 1:43

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<p><b>RECEIVED FOR FILING PUBLICATION DATE</b></p> <p>APR 15 '14      APR 25 '14</p> <p>Office of Administrative Law</p> <p style="text-align: center;">NOTICE</p>	<p>2014 JUN 20 AM 9:33</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p> <p style="text-align: center;">REGULATIONS</p>
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*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY California Department of Fish and Wildlife	AGENCY FILE NUMBER (if any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Suction Dredging	TITLE(S) 14	FIRST SECTION AFFECTED 228	2. REQUESTED PUBLICATION DATE 4/25/2014
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Helen Birss	TELEPHONE NUMBER (916) 653-4681	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2014 172	PUBLICATION DATE 4/25/2014	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>DEFINITION OF SUCTION DREDGING</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-0618-02 E; 2013-1216-01 EE; 2014-0314-01 EE
SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT
	AMEND <b>SECTION 228, SUBDIVISION (a)</b>
TITLE(S) 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 §§11349.3, 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)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON

per agency request <b>Helen Birss</b>	TELEPHONE NUMBER <b>(916) 653-4681</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>helen.birss@wildlife.ca.gov</b>
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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 <i>Dan Yparraquire</i>	DATE 4/15/2014
TYPED NAME AND TITLE OF SIGNATORY Dan Yparraquire, Deputy Director	per agency request

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**ENDORSED APPROVED**

AUG 04 2014

Office of Administrative Law