

NOTICE OF PROPOSED RULEMAKING

The California Department of Parks and Recreation, Division of Boating and Waterways (“Division”) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing on this matter has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the California Department of Parks and Recreation (“the Department”) at least 15 days before the end of the written comment period. Such request should be addressed to the Department contact person identified in this Notice and should specify the California Boater Card regulations for which the hearing is being requested.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments, relevant to the proposed regulatory action before the public comment period closes. The deadline to submit comments is **March 17, 2025**. (45-day Notice).

Comments must satisfy the following requirements:

- Comment must be in writing, which includes email.
- Comment must identify the proposed regulatory action being addressed.
- Comments must be sent to the rulemaking agency’s contact person for the proposed regulatory action.

Submit comments to:

Charley Hesse, Regulations Analyst

California State Parks
Division of Boating and Waterways
P.O. Box 942896, Floor 12
Sacramento, CA 94296

Email: charley.hesse@parks.ca.gov

Phone: 916-204-0639

Back-up to Charley Hesse: Jedidiah Anderson, Supervisor

Email: jedidiah.anderson@parks.ca.gov

Phone: 916-708-7948

AUTHORITY AND REFERENCE

Harbors and Navigation Code, Division 3, Chapter 5, Article 1, Section 652 authorizes the Division to adopt these proposed regulations. The proposed regulation language clean-up aligns Cal. Code Regs. Tit. 14, § 6565.5, § 6565.6 and § 6565.7 with Federal Register 79 FR 56491, Published by the United States Coast Guard (USCG) in 2014.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On April 6, 2023, the United States Coast Guard Boating Safety Division (CG-BSX-2) completed a compliance review of the California State Parks, Division of Boating and Waterways (Division) Recreational Boating Safety (RBS) grant program. This compliance review is used to monitor if a state is in compliance with specific elements of applicable federal laws and regulations, including Title 46 U.S.C. Chapter 131 which specifies requirements for the State's RBS grant program. As a result of the April 6, 2023 review, it was identified that language terminology found in Title 14 CCR §6565.5 was out of compliance with 79 FR 56491, which addresses the federal life jacket type code, issued by USCG in 2014.

USCG issued 79 FR 56491 in 2014 to remove references to type codes in its regulations on the carriage and labeling of USCG-approved personal flotation devices (PFDs). As a result, DBW must update Title 14 CCR §§ 6565.5, 6565.6, and 6565.7 to align with federal regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION:

Removing references to type codes found in Title 14 CCR §§ 6565.5, 6565.6, and 6565.7 will align state regulations with the Code of Federal Regulations.

Per Federal Register 79 FR 56491 issued by USCG (2014), removing references to type codes found on PFD's will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information, and is a step toward harmonization of USCG regulations with PFD requirements in Canada and in other countries. Specifically, this final rule will enable the Standards Technical Panel (Panel), the panel charged with the new industry consensus standards, to complete development of a standard for wearable PFDs without including unnecessary references to type codes. By paving the way for the Panel to develop a new standard, this final rule supports the efforts of the U.S.-Canada Regulatory Cooperation Council, a bilateral effort coordinated by the Office of Management and Budget (OMB) to develop a "North American Standard for lifejackets." Additionally, by

updating Title 14 CCR §§ 6565.5, 6565.6, and 6565.7, California will be in alignment with federal requirements found in 79 FR 56491 issued by USCG in 2014.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS:

The Division has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Division has concluded that these are the only regulations that concern the improper use of PFD Type Codes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Division has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500-17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or businesses: The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide adverse economic impact directly affecting businesses and individuals: The Division has initially determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Division concludes that it is: (1) unlikely the proposed action will eliminate any jobs, (2) unlikely the proposed action may create an unknown number of jobs, (3) unlikely the proposal will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposal will expand existing businesses.

Benefits of the Proposed Action: The administrative and technical updates and alignment of PFD labelling with federal standards will ultimately benefit the health and welfare of California residents, as well as affect worker safety, for individuals who are required to wear PFDs in their sailing and boating activities. The proposed regulations are not expected to affect the state's environment.

SMALL BUSINESS DETERMINATION:

The Division has determined that the proposed regulations may affect small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5, subdivision (a)(13), the Division must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

There are no alternatives to aligning the proposed regulations with federal requirements.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Charley Hesse, Regulations Analyst
California State Parks
Division of Boating and Waterways
P.O. Box 942896, Floor 12
Sacramento, CA 94296

Email: charley.hesse@parks.ca.gov
Phone: 916-204-0639

Back-up to Charley Hesse: Jedidiah Anderson, Supervisor
Email: jedidiah.anderson@parks.ca.gov
Phone: 916-708-7948

Please direct requests for copies of the Proposed Text (the “express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Charley Hesse at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 715 P Street, 12th Floor, Sacramento, CA 95814. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Proposed Text of the Regulations, the Economic and Fiscal Impact Statement (STD 399) and the Initial Statement of Reasons. Copies may be obtained by contacting Charley Hesse at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Division may adopt the proposed regulations substantially as described in this Notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated)

available to the public for at least 15 days before the Division adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Charley Hesse at the address indicated above. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Charley Hesse at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.dbw.ca.gov.