

**State of California
Office of Administrative Law**

In re:
San Francisco Bay Conservation and
Development Commission

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 11900(b)

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

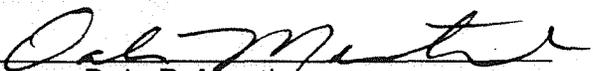
OAL Matter Number: 2020-0526-03

OAL Matter Type: Regular (S)

This Government Code section 11354.1(d) rulemaking action amends Maps 2 and 3 of the San Francisco Bay Plan to remove the "water-related industry" priority use area designation for 172 acres along the southern shoreline of Suisun Bay in between Pacheco Marsh and the mouth of Pacheco Creek. The amendment enables the Contra Costa County Flood Control and Water Conservation District, which has purchased the land, to proceed with the Lower Walnut Creek Restoration Project which will, among other things, restore tidal marsh, muted tidal wetlands, tidal channels, tidal marsh ponds, fringing marsh, and lowland terrestrial habitats on the site.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 6/16/2020.

Date: June 16, 2020


Dale P. Mentink
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Lawrence J. Goldzband,
Executive Director

Copy: Steve Goldbeck

REGULAR

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2020-0526-035	

For use by Office of Administrative Law (OAL) only

2020 MAY 26 P 1:04

OFFICE OF ADMINISTRATIVE LAW

FILED
in the office of the Secretary of State
of the State of California

JUN 16 2020
At 3:30 O'Clock P M.

By *[Signature]*
Deputy Secretary of State

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
San Francisco Bay Conservation and Development Commission

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) San Francisco Bay Plan, update of Bay Plan Maps 2 and 3	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (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) 14	Section 11900(a)(b)

DM
per agency request
6/15/2020

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input 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 checked="" type="checkbox"/> Other (Specify) <u>Gov't Code Section 11354.1</u>	

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)

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 Steve Goldbeck	TELEPHONE NUMBER (415)352-3611	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) steve.goldbeck@bcd.ca.gov
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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>[Signature]</i>	DATE 5/22/2020
TYPED NAME AND TITLE OF SIGNATORY Steve Goldbeck	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
JUN 16 2020
Office of Administrative Law

Amend
Title 14, Division 5, Chapter 19
Sections 11900, As Underlined

§11900

Bay Plan Amendments

(a) Resolutions.

No change

(b) Map Changes.

1. through 25. no change

26. Revise Bay Plan Map Nos. 2 and 3 by modifying the water-related industry priority use area designation at Pacheco Creek, east of Martinez. The amendment removed from the designation 172 acres of land.

NOTE: Authority cited: Sections 66602, 66611, 66632(f), 66651 and 66652, Government Code. Reference: Section 66652, Government Code; and San Francisco Bay Plan, Parts I, III, IV, and V.