

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • FAX: (415) 352-3606 • www.bcdc.ca.gov

August 3, 2007

San Francisco Bay Conservation And Development Commission

Notice of Proposed Rulemaking to Amend Title 14, Division 5, Sections 10310, 10360, 10810, 10820, and Appendix D and Appendix F of the California Code of Regulations

Permit Application Filing Requirements and Application Process

Time, Place and Nature of Proceedings: The San Francisco Bay Conservation and Development Commission gives notice that it will hold a public hearing on Thursday, September 20, 2007, at 1:00 p.m. at the **MetroCenter Auditorium, 101 Eighth Street, Oakland**, California concerning the proposed amendment to the Commission's permit application filing requirements that are identified in Division 5 of Title 14 of the California Code of Regulations Sections 10310, 10360, 10810, 10820, Appendix F and Appendix D.

Following the public hearing the Commission may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal. Please notify the Commission to receive a meeting notice and any notices of change to the hearing date (see Contact Person, below).

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Comments may also be submitted by facsimile (FAX) at (415) 352-3606 or by e-mail to ellens@bcdc.ca.gov. Comments must be submitted prior to 5:00 p.m. on September 20, 2007. Comments may also be provided to the Commission during its hearing on September 20, 2007.

Informative Digest/Policy Statement Overview:

Currently, Sections 10310, 10360, 10810, 10820, and Appendix D and Appendix F, to the Commission's regulations contain the requirements for filing a complete permit application.



Making San Francisco Bay Better

The Commission proposes to update its filing requirements to achieve three general goals. First, the updates would reflect changes in the Commission's policies. The application form and related regulations have not been updated for seven years. Since that time, the Commission's policies have changed, and these policies provide the analysis that is necessary in order for the Commission to approve a proposed project.

Second, some of these proposed updates would help applicants file all the necessary information, and so make the Commission's analysis as efficient as possible. Some of these changes were considered and agreed upon by the Commission after discussions with the regulated community.

Third, the updates would make editorial changes to eliminate duplication and make the application form more readable, and to make the consistency among the regulations.

Authority and Reference for amendment to Regulation Section 10310:

Authority: Section 66632, Government Code; and Section 29201(e), Public Resources Code.
 Reference: Sections 65940-65942, Section 66632(f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Authority and Reference for amendment to Regulation Section 10360:

Authority: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code.
 Reference: Section 66632(d), Government Code; and Section 29520, Public Resources Code.

Authority and Reference for amendment to Regulation Section 10810:

Authority: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code.
 Reference: Section 66632(f), Government Code; and Section 29520, Public Resources Code.

Authority and Reference for amendment to Regulation Section 10820:

Authority: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code.
 Reference: Section 66632, Government Code; and Section 29520, Public Resources Code.

Authority and Reference for amendment to Appendix D:

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
 Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

Authority and Reference for amendment to Appendix F:

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.
 Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code;
 Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and
 the San Francisco Bay Plan.

Mandate to Local Agency or School District: None

Costs to Any Local Agency or School District: This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies.

Other Nondiscretionary Costs or Savings Imposed upon Local Agencies: None

Cost or Savings to State Agencies or in Federal Funding to the State: None

Business Impacts/Small Business: The Commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would change the application filing requirements for all persons or entities that apply for a permit regardless of whether the applicant is a small business, large business or agency of the state or local government.

Creation or Elimination of Jobs or Business, or Expansion of Business, in California: The Commission has made an assessment that the proposed regulations would not (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

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

Business Reporting Requirements: None.

Effect on Housing Costs: None

No-More-Effective Alternative: The Commission must determine that no reasonable alternative that it considered or that has otherwise been identified or brought to its attention would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Contact Persons: Inquiries and substantive questions on the proposed regulation should be directed to Ellen M. Sampson, Staff Counsel, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111 or to Ms. Sampson at (415) 352-3610 or email at ellens@bcdca.gov. If Ms. Sampson is unavailable, please contact Steve McAdam at the above address or at (415) 352-3614 or email at stevem@bcdca.gov.

Availability of Express Terms of Proposed Regulation and Initial Statement of Reasons: The text of the proposed regulation and an initial statement of reasons for the changes are available for review at the Commission's office pursuant to Government Code Section 11346.5. Copies of the text and initial statement of reasons can be obtained by contacting Ms. Sampson (see Contact Person above) or by visiting the Commission's web site at www.bcdc.ca.gov from which the documents may be reviewed and printed.

Date by Which Written Comments Must be Received and Where Directed: Written comments submitted in advance of the public hearing on this matter should be directed to Ms. Sampson at the Commission's office (see Contact Person, above) and must be received no later than Thursday, September 20, 2007, at 5:00 p.m. Written comments will be accepted on Thursday September 20, 2007, during the public hearing on this matter at the time and place listed above, or at the Commission's office. The Commission may close the public comment period at the close of the public hearing.

Availability of Changes to Proposed Regulation: Pursuant to Government Code Section 11346.8, the full text of substantial changes to the proposed amendment, if any, shall be made available to the public for at least 15 days prior to the date on which the Commission determines whether to adopt the proposed regulation.

Rulemaking File: A rulemaking file for this rulemaking activity, including all the information upon which the proposed regulations are based, is contained in the rulemaking file that is available for public inspection by contacting the person named above. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

Final Statement of Reasons: Once prepared, the final statement of reasons will be available as part of the Commission's rulemaking file and may be reviewed at the Commission's offices or obtained by calling Ms. Sampson (see Contact Person above).

Website Access: The proposed regulations, laws, and policies are available for review and printing on the Commission's web site at www.bcdc.ca.gov.