

**SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION**

**Notice of Proposed Rulemaking to Amend
California Code of Regulations Title 14, Division 5
Regulations Appendix M**

Revised Permit Application Fees

PUBLIC HEARING

The San Francisco Bay Conservation and Development Commission will hold a public hearing on June 19, 2008 at its regularly scheduled meeting, which begins at 1:00 PM., at the **MetroCenter Auditorium, 101 Eighth Street, Oakland**, California. The Commission's hearing will concern proposed changes to the permit application fees. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

Following the public hearing the Commission may adopt the proposals substantially as described below or may modify the proposals. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for at least 15 days prior to its adoption from the person designated in this Notice as contact person. Any proposed modifications will be mailed to those persons who submit written comments or who provide oral testimony, 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).

WRITTEN COMMENT PERIOD

Any person or organization may submit written comments on the proposed regulatory action. The written comment period closes at **5:00 p.m. on June 19, 2008**. The Commission will consider only comments received by that time. Please submit written comments to:

Ellen Sampson, Staff Counsel
San Francisco Bay Conservation and
Development Commission
50 California Street, Suite 2600
San Francisco, California 94111
Telephone: (415) 352-3610
Email: ellens@bccdc.ca.gov
FAX: (415)352-3606

AUTHORITY AND REFERENCE

Authority: California Government Code Section 66632(f) and California Public Resources Code Section 29201(e).

Reference: California Government Code Section 66632(c) and California Public Resources Code Section 29520(b).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to amend Commission Regulation Appendix M, which establishes BCDC permit application fees. The proposal would change the application fees and the process to periodically revise the fees to come as close as possible to recovering 20 percent of the total cost of operating BCDC's regulatory program. In general, fees for smaller or less costly projects would decrease over existing fees, while fees for the most expensive projects would increase. The fees would be revised every five years. The fees could increase or decrease, depending on whether the fees collected in the prior five years were less than or more than an amount equal to 20 percent of the average total cost of BCDC's regulatory program. More details are contained in the initial statement of reasons.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: overall savings and costs are not significant; however, there will be a minor savings for all applications except those for the most expensive projects. An analysis of economic and fiscal impacts is contained in the Form 399 supplemental information, which can be obtained by contacting Ellen Sampson as indicated in this notice.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other nondiscretionary cost or savings imposed on local agencies: none.

Cost of savings in federal funding to the state: none.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: none.

Cost impacts on a representative private person or business: Any costs would be insignificant; the proposed regulations would save money for all private persons and businesses except for very expensive projects proposed for development in the Commission's permit jurisdiction. An analysis of economic and fiscal impacts is contained in the Form 399 supplemental information, which can be obtained by contacting Ellen Sampson as indicated in this notice.

Significant effect on housing costs: none.

Assessment of potential to create or eliminate jobs or businesses within the State of California: this proposed action would not create or eliminate jobs within California,

would not create new businesses or eliminate existing businesses within California, or affect the expansion of businesses currently doing business within California.

Small Business Determination: The Commission has determined that the proposed regulatory changes will affect small business by decreasing the permit application fees for all projects except those that are very expensive; such expensive projects are unlikely to be undertaken by a small business. The increase and decrease in fees would not be significant compared to the project cost. An analysis of economic and fiscal impacts is contained in the Form 399 supplemental information, which can be obtained by contacting Ellen Sampson as indicated in this notice.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Commission must determine that no reasonable alternative it considered 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.

The Commission invites interested persons to present comments on the proposed regulatory action and alternatives at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Ellen Sampson, Staff Counsel
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111
Telephone: (415) 352-3610
Email: ellens@bcdca.gov

The backup contact person for these inquiries is:

Tim Eichenberg, Chief Counsel
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111
Telephone: (415) 352-3610
Email: time@bcdca.gov

AVAILABILITY OF TEXT OF THE REGULATIONS AND THE STATEMENT OF REASONS AND PLAIN ENGLISH DETERMINATION

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date that this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies of the documents may be obtained from the Commission's website at www.bcdc.ca.gov under the link to regulatory actions. Copies may also be obtained by contacting Ellen Sampson at the address or telephone number listed above.

The proposed regulations were prepared pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulations are non-technical and written to be easily understood by the affected parties.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments, the Commission may adopt the proposed regulatory changes substantially as described in this notice. If the Commission makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as modified. Please send requests for copies of any modified regulations to Ellen Sampson at the address indicated above. The Commission 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 the Commission's adoption of the regulations, you may obtain a copy of the Final Statement of Reasons by contacting Ms. Sampson 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 proposed changes in ~~strikeout~~ and underlined format, as well as the Final Statement of Reasons once it is completed, can be obtained from the BCDC website at www.bcdc.ca.gov.