

CALIFORNIA COASTAL COMMISSION

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TH 18

November 29, 1995

TO: Coastal Commissioners and Interested Persons

FROM: Ralph Faust, Chief Counsel

SUBJECT: Regulatory Review

At its September meeting, the Commission approved a schedule and work plan for the review of its regulations. This action was undertaken in response to a request from the Governor's Regulatory Review Task Force to all agencies. The Task Force asked that the Commission review and seek comment upon 288 of its regulations which may regulate the activities of businesses, organizations or individuals outside of state government. We have attached the staff report for that Commission action as Appendix A.

Pursuant to that schedule, Commission staff sent out notices to those who are on the Commission's mailing list for regulations and, as well, to those who indicated an interest in this regulatory review process. The total mailing list for this project contains 279 names. In response to this notice, the Commission received several general comments and, as well, specific comments from 5 individuals or groups, commenting, in total, upon 29 of the Commission's regulations. The specific commenters were:

Dan Hallas	Malibu Trails Association
Rubell Helgeson	Pacific Palisades Residents Association
Mark Massara	Sierra Club Coastal Program
Dave Odell	Save Everyone's Access
Laura O'Neill Seaman	San Diego attorney

We are providing copies of these comments separately to the Commission.

The Governor has requested that each agency, following its review, submit a report which includes:

- a plan and schedule of actions to eliminate those regulations identified for repeal and to modify those regulations identified for amendment; and
- any recommendations for legislative changes needed to reduce excessive regulatory burdens.

At this meeting the tasks for the Commission are to:

1. review the written comments received to date regarding the listed 288 regulations;
2. open a hearing and take testimony from interested members of the public including businesses, organizations and individuals outside of state government concerning these 288 regulations; and,
3. give direction to staff for a response to the Governor's office, and regarding what, if any, further action to take.

Staff recommends that the Commission not repeal or amend any of its regulations, or pursue further regulatory review at the present time.

The following is a summary of the comments received to date, and recommendations, if any. Comments upon particular regulations have been formatted into a table, for easier review.

General Comments:

The Commission received a letter from Rubell Helgeson, representing the Pacific Palisades Residents Association which requested additional time for review before any specific changes to the regulations were considered, and also requested that, in order to save time for both the Commission and the public, deletion of plainly obsolete sections should be considered separately from substantive procedural changes. Rubell Helgeson also took issue with the process of requesting public comment on whether regulations should be amended in the absence of specific proposals for regulatory changes.

The Commission also received letters from the County of Santa Barbara and from the City of San Buenaventura indicating that they did not have any comments or specific suggestions at this time.

Section No.	Regulation Summary	Public Comment	Staff Comment
13003	This section governs the use and effect of the regulations and requires that they be interpreted to accomplish the purposes of the Act.	The Commission received a comment from Mark Massara of the Sierra Club Coastal Program requesting that the regulation not be amended or deleted.	No amendment or repeal of this regulation is anticipated.
13013	This section, which once governed the inspection of public records, was repealed in 1982.	The Commission received a comment from Rubell Helgeson, representing the Pacific Palisades Residents Assn., urging that this regulation not be repealed, nor that availability of public records be diminished or made more difficult, apparently in the mistaken belief that staff was now proposing an unspecified change in this regulation.	Inspection of public records is accomplished pursuant to the Public Records Act, and the Commission cannot take any action which diminishes its responsibilities under that Act.
13015	This section governs the method of notification of Commission meetings.	The Commission received comments both from Mark Massara and from Rubell Helgeson urging that this section not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13016	This section pertains to who shall receive notice of proceedings on the Commission agenda.	The Commission received comments both from Mark Massara and from Rubell Helgeson urging that this section not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13024	This section pertains to the setting and order of consideration of items on the Commission's agenda.	The Commission received a comment from Mark Massara urging that this section not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13025	This section concerns the prerequisite of notice for voting.	The Commission received a comment from Mark Massara urging that this section not be amended or repealed.	No amendment or repeal of this regulation is anticipated.

Section No.	Regulation Summary	Public Comment	Staff Comment
13053.5	This section governs the Commission's form for application for a permit and the information required to be provided at the time an application is filed.	Dan Hallas, of the Malibu Trails Ass'n., recommended that this regulation be amended so that the description of the proposed development contain both information concerning all detectable trails and pathways on the development site, and information about the intention of the developer to delete, realign or leave as existing such trails or paths.	Public Resources Code section 30211 provides that development shall not interfere with the public's right of access acquired through use. However, 'detectability' of a pathway does not equate to its legal status under section 30211. This change, in conjunction with the change Mr. Hallas proposes to section 13054, would broaden the scope of notice to possibly apprise the Commission of an issue requiring further inquiry. The Commission's notice requirements, to the extent that they elicit comment from interested members of the public, as well as staff site visits, already serve that purpose. Therefore, staff recommends no change in this regulation at this time.
13054	This section details the notification requirements for permit applications.	Dan Hallas recommends that this section be amended to require that the applicant post a notice of the permit application at a conspicuous place, easily read by the public from a major roadway as well as by the public passing by the site of the proposed development. He states the reason for this to be that, since his group does not ride trails during the rainy season, and thus do not ride directly by the proposed site, they need posting which will inform them of the development.	The Commission's present posting requirement is intended to inform neighbouring residents and property owners of proposed development. In staff's experience it accomplishes this purpose. The extent to which this posting requirement should be expanded is a policy question involving balancing between additional public comment which may be obtained and added cost to permit applicants. Staff recommends no change to this regulation at this time, because present noticing requirements are adequate to inform interested persons of proposed development.
13057	This section details the content of application summaries required to be prepared by the Executive Director as part of the application review process. Many of the requirements reflect the Commission's compliance with the California Environmental Quality Act (CEQA).	The Commission received a comment from Mark Massara which recommends that the Commission not amend or repeal this regulation.	No amendment or repeal of this regulation is anticipated.

Section No.	Regulation Summary	Public Comment	Staff Comment
13059	This section requires that the application summary (which is, effectively, contained within the staff report) be distributed to interested persons 'within a reasonable period of time'.	Dave Odell of Save Everyone's Access recommends that this section be amended to require that these summaries be distributed 'in no case later than three weeks prior to the hearing'. He states, as a basis for this change, that early distribution will provide the public sufficient time for its comments to reach the Commissioners prior to the public hearing.	Staff is required to respond to all public comment prior to or at the public hearing. This change would tend to produce more written response to staff reports on certain items, but might tend as well to require staff to produce additional addenda. It is the Commission's judgment how to balance the benefit of these additional written comments with the cost of additional staff time on these items. In any event, this change could be effected by the Commission without any change in its regulation. Staff recommends no change in this regulation at this time.
13061	This section provides that when a sizable number of similar communications on a project are received, the text of each need not be reproduced but the Commission shall be informed of the substance of the communications.	Mark Massara recommends that this regulation be deleted, and instead, that all correspondence on each permit application should be reproduced in full and attached to staff reports.	While this regulation is not frequently utilized, there are circumstances when hundreds of virtually identical communications are received, and reproducing all of them in every staff report would serve no informational purpose, but would instead be very wasteful of limited state resources. Staff does not recommend that this change be made, because the regulation already requires that the Commission be informed of the substance of these communications.
13063	This section relates to the notice of permit applications required to be provided by the executive director.	Dan Hallas recommends that this regulation be amended to require, as a part of the description of the development in subsection (a)(3), a description of 'any trails or pathways to be deleted or moved'.	The purpose of this regulation is not to highlight or discuss issues, but rather to provide notice of the upcoming Commission consideration of proposed development. Whenever an existing trail or pathway is to be eliminated in a manner which may raise an issue of prescriptive rights or affect some other coastal resource, staff discusses the issue in its staff report and proposed findings. Staff recommends no change to this regulation at this time.

Section No.	Regulation Summary	Public Comment	Staff Comment
13064	This section relates to the conduct of the Commission's public hearing on a permit application.	The Commission received a comment from Mark Massara recommending that this regulation not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13069	This section relates to the procedure for Commission field trips.	The Commission received a comment from Mark Massara recommending that this regulation not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13075	This section details the required content, pursuant to the Coastal Act and CEQA, of the Executive Director's final recommendation to the Commission on a permit application.	The Commission received a comment from Mark Massara recommending that this regulation not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13076	This section relates to the distribution of the final staff recommendation.	The Commission received a comment from Mark Massara recommending that this regulation not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13077	This section provides that any person may respond to the staff recommendation in writing to the Commission, subject to certain procedural limitations.	The Commission received a comment from Mark Massara recommending that this regulation not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13080	This section specifies alternatives for Commission consideration of the staff recommendation.	The Commission received a comment from Mark Massara recommending that this regulation not be amended or repealed.	No amendment or repeal of this regulation is anticipated.
13143	This section requires the executive director to report to the local government and to the Commission any emergency permits applied for or issued.	The Commission received a comment from Mark Massara recommending that this regulation not be amended or repealed.	No amendment or repeal of this regulation is anticipated.

Section No.	Regulation Summary	Public Comment	Staff Comment
13240	This section governs the procedure for categorical exclusions from permit requirements.	The Commission received a comment from Rubell Helgeson indicating concern about expanding categorical exclusions.	No amendment or repeal of this regulation is anticipated.
13244.1	This section, which pertained to 'adopted categorical exclusions', was repealed in 1981.	The Commission received a comment from Rubell Helgeson, apparently in the mistaken belief that staff was now proposing an unspecified change in this regulation, indicating concern about expanding categorical exclusions.	As the regulation has been repealed, no action is necessary.
13323	This section, one of ten sections relating to appeals to the Commission of locally issued permits in localities exercising permit jurisdiction under Public Resources Code section 30600 (b) [so-called dual permit jurisdictions], was repealed in 1983.	The Commission received a comment from Rubell Helgeson, apparently in the mistaken belief that staff was now proposing an unspecified change in this regulation, indicating concern about expanding categorical exclusions, and opposing any diminution of the public's rights of appeal.	As the regulation has been repealed, no action is necessary.
13515(d)	This section requires that notice of a local government's hearing on an LCP matter be transmitted to all interested persons and public agencies not less than ten working days before the hearing.	Laura O'Neill Seaman, a San Diego attorney, recommends that this notice be transmitted not less than twenty days before the hearing, because the presently specified time does not allow sufficient time to prepare a response or to plan to attend a hearing during working hours.	Either ten calendar days or ten working days, as is provided in this section, is the standard for legal notice in most circumstances where a proceeding is already ongoing, as would be the case with an LCP in this circumstance. Staff does not believe it is necessary to impose a more stringent standard upon local government in this circumstance. Staff does not recommend any change to this regulation at this time.

Section No.	Regulation Summary	Public Comment	Staff Comment
13523	<p>This section requires the executive director to prepare a summary, with specified content, of a submitted LCP or LRDP. It is, when combined with the staff recommendation, the staff report and proposed findings for the Commission. This section does not presently contain a time requirement, so that distribution occurs at the time of the mailing of the staff report.</p>	<p>Dave Odell recommends that this section be amended to require that this summary be distributed not later than four weeks prior to the hearing. The basis for this would be to allow public responses to reach Commissioners in time to review the comments prior to the hearing.</p>	<p>Commission action on LCPs is governed by short statutory timelines (either 60 or 90 days after local government submittal). Requiring staff reports to be in the hands of the public more than four weeks prior to the hearing, combined with the Commission's monthly meeting schedule, would effectively preclude adequate staff review of some submittals. If we assume that this suggestion is separable from Mr. Odell's suggestion regarding staff recommendations, below (see section 13532) it would require staff to produce two separate staff reports on submitted LCPs, which would be a significant drain upon staff resources. Interested persons who have been following the development of LCPs at the local level will frequently have analyzed the proposal and its various alternatives for a year or more and will not need this additional time to adequately formulate a response either to the LCP or to the staff recommendation. Finally, to the extent that the Commission wants to direct that staff reports be circulated earlier than they presently are, this can be accomplished without amending the regulation. Staff does not recommend a change to this regulation at this time.</p>

Section No.	Regulation Summary	Public Comment	Staff Comment
13532	This section pertains to the staff recommendation on LCPs. The regulation presently requires not less than 7 days advance distribution of the staff recommendation.	Dave Odell recommends that it be amended to require that the final staff recommendation be distributed within a reasonable time but in no event less than 21 days prior to the scheduled hearing.	Again, this suggestion presents a policy decision for the Commission regarding the utilization of its staff resources. Requiring distribution this far in advance in every case, given the statutory time constraints for the Commission's LCP decision-making, would limit the ability of staff to properly analyze the issues and prepare proposed findings for the Commission in some of those cases. To the extent that the Commission wants to require its staff to produce a report in advance of the minimum time presently specified in this section, it can do so without amending the regulation. Staff does not recommend changing this regulation at this time.
13631	This section provides, in relation to port master plans, that the executive director prepare and distribute a summary of the plan and the issues presented and a recommendation to the Commission prior to the hearing.	Dave Odell recommends that the Commission amend its regulation to require that this summary be provided 'no later than 21 days prior to the public hearing'. The basis for this would be to allow the public to review and provide comment to the Commissioners well before the public hearing.	As with LCPs, the Commission acts upon port master plans within a very tight statutory timeframe; and unlike with LCPs, this timeframe cannot be extended. Particularly with the more complicated and controversial plans which are submitted, staff needs time to properly analyze the issues presented and prepare proposed findings for the Commission. Given the Commission's monthly meeting schedule, a time limit for distribution of the staff report in every case, as is suggested here, would be difficult for staff to meet. As with previous suggestions of this type, if the Commission wants to increase the review time in particular instances, it need not amend its regulation to achieve this. Staff does not recommend any change to this regulation at this time.

Section No.	Regulation Summary	Public Comment	Staff Comment
13656	This section, which pertained to comments on the Draft Environmental Impact Report for sewage treatment works projects, was repealed in 1982.	Rubell Helgeson, apparently in the mistaken belief that staff was now proposing an unspecified change in this regulation, expressed grave concern about any reductions in environmental review.	As the regulation has been repealed, no action is necessary.
13658	This section, which involved appeals to the Commission of sewage treatment works projects, was repealed in 1982.	Rubell Helgeson, apparently in the mistaken belief that staff was now proposing an unspecified change in this regulation, expressed grave concern about any reductions in rights of appeal.	As the regulation has been repealed, no action is necessary.
13660.2	This section, which pertained to the review of an environmental report for sufficiency, in the context of consistency certifications for outer continental shelf Exploration, Development or Production Plans, was repealed in 1979.	Rubell Helgeson, apparently in the mistaken belief that staff was now proposing an unspecified change in this regulation, expressed concern about any reductions in environmental review.	As the regulation has been repealed, no action is necessary.

APPENDIX A

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



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MEMORANDUM

August 30, 1995

TO: Commissioners and Interested Persons

FROM: Ralph Faust, Chief Counsel
Dorothy Dickey, Deputy Chief Counsel DD.

SUBJECT: **Schedule and Work Plan for Regulatory Review and Reform**

The Governor has formed a Regulatory Review Task Force that has developed a plan under which state agencies have been asked to review and, where appropriate, to reform their regulations. (See Attachment A.) The Resources Agency is coordinating this effort with respect to its constituent departments, boards and commissions. The Resources Agency has requested that the Coastal Commission focus its efforts on 288 regulations, which are listed in Attachment B. It has requested that the Commission and other agencies develop a schedule for review of regulations that "regulate the activities of businesses, organizations or individuals outside of state government" that would provide for public suggestions by mid-December about how to revise regulations.

PROPOSED SCHEDULE AND WORK PLAN

The proposed schedule and work plan are intended to provide the Commission with an opportunity to address the regulatory concerns of members of the public who are affected by the Commission's regulations in an organized and comprehensive manner. The first step will be to ask members of the public to submit their comments in writing, using a form that the staff has developed, based on criteria identified by the Resources Agency and the model work plan that Resources has suggested. The staff will collate the public suggestions and present staff comments to the Commission. At the same meeting, the Commission will take public comments about the staff report.

September 1

Commission staff is circulating a form to create a mailing list in the meeting agenda

September 13 - 15

Commission approves a schedule and work plan

October 1	Notice is mailed to the public
November 1	Deadline for members of the public to submit suggestions
November 1 - December 1	Staff collates public comments
December 12 - 15	Commission hearing and public comment

PROCESS TO AMEND THE REGULATIONS

Once the Commission reviews the staff's comments about suggestions and proposals submitted by members of the public, the Commission may elect to amend its regulations by undertaking a rulemaking proceeding under the Administrative Procedure Act (Government Code section 113400 *et. seq.*). The rulemaking process takes a number of months and includes various procedural steps such as publication of notice, preparation of various documents required under the APA that must be made available concurrently with the notice, a public comment period of at least 45 days, an additional notice and comment period if the Commission makes substantive changes from those which were originally proposed, formal adoption, preparation of documents required under the APA after adoption of regulations, review by the Office of Administrative Law (OAL), and, if approved by OAL, filing of the amended regulations with the Secretary of State.

RECOMMENDED ACTION

The staff recommends that the Commission adopt the schedule and work plan set forth above.

Attachment

The Resources Agency

Pete Wilson
Governor



Douglas P. Whonder
Secretary

of California

ATTACHMENT A

California Conservation Corps • Department of Boating & Waterways • Department of Conservation
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Water Resources

TO: All Department Directors
FROM: James T. Burroughs
Deputy Secretary and General Counsel
DATE: July 24, 1995
SUBJ: Regulatory Review and Reform

As you may recall, Governor Wilson established a Regulatory Review Working Group to develop and implement a plan to reduce the quantity of regulations in state government. In March you were requested to survey all California regulations administered by your Department and adopted pursuant to the California Administrative Procedure Act. With the information you provided, a baseline was developed by the Regulatory Review Working Group. The Group has now instructed all Cabinet Secretaries to begin implementation of Phase II - the development of department specific approaches for the complete review and reform of department regulations.

To assist in this effort, please designate one individual from your department to coordinate regulatory reform. There is a mandatory meeting on July 27, 1995 at 2:00 p.m. in the Resources Agency conference room for all department designees. If you have any questions regarding this effort, please contact Tess Dennis at (916) 653-2216. Thank you in advance for your cooperation.

cc: Michael Mantell

f:\tess\rcgreview.msn

The Resources Building Sacramento, CA 95814 (916) 653-8000 FAX (916) 653-8102

California Coastal Commission • California Tahoe Conservancy • Colorado River Board of California
Energy Resources Conservation & Development Commission • San Francisco Bay Conservation & Development Commission
State Coastal Conservancy • State Lands Commission • State Reclamation Board



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Division 5.5. California Coastal Commission

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APPENDIX B

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: · Fill out a separate copy of this form for each regulation about
· which you wish to comment and submit the completed form to the
· Legal Division, California Coastal Commission, 45 Fremont
· Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL PROGRAM

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13003

YES¹NO

a) Does the regulation duplicate another regulation?

Explanation:

b) Does the regulation duplicate another program?

Explanation:

c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

→ This Regulation should NOT Be Amended or deleted. It provides explicit Guidance to Staff, decision-makers, Applicants, ~~and~~ the public AND Judiciary that the Regulations are to be liberally construed to protect Coastal Resources. IF Anything, The Regulation should be Clarified to Provide more information and Background Regarding the Act Being a Citizen Initiative designed to protect Coastal Resources + Access arising out of Public's Contempt for Reckless Coastal development.

FORM FOR PUBLIC COMMENTS ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont St, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13013

	<u>YES</u> ¹	<u>NO</u>
a) Does the regulation duplicate another regulation?		X
Explanation:		
b) Does the regulation duplicate another program?		X
Explanation:		
c) Does the regulation duplicate a federal regulation?		X
Explanation:		

—

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

X

Explanation: Inspection of the public records is essential to maximize public participation and to protect the public's legal rights. The availability of public records for inspection must in no way be diminished or made more difficult.

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: If inspection of public records were made more costly or difficult, the rights of the public to full knowledge and participation are obviously diminished.

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that your comment be inserted and ~~strikeout~~ to show language that you recommend be deleted.

FORM FOR PUBLIC COMMENTS ON
COASTAL COMMISSION'S REGULATIONS

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Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13015

YES¹ NO

- a) Does the regulation duplication
another regulation? X
Explanation:
- b) Does the regulation duplicate
another program? X
Explanation:
- c) Does the regulation duplicate a federal
regulation? X
Explanation:
-

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed,
expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it
can be while achieving the purpose of the
statute it implements?

X

Explanation:

- f) If the regulation were changed, how would
that affect your interests? Why is the
change beneficial?

Explanation: No reduction in public notice
requirements would be beneficial.

- g) If you believe that the regulation should be amended, provide
the text of the existing regulation, modified by underline to
show language that your comment be inserted and ~~strikeout~~ to show
language that you recommend be deleted.
-

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL program

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13015

YES¹ NO

a) Does the regulation duplicate another regulation?

Explanation:

b) Does the regulation duplicate another program?

Explanation:

c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

notice provisions are extremely important and necessary fundamental due process and Constitutional Rights and are required to insure the very integrity of Commission decision-making. Do not Amend or delete this Regulation.

Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13016

a)	Does the regulation duplication another regulation?	X
	Explanation:	
b)	Does the regulation duplicate another program?	X
	Explanation:	
c)	Does the regulation duplicate a federal regulation?	X
	Explanation:	

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed,
expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it
can be while achieving the purpose of the
statute it implements?

X

Explanation: Any reduction in public notice would
diminish the public's rights of participation.

- f) If the regulation were changed, how would
that affect your interests? Why is the
change beneficial?

Explanation: Any reduction in public notice would
negatively impact my efforts and the efforts of my colleagues in
the environmental movement.

- g) If you believe that the regulation should be amended, provide
the text of the existing regulation, modified by underline to
show language that your comment be inserted and ~~strikeout~~ to show
language that you recommend be deleted.
-

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL program

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7008

Regulation Section Number: 13016

YES¹NO

a) Does the regulation duplicate another regulation?

Explanation:

b) Does the regulation duplicate another program?

Explanation:

c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

See Comments to 13015. Do Not Amend
or delete this Regulation.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL program

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13024

YES¹**NO**

- a) Does the regulation duplicate another regulation?

Explanation:

- b) Does the regulation duplicate another program?

Explanation:

- c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation ~~were~~ changed, how would that affect your interests? Why is the change beneficial?

Explanation:

Do not delete or Amend this Regulation.

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

FORM FOR PUBLIC COMMENT ON
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INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL PROGRAM

Address: 1642 GREAT HWY
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13025

YES¹NO

a) Does the regulation duplicate another regulation?

Explanation:

b) Does the regulation duplicate another program?

Explanation:

c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? ✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? ✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: Do not delete/Amend this provision.

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

notice provisions go to the heart of the integrity of Governmental decision-making. Then protect due process as Constitutional Right.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name:

Don Heller

Organization:

Malibu Trails Association

Address:

3648 Decker Cyn

Malibu CA 90265

Telephone Number:

(310) 457-1072

Regulation Section Number:

CHAPTER 5 - SUBCHAPTER 1
ARTICLE 2 - 13053.5

YES¹**NO**

a) Does the regulation duplicate another regulation?

Explanation:

✓

b) Does the regulation duplicate another program?

Explanation:

✓

c) Does the regulation duplicate a federal regulation?

Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- it would notify the commission that a existing trail runs across the property. - The commission could note the intentions of the applicant to eliminate or realign the trail on the Meeting native Rock -
- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

- 9) The description of the Development shall contain information on all detectable trails/pathways on the Development site and the intentions to DELETE OR REALIGN or leave as existing such trails or paths by the Developer/owner

FORM FOR PUBLIC COMMENT ON
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INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name:

Dan Hallas

Organization:

Marib Trails Ass.

Address:

3648 Decker ctyr

Maribu CA 90265

Telephone Number:

(310) 457-1072

Regulation Section Number:

Chapter 5 - Subchapter 1
Article 3 - 13054 section 6

YES¹NO

- a) Does the regulation duplicate another regulation?

Explanation:

✓

- b) Does the regulation duplicate another program?

Explanation:

✓

- c) Does the regulation duplicate a federal regulation?

Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? ✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? ✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: So persons not traveling directly by that proposed site have a notification. sometimes we don't ride trails during the rainy season and may miss a notice -

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

At the time the Application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public from a major roadway and by the public passing by the proposed site of the proposed development, notice that an Application for a Permit for the proposed development has been submitted to the commission.

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COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL program

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13057

YES¹NO

a) Does the regulation duplicate another regulation?

Explanation:

b) Does the regulation duplicate another program?

Explanation:

c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

Do not Amend or delete this Regulation. It
Provides for "Summary of each Application" which is
~~was~~ critical to public participation in Coastal
Proceedings.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

Instructions: Fill out a separate copy of this form for **each** regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by **November 1**.

Name: Dave Odell

Organization: Save Everyone's Access (SEA)

Address: 524 Coast Blvd. South, La Jolla, CA 92037

Telephone Number: (619) 459-6847

Regulation Section Number: 13059

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| a) Does the regulation duplicate another regulation? | x | |
| <p>Explanation: This regulation is similar to 13076, 13523, 13532 and 13631 insofar as these reports may include staff comments and recommendations for distribution to Commissioners and the public.</p> | | |
| b) Does the regulation duplicate another program? | | Unknown |
| c) Does the regulation duplicate a federal regulation? | | x |

If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? Unknown

e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? x

Explanation: The current regulation does not provide staff summaries and recommendations to the public (applicants and other interested parties) early enough for public responses to reach Commissioners in time to review the comments prior to public hearings.

f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

By releasing staff summaries and recommendations to the public earlier, public review and comments can be provided to Commissioners in time for them to review the public comments well before the public hearings. Subsequent changes to staff and related public comments can, as now, be provided in addenda prior to or at the hearings.

g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

13059. Distribution.

The application summary shall be distributed...within a reasonable time to assure adequate notification to all interested parties prior to the scheduled public hearing, but in no case later than three weeks prior to the hearing.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Mark Massara

Organization: Sierra club COASTAL PROGRAM

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13061

YES¹ NO

a) Does the regulation duplicate another regulation?

Explanation:

✓

b) Does the regulation duplicate another program?

Explanation:

✓

c) Does the regulation duplicate a federal regulation?

Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

This Regulation Should Be deleted. All Correspondance on each permit Applicati Should Be Reproduced and Attached to Staff Reports insuring the public has up to date informatin as is able to play a meaningful in Commission decision-making process.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name:

Don Hallas

Organization:

Malibu Trails Association

Address:

3648 Decker Cyn

Malibu CA 90265

Telephone Number:

(310) 457-1072

Regulation Section Number:

CHAPTER 5 - Subchapter 1
Article 8 - 13063 section 4

YES¹**NO**

a) Does the regulation duplicate another regulation?

✓

Explanation:

b) Does the regulation duplicate another program?

✓

Explanation:

c) Does the regulation duplicate a federal regulation?

✓

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: IT would let people know if a trail or path way is located on the proposed development site and if that trail is going to be deleted or moved.

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

A (3) A Description of the Development and its Proposed Location
AND ANY TRAILS OR PATHWAYS TO BE DELETED OR MOVED

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL PROGRAM

Address: 1642 GREAT HWY
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13064

YES¹ NO

a) Does the regulation duplicate another regulation?

Explanation:

b) Does the regulation duplicate another program?

Explanation:

c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? ✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? ✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

This Regulation Should NOT be Amended or deleted.
IT UNDERSCORES CRITICAL IMPORTANCE OF FUNDAMENTAL
FAIRNESS element of Public Hearings as gives Commission
Flexibility to prevent Regulations from being used
AS A TOOL to prevent public participation.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL PROGRAM

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13069

YES¹ **NO**

a) Does the regulation duplicate another regulation?

Explanation:

b) Does the regulation duplicate another program?

Explanation:

c) Does the regulation duplicate a federal regulation?

Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

This Regulation Should NOT Be Amended/deleted.
It Requires public Notice of Field trips, which
is critical to public's ability to participate in
such trips.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL PROGRAM

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13075

YES¹ NO

a) Does the regulation duplicate another regulation?
Explanation:

✓

b) Does the regulation duplicate another program?
Explanation:

✓

c) Does the regulation duplicate a federal regulation?
Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? ✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? ✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

Regulation should not be amended or deleted. Staff Recommendations play a critical role in focusing attention onto Resource protection, as therefore assist in moving Commission meetings along. They also are critical to Public's Ability to participate; Since Staff Reports are often not available to public until a few days prior to the Hearing, or at the Hearing, and little time is available to read the entire Report.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Mark Massara

Organization: Sierra club COASTAL Program

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: ~~13070~~ 13076

YES¹NO

a) Does the regulation duplicate another regulation?

Explanation:

✓

b) Does the regulation duplicate another program?

Explanation:

✓

c) Does the regulation duplicate a federal regulation?

Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? ✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? ✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

Regulation should NOT be Amended / deleted. It insures distribution of Staff Report, another critical element of public participation in Coastal proceedings.

FORM FOR PUBLIC COMMENT ON
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INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL PROGRAM

Address: 1642 GREAT HWY
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13077

YES¹ NO

a) Does the regulation duplicate another regulation?
Explanation:

✓

b) Does the regulation duplicate another program?
Explanation:

✓

c) Does the regulation duplicate a federal regulation?
Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

Regulation should not be amended/deleted. It informs public of Ability to Respond to Staff Recommendation. and provides opportunity to Communicate with Commissioners Regarding Staff Reports.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Mark Massara

Organization: Sierra club Coastal Program

Address: 1642 Great Hwy
SF CAL. 94122

Telephone Number: 415-665-7008

Regulation Section Number: 13080

YES¹ NO

a) Does the regulation duplicate another regulation?

Explanation:

✓

b) Does the regulation duplicate another program?

Explanation:

✓

c) Does the regulation duplicate a federal regulation?

Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? ✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? ✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

Regulation Should Not Be Amended or Deleted.
It Specifically Requires that votes may only
occur at a properly noticed meeting, which
underscores the necessity to comply with
due process vs Constitutional rights of public
Participation in Commission proceedings.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: MARK MASSARA

Organization: Sierra club COASTAL PROGRAM

Address: 1642 GREAT HWY
SF CAL. 94122

Telephone Number: 415-665-7003

Regulation Section Number: 13143

YES¹ NO

a) Does the regulation duplicate another regulation?
Explanation:

✓

b) Does the regulation duplicate another program?
Explanation:

✓

c) Does the regulation duplicate a federal regulation?
Explanation:

✓

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? ✓

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? ✓

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation:

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

Regulation should not be amended or deleted.
It requires Notice of Emergency permits as
is the only method by which public is informed
of many coastal developments.

FORM FOR PUBLIC COMMENTS ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont St, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13240, 13244.1

	<u>YES</u> ¹	<u>NO</u>
a) Does the regulation duplication another regulation?		X
Explanation:		
b) Does the regulation duplicate another program?		X
Explanation:		
c) Does the regulation duplicate a federal regulation?		X
Explanation:		

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

Explanation:

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: Since we have no idea how these sections are proposed to be changed, we cannot guess at the consequences. We are gravely concerned about expanding categorical exclusions.

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that your comment be inserted and ~~strikeout~~ to show language that you recommend be deleted.

FORM FOR PUBLIC COMMENTS ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont St, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13323

	<u>YES</u> ¹	<u>NO</u>
a) Does the regulation duplication another regulation?		X
Explanation:		
b) Does the regulation duplicate another program?		X
Explanation:		
c) Does the regulation duplicate a federal regulation?		X
Explanation:		

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed,
expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it
can be while achieving the purpose of the
statute it implements?

Explanation:

- f) If the regulation were changed, how would
that affect your interests? Why is the
change beneficial?

Explanation: Since we have no idea how the section is
proposed to be changed, we cannot guess at the consequences. We
are gravely concerned about expanding categorical exclusions. We
oppose any diminution of the public's rights of appeal.

- g) If you believe that the regulation should be amended, provide
the text of the existing regulation, modified by underline to
show language that your comment be inserted and ~~strikeout~~ to show
language that you recommend be deleted.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: LAURA O'NEILL SEAMAN
 Organization: ATTORNEY AT LAW
 Address: 5157 BILTMORE STREET
SAN DIEGO, CA 92117
 Telephone Number: (619) 270-3409
 Regulation Section Number: 13515(d)

- | | <u>YES</u> ¹ | <u>NO</u> |
|--|-------------------------|-----------|
| a) Does the regulation duplicate another regulation?
Explanation: | | x |
| b) Does the regulation duplicate another program?
Explanation: | | x |
| c) Does the regulation duplicate a federal regulation?
Explanation: | | x |

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed, expired, or superseded statutory mandate?

x

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements?

x

Explanation: The regulation does not achieve the purpose of affording the public adequate notice of an LCP amendment, change, or submittal.

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: The public needs more advance notice so that we have time to review the changes and respond intelligently. *

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

13515(d): "Notice of ... hearings on LCP or LRDP documents ... shall be transmitted to all interested persons and public agencies not less than ~~ten (10)~~ twenty (20) working days before the hearing...."

* Presently, hearing notices are sent 10 days before the hearing date. The public and interested agencies, therefore, receive notice of subjects to be covered at the hearing only 8 days in advance (if the mail is on time). Eight days is not enough time to review the complicated code and regulations, and prepare an adequate response. It is also not enough time to plan to attend a hearing during work hours. Twenty days would afford the public and agencies reasonable notice of important decisions affecting them greatly, as mandated by Coastal Act § 30339.

FORM FOR PUBLIC COMMENT ON
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Instructions: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Dave Odell

Organization: Save Everyone's Access (SEA)

Address: 524 Coast Blvd. South, La Jolla, CA 92037

Telephone Number: (619) 459-6847

Regulation Section Number: 13523

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| a) Does the regulation duplicate another regulation? | x | |
| Explanation: This regulation is similar to 13059, 13076, 13532 and 13631 insofar as these reports may include staff comments and recommendations for distribution to Commissioners and the public. | | |
| b) Does the regulation duplicate another program? | | Unknown |
| c) Does the regulation duplicate a federal regulation? | | x |

If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? Unknown

e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? X

Explanation: The current regulation does not provide staff summaries and recommendations to the public (applicants and other interested parties) early enough for public responses to reach Commissioners in time to review the comments prior to public hearings.

f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

By releasing staff summaries and recommendations to the public earlier, public review and comments can be provided to Commissioners in time for them to review the public comments well before the public hearings. Subsequent changes to staff and related public comments can, as now, be provided in addenda prior to or at the hearings.

g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

13523. Summary of the LCP or LRDP.

...(c) The LCP or LRDP summary shall be distributed to Commissioners and all other interested parties not later than four weeks prior to the hearing.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

Instructions: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Dave Odell

Organization: Save Everyone's Access (SEA)

Address: 524 Coast Blvd. South, La Jolla, CA 92037

Telephone Number: (619) 459-6847

Regulation Section Number: 13532

	<u>YES</u>	<u>NO</u>
a) Does the regulation duplicate another regulation?	x	

Explanation: This regulation is similar to 13059, 13076, 13523, and 13631 insofar as these reports may include staff comments and recommendations for distribution to Commissioners and the public.

b) Does the regulation duplicate another program? Unknown

c) Does the regulation duplicate a federal regulation? x

If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES NO

d) Is the regulation implementing a repealed, expired,
or superseded statutory mandate? Unknown

e) Is the regulation the least burdensome it can be while
achieving the purpose of the statute it implements? x

Explanation: The current regulation does not provide staff summaries and recommendations to the public (applicants and other interested parties) early enough for public responses to reach Commissioners in time to review the comments prior to public hearings.

f) If the regulation were changed, how would that
affect your interests? Why is the change beneficial?

By releasing staff summaries and recommendations to the public earlier, public review and comments can be provided to Commissioners in time for them to review the public comments well before the public hearings. Subsequent changes to staff and related public comments can, as now, be provided in addenda prior to or at the hearings.

g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

13532. Staff Recommendation.

...In order to assure adequate notification the final staff recommendation shall be distributed...within a reasonable time but in no event less than 7 21 calendar days prior to the scheduled hearing.

FORM FOR PUBLIC COMMENT ON
COASTAL COMMISSION'S REGULATIONS

Instructions: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont Street, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Dave Odell

Organization: Save Everyone's Access (SEA)

Address: 524 Coast Blvd. South, La Jolla, CA 92037

Telephone Number: (619) 459-6847

Regulation Section Number: 13631

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| a) Does the regulation duplicate another regulation? | x | |
| <p>Explanation: This regulation is similar to 13059, 13076, 13523, and 13532 insofar as these reports may include staff comments and recommendations for distribution to Commissioners and the public.</p> | | |
| b) Does the regulation duplicate another program? | | Unknown |
| c) Does the regulation duplicate a federal regulation? | | x |

If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

d) Is the regulation implementing a repealed, expired, or superseded statutory mandate? Unknown

e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? x

Explanation: The current regulation does not provide staff summaries and recommendations to the public (applicants and other interested parties) early enough for public responses to reach Commissioners in time to review the comments prior to public hearings.

f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

By releasing staff summaries and recommendations to the public earlier, public review and comments can be provided to Commissioners in time for them to review the public comments well before the public hearings. Subsequent changes to staff and related public comments can, as now, be provided in addenda prior to or at the hearings.

g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that you recommend be inserted and ~~strikeout~~ to show language that you recommend be deleted.

13631. Staff Reports.

Prior to the public hearing provided in Section 13630, the executive director shall provide a summary of the port master plan and the issues presented by such plan to the commission and parties that the executive director has reason to know are interested in the plan, no later than 21 days prior to the public hearing. Such report may also contain an initial recommendation as to whether the master plan should be certified in whole or in part or rejected in whole or in part in its form as submitted.

FORM FOR PUBLIC COMMENTS ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont St, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13656

YES¹ NO

- a) Does the regulation duplication
another regulation? X
Explanation:
- b) Does the regulation duplicate
another program? X
Explanation:
- c) Does the regulation duplicate a federal
regulation? X
Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed,
expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? unknown

Explanation: Since the nature of the proposed change is not described, it is impossible to judge.

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: Since we have no idea how the section is proposed to be changed, we cannot guess at the consequences. We are gravely concerned about any reductions in environmental review.

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that your comment be inserted and ~~strikeout~~ to show language that you recommend be deleted.

FORM FOR PUBLIC COMMENTS ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont St, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13658

YES¹ NO

- a) Does the regulation duplication
another regulation? X
Explanation:
- b) Does the regulation duplicate
another program? X
Explanation:
- c) Does the regulation duplicate a federal
regulation? X
Explanation:

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed,
expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it can be while achieving the purpose of the statute it implements? unknown

Explanation: Since the nature of the proposed change is not described, it is impossible to judge.

- f) If the regulation were changed, how would that affect your interests? Why is the change beneficial?

Explanation: Since we have no idea how the section is proposed to be changed, we cannot guess at the consequences. We are gravely concerned about reductions in rights of appeal.

- g) If you believe that the regulation should be amended, provide the text of the existing regulation, modified by underline to show language that your comment be inserted and ~~strikeout~~ to show language that you recommend be deleted.

FORM FOR PUBLIC COMMENTS ON
COASTAL COMMISSION'S REGULATIONS

INSTRUCTIONS: Fill out a separate copy of this form for each regulation about which you wish to comment and submit the completed form to the Legal Division, California Coastal Commission, 45 Fremont St, 20th Floor, San Francisco, CA 94105 by November 1.

Name: Rubell Helgeson

Organization: Pacific Palisades Residents Assn., Inc.

Address P.O. Box 617

Pacific Palisades, CA 90272

Telephone No: (310) 454-4254

Regulation Section Number: 13660.2

YES¹ NO

- a) Does the regulation duplication
another regulation? X
Explanation:
- b) Does the regulation duplicate
another program? X
Explanation:
- c) Does the regulation duplicate a federal
regulation? X
Explanation:
-

¹ If the answer to any question is yes, please provide an explanation in the space provided under the question.

YES

NO

- d) Is the regulation implementing a repealed,
expired or superseded mandate?

X

Explanation:

- e) Is the regulation the least burdensome it
can be while achieving the purpose of the
statute it implements?

unknown

Explanation: Since no explanation is provided of the
kinds of change under consideration, we cannot guess at an
answer.

- f) If the regulation were changed, how would
that affect your interests? Why is the
change beneficial?

Explanation: No reduction in environmental review for
sufficiency of information could possibly be beneficial. If the
information in an EIR is not sufficient, the public is
disadvantaged in its responses to the issue.

- g) If you believe that the regulation should be amended, provide
the text of the existing regulation, modified by underline to
show language that your comment be inserted and ~~strikeout~~ to show
language that you recommend be deleted.