Exhibit 10a

1. Leg.Hist.CCR.13666
2. Letter.City.Commission.6.08
3. SB-#487218-v2-RAMIREZ_Comparision_of_LCPA_to_SMMC_Override
4. SMMC letter to CCC (Ainsworth) re Proposed Amendment to LCP

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LEGISLATIVE HISTORY REPORT AND ANALYSIS

Re: 14 California Code of Regulations sections 13666 et seq.

Our File No.: 0826932

Pursuant to your request we attempted to obtain the rulemaking file of the above regulations adopted in 1982. We include as Exhibit "B" the documents that the California Coastal Commission provided in response to our request for the rulemaking file. Ms. Jessica Reed, Legal Analyst, with the Coastal Commission informed us that these were the documents she located; however, she did not think they were the entire official rulemaking file. Her opinion was based upon the fact that she found a document entitled "table of contents" which referenced at least 367 pages and the file that she located did not contain that many pages. In addition, Ms. Reed withheld one record as an exempt attorney-client privileged communication pursuant to Government Code section 6254(k) and Evidence Code section 954. She also redacted on note on a produced record as attorney work product, exempt from disclosure pursuant to Government Code section 6254(k) and Code of Civil Procedure section 2018.020.

We include as Exhibit "A" the registers to show that sections 13666 et seq were not in fact newly adopted in 1982 and were not part of the Coastal Commission regulations that were adopted in 1977.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.

Prepared by: FILOMENA M. YEROSHEK, Attorney at Law/ddw; File no.: 0826932
W:\worldox\WDOCS\WORKPROD\00643\00788\00098049.DOC

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DECLARATION OF FILOMENA M. YEROSHEK

I, Filomena M. Yeroshek, declare:

I am an attorney licensed to practice before the courts of the State of California, State Bar No. 125625, and am employed by Legislative Intent Service, Inc. a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate the administrative registers and rulemaking file for the 1982 adoption of Title 14, California Code of Regulations sections 13666 et seq.

The following list identifies the registers and rulemaking file obtained by the staff of Legislative Intent Service for the 1982 adoption of Title 14, California Code of Regulations sections 13666 et seq. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals provided to Legislative Intent Service, Inc.

EXHIBIT A - 1982 ADOPTION OF TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTIONS 13666 ET SEQ.:

x	1.	Table of contents from California Administrative Register 77, No. 4-B, published by Office of Administrative Hearing, January 22, 1977;
x	2.	Excerpt regarding Title 14, Coastal Conservancy, from the California Administrative Register 77, No. 40-B, October 1, 1977;
x	3.	Excerpt regarding Title 14, State Coastal Conservancy, from the California Administrative Register 78, No. 9-A, published by the Office of Administrative Hearings, March 4, 1978;
x	4.	Excerpt regarding Title 14, State Coastal Conservancy, from the California Administrative Register 78, No. 16-A, published by the Office of Administrative Hearings, April 22, 1978;
x	5.	Excerpt regarding notice of Proposed Actions of California Coastal Commission, Title 14, from the California Administrative Register 82, No. 8-Z, February 20, 1982;

x 6. Excerpt regarding Title 14, State Coastal Conservancy, from the California Administrative Code Supplement, Register 82, No. 45, November 6, 1982;

x 7. Administrative filing with the Secretary of State by the California Coastal Commission, filed on December 7, 1982;

x 8. Excerpt regarding Title 14, from the California Administrative Code Supplement, Register 82, No. 50, December 11, 1982.

EXHIBIT B – 1982 RULEMAKING FILE:

1. Rulemaking file of the California Code of Regulations sections 13666 et seq., for the 1982 adoption of Title 14, California Code of Regulations sections 13666 et seq. provided by the California Coastal Commission.

x Exhibits preceded by an "x" are excerpted. The original exhibit is lengthy and may not contain any further discussion relevant to your code section. The entire exhibit, or further portions of it, will be made available on your request for the cost of photocopying.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 3rd day of July, 2008 at Woodland, California.

Filomena M. Yeroshek

FILOMENA M. YEROSHEK

W:\worldox\WDOCS\REGS\ccr\14\00098053.DOC

MAL-MAJ-1-08 Ex re Table of Contents

NOTICE: Week ending January 22, 1977 is covered by Register 77, No. 4-A, Register 77, No. 4-B and Register 77, No. 4-Z.

(Register 77, No. 4—1-22-77)

State of California

California Administrative Register 77, No. 4-B

(January 22, 1977)

Amendments and Additions to Rules and Regulations of

Title 14. Fish and Game Commission
*** Title 14.** Department of Navigation and Ocean Development
Title 14. California Coastal Commission
Title 14. Resources Agency

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REVISION RECORD FOR REGISTER 77, No. 4
(January 22, 1977)

TITLE 14. NATURAL RESOURCES

DIVISION 5.5. CALIFORNIA COASTAL COMMISSION

This part of Register 77, No. 4, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 1-15-77, to and including 1-22-77.

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

Unless otherwise noted, the sections listed below are amended herein.

13001–14000, not consecutive, Repealed
13001–13250, not consecutive, Added

PAGE CHANGES

Remove Old Pages	Insert Attached Pages
255–260	255–260
260.1–260.12	260.1–260.6
260.12.1–260.12.2	260.15–260.58
260.13–260.30	--------
260.30.1–260.30.2	--------
260.31–260.32	--------
260.32.1–260.32.2	--------
260.33–260.44	--------

DIVISION 5.5.* CALIFORNIA COASTAL COMMISSION

(Originally printed 1-22-77)

CHAPTER 1. GENERAL PROVISIONS
CHAPTER 2. MEETINGS
CHAPTER 3. OFFICERS AND STAFF
CHAPTER 4. (RESERVED)
CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS
CHAPTER 6. PERMIT PROCEDURES—ADMINISTRATIVE AND EMERGENCY PERMITS
CHAPTER 7. PERMIT PROCEDURES—PERMIT, AMENDMENTS TO PERMITS, ENFORCEMENT AND VIOLATIONS
CHAPTER 9. CLAIMS OF EXEMPTION
CHAPTER 10. EXCLUSIONS FROM PERMIT AREA
CHAPTER 11. APPEALS
CHAPTER 12. MISCELLANEOUS MATTERS RELATING TO APPEALS

CHAPTER 1. GENERAL PROVISIONS

Article
1. Interpretation of Regulations
2. Definitions
3. Official Records

Detailed Analysis

Article 1. Interpretation of Regulations

Section
13001. Purpose of Regulations
13002. Explanation of References
13003. Use and Effect
13004. Reference to Commission and to Regional Commission

Article 2. Definitions

Section
13006. Aggrieved Person
13007. Appointed Membership
13009. Emergency
13010. Filing of an Application
13011. First Public Road Paralleling the Sea

Article 3. Official Records

Section
13013. Public Inspection of Records
13013.5. Copies and Certification

* Division 5.5 formerly California Coastal Zone Conservation Commission.

Ex re T 14 Coastal Conservancy

NOTICE: Week ending October 1, 1977, is covered by Register 77, No. 40-A, Register 77, No. 40-B and Register 77, No. 40-Z.

MAL-MAJ-1-08

(Register 77, No. 40—10-1-77)

State of California

California Administrative Register 77, No. 40-B

(October 1, 1977)

Amendments and Additions to Rules and Regulations of

Title 2. Board of Control
Title 3. Food and Agriculture
Title 10. Superintendent of Banks
Title 10. Corporations
Title 10. Insurance
Title 11. Department of Justice
Title 13. Highway Patrol
Title 14. Department of Forestry
Title 14. Coastal Commission
Title 14. Coastal Conservancy
Title 21. Office of the State Architect (Gen. Services)
Title 23. Water Resources Control Board
Title 24. Building Standards Commission (Housing and Community Development)
Part 6. Special Building Regulations

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REVISION RECORD FOR REGISTER 77, No. 40
(October 1, 1977)

MAL-MAJ-1-08

TITLE 14. NATURAL RESOURCES

DIVISION 5.6. STATE COASTAL CONSERVANCY

This part of Register 77, No. 40, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 9-24-77, to and including 10-1-77.

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

The sections listed below are added herein.

13701–13706
13710–13724
13730–13735

PAGE CHANGES

Remove Old Pages	Insert Attached Pages
———	260.91–260.98

DIVISION 5.6. STATE COASTAL CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS
CHAPTER 2. MEETINGS
CHAPTER 3. OFFICERS AND STAFF

CHAPTER 1. GENERAL PROVISIONS

Article
1. Interpretation of Regulations
2. Official Records

Detailed Analysis

Article 1. Interpretation of Regulations

Section
13701. Purpose of Regulations
13702. Explanation of References
13703. Use and Effect
13704. Reference to Conservancy

Article 2. Official Records

Section
13705. Inspection of Public Records
13706. Copies and Certification

Article 1. Interpretation of Regulations

13701. Purpose of Regulations. These regulations are promulgated pursuant to Division 21 (commencing with Section 31000) of the Public Resources Code as it may be amended from time to time, to enable the California State Coastal Conservancy to carry out the purposes and provisions of that Division. No attempt has been made to reproduce in these regulations the definitions, policies, and other provisions found in the Division. Therefore, these regulations should be read together with the Division.

NOTE: Authority cited: Section 31102, Public Resources Code. Reference: Chapters 1, 2 and 3 of Division 21, Public Resources Code.

History: 1. New Division 5.6 (Chapters 1–3, Sections 13701–13735, not consecutive) filed 9-29-77 as an emergency; effective upon filing (Register 77, No. 40).

13702. Explanation of References. Reference in these regulations to "Chapter", "Subchapter", "Article", "Section", and "Subsection" denote subdivisions of these regulations. References to Division 21 of the Public Resources Code are in this form: "Public Resources Code, Section _____."

13703. Use and Effect. These regulations may be used as guides in the exercise of discretion, where discretion is vested, pursuant to the provisions of Division 21. However, under no circumstances, and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of discretion, where such exists; nor shall they in any event be construed to deprive the Conservancy of any exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law. Each of these regulations shall be interpreted and liberally construed to accomplish the purposes and carry out the objectives of Division 21.

13704. Reference to Conservancy. Any reference to "Conservancy" means the State Coastal Conservancy as defined in Public Resources Code, Section 31002.

Article 2. Official Records.

13705. Inspection of Public Records. Public records of the Conservancy relating to and acquired in the performance of its statutory duties, including statements filed pursuant to the Political Reform Act of 1974, are not to be taken from the custody of the Conservancy but access thereto and inspection thereof will be permitted during regular business hours in conformance with applicable State and Federal laws regulating access to public records.

13706. Copies and Certification. Copies of official records may be made and certified by the Conservancy, the expense thereof to be borne by the person or party requesting the same.

CHAPTER 2. MEETINGS

Article
1. Regular Meetings—Time
2. Regular Meetings—Notice
3. Special Meetings
4. Emergency Meetings
5 Meetings—Quorum and Procedures

Detailed Analysis

Article 1. Regular Meetings—Time

Section
13710. Date and Hours
13711. Changes and Cancellations

Article 2. Regular Meetings—Notice

Section
13712. Method of Notification
13713. Who Shall Receive Notice
13714. Substituted Notice

Article 3. Special Meetings

Section
13715. Time and How Called
13715.5. Notice

Article 4. Emergency Meetings

Section
13716. Time and Reason For
13717. Notice

Article 5. Meetings—Quorum and Procedures

Section
13718. Quorum
13719. Voting—Number Required to Authorize Action
13720. Procedures—Robert's Rules of Order
13721. Agenda
13722. Voting—Prerequisite of Notice
13723. Recording of Meetings
13724. Minutes of Meetings

Article 1. Regular Meetings—Time

13710. Date and Hours. The Conservancy may by resolution set a date and time for their regular meetings.

13711. Changes and Cancellations. The chairperson of the Conservancy may for good cause change the starting time of any meeting, or reschedule or cancel the meeting.

Article 2. Regular Meetings—Notice

13712. Method of Notification. Notice of regular meeting of the Conservancy shall be by first class mail or other reasonable means, dispatched not later than 7 days preceding the meeting and containing an agenda listing each item to be considered.

13713. Who Shall Receive Notice. Such notice shall be mailed to Conservancy members, to all parties to proceedings on the agenda, to others known to be interested in specific agenda items, and to any person who requests such notice in writing. The Conservancy may require each person requesting such notice to supply self-addressed stamped envelopes for the purpose of providing such notice.

13714. Substituted Notice. Should circumstances arise substantially affecting the reliability of the U.S. Postal Service, the executive officer of the Conservancy may substitute for any notification required by these regulations to be mailed, such other form of notification reasonable under the circumstances, such as newspaper publication, radio or television broadcasting, telephonic communication, posting on public property or on property subject to a permit application, or such other reasonable means as might be available.

Article 3. Special Meetings

13715. Time and How Called. A special meeting of the Conservancy may be called for any reasonable time by resolution or by written petition of a majority of the authorized members of the Conservancy, or by written call of the chairperson.

13715.5. Notice. Notice of any special meetings shall be given in the same manner provided in Sections 13712, 13713 and 13714.

Article 4. Emergency Meetings

13716. Time and Reason For. The chairperson of the Conservancy may call an emergency meeting for any day and time when a situation may exist that poses danger to life, health or property, and when Conservancy action is or may be needed in the situation.

13717. Notice. Notice of any emergency meeting must be provided by telegram to all persons entitled to receive notice pursuant to Section 13713 and shall be sent not less than 24 hours prior to the meeting, if possible. In addition, Conservancy members shall be notified by telephone prior to or immediately following placing of the telegraphic notice and a reasonable effort shall be made to notify the public of the meeting. Any such notice shall contain a listing of the items to be considered at the emergency meeting.

Article 5. Meetings—Quorum and Procedures

13718. Quorum. For all meetings of the Conservancy, a quorum shall be a majority of the total authorized membership of the Conservancy. No action shall be taken in the absence of a quorum, except that a lesser number of members may continue a meeting or a hearing from time to time until a quorum is present; provided, however, that such a continued meeting or hearing shall not substitute for the requirements of Public Resources Code, Section 31102.

13719. Voting—Number Required to Authorize Action. Except as otherwise required by Division 21 of the Public Resources Code or in these regulations, actions of the Conservancy shall be by vote of a majority of the total authorized membership.

13720. Procedures—Robert's Rules of Order. Except where the provision of Division 21 of the Public Resources Code or of these regulations provide to the contrary, or when the Conservancy determines otherwise, the Conservancy shall operate under the latest edition of Robert's Rules of Order.

13721. Agenda. (a) The agenda for regular meetings of the Conservancy shall be set by the executive officer at least 7 days prior to the meeting.

(b) The chairperson may direct that the order of the agenda be altered for any particular meeting, or that any particular item on the agenda be taken out of order when, in the chairperson's opinion, such change is desirable. Any such action may be rejected or modified by a vote of a majority of members present.

13722. Voting—Prerequisite of Notice. The Conservancy shall not vote upon substantive or policy matters of general importance when adequate descriptive notice has not been given as part of the required notice of the meeting.

13723. Recording of Meetings. Conservancy meetings shall be recorded electronically except when this is prevented by equipment failure. In the event of equipment failure, stenographic notes of the proceedings shall ordinarily be taken. The recording shall be made reasonably available for replaying at the Conservancy offices. The recording or stenographic notes shall be retained for the period of time required by the applicable law governing the retention of records of state agency public proceedings.

13724. Minutes of Meetings. (a) The Conservancy shall keep full minutes of its meetings and shall make them available to the public.

(b) Minutes shall be signed by the executive officer and by the chairperson or by the persons serving as executive officer or chairperson at a particular meeting.

(c) Signed minutes shall be the original record of actions taken by the Conservancy at any meeting, including the text of any resolutions adopted.

CHAPTER 3. OFFICERS AND STAFF

Article
1. Officers
2. Staff

Detailed Analysis

Article 1. Officers

Section
13730. Selection and Term of Vice-Chairperson
13731. Duties of Chairperson
13732. Duties of Vice-Chairperson

Article 2. Staff

Section
13733. Executive Officer—Appointment and Term
13734. Duties and Delegation
13735. Acting Executive Officer

Article 1. Officers

13730. Selection and Term of Vice-Chairperson. A vice-chairperson of the Conservancy shall be selected and shall serve at the will of the Conservancy.

13731. Duties of Chairperson. The chairperson shall preside at all meetings of the Conservancy, shall execute for the Conservancy any documents requiring such execution, and shall perform such other duties as the Conservancy shall from time to time provide by resolution.

13732. Duties of Vice-Chairperson. The vice-chairperson shall, in the absence of the chairperson, perform any duties of the chairperson that cannot reasonably await his or her return. If the chairperson (or, in his or her absence, the vice-chairperson) anticipates the need for any acting vice-chairperson to perform, in the absence of both chairperson and vice-chairperson, duties that cannot reasonably await the return of either of them, the chairperson may appoint an acting vice-chairperson.

Article 2. Staff

13733. Executive Officer—Appointment and Term. The Conservancy shall appoint an executive officer to serve at the pleasure of a majority of the authorized members of the Conservancy.

13734. Duties and Delegation. (a) In accordance with the direction and policies of the Conservancy and pursuant to Public Resources Code Section 31103, the executive officer shall administer the affairs of the Conservancy and, subject to approval by the Conservancy, the executive officer shall, on behalf of the Conservancy and in accordance with applicable state and civil service procedures, appoint such other employees as may be necessary to carry out the functions of the Conservancy.

(b) Except as specially provided by resolution, the executive officer may delegate the performance of any of his or her functions but such delegation(s) shall not affect his or her responsibility to see that the directions and policies of the Conservancy are carried out fully and faithfully.

(c) The executive officer of the Conservancy shall, when authorized by resolution of the Conservancy, establish administrative procedures necessary to implement these regulations. Such administrative procedures shall be reduced to writing, shall be kept current with any amendments thereto, and shall be made available to all persons who shall be provided a copy of such procedures upon request and upon the payment of a reasonable fee.

13735. Acting Executive Officer. (a) The executive officer shall designate a member of the staff to serve as acting executive officer while the executive officer is absent or unable to perform his or her regular duties.

(b) If the executive officer is absent or unable to perform his or her regular duties and has not designated an acting executive director, the chairperson shall do so, or in absence of the chairperson, the vice-chairperson shall do so.

Ex Re T14 State Coastal Conservancy

MAL-MAJ-1-08

NOTICE: Week ending March 4, 1978, is covered by Register 78, No. 9-A, Register 78, No. 9-B and Register 78, No. 9-Z.

(Register 78, No. 9—3-4-78)

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State of California

California Administrative Register 78, No. 9-A

(March 4, 1978)

JUN 12 1979

Amendments and Additions to Rules and Regulations of

Title 2. State Board of Control
Title 2. Office of Local Assistance
Title 2. State Lands Commission
Title 3. Food and Agriculture
Title 8. Cal/OSHA Standards Board (Chapter 4)
Subchapter 7. General Industry Safety Orders
Title 10. Savings and Loan
Title 14. California Coastal Commission
Title 14. State Coastal Conservancy
Title 16. State Board of Chiropractic Examiners
Title 16. Hearing Aid Dispensers Examining Committee
(Board of Medical Quality Assurance)
Title 16. Board of Registered Nursing
Title 16. State Board of Optometry
Title 16. Board of Vocational and Psychiatric Technician Examiners

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REVISION RECORD FOR REGISTER 78, No. 9
(March 4, 1978)

TITLE 14. NATURAL RESOURCES

DIVISION 5.6. STATE COASTAL CONSERVANCY

This part of Register 78, No. 9, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 2-25-78, to and including 3-4-78. The latest prior register containing regulations of the above agency is Register 77, No. 40 (10-1-77).

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

The sections listed below are added herein.

13701–13735, not consecutive

PAGE CHANGES

Remove Old Pages	Insert Attached Pages
1–2	1–2
260.91–260.92	260.91–260.92

MAL-MA-1-08

TITLE 14. Natural Resources

DIVISION 1. FISH AND GAME COMMISSION—DEPARTMENT OF FISH AND GAME

DIVISION 1.5. DEPARTMENT OF FORESTRY

DIVISION 2. DEPARTMENT OF CONSERVATION

DIVISION 3. DEPARTMENT OF PARKS AND RECREATION

DIVISION 4. DEPARTMENT OF NAVIGATION AND OCEAN DEVELOPMENT

DIVISION 5. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

DIVISION 5.2. COLORADO RIVER BOARD OF CALIFORNIA

DIVISION 5.3. TAHOE REGIONAL PLANNING AGENCY (Notation only)

DIVISION 5.4. CALIFORNIA TAHOE REGIONAL PLANNING AGENCY (Notation only)

DIVISION 5.5. CALIFORNIA COASTAL COMMISSION

DIVISION 5.6. STATE COASTAL CONSERVANCY

DIVISION 6. RESOURCES AGENCY

DIVISION 6.3. OFFICE OF PLANNING AND RESEARCH

DIVISION 7. SOLID WASTE MANAGEMENT BOARD

DIVISION 5.6. STATE COASTAL CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS
CHAPTER 2. MEETINGS
CHAPTER 3. OFFICERS AND STAFF

CHAPTER 1. GENERAL PROVISIONS

Article
1. Interpretation of Regulations
2. Official Records

Detailed Analysis

Article 1. Interpretation of Regulations

Section
13701. Purpose of Regulations
13702. Explanation of References
13703. Use and Effect
13704. Reference to Conservancy

Article 2. Official Records

Section
13705. Inspection of Public Records
13706. Copies and Certification

Article 1. Interpretation of Regulations

13701. Purpose of Regulations. These regulations are promulgated pursuant to Division 21 (commencing with Section 31000) of the Public Resources Code as it may be amended from time to time, to enable the California State Coastal Conservancy to carry out the purpose and provisions of that Division. No attempt has been made to reproduce in these regulations the definitions, policies, and other provisions found in the Division. Therefore, these regulations should be read together with the Division.

NOTE: Authority cited: Section 31102, Public Resources Code. Reference: Chapters 1, 2 and 3 of Division 21, Public Resources Code.

History: 1. New Division 5.6 (Chapters 1–3, Sections 13701–13735, not consecutive) filed 9-29-77 as an emergency; effective upon filing (Register 77, No. 40).
2. New Division 5.6 (Chapters 1–3, Sections 13701–13735, not consecutive) refiled 2-27-78 as an emergency; effective upon filing (Register 78, No. 9).

13702. Explanation of References. Reference in these regulations to "Chapter", "Subchapter", "Article", "Section", and "Subsection" denote subdivisions of these regulations. References to Division 21 of the Public Resources Code are in this form: "Public Resources Code, Section _____."

13703. Use and Effect. These regulations may be used as guides in the exercise of discretion, where discretion is vested, pursuant to the provisions of Division 21. However, under no circumstances, and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of discretion, where such exists; nor shall they in any event be construed to deprive the Conservancy of any exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law. Each of these regulations shall be interpreted and liberally construed to accomplish the purposes and carry out the objectives of Division 21.

13704. Reference to Conservancy. Any reference to "Conservancy" means the State Coastal Conservancy as defined in Public Resources Code, Section 31002.

Article 2. Official Records.

13705. Inspection of Public Records. Public records of the Conservancy relating to and acquired in the performance of its statutory duties, including statements filed pursuant to the Political Reform Act of 1974, are not to be taken from the custody of the Conservancy but access thereto and inspection thereof will be permitted during regular business hours in conformance with applicable State and Federal laws regulating access to public records.

13706. Copies and Certification. Copies of official records may be made and certified by the Conservancy, the expense thereof to be borne by the person or party requesting the same.

Ex re T14 State Coastal Conservancy

MAL-MAJ-1-08

NOTICE: Week ending April 22, 1978, is covered by Register 78, No. 16-A, and Register 78, No. 16-Z.

(Register 78, No. 16—4-22-78)

State of California

California Administrative Register 78, No. 16-A

(April 22, 1978)

Amendments and Additions to Rules and Regulations of

Title 2. Fair Political Practices Commission
Title 3. Food and Agriculture
Title 10. Department of Savings and Loan
Title 10. Department of Corporations
Title 13. California Highway Patrol
Title 14. State Coastal Conservancy
Title 16. Board of Dental Examiners
Title 16. Board of Behavioral Science Examiners
Title 17. Health
Title 18. Board of Equalization
Title 22. Health
Division 2. Department of Benefit Payments—Department of Health
Division 3. Health Care Services
Title 25. Housing and Community Development
Part I. Housing and Community Development
Chapter 7. Department of Housing and Community Development Programs

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REVISION RECORD FOR REGISTER 78, No. 16
(April 22, 1978)

TITLE 14. NATURAL RESOURCES

DIVISION 5.6 STATE COASTAL CONSERVANCY

This part of Register 78, No. 16, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 4-15-78, to and including 4-22-78. The latest prior register containing regulations of the above agency is Register 78, No. 9 (3-4-78).

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

Unless otherwise noted, the sections listed below are amended herein.

Division 5.6 (Sections 13701-13735, not consecutive)
Certificate of Compliance
Chapter 4 (Section 13740) Added

PAGE CHANGES

Remove Old Pages	Insert Attached Pages
260.91–260.92	260.91–260.92
260.98.1–260.98.2	260.98.1–260.98.2

(Precedes page 260.91, Title 14)

DIVISION 5.6. STATE COASTAL CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS
CHAPTER 2. MEETINGS
CHAPTER 3. OFFICERS AND STAFF
CHAPTER 4. PROCUREMENT OF PRIVATE ARCHITECTURAL OR ENGINEERING SERVICES

CHAPTER 1. GENERAL PROVISIONS

Article
1. Interpretation of Regulations
2. Official Records

Detailed Analysis

Article 1. Interpretation of Regulations

Section
13701. Purpose of Regulations
13702. Explanation of References
13703. Use and Effect
13704. Reference to Conservancy

Article 2. Official Records

Section
13705. Inspection of Public Records
13706. Copies and Certification

Article 1. Interpretation of Regulations

13701. Purpose of Regulations. These regulations are promulgated pursuant to Division 21 (commencing with Section 31000) of the Public Resources Code as it may be amended from time to time, to enable the California State Coastal Conservancy to carry out the purpose and provisions of that Division. No attempt has been made to reproduce in these regulations the definitions, policies, and other provisions found in the Division. Therefore, these regulations should be read together with the Division.

NOTE: Authority cited: Section 31102, Public Resources Code. Reference: Chapters 1, 2 and 3 of Division 21, Public Resources Code.

History: 1. New Division 5.6 (Chapters 1–3, Sections 13701–13735, not consecutive) filed 9-29-77 as an emergency; effective upon filing (Register 77, No. 40).
2. New Division 5.6 (Chapters 1–3, Sections 13701–13735, not consecutive) refiled 2-27-78 as an emergency; effective upon filing (Register 78, No. 9).
3. Certificate of Compliance as to filing of 2-27-78 filed 4-17-78 (Register 78, No. 16).

13702. Explanation of References. Reference in these regulations to "Chapter", "Subchapter", "Article", "Section", and "Subsection" denote subdivisions of these regulations. References to Division 21 of the Public Resources Code are in this form: "Public Resources Code, Section _____."

DIVISION 5.6. STATE COASTAL CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS
CHAPTER 2. MEETINGS
CHAPTER 3. OFFICERS AND STAFF
CHAPTER 4. PROCUREMENT OF PRIVATE ARCHITECTURAL OR ENGINEERING SERVICES

CHAPTER 1. GENERAL PROVISIONS

Article
1. Interpretation of Regulations
2. Official Records

Detailed Analysis

Article 1. Interpretation of Regulations

Section
13701. Purpose of Regulations
13702. Explanation of References
13703. Use and Effect
13704. Reference to Conservancy

Article 2. Official Records

Section
13705. Inspection of Public Records
13706. Copies and Certification

Article 1. Interpretation of Regulations

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3. Certificate of Compliance as to filing of 2-27-78 filed 4-17-78 (Register 78, No. 16).

13702. Explanation of References. Reference in these regulations to "Chapter", "Subchapter", "Article", "Section", and "Subsection" denote subdivisions of these regulations. References to Division 21 of the Public Resources Code are in this form: "Public Resources Code, Section _____."

13703. Use and Effect. These regulations may be used as guides in the exercise of discretion, where discretion is vested, pursuant to the provisions of Division 21. However, under no circumstances, and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of discretion, where such exists; nor shall they in any event be construed to deprive the Conservancy of any exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law. Each of these regulations shall be interpreted and liberally construed to accomplish the purposes and carry out the objectives of Division 21.

13704. Reference to Conservancy. Any reference to "Conservancy" means the State Coastal Conservancy as defined in Public Resources Code, Section 31002.

Article 2. Official Records.

13705. Inspection of Public Records. Public records of the Conservancy relating to and acquired in the performance of its statutory duties, including statements filed pursuant to the Political Reform Act of 1974, are not to be taken from the custody of the Conservancy but access thereto and inspection thereof will be permitted during regular business hours in conformance with applicable State and Federal laws regulating access to public records.

13706. Copies and Certification. Copies of official records may be made and certified by the Conservancy, the expense thereof to be borne by the person or party requesting the same.

CHAPTER 4. PROCUREMENT OF PRIVATE ARCHITECTURAL OR ENGINEERING SERVICES

Detailed Analysis

Section
13740. Competence and Professional Qualifications

13740. Competence and Professional Qualifications. Prior to the awarding of any contracts for architectural or engineering services, except for those contracts for plans, specifications, or drawings, the Executive Officer shall assure that such services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the Conservancy. The Executive Officer shall prepare a statement setting forth the basis upon which it has been assured that this condition has been filled, and the statement shall accompany the contract.

In addition the Executive Officer shall assure maximum participation of small business firms, as defined by the Director of General Services pursuant to Section 14837 of the Government Code.

NOTE: Authority cited: Section 31102, Public Resources Code. Reference: Chapters 1, 2 and 3 of Division 21, Public Resources Code.

History: 1. New Chapter 4 (Section 13740) filed 4-17-78 as an emergency; effective upon filing (Register 78, No. 16).

Exre Notice of Proposed Action of California Coastal Commission, T14

Exhibit 10a

LIS - 5

Page 30 of 448

MAL-MAJ-1-08

California Administrative Register 82, No. 8-Z

For week ending February 20, 1982
Publication date: 2-24-82

NOTICE REGISTER

- Notice of Proposed Action of

Title 2. Department of Personnel Administration
Title 3. Food and Agriculture
Title 5. Library Services Board
Title 10. State Banking Department
Title 11. Commission on Peace Officers Standards and Training
Title 14. California Coastal Commission
Title 22. Department of Social Services
Title 22. Department of Health Services

- Notices of Intent to Develop Regulations
- Statements of Review Completion
- Orders to Show Cause
- Disapproved Regulations
- Regulation Summary

Published by

OFFICE OF ADMINISTRATIVE LAW
GENE LIVINGSTON, Director

Includes summary of regulations filed with Secretary of State during current Register week

LEGISLATIVE INTENT SERVICE (800) 666-1917

REQUIRED NOTICE CONTENT

At least 45 days prior to the hearing on the adoption, amendment or repeal of a regulation, notice of the proposed action shall be published . . . in the California Administrative Register . . .

Government Code Sections 11346.5 and 11346.51 are reproduced here for informational purposes. If you have questions regarding the content of a particular notice, please contact the individual listed in that notice.

Contents of Notice

11346.5. (a) The notice of proposed adoption, amendment, or repeal of a regulation shall include:

(1) A statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation.

(2) Reference to the authority under which the regulation is proposed and a reference to the particular code sections or other provisions of law which are being implemented, interpreted, or made specific.

(3) An informative digest containing a concise and clear summary of existing laws and regulations, if any, related directly to the proposed action and the effect of the proposed action. The informative digest shall be drafted in a format similar to the Legislative Counsel's digest on legislative bills. If the proposed action differs substantially from an existing comparable federal regulation or statute, the informative digest shall also include a brief description of the significant differences and the full citation of the federal regulations of statutes.

(4) Such other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

(5) An estimate, prepared as prescribed by the Department of Finance, of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed under Section 2231 of the Revenue and Taxation Code, other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state.

For purposes of this section, "cost or savings" means additional costs or savings, both direct and indirect, which a public agency necessarily incurs in reasonable compliance with regulations.

(6) The name and telephone number of the agency officer to whom inquiries concerning the proposed administrative action may be directed.

(7) The date by which comments submitted in writing must be received to present statements, arguments, or contentions in writing relating to the proposed action in order for them to be considered by the state agency before it adopts, amends, or repeals a regulation.

(8) Reference to the fact that the agency proposing the action has prepared a statement of the reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action, pursuant to subdivision (b).

(9) A statement that if a public hearing is not scheduled, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8.

(b) The agency officer designated in paragraph (6) of subdivision (a) shall make available to the public upon request the express terms of the proposed action using underline to indicate additions to, and strikeout to indicate deletions from, the California Administrative Code. The officer shall also make available to the public upon request the location of public records, including reports, documentation, and other materials, related to the proposed action.

(c) The provisions of this section shall not be construed in any manner which results in the invalidation of a regulation because of the alleged inadequacy of the notice content or the summary or cost estimates if there has been substantial compliance with those requirements.

11346.51. (a) If a state agency, in adopting, amending or repealing any administrative regulation, determines that the action would have a significant effect on housing costs, it shall note such fact in the notice of proposed action provided for pursuant to Section 11346.5. In addition, the agency officer designated in subdivision (f) of Section 11346.5, shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs.

(b) At the time a state agency takes regulatory action which it has determined would significantly increase housing costs, it shall consider revisions to the proposed regulatory action that would have the effect of offsetting the increase in housing costs. If no offsetting action is taken, the agency shall explain in writing the reasons for its decision.

(c) The provisions of this section shall not be construed in any manner which results in the invalidation of a regulation because of the alleged inadequacy or inaccuracy of the housing cost estimates, if there has been substantial compliance with the requirements of this chapter.

The Regulation Summary in this "Notice Register" lists all regulations filed with the Secretary of State during the current Register week. Copies of regulations may be obtained by contacting the agency person indicated in the summary. Or you may contact Secretary of State, Archives, 1020 "O" Street, Room 130, Sacramento, CA 95814, (916) 445-4293 (ATSS, 485-4293). The date of filing and the title in which the regulation appears must be provided.

Subscriptions to the "Notice Register" are available from Publications Section, P.O. Box 1015, North Highlands, CA 95660.

(Register 82, No. 8-Z—2-20-82)

NOTICE OF PROPOSED ACTION OF STATE AGENCIES *

Notices published herein are printed exactly as submitted by the forwarding agencies.

TITLE 2. DEPARTMENT OF PERSONNEL ADMINISTRATION

Notice is hereby given that the Department of Personnel Administration, pursuant to the authority vested by Government Code Sections 19815.4, 19996.11 and 19996.27, proposes to repeal, amend and adopt regulations in Title 2, California Administrative Code, to implement, interpret and make specific the provisions of the Reduced Worktime Program (Government Code Sections 19996.5–19996.17) and the Reduced Worktime Act (Government Code Sections 19996.20–19996.29).

The Department of Personnel Administration will hold a public hearing for the purpose of taking oral testimony from the public regarding regulations, to be held:

Tuesday, April 13, 1982, 1:00 p.m.
1120 N Street, Sacramento
Basement Board Room

In addition, interested persons may present statements or arguments in writing to the Personnel Services Branch, Department of Personnel Administration, 1115—11th Street, Sacramento, CA 95814, telephone (916) 324-0439, attention Lynn Sadler. Written correspondence must be received by April 21, 1982.

Inquiries and requests for copies of the proposed regulations and/or a statement of the purpose of the proposed action and the information which is being relied upon may be directed to the same person and address.

There are no state mandated costs in the proposed regulations that require reimbursement pursuant to Revenue and Taxation Code Section 2231. There are no known direct costs or savings to any state agency which will result from the adoption of the proposed regulations.

INFORMATIVE DIGEST

In 1979, the Reduced Worktime Program (Government Code Sections 19996.5–19996.17) was enacted to preserve employment opportunities and minimize layoffs during cutbacks in State employment contingent upon a one percent or more reduction in full-time equivalent jobs in a state agency. In October 1980, the State Personnel Board adopted regulations to implement this program. These regulations were codified in Title 2, California Administrative Code, sections 520–525.

On January 1, 1981, the Reduced Worktime Act (Government Code Sections 19996.20–19996.29) became effective. The provisions of this act are similar to those of the Reduced Worktime Program, with the following major exceptions:

* Annual subscription to the "Notice Register" is available from Publication Section, P.O. Box 1015, North Highlands, California 95660.

MAL-MAJ-1-08
Exhibit 0a
Page 31 of 448
LEGISLATIVE INTENT SERVICE (800) 666-1917

written test of mental ability" for consistency with Government Code Section 1031 and clarity.

Amend Section 1002(a) (5), which provides for a physical examination under minimum standards for employment, to incorporate by reference PAM Section C-2 and to amend PAM Section C-2 to include the use of the medical screening manual or its equivalent in determining the physical fitness of peace officer applicants, for consistency with Penal Code Section 13510(a).

Amend Section 1002(a) (7), which provides for testing of reading levels under minimum standards for employment, to specify a POST reading ability examination or an equivalent job-related reading ability test, for clarity.

Amend Section 1005, which provides for minimum standards for training, to incorporate by reference the PAM Sections D-1-3, D-2, D-3, and D-4, concerning the content of mandated courses, for consistency with Penal Code Section 13510(a) and clarity.

Amend Section 1007, which provides for the reserve officer program, to incorporate by reference PAM Sections H-2 and H-3, concerning reserve officer standards, for consistency with Penal Code Section 13510(a) and clarity.

Amend Section 1009, which provides for the specialized law enforcement certification program, to reference Commission Regulation 1001(x), which defines "Specialized Law Enforcement Agency," for clarity.

Amend Section 1009(b) (1), which provides for the performance of law enforcement or investigative duties to qualify an agency for entry into the specialized law enforcement program, to reference Commission Regulation 1001(x) which defines duties performed by agencies, for clarity.

Amend Section 1010, which provides for eligibility for participation in the POST program, to incorporate by reference Regulations 1002, 1005, and 1009, which define minimum standards for selection and training, for consistency with Penal Code Sections 13510 and 13510.5.

Amend Section 1012, which provides for certification of courses, to incorporate language providing that course requirements will reflect the specific needs for the course type certified, for clarity.

Amend Section 1014, which provides for training for non-sworn and paraprofessional personnel, to incorporate by reference PAM Section E 1-3-f, for clarity.

Amend Section 1015, which provides for reimbursement, to delete specific references to PAM Section E, which has not been incorporated, and to indicate instead, in an uncodified reference, that reimbursement information can be found in PAM Section E, for clarity.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed. Written comments are to be submitted to the Commission on POST, 7100 Bowling Drive, Sacramento, CA 95823, not later than April 10, 1982.

The Commission has prepared a statement of reasons for the proposed action and information upon which it is relying in proposing the above action.

Copies of the exact language of the proposed regulations and of the statement of reasons may be obtained at the hearing or prior to the hearing upon request from the Commission.

The proposed amendments have no cost to local, state, or federal government pursuant to Section 2231 of the Revenue and Taxation Code.

Inquiries may be directed to Patricia Cassidy (916) 445-4515.

Publication date: 2-24-82

TITLE 14. CALIFORNIA COASTAL COMMISSION

NOTICE: The California Coastal Commission proposes to adopt amendments to its regulations which explain and implement the requirements of the California Coastal Act of 1976, as amended, Public Resources Code Section 30000 and following.

INFORMATIVE DIGEST

1. The proposed amendments to OCS Plan regulations found in 14 California Administrative Code Section 13660 are administrative or procedural, deleting references to the Regional Commissions and reflecting other organizational changes. A new section is proposed allowing consent calendar procedures for these projects. This procedure should expedite review. The term "California Coastal Management Program" is defined. The regulations implement Section 30330 which designates the Commission as the state coastal management agency for the federal Coastal Zone Management Act 16 U.S.C. Section 1451 and 15 CFR Part 930.

2. Section 30515 allows applicants of public works or energy facility developments to petition the Commission for Local Coastal Program amendments, subject to certain threshold requirements. For all other types of developments, local governments must first approve such developments. The regulations describe how such applications will be processed, relying as much as possible on existing procedures. The regulations also implement Section 30330 and the Commission's national interest responsibilities pursuant to the Coastal Zone Management Act 16 USC 1451 and 15 CRF Part 923.

3. The present regulation defining "major public works", Section 13012, incorrectly limits such projects to geographic areas described in P.R.C. Section 30601(1) and (2). This is expressly inconsistent with Section 30601(3) which does not put a locational limit on such projects. It is proposed to delete the reference to Section 30601(1) and (2). Correction of this error will assure that both public works projects and energy projects, regardless of location, may take advantage of the Local Coastal Program amendment procedures of paragraph 2 above.

The Coastal Commission will conduct one hearing on these proposed amendments. The hearing will be held as follows:

March 16–19, 1982
Amfac Hotel, near L.A. Airport
Los Angeles, California

The specific date of the hearings will be available ten days prior to the scheduled meeting and will be noticed on the Commission Meeting Notice. Any person interested may present statements or arguments relevant to the proposed amendments and adoption, orally or in writing, at the hearings. If for some reason the public hearing is not held, any interested person may request a public hearing no later than 15 days before the close of the comment period. Written comments may be submitted until April 10, 1982.

The Coastal Commission has prepared a Statement of Reasons providing an explanation of the purpose and justification for these proposed amendments and adoption. These amendments are expected to result in no increased costs to local governments, and there may be a slight decrease in costs as a result of the removal of one level of review and decreased time for review by the California Coastal Commission.

Authority for the Coastal Commission to adopt these amendments and new regulations is provided in Public Resources Code Sections 30333, 30501. These amendments and new regulations would implement the requirements of Public Resources Code, Sections 30515, 30333,

Exhibit 10a
Page 32 of 448
MAL-MAJ-1-08
LEGISLATIVE INTENT SERVICE (800) 666-1917

and the federal laws and regulations noted above.

Any inquiries concerning these proposed amendments may be directed to Linda Breeden, Energy Counsel at (415) 543-8555.

Publication date: 2-24-82

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

Notice is hereby given as required by Section 11346.5 of the Government Code that the Department of Social Services has scheduled a public hearing in Sacramento, California on April 21, 1982 beginning at 10:00 a.m. at the

State Office Building #8
Auditorium
714 P Street

The hearing will be adjourned immediately following the completion of oral testimony presentations. This public hearing is for the purpose of considering revision of the Chapters and Sections below pursuant to the authority contained in Welfare and Institutions Code Sections 10553 and 10554. The Department of Social Services, upon its own motion or at the instance of any interested persons, may thereafter adopt the proposals substantially as proposed without further notice.

Those regulation sections which are being deleted are indicated by strikeout and additions or amendments are indicated by underlining below the words added or changed, as required by Government Code Section 11346.5(b). Cost estimates for each regulation will be considered as part of the public hearing, and Statements of Reasons for each agenda item are available upon request at the address listed below.

Notice is also given that each proposal in the agenda should be reviewed in terms of the statutory requirements for necessity, clarity, consistency, authority and reference. Any person interested may present statements or arguments relating to the proposals in writing to: Department of Social Services, Office of Regulations Development, 744 P Street, Sacramento, California 95814, by April 21, 1982. Testimony received subsequent to that date may not be assured of consideration unless otherwise expressly stated by the hearing officer. Persons making oral presentations at the hearing are requested to provide a written statement at the conclusion of their remarks. The above facility is accessible to persons with disabilities. If you are in need of a language interpreter, including sign language, at the hearing, please notify the Department at least two weeks prior to the hearing, so that the services of an interpreter may be arranged.

Address questions concerning the proposed regulations, or requests for copies of the full agenda, to Mr. Lee Sapaden at the above address or at (916) 445-0313.

Item #1 U-PARENTS INELIGIBLE FOR UNEMPLOYMENT COMPENSATION INSURANCE BENEFITS (UIB)

CHAPTERS: 41-400, (Deprivation of Parental Support or Care)

INFORMATIVE DIGEST: Current EAS 41-440.47 provides that federal financial participation is not available for AFDC-U cases in which the parent is unemployed for reasons which would result in his/her disqualification from unemployment compensation benefits. Provided the family is otherwise eligible, they would receive assistance from the nonfederal AFDC-U program. Subject revisions would repeal

this requirement for federal financial participation so that if the family met all other conditions in EAS 41-440.4, they would receive assistance benefits from the federal AFDC-U program.

COST ESTIMATE: By repealing EAS 41-440.47, the shares of AFDC costs between federal, state and county governments will change. This repeal action will result in a shift from federally ineligible to federal eligible persons and a like shift from nonfederal costs to federal costs. However, due to lack of data, the extent of the increased federal cost and the decreased state and county costs is unknown.

SB 90 STATEMENT: There are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because this order merely affirms that which is expressed in federal regulations and should result in less, rather than more, costs to local governments.

WELFARE AND INSTITUTIONS CODE SECTIONS: These regulations implement, interpret and make specific Welfare and Institutions Code Section 11201(a); 42 U.S.C. Section 607; 45 CFR Section 233.100(a)(1)(ii).

EMERGENCY STATEMENT: These regulations have been adopted on an emergency basis and will be considered at public hearing on April 21, 1982 in accordance with Government Code Section 11422.1(a), in order to allow interested persons an opportunity to submit statements or arguments.

Item #2 *KING* V. *WOODS*

CHAPTER: 46-400 (Aid Recoveries and Special Circumstances)

INFORMATIVE DIGEST: 1) Current regulations require that applicants for special circumstances assistance (SSI/SSP recipients) obtain county welfare department authorization before incurring special circumstances expenditures, except in emergency situations when the county cannot be contacted for approval prior to the expenditures. Subject revisions amend this requirement to provide that in emergency situations prior county authorization is not required. 2) Current regulations provide a payment, up to a maximum of $750 for housing modification to an SSP recipient occupied home as necessary to provide safe and healthful housing. If two or more recipients live together the amount is limited to a cumulative maximum of $750. If these same individuals subsequently establish separate homes, each recipient is eligible for an individual $750 allowance less his/her share of the amount expended in the home previously held in common. Revised language will provide that if a recipient moves to a new dwelling he/she is eligible for a renewed $750 maximum allowance to modify the new dwelling. The individual remaining in the home previously held in common will be eligible for the $750 allowance, less his/her share of any modification previously spent on the dwelling. If the previous modification does not benefit the individual remaining in the dwelling such modification will not be applied to the individual and he/she would be eligible for the full $750 allowance.

COST ESTIMATE: Subject revisions 1) remove the requirement for SSP recipients to obtain prior authorization from the CWD before incurring special circumstances expenditures in emergency situations; 2) provide definition of "housing modification" and "housing repair"; and 3) provide clarification of existing policy regarding housing modification expenses.

Exhibit 10a
Page 33 of 448
MAJ-MAJ-108
LEGISLATIVE INTENT SERVICE (800) 666-1917

hereby abolishes the Board, effective January 1, 1982. The proposed amendment to the regulations would repeal the Board's regulations, since without the Board there is no authority for them.

The existing title of Chapter 3 is "Board of Library Examiners". Since the Board's regulations are to be repealed, the title is no longer appropriate. It is proposed instead to have the title reflect the remaining content of the Chapter, and be "Library Services for the Blind". *Filed:* 2-19-82. *For further information:* Gary E. Strong, (916) 445-2585.

Title 11. Department of Justice.

Amends Sections 941, 944, 946, 951, 953, 956 and 957 deleting obsolete requirements and adding amendments to implement and make specific authorizing legislation, AB 2813 (Chapter 1009) effective January 1981. *Filed:* 2-16-82. *Designated Effective:* 4-1-82. *For further information:* A. A. Biasotti, (916) 322-2580.

Title 13. California Highway Patrol.

Amends Sections 1151.3(b) and (c), 1151.5(b), 1151.6(b), 1151.10(b) and (c), 1151.11(b), 1152(b), 1152.2(b), 1152.3, 1152.7(b), 1152.9(b) and (c), 1152.10(b), 1152.11(b), 1153.1, 1153.2(b), and 1153.5(b) updating the list of explosive routes and safe stopping places contained in Title 13. The amendments reflect editorial changes and changes in names of stops, hours of services offered, and stops added and deleted. *Filed:* 2-16-82. *For further information:* Herb Yarbrough, (916) 322-7157.

Title 13. Air Resources Board.

Amends Section 1960.1(a) and (b) extending until the 1984 model year certain more stringent standards presently due to take effect in 1983 for oxides of nitrogen (NOx) for certain classes of vehicles. The extension is based on technological and economic considerations and to provide manufacturers with adequate "lead time" to meet the more stringent standards. *Filed:* 2-18-82. *For further information:* David Abelson, (916) 322-2884.

Title 14. Fish and Game Commission.

Repeals and adopts Chapters 1–5 (Sections 1.05–40.15, not consecutive) adding 1982 sport fishing regulations. *Filed:* 2-17-82. *For further information:* Harold C. Cribbs, (916) 445-5708.

Title 22. Department of Social Services.

Amends Sections 10-051 and -053, 11-800, -801 and -802; repeals Sections 10-54 through 10-062 and 11-807 through -811; repeals and adopts Sections 11-803 and -804; renumbers and amends Sections 11-805 and -806; and adopts new Sections 11-805 and -808 of the Department's Manual of Policies and Procedures, clarifying and defining the requirements for county compliance with Department of Social Services regulations and statutes and setting forth the procedures for handling county non-compliance. *Filed:* 2-18-82. *For further information:* Harry Baertschi, (916) 445-7054.

Also, amends Section 30-458.1, 30-463.212 and .213, and 30-466.211, .212, .213, .22 and .312 of the Department's Manual of Policies and Procedures regarding In-Home Supportive Services. *Filed:* 2-18-82. *For further information:* Debbie Aldama, (916) 445-0547.

Also, amends Sections 63.107.5, .82 and .83, 63-108.12, 63-301.53 and .534, 63-602.322 and .48, 63-603.3 and .311, and 22-022.12; adopts Sections

63-107.34, .86, .861 through .864, .87, .871, .872, .9, .91, .92, .93, and 63-603.315; repeals Section 63-107.91; and renumbers Section 63-107.92 changing procedures to be used in the event of a reduction, suspension or cancellation of food stamp benefits; establishing provisions for the processing of eligible cases on an expedited basis during reductions, suspensions and cancellations of food stamp benefits; and providing that notices of action not be sent in the event of reduction, suspensions or cancellations in the Food Stamp Programs. *Filed:* 2-19-82. *Designated Effective:* 3-1-82. *For further information:* Rick Torres, (916) 322-0883 or 445-0313.

Title 22. Department of Health Services.

Repeals and adopts Chapter 3 (Sections 72001-72705, not consecutive) extensively updating previous Chapter 3 pertaining to regulations licensing skilled nursing facilities, mainly for clarification of existing regulations. *Filed:* 2-19-82. *For further information:* Ron C. Wetherall, (916) 322-4990.

CERTIFICATES OF COMPLIANCE

Title 8. Occupational Safety and Health Standards Board.

A Certificate of Compliance including amendments has been filed as to the amendment of Sections 5155 and 5228, and the adoption of Section 5219 which was filed as an emergency 9-23-81 (Register 81, No. 41). *Transmitted to OAL:* 1-21-82. *Filed:* 2-19-82. *For further information:* Ronald T. Rinaldi, (916) 322-3640.

EDITORIAL CORRECTIONS

Title 22. Department of Social Services.

Editorially corrects the numbering of Sections 63-009.1 and .2, and 63-403.323 a., b. and c. of the Food Stamp Program regulations. *Filed:* 2-16-82. *For further information:* Lee J. Sapaden, (916) 323-0883.

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Ex re T14 State Coastal Conservancy UMI

NOTICE: Week ending November 6, 1982 is covered by Register 82, No. 45 and Register 82, No. 45-Z.

(Register 82, No. 45—11-6-82)

State of California
California Administrative Code Supplement
Register 82, No. 45
(November 6, 1982)

Amendments and Additions to Rules and Regulations of

Title 2. State Lands Commission
Title 2. Fair Political Practices Commission
Title 3. Food and Agriculture
Title 4. California Horse Racing Board
Title 5. Commission for Teacher Preparation and Licensing
Title 8. Department of Industrial Accidents
Chapter 4.5. Division of Industrial Accidents
Title 10. Savings and Loan Commissioner
Title 11. Attorney General
Title 13. New Motor Vehicle Board
Title 14. Fish and Game Commission
Title 14. State Coastal Conservancy
Title 17. Air Resources Board
Title 18. Board of Equalization
Title 22. Social Security
Division 3. Health Care Services
Division 5. Licensing and Certification of Health Facilities and Referral Agencies
Title 25. Housing and Community Development
Chapter 7. Department of Housing and Community Development Programs

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REVISION RECORD FOR REGISTER 82, No. 45
(November 6, 1982)

TITLE 14. NATURAL RESOURCES

DIVISION 5.6. STATE COASTAL CONSERVANCY

This part of Register 82, No. 45, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 10-30-82, to and including 11-6-82. The latest prior register containing regulations of the above agency is Register 82, No. 7 (2-13-82).

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

Unless otherwise noted, the sections listed below are repealed herein.

13701–13705	13720
13710	13722–13724
13711	13730–13733
13713–13717	13735
13718 Editorial correction	13740

PLEASE NOTE

A new, simple style for the California Administrative Code is being implemented to cut both printing time and expense. We hope you are pleased with the new format which you will notice in the attached amendments.

PAGE CHANGES

Remove Old Pages	Insert Attached Pages
260.91–260.98	260.91–260.98
260.98.1–260.98.2	

(Precedes page 260.91, Title 14)

DIVISION 5.6. STATE COASTAL CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS
CHAPTER 2. MEETINGS
CHAPTER 3. OFFICERS AND STAFF
CHAPTER 6. STATE COASTAL CONSERVANCY—CONFLICT OF INTEREST CODE

CHAPTER 1. GENERAL PROVISIONS

DETAILED ANALYSIS

Section
13706. Copies and Certification of Public Records

Article 1. Interpretation of Regulations

NOTE: Authority cited: Section 31102, Public Resources Code. Reference: Chapters 1, 2 and 3 of Division 21, Public Resources Code.

HISTORY:

1. New Division 5.6 (Chapters 1–3, Sections 13701–13735, not consecutive) filed 9-29-77 as an emergency; effective upon filing (Register 77, No. 40).
2. New Division 5.6 (Chapters 1–3, Sections 13701–13735, not consecutive) refiled 2-27-78 as an emergency; effective upon filing (Register 78, No. 9).
3. Certificate of Compliance as to filing of 2-27-78 filed 4-17-78 (Register 78, No. 16).
4. Repealer of Article 1 (Sections 13701–13704) filed 11-3-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 45).

13705. Inspection of Public Records.

HISTORY:

1. Repealer of Article 2 and Section 13705 filed 11-3-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 45).

13706. Copies and Certification of Public Records.

Copies of public records may be made and certified by the Conservancy, the expense thereof to be borne by the person or party requesting the same, unless copies for public distribution are already on file.

All requests for copies of Conservancy records shall be made in writing. Such requests shall describe the records with sufficient specificity that the Conservancy may identify and locate the records. Such requests shall also be accompanied by proper payment when required under this section, except where advance payment has been waived by the Executive Officer for good cause. Copies of public records requested in accordance with the above requirements shall be sent to the requesting party within seven working days of the request. If a request, or portion of a request, cannot be satisfied within seven working days, notice to that effect shall be sent to the requesting party within that time.

NOTE: Authority cited: Section 31102, Public Resources Code. Reference: Sections 6253, 6256 and 6257, Government Code.

HISTORY:

1. Amendment filed 2-10-82; effective thirtieth day thereafter (Register 82, No. 7).
2. Editorial correction of section heading (Register 82, No. 45).

CHAPTER 2. MEETINGS

DETAILED ANALYSIS

Article 1. Notice

Section
13712. Method of Notification

Article 2. Quorum and Procedures

Section
13718. Quorum
13719. Voting—Number Required to Authorize Action
13721. Agenda

Article 1. Notice

13712. Method of Notification.

Notice of regular meeting of the Conservancy shall be by first class mail or other reasonable means, dispatched not later than 7 days preceding the meeting and containing an agenda listing each item to be considered.

HISTORY:

1. Repealer of Chapter 2 (Article 1, Sections 13710 and 13711), Article 2 (Sections 13713 and 13714), Article 3 (Sections 13715 and 13715.5), Article 4 (Sections 13716 and 13717), Article 5 (Sections 13720, 13722–13724); renumbering of Article 2 (Section 13712) to Article 1 and amendment of new Article 1 heading; and renumbering of Article 5 (Sections 13718, 13719 and 13721) to Article 2 and amendment of new Article 2 heading filed 11-3-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 45). For prior history, see Register 82, No. 7.

Article 2. Quorum and Procedures

13718. Quorum.

For all meetings of the Conservancy, a quorum shall be a majority of the total authorized membership of the Conservancy. No action shall be taken in the absence of a quorum, except that a lesser number of members may continue a meeting or a hearing from time to time until a quorum is present; provided, however, that such a continued meeting or hearing shall not substitute for the requirements of Public Resources Code, Section 31102.

NOTE: Authority and reference cited: Section 31102, Public Resources Code.

HISTORY:

1. Editorial correction adding NOTE filed 11-3-82 (Register 82, No. 45).

13719. Voting—Number Required to Authorize Action.

Except as otherwise required by Division 21 of the Public Resources Code or in these regulations, actions by the Conservancy shall be by affirmative vote of a majority of those members present and constituting a quorum.

NOTE: Authority and reference cited: Section 31102, Public Resources Code.

13721. Agenda.

(a) The agenda for regular meetings of the Conservancy shall be set by the executive officer at least 7 days prior to the meeting.

(b) The chairperson may direct that the order of the agenda be altered for any particular meeting, or that any particular item on the agenda be taken out of order when, in the chairperson's opinion, such change is desirable. Any such action may be rejected or modified by a vote of a majority of members present.

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CHAPTER 3. OFFICERS AND STAFF

DETAILED ANALYSIS

Section
13734. Duties and Delegation of Staff

Article 1. Officers

HISTORY:
1. Repealer of Article 1 (Section 13730–13732) filed 11-3-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 45).

13733. Executive Officer—Appointment and Term.

HISTORY:
1. Repealer of Article 2 heading and Section 13733 filed 11-3-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 45).

13734. Duties and Delegation of Staff.

(a) In accordance with the direction and policies of the Conservancy and pursuant to Public Resources Code Section 31103, the executive officer shall administer the affairs of the Conservancy and, subject to approval by the Conservancy, the executive officer shall, on behalf of the Conservancy and in accordance with applicable state and civil service procedures, appoint such other employees as may be necessary to carry out the functions of the Conservancy.

(b) Except as specially provided by resolution, the executive officer may delegate the performance of any of his or her functions but such delegation(s) shall not affect his or her responsibility to see that the directions and policies of the Conservancy are carried out fully and faithfully.

(c) The executive officer of the Conservancy shall, when authorized by resolution of the Conservancy, establish administrative procedures necessary to implement these regulations. Such administrative procedures shall be reduced to writing, shall be kept current with any amendments thereto, and shall be made available to all persons who shall be provided a copy of such procedures upon request and upon the payment of a reasonable fee.

HISTORY:
1. Editorial correction of section heading (Register 82, No. 45).

13735. Acting Executive Officer.

HISTORY:
1. Repealer filed 11-3-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 45).

CHAPTER 4. PROCUREMENT OF PRIVATE ARCHITECTURAL OR ENGINEERING SERVICES

DETAILED ANALYSIS

NOTE: Authority cited: Section 31102, Public Resources Code. Reference: Chapters 1, 2 and 3 of Division 21, Public Resources Code.

HISTORY:
1. New Chapter 4 (Section 13740) filed 4-17-78 as an emergency; effective upon filing (Register 78, No. 16).
2. Certificate of Compliance filed 7-7-78 (Register 78, No. 27).
3. Repealer of Chapter 4 (Section 13740) filed 11-3-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 45).

CHAPTER 5. PROCEDURES FOR ACQUISITION OF INTERESTS IN REAL PROPERTY

NOTE: Authority cited for Chapter 5 (Sections 13750–13751): Section 31102, Public Resources Code. Reference: Chapters 3, 4, 5, 6, and 8 of Division 21, Public Resources Code.

HISTORY:

1. New Chapter 5 (Sections 13750 and 13751) filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).
2. Repealer of Chapter 5 (Sections 13750 and 13751) filed 2-10-82; effective thirtieth day thereafter (Register 82, No. 7).

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CHAPTER 6. STATE COASTAL CONSERVANCY— CONFLICT OF INTEREST CODE

NOTE: It having been found, pursuant to Government Code Section 11409(a), that the printing of the regulations constituting the Conflict of Interest Code is impractical and these regulations being of limited and particular application, these regulations are not published in full in the California Administrative Code. The regulations are available to the public for review or purchase at cost at the following locations:

State Coastal Conservancy
1212 Broadway, Room 514
Oakland, California 94612

Fair Political Practices Commission
1100 K Street
Sacramento, California 95814

Archives
Secretary of State
1020 O Street
Sacramento, California 95814

The Conflict of Interest Code is designated as Chapter 6 of Title 14 of the California Administrative Code, and consists of sections numbered and titled as follows:

CHAPTER 6. STATE COASTAL CONSERVANCY— CONFLICT OF INTEREST CODE

Section
13800. General Provisions
Appendix

NOTE: Authority cited: Sections 87300 and 87304, Government Code. Reference: Section 87300 et seq., Governent Code.

HISTORY:

1. New Chapter 6 (Sections 13800–13809) filed 11-6-79; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 8-8-79 (Register 79, No. 45).
2. Repealer of Chapter 6 (Sections 13800–13809) and new Chapter 6 (Section 13800 and Appendix) filed 2-26-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 12-1-80 (Register 81, No. 9).
3. Amendment of Appendix filed 12-3-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 8-31-81 (Register 81, No. 49).

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
AND WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11343.1)

RECEIVED FOR FILING

JUN - 4 1982

Office of Administrative Law

ENDORSED
APPROVED FOR FILING

DEC - 7 1982

Office of Administrative Law

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

California Coastal Commission
(Agency)

(Billing Code)

Date of adoption, amendment, or repeal:

MAY 7, 1982

By: Roy Gorman

ROY GORMAN, CHIEF COUNSEL
(Title)

FILED
In the office of the Secretary of State
of the State of California

DEC 7 - 1982
At 4:45 o'clock P M.
MARCH FONG EU, Secretary of State
By Peggy M Templin
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

The attached regulations which are being adopted, amended or repealed are contained in Title 14 of the California Administrative Code.

Division, Part, Chapter, etc., affected by this order: DIVISION 5.5, CHAPTER 1, CHAPTER 10.

TYPE OF ORDER (Check as applicable)

- [ ] Emergency (Attach Finding of Emergency)
- [ ] Certificate of Compliance
- [ ] Certificate of Non-Compliance
- [x] Regular
- [ ] Procedural and Organizational

CHECKLIST OF MANDATORY REQUIREMENTS

- [x] One Certified Copy With Original Signature and Six Copies of Order or Certificate of Compliance Attached
- [x] Regulation Summary (Form 690) Attached (1 copy)
- [x] Publication Date (in Notice Register) of Notice for Attached Order or Certificate of Compliance is 2/17/82
- [x] Authority and Reference Citation Placed Beneath Each Section in Attached Order
- [x] Cost Statement Attached (Refer to SAM Section 6050)

Effective Date:

- [x] On _____ as Specified by Statute _____, or
- [ ] On _____, if Later Than 30 Days After Filing With the Secretary of State (Emergency regulations will be effective upon filing with the Secretary of State; all other regulations will be effective 30 days after filing with the Secretary of State.)
- [x] Rule-Making File

BUILDING STANDARDS (Check one)

- [x] These regulations contain no building standards under Health and Safety Code Sections 18900-18915.
- [ ] These regulations do contain building standards under Health and Safety Code Sections 18900-18915. The attached copy contains Building Standards approval.

CONFLICT OF INTEREST (Check one if attached are Conflict of Interest Regulations)

The attached Conflict of Interest Regulations contain the FPPC approval stamp and:

- [ ] Are to be published in full in the Administrative Code.
- [ ] Are to be codified by appropriate reference in the Administrative Code, and include a statement as to where the full text may be obtained.

CAMPAIGN DISCLOSURES (Check if emergency Campaign Disclosure Regulations)

- [ ] These are emergency regulations pertaining to campaign disclosure law and were adopted by unanimous vote of all board or commission members present at the regulation adoption proceeding.

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Chapter 10. Federal Consistency ~~Determination~~
Subchapter 1. Commission Procedures for Consistency
Certifications ~~Determinations~~ for Outer Continental Shelf
(OCS) Exploration, Development or Production
Plans and for OCS Related Federal Permits.

13660. Definitions. (a) The term "applicant" means any individual, corporation, partnership, association, or other entity organized or existing under the laws of any State, the Federal government, any State, regional or local government, or any entity of such Federal, State, regional or local government, who submits to the ~~USGS~~ Area Supervisor (or other designee of the Secretary of Interior) after August 31, 1978, an OCS Plan ~~which describes in detail activities requiring a Federal license or permit.~~

(b) The term "OCS plan" means any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act, as Amended, (43 U.S.C. §1331 et. seq.), and the regulations under that Act, which describes in detail activities requiring a Federal license or permit.

(c) The term "Area Supervisor" means the Pacific Area Oil and Gas Supervisor, Minerals Management Service formerly the United States Geological Survey ~~United States Geological Survey~~, Department of the Interior.

(d) The term "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

(e) The term "Executive Director" means the Executive Director of the California Coastal Commission.

(f) The term "California Coastal Management Program" (CCMP) means the program approved by the Department of Commerce pursuant to the Coastal Zone Management Act (16 USC Section 1451 et.seq.).

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NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference cited: Section 30008 Public Resources Code. Federal law: 16 USC Section ~~1451 et. seq.~~ 1456 (c); 15 CFR Part 930 et. seq. as adopted June 25, 1979, 44 FR 37143.

13660.1. Preliminary Consultation. (a) As soon as possible, but at least 10 days prior to submission to the Area Supervisor, of any plan ~~required to be submitted under the Outer Continental Shelf Lands Act, as amended, (43 USC 1331 et seq.)~~ for the exploration of areas leased under the Outer Continental Shelf Lands that Act (43 USC 1331 et. seq.), and at least 30 days prior to submission of plans for the development or production of areas leased under that Act, any applicant wishing to undertake such activities in areas adjacent to California waters shall consult with the Executive Director at the state office concerning all the activities required to be described in detail in the OCS plan affecting the land or water uses in the coastal zone* ~~which affect land and water uses.~~*

This shall include, at minimum, activities requiring the following federal approvals:

MMS - Department of the Interior

- Approval of offshore drilling operations
- Approval of design plans for the installation of platforms
- Approval of gathering and flow lines

The following OCS related Federal license or permit activities are encouraged to be included, if they will be required in connection with the OCS activity.

Department of Defense - U.S. Army Corps of Engineers

- Permits and licenses required under Sections 9 and 10 of the Rivers Harbors Act of 1899
- Permits and licenses required under Section 103 of the Marine

LEGISLATIVE INTENT SERVICE (800) 666-1917

Protection, Research and Sanctuaries Act of 1972

- Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments
- Permits for artificial islands and fixed structures located on the Outer Continental Shelf (Rivers and Harbors Act of 1899 as extended by 43 U.S.C. 1333 (f))

Department of the Interior - Bureau of Land Management - ~~USGS~~ MMS

- Permits and licenses required for drilling and mining on public lands (BLM)
- Permits for pipeline rights-of-way on the Outer Continental Shelf
- Permits and licenses for rights-of-way on public lands

Environmental Protection Agency

- Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments
- Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality

Department of Transportation - U.S. Coast Guard

- Permits for construction of bridges under 33 USC 401, 491-507 and 525-534
- Permits for deepwater ports under the Deepwater Port Act (P.L.93-627)

Federal Energy Regulatory Commission

- Certifications required for interstate gas pipelines
- Permits or licenses for construction and operation of facilities needed to import, export or transship natural gas or electrical energy

Any other OCS related Federal license or permit activities which are not listed above are also encouraged to be included, if they will be required in connection with the OCS activity.

LEGISLATIVE INTENT SERVICE (800) 666-1917

(b) The Executive Director shall provide the applicant with a copy of the California Coastal Management Plan ("CCMP") upon request.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC Section ~~1451 et seq.~~ 1456(c), 15 CFR 930.75, 930.82, 930.64, 930.77.

13660.2. [RESERVED]

13660.3. Submission of Consistency Certification. (a) The applicant shall submit to the ~~USGS~~ Area Supervisor who in turn shall submit to the Executive Director: the OCS plan with accompanying consistency certification and supporting information for all activities required to be described in detail in the plan and identified in Section 13660.1(a) of these regulations, and the environmental report as soon as it is ~~approved by~~ deemed submitted to the Area Supervisor pursuant to 30 CFR 250.34-1(b)(1) for exploration plans or 30 CFR 250.34-2(b)(1) for development and production plans.

(b) The consistency certification* ~~for all activities described in detail in the OCS plan as required by Section 13660.1(a) above~~* shall be in the following form:

> The proposed activities described in detail in this plan comply with California's approved coastal management program and will be conducted in a manner consistent with such program.

(c) The applicant shall also include the following supporting information:

(1) a brief assessment relating the probable coastal zone effects of each of the enumerated activities and their associated facilities to the relevant elements of the program policies of the CCMP; and

(2) a brief set of findings derived from the assessment indicating that each of the enumerated activities (e.g. drilling, platform

LEGISLATIVE INTENT SERVICE (800) 666-1917

placement) and its associated facilities (e.g. onshore support structures, offshore pipelines), and its primary effects (e.g. air, water, waste discharges, erosion, wetlands, beach access impacts) are consistent with the mandatory provisions of the CCMP.

(d) Upon request of the applicant, the California Coastal Commission staff will provide assistance in preparing the assessment and findings required in Section 13660.3(c)(1) and (2) of these regulations.

(e) The Executive Director may request in writing additional data and information from the applicant if he deems it necessary for a complete and proper review. Such a request shall not extend the date for commencement of Coastal Commission review; however, failure to submit the requested information could result in an objection to the applicant's consistency certification ~~determination~~ [See §13660.8(b)(4)]. The applicant shall comply with such request within 10 days of its receipt or shall indicate within 10 days reasons why the request cannot be complied with.

(f) When the OCS Plan submitted to the Executive Director by the ~~USGS~~ Area Supervisor has deleted confidential and proprietary information, the places where such information has been deleted and the general subject matter of the information shall be identified. Where the Executive Director determines that such confidential and proprietary information is necessary to adequately assess the coastal zone effects of the activities described in the OCS plan and therefore to make a reasoned decision on the consistency of such activities, such information shall be provided after the Executive Director has provided adequate assurance of confidentiality in accordance with the ~~provisions of the Outer Continental Shelf Lands Act, as amended, and the Freedom of Information Act, and their~~ applicable implementing federal regulations (15 CFR Section 930.77 and 30 CFR Part 252). The procedures specified in §13660.3(e)

LEGISLATIVE INTENT SERVICE (800) 666-1917

apply to the Executive Director's request for confidential and proprietary information.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC ~~1451 et seq.~~ 1456 (c), 15 CFR Sections, 930.77, 930.58 and 30 CFR Part 252.

13660.4. Staff Summary, Recommendation, and Hearing Notice. After receipt of the OCS plan, environmental report, consistency certification ~~determination~~ and the accompanying findings and assessments and any other information which the Executive Director deems necessary, the Executive Director shall:

(a) Prepare a staff summary and recommendation of the applicant's findings and assessments and send ~~the summary~~ it to the applicant, the Assistant Administrator, the ~~USGS~~ Area Supervisor, and other relevant Federal agencies, ~~the affected Regional Commissions~~, local governments, state agencies, and other interested parties. If the vote on the certification is scheduled for a later meeting than the oral hearing, the Executive Director shall prepare a separate staff recommendation according to the requirements of Chapter 5, Article 12 (T. 14 Cal. Adm. Code).

(b) Schedule a ~~State Coastal~~ Commission public hearing on the applicant's consistency certification ~~determination~~, findings and assessments and the staff summary, and recommendation, giving appropriate notice to all interested parties, (as listed in §13660.4(a) above), with particular emphasis on informing citizens of the coastal area which will be affected pursuant to the permit regulations in Chapter 5 (T. 14 Cal. Adm. Code) unless specifically changed herein. The Director shall endeavor, where possible, to schedule the public hearing in the affected region. The notice shall announce the availability for inspection of the applicant's consistency certificate and findings. The state and regional agencies responsible for

LEGISLATIVE INTENT SERVICE (800) 666-1917

air and water quality compliance shall be notified and provided the opportunity to present their agencies' positions before the Commission hearing. Such hearing shall be set for a regular Coastal Commission meeting not later than the 49th*~~42nd~~*day after receipt of the documents required by Section 13660.3. The Executive Director may, at his discretion, extend for an additional 30 days the 49-day*~~42-day~~*time period for a hearing. All public hearings shall be scheduled with a view toward allowing widespread public distribution of the information contained in the staff's summary and recommendation and toward allowing maximum public participation and attendance at the hearing particularly for the citizens of the affected area, while affording the applicant expeditious consideration of consistency certifications.*~~determinations~~.*

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 and 30621, Public Resources Code. Federal law: 16 USC ~~14/n et seq.~~ 1456(c), 15 CFR 930.79, 930.84(a), 930.61(a), 930.63.

13660.5. Contents of Summary and Recommendation. The summary shall: (1) list the major activities listed in the OCS plan, for which a consistency certification has*~~determination, assessments and findings have~~* been required, (2) discuss the effect of these activities and their associated facilities, ~~and*their effects*~~on land*~~and~~*or water uses in the coastal zone, (3) discusss the consistency of such activities and related effects with the mandatory provisions of the CCMP. The summary shall also specifically list all other Federal permits for which consistency findings have not been enclosed and for which future consistency certification *~~determinations~~*will be required under Section 13660.11 of these regulations.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Sections 30008 and 30621, Public Resources Code. Federal law: 16 USC 1456(c), 15 CFR 930.79, 930.84(a), 930.61(a), 930.63.

13660.6. Conduct of Hearings on ~~Staff~~ Recommendation on a Consistency Certification.*~~Determination~~.* The Commission shall conduct *be-the*

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LEGISLATIVE INTENT SERVICE (800) 666-1917

*~~final decision-maker on consistency determinations and shall conduct~~*de novo hearings on consistency certifications*~~determinations~~*substantially in accordance with the applicable procedures for permit hearings set forth in *~~Sections 13057 through 13096, excluding Sections 13071, 13085, and 13097 of these Regulations.~~ (T.14 Cal. Adm. Code) *Chapter 5 of these regulations.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code. Federal law: 16 USC ~~1451 et seq.~~ 1456(c), and 15 CFR 930.79.

13660.7. Consent Calendar Procedures. Consistency certifications at the discretion of the Executive Director may be included as a consent calendar item pursuant to Chapter 5, Article 15 (T.14 Cal. Adm. Code) of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code.

~~13660.7. Regional Commission Role. The affected Regional Commission(s) may wish to conduct hearings prior to the Commission hearing, and based on those hearings present testimony at the Commission hearing. The Regional Commission hearing panel may include State Commissioners. Upon written request by a Regional Executive Director, the Executive Director may extend for an additional 30 days the 42-day time period for its hearing required by Section 13660.4 in order to allow a full hearing at the Regional Commission level. Any Regional Commission hearings shall also be conducted substantially in accordance with Sections 13064-13096 of these regulations. The Regional Commission and State Commission shall attempt to hold a joint hearing where possible.~~

13660.8. Final Commission Decision. (a) The Commission shall issue a decision on whether the applicant's consistency certification complies with the CCMP; i.e., whether it "concurs" or "objects" to the applicant's consistency certification, at the earliest practicable time and in no event

LEGISLATIVE INTENT SERVICE (800) 666-1917

more than 6 months from the date of the receipt of such consistency certification and required information from the[ ] Area Supervisor (see Section 13660.3 of these regulations). If a Commission decision has not been reached within 3 months of such receipt, the Executive Director shall notify in writing the Assistant Administrator, the applicant, the[ ] Area Supervisor, and the relevant Federal agencies of the status of review and the basis for further delay.

(b) A Commission decision which objects to an applicant's consistency certification for one or more of the activities described in detail in the OCS plan shall be accompanied by a statement indicating:

(1) the effect which the activity will have on coastal land ~~and~~ or water uses in the coastal zone.

(2) how the activity is inconsistent with a mandatory provision of the CCMP,

(3) alternative measures or conditions (if they exist) which would make the proposed activity consistent with CCMP policies,

(4) if a decision to object is based upon grounds that the applicant has*~~not provided~~*failed to provide information *~~required in Section 13660.3 above, which has been~~*requested by the Executive Director, the type*~~nature~~*of*~~the~~* information requested and the necessity of that information for a consistency certification *~~determination~~*must be described, and

(5) the applicant's right of appeal to the Secretary of Commerce on the grounds that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act or is necessary in the interest of national security.

(c) The Commission shall notify the applicant, the Area

LEGISLATIVE INTENT SERVICE (800) 666-1917

Supervisor, the Assistant Administrator, and the relevant Federal agencies of its decision by sending a copy of its Final Decision to them.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC Section ~~1451 et seq.~~ 1456(c), 15 CFR 930.79 and 15 CFR 930.64, 930.63.

13660.9. Appeals Procedure. Any applicant may file a notice of appeal of a Commission objection to a consistency certification within 30 days of receipt to the Secretary of Commerce according to the provisions of the Coastal Zone Management Act (16 USC Sec. 1451 et. seq.) and the regulations contained in 15 CFR Par 930.120 et seq. ~~Any applicant who appeals to the Secretary of Commerce a Commission objection to a consistency determination~~ The applicant shall send a copy of the notice of appeal and accompanying documents to the Executive Director. ~~of the Commission.~~ The Executive Director shall submit detailed comments to the Secretary of Commerce within 30 days of receipt of the appeal and transmit ~~send~~ copies ~~of such comments~~ to the applicant, the Area Supervisor, and the relevant Federal agencies. Where the Commission meeting schedule allows sufficient time for discussion prior to the 30 day period, these comments shall be the subject of Commission discussion with opportunity for public comment. This procedure shall also be followed if the Secretary of Commerce pursues an independent review of the consistency of an OCS activity.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC Section ~~1451 et seq.~~ 1456(c), 15 CFR 930.120-134.

13660.10. Required Amendments. Any amendment to an OCS plan which must be submitted as a result of Commission objection to consistency of an OCS activity shall be processed as if such amendment were a new plan; i.e., Sections 13660.1-.13 of these regulations apply, except that the Commission

LEGISLATIVE INTENT SERVICE (800) 666-1917

must make its decision within 3 months of receipt.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public resources Code. Federal law: 16 USC Section ~~1451 et seq.~~ 1456(c), 15 CFR Parts 930.83, 930.84, 930.85, 930.86.

13660.11. Multiple Permit Review. (a) Applicants are strongly encouraged to include with OCS plans ~~with consistency certifications required to be submitted to the Commission in accordance with Section 13660.3 of these regulations~~, detailed descriptions, consistency certifications~~determinations~~, findings and assessments and other supporting data for other OCS-related activities, which require a federal license or permit but are not required to be described in detail in OCS plans by the Secretary of the Interior (e.g., Corps of Engineer permits for the placement of structures on the OCS and for dredging and the transportation of dredged material, Environmental Protection Agency air and water quality permits for offshore operations and onshore support and processing facilities, or the other permits listed in Section 13660.1 of these regulations). Where consistency certifications~~determinations~~ and related findings and assessments are made for activities for all required Federal permits connected with an OCS plan, the applicant shall so state and consolidated consistency review for these activities will take place at the same time and under the same procedures as review of activities required to be described in detail in OCS plans (Sections 13660.1-.13 of these Regulations).

(b) If consistency certifications ~~determinations~~ and related assessments and findings for all OCS related Federal permit activities are not included with an OCS plan and consistency certification ~~determination~~, the applicant shall state which Federal permit activities have not been included. ~~The Commission will review those permit activities which are not~~

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~~included separately~~. The final decision of the Commission ~~for consistency determinations of OCS plan activities~~ shall state which Federal permit activities have not been included and ~~which~~ therefore must be reviewed separately.

(c) The applicant and the Coastal Commission shall comply with Sections 13660-13660.13 of these regulations in processing consistency certifications~~determinations~~ which have not been included with OCS plans, except that:

(1) As soon as possible, but at least 10 days ~~prior~~ prior to submission of an application for a Federal permit, the applicant shall consult with the Executive Director concerning OCS-related Federal license or permit activities.

(2) An environmental report as described by 30 CFR 250.34-3(a) and 3(b) need not be submitted, if one which covered the subject permit activity was previously submitted under Section 13660.3 of these regulations, or if the Executive Director is satisfied that the applicant has provided sufficient information concerning the environmental effects of the permit activity to adequately review the project as if it were a coastal permit under the COMP.

(3) Wherever there is a requirement to notify the Area Supervisor, notification shall also be sent to the appropriate ~~chief of the~~ Federal permitting agency.

NOTE: Authority cited: State law: Section 30333, Public resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC Section ~~1451 et seq.~~ 1456 (c), 15 CFR 930.82.

13660.12. Associated Coastal Development Permits. Where a facility associated with an OCS plan ~~preceden requires~~ requires a coastal development permit application under the California Coastal Act (e.g. pipeline, marine terminal, onshore

LEGISLATIVE INTENT SERVICE (800) 666-1917

support and processing facilities, etc.), the applicant shall notify the Executive Director of the facility's relationship to the OCS plan at the time of submittal of the plan. Where ~~an~~ a coastal permit application for such a facility precedes submittal of the OCS plan to the Commission, the applicant shall notify the Executive Director that the facility is associated with a forthcoming OCS plan. If the Executive Director determines that a consolidated review of the applicant's consistency certification*~~determination~~*and application for a coastal development permit is necessary for complete and proper consideration of the matter, he shall recommend such*~~direct~~*consideration in whatever manner necessary to comply with applicable time limitations. ~~of such permit application by the State Coastal Commission pursuant to §30333.5 of the Coastal Act.~~*

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC Section 1456(c) ~~1451 et seq.~~, 15 CFR 930.82

13660.13. Monitoring of Federal Permits. Copies of Federal license and permit applications for activities described in detail in an OCS plan, as well as for OCS-related activities, which have received Commission concurrence and which have been requested in the final Commission decision, shall be sent by the applicant to the Executive Director to allow the Commission to monitor the activities.

NOTE: Authority Cited: State Law: Section 30333, Public Resources Code. Reference; Section 30008, Public Resources Code. Federal law: 16 USC Section 1456(c) ~~1451 et seq.~~, 15 CFR 930.86.

LEGISLATIVE INTENT SERVICE (800) 666-1917

 Adopt Chapter 11 as follows:

CHAPTER 11: ENERGY FACILITIES AND LCP "OVERRIDE" PROCEDURES

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. CERTIFIED LOCAL COASTAL PROGRAM (LCP) AMENDMENT "OVERRIDE PROCEDURES

13666. Applicability

These procedures are applicable to persons authorized to undertake a public works project or proposing energy facility development that requires LCP amendments provided that the development meets the following two requirements:

(1) un nticipated by the person proposing the development at the time the LCP ~~the Local Coastal Program~~ was before the Commission for certification.

(2) meets the public needs of an area greater than that included in the certified ~~Local Coastal Program.~~ LCP.

All other developments requiring an amendment to the certified ~~Local Coastal Program~~ LCP shall follow the LCP ~~Coastal Program~~ amendment procedures of the affected local government and the Commission.

NOTE: Authority Cited: Section ~~30515~~ 30333, Public Resources Code. Reference: 30515, PRC.

13666.1. Information Requirements for Preliminary Determination of Applicability

A person desiring review according to this subchapter may first submit an LCP amendment application (following the requirements of the affected local government) to the Executive Director with sufficient information setting forth the reasons for the amendment with particular emphasis on the applicability requirements as specified in Section 13666, and how it conforms with the policies of ~~Chapter 3.~~ Public Resources Code Section 30200 et. seq. The Executive Director shall, within 30 days, review the Local Coastal Program file and the projected scope of this subchapter. A determination of the Executive Director is final and shall be forwarded to the affected local government and the person desiring review.

NOTE: Authority Cited: Section 30333, Public Resources Code. Reference: 30515, PRC.

13666.2. Submittal to Local Government

(a) If the Executive Director has preliminarily determined that the development is subject to this subchapter, the application shall first be submitted to the affected local government for an LCP ~~Coastal Program~~ amendment according to applicable requirements. The local government shall make its determination based on factual findings and reasoning supporting the conclusions of law set forth in this subchapter. If the local government fails to amend the LCP ~~Coastal Program~~ within 90 days of submittal, the person submitting such an amendment may file a request for an amendment with the Commission.

(b) If the applicant has not requested a preliminary determination, or if the Executive Director has determined that the override provisions do not apply, the applicant may nevertheless request the Commission to consider the application through an appeal from a final local government decision. The appeal from the local government's decision shall follow local coastal program regulations and additionally include the information requirements of this subchapter in order to advise the Commission that in the applicant's opinion, the development is subject to Section 30515.

NOTE: Authority Cited: Section ~~30515~~ 30333, Public Resources Code. Reference: Section 30515, Public Resources Code.

LEGISLATIVE INTENT SERVICE (800) 666-1917

13666.3 Commission Review

Commission review shall be undertaken only after consultation with the affected local government and review shall be conducted according to the LCP. ~~Coastal Program~~ regulations. A local government resolution is not required if the local government fails to act within 90 days as specified in 13666.2(a).

NOTE: Authority Cited: Section ~~30515~~ 30333, Public Resources Code. Reference: 30515, PRC.

13666.4 Required Findings

(a) If the recommendation is for Commission approval as proposed or modified (i.e., conditioned), the recommendation shall be accompanied by specific factual findings and reasoning which, after a careful balancing of social, economic, and environmental effects, supports the following conclusions:

(1) development meets a public need of a geographic area greater than that included within the certified ~~local~~ LCP ~~Coastal Program.~~

(2) development conforms with and is adequate to carry out the policies of ~~Chapter 3.~~ Public Resources Code Section 30200 et. seq.

(3) if significant adverse environmental impacts have been identified, reasonable alternatives have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging way to meet the public need. If the development will have no significant adverse environmental impact, findings shall be included which support that conclusion.

(4) disapproval would adversely affect the public welfare as identified in the findings, declarations, and general provisions of the Coastal Act (Public Resources Code Section 30000 et. seq.) and the California Coastal Management Program, if applicable.

(b) If the recommendation is for Commission denial, the recommendation shall state specifically the grounds for denial, based upon the findings and relevant facts which after a careful balancing of social economic and environmental effects support the conclusions listed in Section 13666.4.

NOTE: Authority Cited: Section ~~30515~~ 30333, Public Resources Code. Reference: Section 30515, Public Resources Code.

CHAPTER 1
GENERAL PROVISIONS

13012. Major Public Works and Energy Facilities: "Major public works" and "Major energy facilities" ~~means any public works~~ mean facilities ~~"located within an area listed in Public Resources Code, Section 30601(1) and (2),"~~ that ~~costs~~ cost more than ~~fifty~~ one hundred thousand dollars ~~($50,000)~~ ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611, or 30624.

NOTE: Authority Cited: Section ~~30601~~ 30332, Public Resources Code. Reference: Section 30601, Public Resources Code.

LEGISLATIVE INTENT SERVICE (800) 666-1917

Ex re Title 14

UMT

MAL-MAJ-1-08

NOTICE: Week ending December 11, 1982, is covered by Register 82, No. 50, and Register 82, No. 50-Z.

(Register 82, No. 50—12-11-82)

State of California

California Administrative Code Supplement

Register 82, No. 50

(December 11, 1982)

Amendments and Additions to Rules and Regulations of

Title 2. Department of General Services
Subchapter 8. Office of Small Business Procurement and Contracts
Title 3. Food and Agriculture
Title 4. California Horse Racing Board
Title 8. Cal/OSHA
Chapter 4. Division of Industrial Safety
Subchapter 4. Construction Safety Orders
Subchapter 7. General Industry Safety Orders
Title 10. Commissioner of Corporations
Title 12. Department of Veterans Affairs
Title 14. California Coastal Commission
Title 16. Board of Examiners of Nursing Home Administrators

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REVISION RECORD FOR REGISTER 82, No. 50
(December 11, 1982)

TITLE 14. NATURAL RESOURCES

DIVISION 5.5. CALIFORNIA COASTAL COMMISSION

This part of Register 82, No. 50, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 12-4-82, to and including 12-11-82. The latest prior register containing regulations of the above agency is Register 82, No. 35 (8-28-82).

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

Unless otherwise noted, the sections listed below are amended herein.

13012
13660
13660.1
13660.3–13660.6
13660.7 Repealed/Added
13660.8–13660.13
Chapter 11 (Subchapter 2, Sections 13666–13666.4) Added

PLEASE NOTE

A new, simple style for the California Administrative Code is being implemented to cut both printing time and expense. We hope you are pleased with the new format which you will notice in the attached amendments.

PAGE CHANGES

Remove Old Pages	Insert Attached Pages
255–258	255–258
260.84.1–260.84.8	260.84.1–260.84.10

(Precedes page 255, Title 14)

DIVISION 5.5.* CALIFORNIA COASTAL COMMISSION

(Originally printed 1-22-77)

CHAPTER 1. GENERAL PROVISIONS
CHAPTER 2. MEETINGS
CHAPTER 3. OFFICERS AND STAFF
CHAPTER 4. CALIFORNIA COASTAL COMMISSION—CONFLICT OF INTEREST CODE
CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS
CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
CHAPTER 7. COASTAL DEVELOPMENT—PERMITS ISSUED BY LOCAL GOVERNMENTS AND OTHER PUBLIC AGENCIES
CHAPTER 8. IMPLEMENTATION PLANS
CHAPTER 9. SEWAGE TREATMENT WORKS
CHAPTER 10. FEDERAL CONSISTENCY
CHAPTER 11. ENERGY FACILITIES AND LCP "OVERRIDE" PROCEDURES

CHAPTER 1. GENERAL PROVISIONS

DETAILED ANALYSIS

Article 1. Interpretation of Regulations

Section
13001. Purpose of Regulations
13002. Explanation of References
13003. Use and Effect

Article 2. Definitions

Section
13006. Aggrieved Person
13007. Appointed Membership
13009. Emergency
13011. First Public Road Paralleling the Sea
13012. Major Public Works and Energy Facilities

Article 3. Official Records

Section
13013.5. Copies and Certification

* Division 5.5 formerly California Coastal Zone Conservation Commission.

Article 1. Interpretation of Regulations

13001. Purpose of Regulations.

These regulations are promulgated pursuant to the California Coastal Act of 1976, as it may be amended from time to time, to enable the California Coastal Commission to carry out the purposes and provisions of the Act. No attempt has been made to reproduce in these regulations the definitions, policies, and other provisions found in the Act. Therefore, these regulations should be read together with the Act.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

HISTORY:

1. Repealer of Division 5.5 (Sections 13001–14000, not consecutive) and new Division 5.5 (Sections 13001–13250, not consecutive) filed 1-19-77 as an emergency; effective upon filing (Register 77, No. 4). For prior history, see Registers 73, No. 11; 73, No. 20; 73, No. 27; 73, No. 34; 74, No. 9; 74, No. 11; 74, No. 17; 74, No. 23; 74, No. 34; 74, No. 49; 74, No. 52; 75, No. 25; 75, No. 29; 75, No. 52; and 76, No. 31.
2. Certificate of Compliance filed 4-29-77 (Register 77, No. 18).

13002. Explanation of References.

Reference in these regulations to "Chapter", "Subchapter", "Article", "Section", and "Subsection" denote subdivisions of these regulations. References to the California Coastal Act of 1976, codified as Division 20 of the Public Resources Code, are in this form: "Public Resources Code, Section _____."

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

13003. Use and Effect.

Each of these regulations shall be interpreted and liberally construed to accomplish the purposes and carry out the objectives of the California Coastal Act of 1976.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30009, Public Resources Code.

HISTORY:

1. Amendment filed 3-10-82; effective thirtieth day thereafter (Register 82, No. 11).

13004. Reference to Commission and to Regional Commission.

HISTORY:

1. Repealer filed 3-12-82; effective thirtieth day thereafter (Register 82, No. 11).

Article 2. Definitions

13006. Aggrieved Person.

An "aggrieved" person is any person who meets the requirements of Public Resources Code, Section 30801.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30801, Public Resources Code.

13007. Appointed Membership.

"Appointed membership" means all the persons who have been appointed or designated to serve and have been sworn in as voting members of the commission or a regional commission; a vacancy on the commission or a regional commission shall not be computed in determining a majority or two-thirds of the appointed membership.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30315, Public Resources Code.

HISTORY:

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

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13009. Emergency.

"Emergency," as used in Public Resources Code Section 30624, and these regulations means: a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30624, Public Resources Code.

13010. Filing of an Application.

HISTORY:

1. Repealer filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

13011. First Public Road Paralleling the Sea.

The "first public road paralleling the sea" means that road nearest to the sea, as defined in Section 30115 of the Public Resources Code, which:

(a) Is lawfully open to uninterrupted public use and is suitable for such use;

(b) Is publicly maintained;

(c) Is an improved, all-weather road open to motor vehicle traffic in at least one direction;

(d) Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

(e) Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30601, 30603, 30604, and 30212, Public Resources Code.

HISTORY:

1. Amendment filed 4-21-81; effective thirtieth day thereafter (Register 81, No. 17).

13012. Major Public Works and Energy Facilities.

"Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30601, Public Resources Code.

HISTORY:

1. New section filed 2-11-77 as an emergency; effective upon filing (Register 77, No. 7).
2. Certificate of Compliance filed 4-29-77 (Register 77, No. 18).
3. Amendment filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
4. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

Article 3. Official Records

13013. Inspection of Public Records.

HISTORY:

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Repealer filed 3-12-82; effective thirtieth day thereafter (Register 82, No. 11).

13013.5. Copies and Certification.

Copies of official records may be made and certified by the commission, the expense thereof to be borne by the person or party requesting the same.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 6257, Government Code.

HISTORY:

1. Amendment filed 3-12-82; effective thirtieth day thereafter (Register 82, No. 11).

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CHAPTER 10. FEDERAL CONSISTENCY

SUBCHAPTER 1. COMMISSION PROCEDURES FOR CONSISTENCY CERTIFICATIONS FOR OUTER CONTINENTAL SHELF (OCS) EXPLORATION, DEVELOPMENT OR PRODUCTION PLANS FOR OCS RELATED FEDERAL PERMITS

DETAILED ANALYSIS

Section
13660. Definition
13660.1. Preliminary Submissions
13660.3. Submission of Consistency Certification
13660.4. Staff Summary, Recommendation, and Hearing Notice
13660.5. Contents of Summary and Recommendation
13660.6. Conduct of Hearings on Staff Recommendations on a Consistency Certification
13660.7. Consent Calendar Procedures
13660.8. Final Commission Decision
13660.9. Appeals Procedure
13660.10. Required Amendments
13660.11. Multiple Permit Review
13660.12. Associated Coastal Development Permits
13660.13. Monitoring of Federal Permits

13660. Definitions.

(a) The term "applicant" means any individual, corporation, partnership, association, or other entity organized or existing under the laws of any State, the Federal government, any State, regional or local government, or any entity of such Federal, State, regional or local government, who submits to the Area Supervisor (or other designee of the Secretary of Interior) after August 31, 1978, an OCS plan.

(b) The term "OCS plan" means any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act, as Amended, (43 U.S.C. § 1331 et. seq.), and the regulations under that Act, which describes in detail activities requiring a Federal license or permit.

(c) The term "Area Supervisor" means the Pacific Area Oil and Gas Supervisor, Minerals Management Service formerly the United States Geological Survey, Department of the Interior.

(d) The term "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

(e) The term "Executive Director" means the Executive Director of the California Coastal Commission.

(f) The term "California Coastal Management Program" (CCMP) means the program approved by the Department of Commerce pursuant to the Coastal Zone Management Act (16 USC Section 1451 et seq.).

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC Section 1456(c); and 15 CFR Part 930 et. seq. as adopted June 25, 1979, 44 FR 37143.

HISTORY:

1. New Chapter 10 (Subchapter 1, Sections 13660–13660.11) filed 11-28-78 as an emergency; effective upon filing (Register 78, No. 48).
2. Certificate of Compliance filed 3-28-79 as to emergency filing of 11-28-79 (Register 79, No. 13).
3. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
4. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.1. Preliminary Consultation.

(a) As soon as possible, but at least 10 days prior to submission to the Area Supervisor of any plan for the exploration of areas leased under the Outer Continental Shelf Lands Act (43 USC 1331 et seq.), and at least 30 days prior to submission of plans for the development or production of areas leased under that Act, any applicant wishing to undertake such activities in areas adjacent to California waters shall consult with the Executive Director at the state office concerning all the activities required to be described in detail in the OCS plan affecting the land or water uses in the coastal zone.

This shall include, at minimum, activities requiring the following federal approvals:

MMS—Department of the Interior

Approval of offshore drilling operations

Approval of design plans for the installation of platforms

Approval of gathering and flow lines

The following OCS related Federal license or permit activities are encouraged to be included, if they will be required in connection with the OCS activity.

Department of Defense—U. S. Army Corps of Engineers

Permits and licenses required under Sections 9 and 10 of the Rivers Harbors Act of 1899

Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972

Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments

Permits for artificial islands and fixed structures located on the Outer Continental Shelf (Rivers and Harbors Act of 1899 as extended by 43 U.S.C. 1333(f))

Department of Interior—Bureau of Land Management—MSS

Permits and licenses required for drilling and mining on public lands (BLM)

Permits for pipeline rights-of-way on the Outer Continental Shelf

Permits and licenses for rights-of-way on public lands

Environmental Protection Agency

Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments

Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality

Department of Transportation—U.S. Coast Guard

Permits for construction of bridges under 33 USC 401, 491–507 and 525–534

Permits for deepwater ports under the Deepwater Port Act (P.L.93-627)

Federal Energy Regulatory Commission

Certifications required for interstate gas pipelines

Permits or licenses for construction and operation of facilities needed to import, export or transship natural gas or electrical energy

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Any other OCS related Federal license or permit activities which are not listed above are also encouraged to be included, if they will be required in connection with the OCS activity.

(b) The Executive Director shall provide the applicant with a copy of the California Coastal Zone Management Plan ("CCMP") upon request.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC Section 1456(c); and 15 CFR 930.64, 930.75, 930.77 and 930.82.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.2. Review of Environmental Report for Sufficiency of Information.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

HISTORY:

1. Repealer filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included. For former history, see Register 78, No. 48.

13660.3. Submission of Consistency Certification.

(a) The applicant shall submit to the Area Supervisor who in turn shall submit to the Executive Director: the OCS plan, with accompanying consistency certification and supporting information for all activities required to be described in detail in the plan and identified in Section 13360.1(a) of these regulations, and the environmental report as soon as it is deemed submitted to the Area Supervisor pursuant to 30 CFR 250.34-1(b)(1) for exploration plans or 30 CFR 250.34-2(b)(1) for development and production plans.

(b) The consistency certification shall be in the following form:

The proposed activities described in detail in this plan comply with California's approved coastal management program and will be conducted in a manner consistent with such program.

(c) The applicant shall also include the following supporting information:

(1) a brief assessment relating the probable coastal zone effects of each of the enumerated activities and their associated facilities to the relevant elements of the program policies of the CCMP; and

(2) a brief set of findings derived from the assessment indicating that each of the enumerated activities (e.g. drilling, platform placement) and its associated facilities (e.g. onshore support structures, offshore pipelines), and its primary effects (e.g. air, water, waste discharges, erosion, wetlands, beach access impacts) are consistent with the mandatory provisions of the CCMP.

(d) Upon request of the applicant, the California Coastal Commission staff will provide assistance in preparing the assessment and findings required in Section 13660.3(c)(1) and (2) of these regulations.

(e) The Executive Director may request in writing additional data and information from the applicant if he deems it necessary for a complete and proper review. Such a request shall not extend the date for commencement of Coastal Commission review; however, failure to submit the requested information could result in an objection to the applicant's consistency certification [See Section 13660.8(b)(4)]. The applicant shall comply with such request within 10 days of its receipt or shall indicate within 10 days reasons why the request cannot be complied with.

(f) When the OCS Plan submitted to the Executive Director by the Area Supervisor has deleted confidential and proprietary information, the places where such information has been deleted and the general subject matter of the information shall be identified. Where the Executive Director determines that such confidential and proprietary information is necessary to adequately assess the coastal zone effects of the activities described in the OCS plan and therefore to make a reasoned decision on the consistency of such activities, such information shall be provided after the Executive Director has provided adequate assurance of confidentiality in accordance with the applicable implementing federal regulations (15 CFR Section 930.77 and 30 CFR Part 252). The procedures specified in Section 13660.3(e) apply to the Executive Director's request for confidential and proprietary information.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC 1456(c); and 15 CFR Sections 930.58 and 930.77; and 30 CFR Part 252.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.4. Staff Summary, Recommendation, and Hearing Notice.

After receipt of the OCS plan, environmental report, consistency certification and the accompanying findings and assessments and any other information which the Executive Director deems necessary, the Executive Director shall:

(a) Prepare a staff summary and recommendation of the applicants' findings and assessments and send it to the applicant, the Assistant Administrator, the Area Supervisor, and other relevant Federal agencies, local governments, state agencies, and other interested parties. If the vote on the certification is scheduled for a later meeting than the oral hearing, the Executive Director shall prepare a separate staff recommendation according to the requirements of Chapter 5, Article 12 (T. 14 Cal. Adm. Code).

(b) Schedule a Commission public hearing on the applicant's consistency certification, findings and assessments and the staff summary, and recommendation, giving appropriate notice to all interested parties, (as listed in Section 13660.4(a) above), with particular emphasis on informing citizens of the coastal area which will be affected pursuant to the permit regulations in Chapter 5 (T. 14 Cal. Adm. Code) unless specifically changed herein. The Director shall endeavor, where possible, to schedule the public hearing in the affected region. The notice shall announce the availability for inspection of the applicant's consistency certificate and findings. The state and regional agencies responsible for air and water quality compliance shall be notified and provided the opportunity to present their agencies' positions before the Commission hearing. Such hearing shall be set for a regular Coastal Commission meeting not later than the 49th day after receipt of the documents required by Section 13660.3. The Executive Director may, at his discretion, extend for an additional 30 days the 49-day time period for a hearing. All public hearings shall be scheduled with a view toward allowing widespread public distribution of the information contained in the staff's summary and recommendation and toward allowing maximum public participation and attendance at the hearing particularly for the

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citizens of the affected area, while affording the applicant expeditious consideration of consistency certifications.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30008 and 30621, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.61(a), 930.63, 930.79 and 930.84(a).

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.5. Contents of Summary and Recommendation.

The summary shall: (1) list the major activities listed in the OCS plan, for which a consistency certification has been required, (2) discuss the effect of these activities and their associated facilities, on land or water uses in the coastal zone, (3) discuss the consistency of such activities and related effects with the mandatory provisions of the CCMP.

The summary shall also specifically list all other Federal permits for which consistency findings have not been enclosed and for which future consistency certification will be required under Section 13660.11 of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30008 and 30621, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.61(a), 930.63, 930.79 and 930.84(a).

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.6. Conduct of Hearings on Staff Recommendations on a Consistency Certification.

The Commission shall conduct de novo hearings on consistency certifications substantially in accordance with the applicable procedures for permit hearings set forth in Chapter 5 (T. 14 Cal. Adm. Code) of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.79.

HISTORY:

1. Amendment of Section title filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.7. Consent Calendar Procedures.

Consistency certifications at the discretion of the Executive Director may be included as a consent calendar item pursuant to Chapter 5, Article 15 (T. 14 Cal. Adm. Code) of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Repealer and new section filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.8. Final Commission Decision.

(a) The Commission shall issue a decision on whether the applicant's consistency certification complies with the CCMP; i.e., whether it "concurs" or "objects" to the applicant's consistency certification, at the earliest practicable time and in no event more than 6 months from the date of receipt of such consistency certification and required information from the USGS Area Supervisor (see Section 13660.3 of these regulations). If a Commission decision has not been reached within 3 months of such receipt, the Executive Director shall notify in writing the Assistant Administrator, the applicant, the USGS Area Supervisor, and the relevant Federal agencies of the status of review and the basis for further delay.

(b) A Commission decision which objects to an applicant's consistency certification for one or more of the activities described in detail in the OCS plan shall be accompanied by a statement indicating:

(1) the effect which the activity will have on coastal land or water uses in the coastal zone,

(2) how the activity is inconsistent with a mandatory provision of the CCMP,

(3) alternative measures or conditions (if they exist) which would make their proposed activity consistent with CCMP policies,

(4) if a decision to object is based upon grounds that the applicant has failed to provide information requested by the Executive Director, the type of information requested and the necessity of that information for a consistency certification must be described, and

(5) the applicant's right of appeal to the Secretary of Commerce on the grounds that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act or is necessary in the interest of national security.

(c) The Commission shall notify the applicant, the Area Supervisor, the Assistant Administrator, and the relevant Federal agencies of its decision by sending a copy of its Final Decision to them.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.63, 930.64 and 930.79.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.9. Appeals Procedure.

Any applicant may file a notice of appeal of a Commission objection to a consistency certification within 30 days of receipt to the Secretary of Commerce according to the provisions of the Coastal Zone Management Act (16 USC Sec. 1451 et seq.) and the regulations contained in 15 CFR Par 930.120 et seq. The applicant shall send a copy of the notice of appeal and accompanying documents to the Executive Director. The Executive Director shall submit detailed comments to the Secretary of Commerce within 30 days of receipt of the appeal and transmit copies to the applicant, the Area Supervisor, and the relevant Federal agencies. Where the commission meeting schedule allows sufficient time for discussion prior to the 30 day period, these comments shall be the subject of Commission discussion with opportunity for public comment.

This procedure shall also be followed if the Secretary of Commerce pursues an independent review of the consistency of an OCS activity.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.120–134.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.10. Required Amendments.

Any amendment to an OCS plan which must be submitted as a result of Commission objection to consistency of an OCS activity shall be processed as if such amendment were a new plan; i.e. Sections 13660.1–.13 of these regulations apply, except that the Commission must make its decision within 3 months of receipt.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.83, 930.84, 930.85 and 930.86.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment of NOTE filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.11. Multiple Permit Review.

(a) Applicants are strongly encouraged to include with OCS plans detailed descriptions, consistency certifications, findings and assessments and other supporting data for other OCS-related activities, which require a federal license or permit but are not required to be described in detail in OCS plans by the Secretary of the Interior (e.g., Corps of Engineer permits for the placement of structures on the OCS and for dredging and the transportation of dredged material, Environmental Protection Agency air and water quality permits for offshore operations and onshore support and processing facilities, or the other permits listed in Section 13660.1 of these regulations). Where consistency certifications and related findings and assessments are made for all required Federal permits connected with an OCS plan, the applicant shall so state and consolidated consistency review for these activities will take place at the same time and under the same procedures as review of activities required to be described in detail in OCS plans (Sections 13660.1–.13 of these regulations).

(b) If consistency certifications and related assessments and findings for all OCS related Federal permits are not included with an OCS plan and consistency certification, the applicant shall state which Federal permit activities have not been included. The final decision of the Commission shall state which Federal permit activities have not been included and therefore must be reviewed separately.

(c) The applicant and the Coastal Commission shall comply with Sections 13660–13660.13 of these regulations in processing consistency certifications which have not been included with OCS plans, except that:

(1) As soon as possible, but at least 10 days prior to submission of an application for a Federal permit, the applicant shall consult with the Executive Director concerning OCS-related Federal license or permit activities.

(2) An environmental report as described by 30 CFR 250.34-3(a) and 3(b) need not be submitted, if one which covered the subject permit activity was previously submitted under Section 13660.3 of these regulations, or if the Executive Director is satisfied that the applicant has provided sufficient information concerning the environmental effects of the permit activity to adequately review the project as if it were a coastal permit under the CCMP.

(3) Wherever there is a requirement to notify the Area Supervisor, notification shall also be sent to the appropriate Federal permitting agency.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.82.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.12. Associated Coastal Development Permits.

Where a facility associated with an OCS plan requires a coastal development permit application under the California Coastal Act (e.g. pipeline, marine terminal, onshore support and processing facilities, etc.), the applicant shall notify the Executive Director of the facility's relationship to the OCS plan at the time of submittal of the plan. Where a coastal permit application for such a facility precedes submittal of the OCS plan to the Commission, the applicant shall notify the Executive Director that the facility is associated with a forthcoming OCS plan. If the Executive Director determines that a consolidated review of the applicant's consistency certification and application for a coastal development permit is necessary for complete and proper consideration of the matter, he shall recommend such consideration in whatever manner necessary to comply with applicable time limitations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.82.

HISTORY:

1. New section filed 3-28-79 as an emergency; effective upon filing. Certificate of Compliance included (Register 79, No. 13).
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13660.13. Monitoring of Federal Permits.

Copies of Federal license and permit applications for activities described in detail in an OCS plan, as well as for OCS-related activities, which have received Commission concurrence and which have been requested in the final Commission decision, shall be sent by the applicant to the Executive Director to allow the Commission to monitor the activities.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code; 16 USC 1456(c); and 15 CFR 930.86.

HISTORY:

1. New section filed 3-28-79 as an emergency; effective thirtieth day thereafter. Certificate of Compliance included (Register 79, No. 13).
2. Amendment filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

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CHAPTER 11. ENERGY FACILITIES AND LCP "OVERRIDE" PROCEDURES

SUBCHAPTER 1. (Reserved)
SUBCHAPTER 2. CERTIFIED LOCAL COASTAL PROGRAM (LCP) AMENDMENT "OVERRIDE" PROCEDURES

SUBCHAPTER 2. CERTIFIED LOCAL COASTAL PROGRAM (LCP) AMENDMENT "OVERRIDE" PROCEDURES

DETAILED ANALYSIS

Section
13666. Applicability
13666.1. Information Requirements for Preliminary Determination of Applicability
13666.2. Submittal to Local Government
13666.3. Commission Review
13666.4. Required Findings

SUBCHAPTER 2. CERTIFIED LOCAL COASTAL PROGRAM (LCP) AMENDMENT "OVERRIDE" PROCEDURES

13666. Applicability.

These procedures are applicable to persons authorized to undertake a public works project or proposing energy facility development that requires LCP amendments provided that the development meets the following two requirements:

(1) unanticipated by the person proposing the development at the time the LCP was before the Commission for certification.

(2) meets the public needs of an area greater than that included in the certified LCP.

All other developments requiring an amendment to the certified LCP shall follow the LCP amendment procedures of the affected local government and the Commission.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30515, Public Resources Code.

HISTORY:

1. New Chapter 11 (Subchapter 2, Sections 13666–13666.4) filed 12-7-82; effective thirtieth day thereafter (Register 82, No. 50).

13666.1. Information Requirements for Preliminary Determination of Applicability.

A person desiring review according to this subchapter may first submit an LCP amendment application (following the requirements of the affected local government) to the Executive Director with sufficient information setting forth the reasons for the amendment with particular emphasis on the applicability requirements as specified in Section 13666, and how it conforms with the policies of Public Resources Code Section 30200 et seq. The Executive Director shall, within 30 days, review the Local Coastal Program file and the projected scope of this subchapter. A determination of the Executive Director is final and shall be forwarded to the affected local government and the person desiring review.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30515, Public Resources Code.

13666.2. Submittal to Local Government.

(a) If the Executive Director has preliminarily determined that the development is subject to this subchapter, the application shall first be submitted to the affected local government for an LCP amendment according to applicable requirements. The local government shall make its determination based on factual findings and reasoning supporting the conclusions of law set forth in this subchapter. If the local government fails to amend the LCP within 90 days of submittal, the person submitting such an amendment may file a request for an amendment with the Commission.

(b) If the applicant has not requested a preliminary determination, or if the Executive Director has determined that the override provisions do not apply, the applicant may nevertheless request the Commission to consider the application through an appeal from a final local government decision. The appeal from the local government's decision shall follow local coastal program regulations and additionally include the information requirements of this subchapter in order to advise the Commission that in the applicant's opinion, the development is subject to Section 30515.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30515, Public Resources Code.

13666.3. Commission Review.

Commission review shall be undertaken only after consultation with the affected local government and review shall be conducted according to the LCP regulations. A local government resolution is not required if the local government fails to act within 90 days as specified in 13666.2(a).

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30515, Public Resources Code.

13666.4. Required Findings.

(a) If the recommendation is for Commission approval as proposed or modified (i.e., conditioned), the recommendation shall be accompanied by specific factual findings and reasoning which, after a careful balancing of social, economic, and environmental effects, supports the following conclusions:

(1) development meets a public need of a geographic area greater than that included within the certified LCP.

(2) development conforms with and is adequate to carry out the policies of Public Resources Code Section 30200 et seq.

(3) if significant adverse environmental impacts have been identified, reasonable alternatives have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging way to meet the public need. If the development will have no significant adverse environmental impact, findings shall be included which support that conclusion.

(4) disapproval would adversely affect the public welfare as identified in the findings, declarations, and general provisions of the Coastal Act (Public Resources Code Section 30000 et seq.) and the California Coastal Management Program, if applicable.

(b) If the recommendation is for Commission denial, the recommendation shall state specifically the grounds for denial, based upon the findings and relevant facts which after a careful balancing of social economic and environmental effects support the conclusions listed in Section 13666.4.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30515, Public Resources Code.

(Next page is 260.91)

End T14

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Ex re Regulation Summary T14
California Coastal Commission

Exhibit 10a

LIS -8

Page 77 of 448

MAL-MAJ-1-08

California Administrative Register 82, No. 51-Z

Publication date: December 22, 1982

NOTICE REGISTER

- Notice of Proposed Action of

Title 2.	Fair Employment and Housing Commission
Title 8.	Workers' Compensation Appeals Board
Title 13.	California Highway Patrol
Title 14.	State Mining and Geology Board
Title 15.	Youthful Offender Parole Board
Title 16.	Board of Dental Examiners
Title 16.	Board of Examiners in Veterinary Medicine
Title 18.	Franchise Tax Board
Title 20.	California Energy Commission
Title 22.	Department of Social Services
Title 22.	Department of Health Services
Title 23.	Department of Water Resources and Water Resources Control Board
Title 24.	California Energy Commission

- Notices of General Public Interest
- Statements of Review Completion
- Determinations to Repeal
- Disapproved Regulations
- Regulations Summary

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Includes summary of regulations filed with Secretary of State during current Register week

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REGULATION SUMMARY

Following is a summary of rules and regulations filed with the Secretary of State during the week ending 12-11-82

REGULAR ORDERS

(effective thirtieth day after filing unless otherwise indicated)

Title 3. Department of Food and Agriculture.

Repeals Subchapter 3 (Sections 200-208.05) and adopts new Subchapter 3 (Sections 200-203). *Filed:* 12-8-82. *For further information:* Howard Sallee, (916) 322-5031.

Updated Informative Digest

Public Resources Code Section 21082 requires all public agencies to adopt procedures for implementing the California Environmental Quality Act of 1970 and the Resources Agency Regulations in Title 14, California Administrative Code, Division 6, Chapter 3, Article 5 which establish guidelines to be adopted by other agencies. The Department of Food and Agriculture substantially adopted these guidelines in 1973 as they existed in Title 14 at that time. Since then numerous amendments have been made in the Title 14 guidelines. The department proposes to repeal the present implementing regulations and adopt new regulations which incorporate by reference the present Title 14 guidelines and all future amendments thereto.

The major substantive change resulting from the incorporation by reference is the increase in the scope of categorical exemptions resulting from amendments to Title 14, Section 15100 et. seq., from 1973 to date. The number of categorical exemptions will increase from the seven which existed in Title 14 in 1973 to the 27 now included. The major procedural change resulting from the incorporation by reference is the inclusion of time limits for completing required California Environmental Quality Act functions. These are contained in Section 15054 et. seq. There are now no comparable time limits in the department's regulations as these requirements were added to Title 14 after 1973.

Other minor technical changes will be incorporated. It is impossible to determine what effect any one or combination of such changes may have; however, the overall effect of the changes will be to require that the Department of Food and Agriculture implement the California Environmental Quality Act under regulations which are the same as those of the Resources Agency in Title 14.

Also, adopts Section 2428, "Cadmium Compounds." *Filed:* 12-8-82. *For further information:* Van Cheney, (916) 322-5130.

Updated Informative Digest

Present law allows the use of registered cadmium products on turf. This regulation would cancel all uses of cadmium on turf.

Also, amends Section 3591.7; and repeals Sections 3937, 3942, 3947–3949, 3954 and 3955. Filed: 12-8-82. For further information: Sharon Dobbins, (916) 322-5912.

Updated Informative Digest

Sections 3591.7, 3937, 3942, 3947–3949, 3954, and 3955, Title 3, California Administrative Code, Hydrilla Eradication Area and Weed Free Areas.

Existing regulation, Section 3591.7, establishes a hydrilla eradication area consisting of the entire counties of Imperial, San Diego, and Yuba, names the possible carriers of hydrilla, and provides means and methods that may be used to eradicate hydrilla, an aquatic weed pest. The amendment adds Los Angeles County to the eradication area. The effect of the change is that the state can

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perform hydrilla eradication activities in Los Angeles County.

Existing regulations, Sections 3937, 3942, 3947–3949, 3954, and 3955, declare certain areas of California to be puncture vine, wild Scotch broom, and Russian thistle weed free areas and set forth notice and treatment requirements relating to puncture vine. These regulations will be repealed. The effect of the change is that it is no longer unlawful to transport seed of these weeds into or within or to knowingly permit these weeds to mature, propagate, and disseminate their seeds within these areas.

Also, repeals Article 1 (Sections 3610 and 3620–2622) and adopts new Article 1 (Section 3610). *Filed:* 12-10-82. *For further information:* Sharon Dobbins, (916) 322-5912.

Updated Informative Digest

Section 3610, Title 3, California Administrative Code, Western Celery Mosaic Host-Free Districts and Periods.

Existing regulations (Sections 3610 and 3620–3622) establish western celery mosaic host-free districts and periods in the Counties of Los Angeles, Monterey, San Luis Obispo and Ventura. To control western celery mosaic virus, these regulations require that celery plants not be grown in the districts for certain periods of time each year.

The effect of the changes in the regulations will be to set forth the districts, periods and requirements in one section of the regulations; reduce the volume of these regulations; and host-free districts and periods for Los Angeles County will no longer exist since the area in that previously established district is commercially and residentially developed and commercial celery production no longer exists in that area.

Title 4. California Horse Racing Board.

Adopts Article 23 (Sections 2046–2048). *Filed:* 12-10-82. *For further information:* Leonard Foote, (916) 920-7178.

Updated Informative Digest

This action is to adopt new Sections 2046, 2047 and 2048 of Title 4, California Administrative Code, to require the filing of annual financial statements by charity distributing agents, to direct the manner in which requests for approval of distribution of charity racing funds are to be submitted to the Board, and to require the filing of an annual financial statement and supplemental information for horsemen's organization welfare funds.

At the present the Board has no regulations governing charity racing funds distributing agents nor the manner of submission of requests for approval of funds distribution by such agents. This regulation would require the filing of an annual financial statement prepared by a certified public accountant within 135 days following the close of the distributing agent's fiscal year. The regulation would further require a verification statement that the distributions were made only to eligible beneficiaries. A charity distributing agent is a tax exempt charitable foundation initially established by a private racing association for the purpose of distributing to qualified charity and benevolent beneficiaries the net proceeds of the required charity days racing programs. Sections 19550 through 19557 of the Business and Professions Code provide the statutory basis for charity racing and govern the manner of selection of the distributing agent, the eligibility of beneficiaries, the number of charity racing days or nights which must be conducted by private racing associations, the manner of determining the net profit to be paid over to the independent distributing agent and the manner of distribution of funds generated by charity racing programs. Sections 2046 and 2047 will require an annual financial statement from the distributing agent and establish the manner by which the Board may act on requests for approval of distributions of charity racing funds to insure compliance with the purposes and intent of the charity racing statutes.

MAY-MAY-11-08

Exhibit 10a

administration of the Veterans Home of California, including the management and purpose of the Home and the adoption of rules for the internal management and operation of the Home. Part 4 also includes reservations of Chapters 2, 3, and 4 for regulations on Post Fund Enterprises, Guardianships or Conservators, and Deceased Members' Estates, but no rules are proposed on these subjects at this time. Part 5 is a retitling only of Subchapter 6 on the Conflict of Interest Code to provide organizational consistency in the regulations.

After proceedings had in accordance with the provisions of Article 5 of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the Department has repealed and adopted the regulations as summarized above.

Title 14. California Coastal Commission.

Amends Sections 13012, 13660, 13660.1, 13660.3–13660.6, and 13660.8–13660.13; repeals and adopts Section 13660.7; and adopts Chapter 11 (Subchapter 2, Sections 13666–13666.4). *Filed:* 12-7-82. *For further information:* Linda Breeden, (415) 543-8555.

Updated Informative Digest

1. The proposed amendments to OCS Plan regulations found in 14 California Administrative Code Section 13660 are administrative or procedural, deleting references to the Regional Commissions and reflecting other organizational changes. A new section is proposed allowing consent calendar procedures for these projects. This procedure should expedite review. The term "California Coastal Management Program" is defined. The regulations implement Section 30330 which designates the Commission as the state coastal management agency for the federal Coastal Zone Management Act 16 U.S.C. Section 1451 and 15 CFR Part 930.

2. Section 30515 allows applicants of public works or energy facility developments to petition the Commission for Local Coastal Program amendments, subject to certain threshold requirements. For all other types of developments, local governments must first approve such developments. The regulations describe how such applications will be processed, relying as much as possible on existing procedures. The regulations also implement Section 30330 and the Commission's national interest responsibilities pursuant to the Coastal Zone Management Act 16 USC 1451 and 15 CRF Part 923.

3. The present regulation defining "major public works", Section 13012, incorrectly limits such projects to geographic areas described in P.R.C. Section 30601(1) and (2). This is expressly inconsistent with Section 30601(3) which does not put a locational limit on such projects. It is proposed to delete the reference to Section 30601(1) and (2). Correction of this error will assure that both public works projects and energy projects, regardless of location, may take advantage of the Local Coastal Program amendment procedures of paragraph 2 above.

Title 16. Board of Examiners of Nursing Home Administrators.

Repeals Sections 3113, 3114, 3117, 3122 and 3123; adopts Sections 3116.5 and 3117.5; repeals and adopts Section 3120; and amends Section 3162. *Filed:* 12-10-82. *For further information:* Hal Tindall, (916) 445-8435.

Updated Informative Digest

(1) Repeal Section 3113.

Current regulations specify the procedure for filing an application for a license as a nursing home administrator. This regulatory action would repeal this provision. (See item #5, infra. for new regulation on this subject.)

(2) Repeal Section 3114.

Current regulations specify what constitutes an abandoned application and the procedures associated therewith. This regulatory action would repeal this provision. (See item #5, infra. for new regulation on this subject.)

(3) Adopt Section 3116.5.

Current regulations do not specify the procedure for licensing an administrator who is currently licensed in another jurisdiction. This regulatory action would provide that an administrator licensed in another jurisdiction must do the following: Meet the same education requirements which existed in California at the time the applicant was originally licensed in his home state; furnish proof that he or she is currently licensed in another jurisdiction; pay the application fee; and pass only the California state portion of the examination if he or she scored at least 75 percent on the national examination.

(4) Repeal Section 3117.

Current regulations specify Board-approved education requirements. This regulatory action would repeal this provision.

(5) Adopt Section 3117.5.

Current regulations (Sections 3113 and 3114, infra.) specify the procedure for filing an examination application and the procedures associated with abandoned applications. This regulatory action would combine the above procedures into one section.

(6) Repeal Section 3120 and adopt new Section 3120.

Current regulations specify the various subjects which may be included in the Board's examination. This regulatory action would repeal this section and adopt a new section which would specify that the examination is composed of a national section covering the broad aspects of nursing home administration and a state section covering California regulations pertaining to nursing homes.

(7) Repeal Section 3122.

Current regulations specify that an applicant who has failed the examination is entitled to be reexamined without meeting new qualifications if reexamination is made within six months after the applicant first qualified for examination. This regulatory action would repeal this provision.

(8) Repeal Section 3123.

Current regulations specify that examination papers are the property of the Board and that an applicant may obtain his or her grade if he or she requests such information from the Board within 60 days after notification that he or she has failed the examination. This regulatory action would repeal this section.

(9) Amend Section 3162.

Current regulations do not specify what persons may act as a preceptor for an administrator-in-training. This amendment would provide that the preceptor for an administrator-in-training shall be the designated administrator of the facility at which the training is conducted and that the designation of any other person as a preceptor must be approved by the Board.

EMERGENCY ORDERS

(effective on filing unless otherwise indicated)

Title 15. Narcotic Addict Evaluation Authority.

Amends Sections 5000, 5005, 5007, 5100, 5101, 5125–5128, 5130–5133, 5150–5156, 5170, 5171, Title of Chapter 3, Title of Article 1, Sections 5302, 5305, 5403, 5406, Title of Chapter 5, and Section 5500; repeals Sections 5050, 5060, 5200–5212, 5304, 5310–5316, 5330–5338, 5350–5356, 5370–5372, 5501 and 5502; and adopts new Sections 5050, 5060, 5180–5185, 5200–5212, 5230–5232, 5310–5315, 5320–5325, 5330–5338, 5350–5356, 5370–5372, and 5501–5503. *Filed:* 12-7-82. *For further information:* Marilyn S. Sellers, (714) 734-3861.

Statement of Facts:

The Narcotic Addict Evaluation Authority finds that an emergency exists and that the adoption of the Sections included in Title 15, Division

Exhibit 10a
Page 79 of 448
MAUNA-1-98
LEGISLATIVE INTENT SERVICE (800) 666-1917

5, Chapters 1 through 5, as indicated above is necessary for the immediate preservation of the public peace, health and safety or general welfare. A statement of the facts concerning the emergency follows:

In 1981, Sections 3050, 3051, 3052, 3109 and 3201 of the Welfare and Institutions Code were amended by the legislature and approved by the Governor by emergency statute. These amendments became effective September 17, 1981, and require a civil addict commitment to be released on parole under the jurisdiction of the Narcotic Authority at the end of the confinement period or expiration of commitment, whichever occurs first. In addition, these amendments require the Narcotic Authority to impose conditions of parole and authorizes the Board to return individuals to the California Rehabilitation Center who violate their conditions of parole.

On November 22, 1982, the Narcotic Authority adopted regulations for the purpose of implementing, interpreting and making specific the changes in the law and they were mailed to the Office of Administrative Law for review and filing with the Secretary of State as regular regulations. However, on December 6, 1982, we were informed by Department of Corrections staff that the first person to be paroled under the new law will be released on December 8, 1982, and there are several other individuals who will be paroled in the immediate future.

In order to ensure compliance with the changes in the law, particularly as they relate to the Conditions of Parole and the ability of the Narcotic Authority to return individuals on parole who have violated their conditions to the extent that they represent a threat to society, it is imperative that these regulations be adopted as emergency regulations, to become effective no later than December 8, 1982.

CERTIFICATES OF COMPLIANCE

Title 22. Department of Social Services.

A Certificate of Compliance including amendments has been filed as to the adoption of Sections 41-440.49, 41-500.1–.8, 45-400, 45-401.1–.4, 45-402.1–.4, 45-403.1 and .2, 10-301.3, 10-330.1 and .2, and 30-002.2; and the amendment of Sections 10-005.14, 10-010.9, 10-320.11, .12, .14 and .17, 30-004.11, 30-009.226, 30-104.1, 30-204.1, and 30-206.154 of the Department's Manual of Policies and Procedures, which were filed as an emergency 7-8-82 (Register 82, No. 28). *Transmitted to OAL:* 11-5-82. *Filed:* 12-10-82. *For further information:* Roy Howard, (916) 445-1422.

EDITORIAL CORRECTIONS

Title 2. Department of General Services.

Editorially corrects authority and reference citations to Sections 1896, 1896.2, 1896.4, 1896.8, 1896.10 and 1896.12. *Filed:* 12-6-82.

Title 8. Occupational Safety and Health Standards Board.

Editorially corrects Section 5532(c) and Table FL-2 adding metric measurement equivalents to the U.S. measurements contained for flammable liquids stored in glass containers of one-gallon or less capacity. *Filed:* 12-9-82. *For further information:* Ronald T. Rinaldi, (916) 322-3640.

Title 10. Department of Corporations.

Editorially corrects Sections 1300.76.2, 1300.76.3, 1300.77.3 and 1300.7[illegible] providing accurate authority and reference citations. *Filed:* 12-8-82.

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Exhibit 10a
Page 80 of 448
MAL-MAJ-1-08
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EDMUND G. BROWN JR., Governor

OFFICE OF ADMINISTRATIVE LAW
1414 K Street, Suite 600
Sacramento, California 95814

Title	Section
14	13200
Date Filed	**Date Effective**
12-7-80	30th Day
Expiration Date	
Register	**Number**
80	50

☑ The enclosed regulations filed by your agency for publication in the Administrative Code will be available in about five weeks. If your agency plans to distribute copies of these regulations, you should place an order with the State Printer at once to save costs (Form 67).

☐ The emergency regulation you filed with this office has been approved for publication in the Administrative Code and will be available in about five weeks. If your agency plans to distribute copies of these regulations, you should place an order with the State Printer at once to save costs (Form 67).

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
AND WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11343.1)

RECEIVED FOR FILING

JUN - 4 1982

Office of Administrative Law

ENDORSED
APPROVED FOR FILING

DEC - 7 1982

Office of Administrative Law

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

California Coastal Commission
(Agency)

(Billing Code)

Date of adoption, amendment, or repeal:

MAY 7, 1982

By: Roy Gorman

ROY GORMAN, CHIEF COUNSEL
(Title)

ENDORSED FILED
IN THE OFFICE OF

DEC 7 4 45 PM 1982

MARCH FONG EU
SECRETARY OF STATE
OF CALIFORNIA

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The attached regulations which are being adopted, amended or repealed are contained in Title 14 of the California Administrative Code.

Division, Part, Chapter, etc., affected by this order: DIVISION 5.5, CHAPTER 1, CHAPTER 10.

TYPE OF ORDER (Check as applicable)

- [ ] Emergency (Attach Finding of Emergency)
- [ ] Certificate of Compliance
- [ ] Certificate of Non-Compliance
- [x] Regular
- [ ] Procedural and Organizational

CHECKLIST OF MANDATORY REQUIREMENTS

- [x] One Certified Copy With Original Signature and Six Copies of Order or Certificate of Compliance Attached
- [x] Regulation Summary (Form 690) Attached (1 copy)
- [x] Publication Date (in Notice Register) of Notice for Attached Order or Certificate of Compliance is 2/17/82
- [x] Authority and Reference Citation Placed Beneath Each Section in Attached Order
- [x] Cost Statement Attached (Refer to SAM Section 6050)

Effective Date:

- [x] On _____ as Specified by Statute ____ _____, or
- [ ] On _____, if Later Than 30 Days After Filing With the Secretary of State (Emergency regulations will be effective upon filing with the Secretary of State; all other regulations will be effective 30 days after filing with the Secretary of State.)
- [x] Rule-Making File

BUILDING STANDARDS (Check one)

- [x] These regulations contain no building standards under Health and Safety Code Sections 18900-18915.
- [ ] These regulations do contain building standards under Health and Safety Code Sections 18900-18915. The attached copy contains Building Standards approval.

CONFLICT OF INTEREST (Check one if attached are Conflict of Interest Regulations)

The attached Conflict of Interest Regulations contain the FPPC approval stamp and:

- [ ] Are to be published in full in the Administrative Code.
- [ ] Are to be codified by appropriate reference in the Administrative Code, and include a statement as to where the full text may be obtained.

CAMPAIGN DISCLOSURES (Check if emergency Campaign Disclosure Regulations)

- [ ] These are emergency regulations pertaining to campaign disclosure law and were adopted by unanimous vote of all board or commission members present at the regulation adoption proceeding.

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Chapter 10. Federal Consistency ~~Determination~~
Subchapter 1. Commission Procedures for Consistency
Certifications ~~Determinations~~ for Outer Continental Shelf
(OCS) Exploration, Development or Production
Plans and for OCS Related Federal Permits.

13660. Definitions. (a) The term "applicant" means any individual, corporation, partnership, association, or other entity organized or existing under the laws of any State, the Federal government, any State, regional or local government, or any entity of such Federal, State, regional or local government, who submits to the ~~USGS~~ Area Supervisor (or other designee of the Secretary of Interior) after August 31, 1978, an OCS Plan ~~which describes in detail activities requiring a Federal license or permit~~.

(b) The term "OCS plan" means any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act, as Amended, (43 U.S.C. §1331 et. seq.), and the regulations under that Act, which describes in detail activities requiring a Federal license or permit.

(c) The term "Area Supervisor" means the Pacific Area Oil and Gas Supervisor, Minerals Management Service formerly the United States Geological Survey ~~United States Geological Survey~~, Department of the Interior.

(d) The term "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

(e) The term "Executive Director" means the Executive Director of the California Coastal Commission.

(f) The term "California Coastal Management Program" (CCMP) means the program approved by the Department of Commerce pursuant to the Coastal Zone Management Act (16 USC Section 1451 et.seq.).

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NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference cited: Section 30008 Public Resources Code. Federal law: 16 USC Section ~~1451 et. seq.~~ 1456 (c); 15 CFR Part 930 et. seq. as adopted June 25, 1979, 44 FR 37143.

13660.1. Preliminary Consultation. (a) As soon as possible, but at least 10 days prior to submission to the Area Supervisor, of any plan ~~required to be submitted under the Outer Continental Shelf Lands Act, as amended, (43 USC 1331 et seq.)~~ for the exploration of areas leased under the Outer Continental Shelf Lands ~~that~~ Act (43 USC 1331 et. seq.), and at least 30 days prior to submission of plans for the development or production of areas leased under that Act, any applicant wishing to undertake such activities in areas adjacent to California waters shall consult with the Executive Director at the state office concerning all the activities required to be described in detail in the OCS plan affecting the land or water uses in the coastal zone ~~which affect land and water uses.~~

This shall include, at minimum, activities requiring the following federal approvals:

MMS - Department of the Interior

- Approval of offshore drilling operations
- Approval of design plans for the installation of platforms
- Approval of gathering and flow lines

The following OCS related Federal license or permit activities are encouraged to be included, if they will be required in connection with the OCS activity.

Department of Defense - U.S. Army Corps of Engineers

- Permits and licenses required under Sections 9 and 10 of the Rivers Harbors Act of 1899
- Permits and licenses required under Section 103 of the Marine

LEGISLATIVE INTENT SERVICE (800) 666-1917

Protection, Research and Sanctuaries Act of 1972

- Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments
- Permits for artificial islands and fixed structures located on the Outer Continental Shelf (Rivers and Harbors Act of 1899 as extended by 43 U.S.C. 1333 (f))

Department of the Interior - Bureau of Land Management - ~~USGS~~ MMS

- Permits and licenses required for drilling and mining on public lands (BLM)
- Permits for pipeline rights-of-way on the Outer Continental Shelf
- Permits and licenses for rights-of-way on public lands

Environmental Protection Agency

- Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments
- Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality

Department of Transportation - U.S. Coast Guard

- Permits for construction of bridges under 33 USC 401, 491-507 and 525-534
- Permits for deepwater ports under the Deepwater Port Act (P.L.93-627)

Federal Energy Regulatory Commission

- Certifications required for interstate gas pipelines
- Permits or licenses for construction and operation of facilities needed to import, export or transship natural gas or electrical energy

Any other OCS related Federal license or permit activities which are not listed above are also encouraged to be included, if they will be required in connection with the OCS activity.

LEGISLATIVE INTENT SERVICE (800) 666-1917

(b) The Executive Director shall provide the applicant with a copy of the California Coastal Management Plan ("CCMP") upon request.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC Section ~~1451 et seq.~~ 1456(c), 15 CFR 930.75, 930.82, 930.64, 930.77.

13660.2. [RESERVED]

13660.3. Submission of Consistency Certification. (a) The applicant shall submit to the ~~USGS~~ Area Supervisor who in turn shall submit to the Executive Director: the OCS plan with accompanying consistency certification and supporting information for all activities required to be described in detail in the plan and identified in Section 13660.1(a) of these regulations, and the environmental report as soon as it is ~~approved by~~ deemed submitted to the Area Supervisor pursuant to 30 CFR 250.34-1(b)(1) for exploration plans or 30 CFR 250.34-2(b)(1) for development and production plans.

(b) The consistency certification* ~~for all activities described in detail in the OCS plan as required by Section 13660.3(a) above~~* shall be in the following form:

> The proposed activities described in detail in this plan comply with California's approved coastal management program and will be conducted in a manner consistent with such program.

(c) The applicant shall also include the following supporting information:

(1) a brief assessment relating the probable coastal zone effects of each of the enumerated activities and their associated facilities to the relevant elements of the program policies of the CCMP; and

(2) a brief set of findings derived from the assessment indicating that each of the enumerated activities (e.g. drilling, platform

LEGISLATIVE INTENT SERVICE (800) 666-1917

placement) and its associated facilities (e.g. onshore support structures, offshore pipelines), and its primary effects (e.g. air, water, waste discharges, erosion, wetlands, beach access impacts) are consistent with the mandatory provisions of the CCMP.

(d) Upon request of the applicant, the California Coastal Commission staff will provide assistance in preparing the assessment and findings required in Section 13660.3(c)(1) and (2) of these regulations.

(e) The Executive Director may request in writing additional data and information from the applicant if he deems it necessary for a complete and proper review. Such a request shall not extend the date for commencement of Coastal Commission review; however, failure to submit the requested information could result in an objection to the applicant's consistency certification ~~determination~~ [See §13660.8(b)(4)]. The applicant shall comply with such request within 10 days of its receipt or shall indicate within 10 days reasons why the request cannot be complied with.

(f) When the OCS Plan submitted to the Executive Director by the ~~USGS~~ Area Supervisor has deleted confidential and proprietary information, the places where such information has been deleted and the general subject matter of the information shall be identified. Where the Executive Director determines that such confidential and proprietary information is necessary to adequately assess the coastal zone effects of the activities described in the OCS plan and therefore to make a reasoned decision on the consistency of such activities, such information shall be provided after the Executive Director has provided adequate assurance of confidentiality in accordance with the ~~provisions of the Outer Continental Shelf Lands Act, as amended, and the Freedom of Information Act and their~~ applicable implementing federal regulations (15 CFR Section 930.77 and 30 CFR Part 252). The procedures specified in §13660.3(e)

LEGISLATIVE INTENT SERVICE (800) 666-1917

apply to the Executive Director's request for confidential and proprietary information.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 Public Resources Code. Federal law: 16 USC ~~1451~~ 1456 (c) ~~et seq.~~, 15 CFR Sections, 930.77, 930.58 and 30 CFR Part 252.

13660.4. Staff Summary, Recommendation, and Hearing Notice. After receipt of the OCS plan, environmental report, consistency certification ~~determination~~ and the accompanying findings and assessments and any other information which the Executive Director deems necessary, the Executive Director shall:

(a) Prepare a staff summary and recommendation of the applicant's findings and assessments and send ~~the summary~~ it to the applicant, the Assistant Administrator, the ~~USGS~~ Area Supervisor, and other relevant Federal agencies, ~~the affected Regional Commissions~~, local governments, state agencies, and other interested parties. If the vote on the certification is scheduled for a later meeting than the oral hearing, the Executive Director shall prepare a separate staff recommendation according to the requirements of Chapter 5, Article 12 (T. 14 Cal. Adm. Code)

(b) Schedule a ~~State Coastal~~ Commission public hearing on the applicant's consistency certification ~~determination~~, findings and assessments and the staff summary, and recommendation, giving appropriate notice to all interested parties, (as listed in §13660.4(a) above), with particular emphasis on informing citizens of the coastal area which will be affected pursuant to the permit regulations in Chapter 5 (T. 14 Cal. Adm. Code) unless specifically changed herein. The Director shall endeavor, where possible, to schedule the public hearing in the affected region. The notice shall announce the availability for inspection of the applicant's consistency certificate and findings. The state and regional agencies responsible for

LEGISLATIVE INTENT SERVICE (800) 666-1917

air and water quality compliance shall be notified and provided the opportunity to present their agencies' positions before the Commission hearing. Such hearing shall be set for a regular Coastal Commission meeting not later than the 49th*~~42nd~~*day after receipt of the documents required by Section 13660.3. The Executive Director may, at his discretion, extend for an additional 30 days the 49-day*~~42-day~~*time period for a hearing. All public hearings shall be scheduled with a view toward allowing widespread public distribution of the information contained in the staff's summary and recommendation and toward allowing maximum public participation and attendance at the hearing particularly for the citizens of the affected area, while affording the applicant expeditious consideration of consistency certifications.*~~determinations~~.*

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008 and 30621, Public Resources Code. Federal law: 16 USC 1456(c) ~~1456 et seq.~~, 15 CFR 930.79, 930.84(a), 930.61(a), 930.63.

13660.5. Contents of Summary and Recommendation. The summary shall: (1) list the major activities listed in the OCS plan, for which a consistency certification has*~~determination, assessments and findings have~~* been required, (2) discuss the effect of these activities and their associated facilities, ~~and~~*~~their effects~~*on land*~~and~~*or water uses in the coastal zone, (3) discusss the consistency of such activities and related effects with the mandatory provisions of the CCMP. The summary shall also specifically list all other Federal permits for which consistency findings have not been enclosed and for which future consistency certification *~~determinations~~*will be required under Section 13660.11 of these regulations.
NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Sections 30008 and 30621, Public Resources Code. Federal law: 16 USC 1456(c), 15 CFR 930.79, 930.84(a), 930.61(a), 930.63.

13660.6. Conduct of Hearings on Staff Recommendation on a Consistency Certification.*~~Determination~~.* The Commission shall conduct *~~be the~~*

LEGISLATIVE INTENT SERVICE (800) 666-1917

*~~Final decision maker on consistency determinations and shall conduct~~*de novo hearings on consistency certifications*~~determinations~~*substantially in accordance with the applicable procedures for permit hearings set forth in *~~Sections 13057 through 13096, excluding Sections 13071, 13085, and 13097 of these Regulations.~~ (T.14 Cal. Adm. Code) *Chapter 5 of these regulations.

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code. Federal law: 16 USC ~~1451~~ 1456(c) ~~et seq.~~, and 15 CFR 930.79.

13660.7. Consent Calendar Procedures. Consistency certifications at the discretion of the Executive Director may be included as a consent calendar item pursuant to Chapter 5, Article 15 (T.14 Cal. Adm. Code) of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008, Public Resources Code.

~~13660.7. Regional Commission Role. The affected Regional Commission(s) may wish to conduct hearings prior to the Commission hearing, and based on those hearings present testimony at the Commission hearing. The Regional Commission hearing panel may include State Commissioners. Upon written request by a Regional Executive Director, the Executive Director may extend for an additional 30 days the 42-day time period for its hearing required by Section 13660.4 in order to allow a full hearing at the Regional Commission level. Any Regional Commission hearings shall also be conducted substantially in accordance with Sections 13064-13096 of these regulations. The Regional Commission and State Commission shall attempt to hold a joint hearing where possible.~~

13660.8. Final Commission Decision. (a) The Commission shall issue a decision on whether the applicant's consistency certification complies with the CCMP; i.e., whether it "concurs" or "objects" to the applicant's consistency certification, at the earliest practicable time and in no event

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