

MINUTE ITEM

This Calendar Item No. 19
was approved
No. 19
Commission on 2
to 2 at its 3/30/78
meeting.

CALENDAR ITEM

19.

3/78
W 20528
Brady

AMENDMENT OF TITLE 2, DIVISION 3, ARTICLE 10,
OF THE CALIFORNIA ADMINISTRATIVE CODE

Recently, the Commission repealed and adopted Article 10 of the California Administrative Code relative to the preservation and enhancement of the environment. On February 28, 1978, these regulations were approved by the Office of Administrative Hearings and then filed with the Secretary of State's Office on March 1, 1978. They were to become effective on April 1, 1978.

Subsequent to the filing, it was noticed that several technical errors had been made in the final document. Additionally, the staff learned that the Resources Agency adopted revisions to the Resources Agency Guidelines for the implementation of CEQA. The Commission's Staff was notified by the State Office of Administrative Hearings that in order to file the proposed changes that the Commission must authorize the amendments and filings.

Government Code Section 11421(b) allows adopting of emergency regulations when necessary for the immediate preservation of the public peace, health, safety or general welfare. The facts constituting an emergency within the meaning of the section above are as follows:

Certain provision in the recently adopted version of the regulations were contrary to recent changes in the law which if not amended could halt or delay certain Commission projects. If the projects were hindered, delayed or interfered with over a period of time, irreparable harm could result to the common welfare, health and safety.

EXHIBIT: A. Article 10.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PUBLIC RESOURCES CODE 21065, AND 14 CAL. ADM. CODE 15037.

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2. FIND THAT AN EMERGENCY EXIST WITHIN THE MEANING OF SECTION 11421(B) OF THE GOVERNMENT CODE, RELATIVE TO CHANGES IN RULES AND REGULATIONS REGARDING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, WHICH AUTHORIZES THE ADOPTING OF EMERGENCY REGULATIONS.
3. ADOPT AND APPROVE FOR FILING WITH THE OFFICE OF THE SECRETARY OF STATE, AN EMERGENCY AMENDMENT TO ARTICLE 10 OF TITLE 2, DIVISION 3 OF THE CALIFORNIA ADMINISTRATIVE CODE, EFFECTIVE APRIL 2, 1978. EXHIBIT "A", ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
4. FIND THAT THERE ARE NO STATE MANDATED LOCAL COSTS IN THIS REGULATION THAT REQUIRE REIMBURSEMENT UNDER SECTION 2231 OF THE REVENUE AND TAXATION CODE, BECAUSE THERE ARE NO NEW DUTIES, OBLIGATIONS, OR RESPONSIBILITIES IMPOSED ON LOCAL GOVERNMENT BY THIS REGULATION.
5. AUTHORIZE THE STAFF TO TAKE ALL STEPS NECESSARY INCLUDING PUBLICATION AND MAILING, TO MAKE PERMANENT THE ABOVE CHANGES IN THE RULES AND REGULATIONS, PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, REGARDING THE ADOPTION OF EMERGENCY REGULATIONS.