

MINUTE ITEM

7/23/81

Horn

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W 22649/W 22649.1

29. Review and modification of Regulations, Title 2, Division 3, Chapter 1, Articles 1, 2, 2.1, 2.5, 5, 6, and 9.

Calendar Item 29, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 29 (4 pages).

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REVIEW AND MODIFICATION OF REGULATIONS
IN TITLE 2, DIVISION 3, CHAPTER 1,
ARTICLES 1, 2, 2.1, 2.5, 5, 6 and 9

Pursuant to the Commission's authorization of January 26, 1981, (Minute Item No. 38) and in compliance with AB 1111 (Government Code Section 11340, et seq.), staff has conducted a review of the Commission's surface-use regulations. In keeping with the spirit and intent of AB 1111, staff proposed substantial changes, and in some cases, outright repeal of some of the existing regulations. Notice of the proposed changes was published in the Notice Register on April 1, 1981. Notices were also published in major regional newspapers and mailed to persons who had expressed interest. Public hearings on the proposals were held in San Francisco, Sacramento and Long Beach on May 19, 20 and 21.

The purpose of these hearings was to provide the public with ample opportunity to make statements, contentions or arguments, both oral and written, regarding the proposed changes. No persons appeared at the public hearings to offer comments in opposition to the proposals.

A summary of the process called a "Final Statement of Reasons" is attached hereto as Exhibit "B" and by reference made a part hereof.

The Final Statement of Reasons summarizes two letters of comment received on the proposals. These letters from McCutchen, Black, Verleger and Shea, representing the Western Oil and Gas Association (WOGA) and Exxon Company U.S.A., are included herein by reference and are on file in the principal office of the Commission. The Final Statement of Reasons also includes responses to these comments together with support for why the Commission rejected those portions of the comments not resulting in changes to the regulations.

Based upon the materials contained in the rule-making file, together with comments received during the public hearing process, staff believes that the regulations proposed for adoption meet the statutory requirements of "necessity", "authority", "clarity", "consistency" and "reference".

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CALENDAR ITEM NO. 2/9 (CONTD)

- EXHIBITS:
- A. Proposed Changes to Title 2, Division 3, Chapter 1, Articles 1, 2, 2.1, 2.5, 5, 6, and 9.
 - B. Final Statement of Reasons.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THERE HAS BEEN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 11346.4 (PUBLICATION AND NOTICE) AND 11349.7 (REVIEW) FOR THE PURPOSE OF MODIFYING ITS REGULATIONS IN TITLE 2, DIVISION 3, CHAPTER 1.
2. DETERMINE THAT THERE ARE NO STATE-MANDATED COSTS OR SAVINGS TO ANY STATE AGENCIES OR LOCAL AGENCIES OR SCHOOL DISTRICTS IN THESE REGULATIONS THAT REQUIRE REIMBURSEMENT UNDER SECTION 2231 OF THE REVENUE AND TAXATION CODE INASMUCH AS COMPLIANCE WITH THESE REGULATIONS BY GOVERNMENTAL ENTITIES IS APPLICABLE ONLY UPON THEIR VOLUNTARY USE OF LANDS UNDER THE COMMISSION'S JURISDICTION.
3. APPROVE FOR FILING WITH THE OFFICE OF ADMINISTRATIVE LAW THE FINAL STATEMENT OF REASONS ATTACHED HERETO AS EXHIBIT "B", WHICH STATEMENT IS MADE IN COMPLIANCE WITH GOVERNMENT CODE SECTION 11346.7.
4. ADOPT FOR FILING WITH THE OFFICE OF ADMINISTRATIVE LAW THOSE CHANGES TO ITS REGULATIONS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF, WHICH CHANGES SHALL BE EFFECTIVE 30 DAYS AFTER FILING WITH THE SECRETARY OF STATE.
5. AUTHORIZE STAFF TO TAKE ALL STEPS NECESSARY TO GIVE EFFECT TO THE ABOVE APPROVALS, DETERMINATIONS AND ADOPTIONS.

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EXHIBIT "A"

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EXHIBIT "B"

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