

UPDATED INFORMATIVE DIGEST – ENCROACHMENT PERMIT REGULATIONS

A. SUMMARY OF REGULATORY PROCESS AND DEPARTMENT ACTION

The Department's Notice of Proposed Rulemaking was published in the Notice Register on October 25, 2013. The public comment period expired on December 9, 2013. On December 9, 2013, a Public Hearing was held.

Following its December 7, 2013, public hearing, the Department of Water Resources (DWR) made changes to the proposed regulations. The department published a 15-day Notice of Proposed Changes to the regulations. No comments were received. The final regulatory file was approved by the California Water Commission and submitted to the Office of Administrative Law on May 30, 2014.

In response to comments of the Office of Administrative Law and pursuant to the Administrative Procedures Act, the department withdrew the regulations on July 14, 2014. After making non-substantive changes to the regulations, including structural and organizational consolidation of numerous duplicative sections for clarity and to facilitate use by the regulated community, some non-substantive changes to the text of the regulations, and supplementing the Final Statement of Reasons to add further statements of necessity, a second 15-day Notice was published on September 26, 2014.. One comment letter was received, although identical to a letter from the same commenter during the initial 45-day period, and the department responded to the issues raised in that comment letter. After the department staff notified the commenter of that the identical letter was received and responded to, the commenter withdrew the comments.

The modified regulations were again approved by the California Water Commission and were resubmitted to the Office of Administrative Law on October 24, 2014. Following due consideration, the Office of Administrative Law formally disapproved the regulations by a Decision dated December 17, 2014, providing the department 120 days to resubmit with necessary revisions. On January 30, 2015, the department published and served its 15-day Notice pursuant to the Administrative Procedures Act. No additional comments were received. On February 16, 2015, the California Water Commission again approved the modified regulations and the regulatory file for submission to the Office of Administrative Law. The final regulatory file was submitted once again to the Office of Administrative Law.

All documents generated in the rulemaking process are available on the Department website at www.water.ca.gov/regulations.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.