

# San Francisco Bay Conservation and Development Commission

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## DESCRIPTION OF PROGRAM CHANGES TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION COASTAL MANAGEMENT PROGRAM (BCDC-2023-3)

**AUGUST 2, 2023**

### Amendments to Commission Regulations, California Code of Regulations, Title 14, Division 5 Chapter 15 (Implementation of California Environmental Quality Act)

The San Francisco Bay Conservation and Developments Commission (“Commission”) has adopted regulations that are codified at Title 14 of the California Code of Regulations (“C.C.R.”), Division 5, sections 10110-11990. On February 17, 2022, the Commission adopted a set of amendments to its regulations for implementation of the California Environmental Quality Act (“CEQA”) that are codified at Title 14 of the C.C.R., Division 5, Chapter 15, sections 11500-11561. The amendments were approved by the California Office of Administrative Law on June 2, 2022, and became effective under California law on October 1, 2022.

Chapter 15 of the Commission’s regulations includes two subchapters: subchapter 1, entitled “When the Commission is the Lead Agency,” and subchapter 2, entitled “When the Commission is a Responsible Agency.” The CEQA lead agency is the public agency that “has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” Pub. Res. Code § 21067; 14 C.C.R. § 15367. A responsible agency is a public agency other than the lead agency which has responsibility for carrying out or approving a project. Pub. Res. Code § 21069; 14 C.C.R. § 15381. All but one of the amended regulations apply when the Commission is the lead agency; the last amended regulation described below – section 11560 – applies when the Commission is a responsible agency.

Following is a section-by-section description of the amendments.

#### **Section 11501 -- Categorical Exemptions**

When the Commission is the lead agency and the Executive Director has determined that the proposed activity is not statutorily exempt under CEQA, section 11501 requires the Executive Director to determine if the proposed activity is categorically exempt from the necessity of preparing any environmental documentation under one of the exemptions established by the Guidelines for Implementation of CEQA, 14 C.C.R. §§ 15300-15333 (“CEQA Guidelines”). The first sentence of subsection 11501(c) was amended to delete the words “on the amendment” after the words “staff planning report” because a staff planning report may be prepared for a new plan document or a planning study, as well as for a plan amendment.

### **Section 11510 -- Executive Director to Prepare Environmental Assessment Information**

When the Commission is the lead agency and the Executive Director has determined that the proposed activity is not statutorily or categorically exempt, section 11510 requires the Executive Director to decide what information will be necessary to determine the possible environmental impacts of the proposed activity and to prepare an environmental assessment. The title of this section was amended to delete the word “Initial” prior to the words “Environmental Assessment” because the regulations otherwise consistently refer only to an “environmental assessment” and not to an “initial environmental assessment.” Subsection 11510(b) was amended to clarify that the proponent shall provide such information “as requested by the Executive Director.” Subsection 11510(b) was also amended to delete the words “for the plan amendment” after the words “staff planning report” because a staff planning report may be prepared for a new plan document or a planning study, as well as for a plan amendment.

### **Section 11511 -- Determination of Significant Adverse Environmental Impacts and Preparation of an Environmental Assessment**

When the Commission is the lead agency and the Executive Director has determined that a proposed activity is not statutorily or categorically exempt, section 11511 requires the Executive Director to determine if the proposed activity may have any individually or cumulatively substantial adverse impact on the physical environment. The first sentence of subsection 11511(b) was amended to: (1) refer to “a proposed activity that is not statutorily or categorically exempt but will not have any significant adverse environmental impact;” and (2) delete the words “on the amendment” after the words “staff planning report” because a staff planning report may be prepared for a new plan document or a planning study, as well as for a plan amendment. In addition, the Authority and Reference note was amended to add an authority citation to Public Resources Code section 21082.

### **Section 11520 -- Use of a Federal Environmental Assessment or Environmental Impact Statement as an Environmental Assessment**

The Authority and Reference note was amended to add an authority citation to Public Resources Code section 21082.

### **Section 11521 -- Contents of an Environmental Assessment**

The Authority and Reference note was amended to add an authority citation to Public Resources Code section 21082.

### **Section 11522 -- Consultation**

New section 11522 was added to address consultation with responsible agencies as required by CEQA. Subsection 11522(a) states the general requirement that, upon completion of an environmental assessment, the Commission shall consult with other public agencies having

jurisdiction by law with respect to the proposed activity or which exercise authority over resources that may be affected by the proposed activity.

Subsection 11522(b) provides that upon completion of an environmental assessment prepared in connection with a permit application, the Commission shall consult with such public agencies by distributing a copy of the environmental assessment with the application summary, distributed in accordance with subsection 10381(b) of the Commission's regulations to all agencies listed in section 10360, all affected cities or counties, and any other responsible agencies identified by the Executive Director.

Subsection 11522 (c) provides that upon completion of an environmental assessment prepared in connection with a plan, plan amendment, or planning study, the Commission shall consult with such public agencies by distributing a staff planning report including the environmental assessment in accordance with subsection 11003(a) of the Commission's regulations.

The Authority and Reference note includes authority citations to Government Code section 66632(f) and Public Resources Code sections 21082 and 29201(e). The reference citations are to Public Resources Code sections 21080.5 and 21104.

### **Section 11523 -- Notice of Availability of Environmental Assessment; Public Comments; Response to Comments**

New section 11523 was added to require that an environmental assessment be made available for public review, provides for public comment, and requires the preparation of written responses to comments, all as required by CEQA.

Subsection 11523(a)(1) provides that upon completion of an environmental assessment prepared in connection with a permit application, the Executive Director shall post on the Commission's website a notice of availability of the environmental assessment and shall provide a copy of such notice by first class mail or email to any persons who have previously requested such notices in writing. This subsection requires the notice of availability to disclose: (i) a brief description of the proposed activity and its location; (ii) the starting and ending dates of the review period, which shall be for a period of not less than 30 days, during which the Commission will receive comments on the environmental assessment; and (iii) the date, time, and location of any public hearing to be held by the Commission or Executive Director on the environmental assessment and on the permit application, if scheduled at the time of the notice. This subsection also provides that any public hearing on the environmental assessment shall be held on or before the last day of the review period.

Subsection 11523(a)(2) provides that the Executive Director shall prepare written responses to the significant environmental issues raised in the comments received during the review period, including written comments and oral comments received at any public hearing. This subsection requires the Executive Director to make copies of the written responses to comments available for review on the Commission's website at least 10 days prior to the Commission's consideration of the permit application that is the subject of the environmental assessment.

This subsection also requires the Executive Director to make the written responses to comments available at the Commission meeting at which the Commission will consider the permit application that is the subject of the environmental assessment in accordance with subsection 10500(c) of the Commission's regulations.

Subsection 11523(b)(1) provides that upon completion of an environmental assessment prepared in connection with a plan, plan amendment, or planning study, the Executive Director shall make the environmental assessment available for review by distributing a staff planning report including the environmental assessment in accordance with subsection 11003(a) of the Commission's regulations. Subsection 11523(b)(1) also provides that the Commission shall hold a public hearing on the proposed plan, plan amendment, or planning study not less than 30 days after distribution of the staff planning report in accordance with subsections 11003(a) and 11004(a) of the regulations.

Subsection 11523(b)(2) provides that the Executive Director shall prepare and include in the staff planning recommendation written responses to all comments received on the proposed plan, plan amendment, or planning study, including comments on the environmental assessment, in accordance with subsection 11005(b)(1) of the Commission's regulations. Subsection 11523(b)(2) also provides that the Executive Director shall distribute the staff planning recommendation, including the responses to comments on the environmental assessment, to all agencies, organizations, and persons who received the staff planning report and to anyone else who requested in writing to receive a copy of the staff planning recommendation in accordance with subsection 11005(c) of the regulations.

Subsection 11005(c) requires the Executive Director to mail by first class mail or email, and to make available on the Commission's website, a copy of the staff planning recommendation to all agencies, organizations, and individuals who received the staff planning report and to anyone else who requests in writing to receive a copy of the recommendation.

The Authority and Reference note includes authority citations to Government Code section 66632(f) and Public Resources Code sections 21082 and 29201(e). The reference citations are to Public Resources Code sections 21080.5, 21091, 21092, and 21092.2.

### **Section 11524 -- Consideration of Environmental Assessment; Final Environmental Assessment; Commission Findings**

New section 11524 was added to: (1) address Commission consideration and approval of an environmental assessment; (2) specify the documents that comprise the final environmental assessment; (3) address the findings to be made by the Commission if an environmental assessment identifies one or more significant environmental effects of a proposed activity; and (4) provide for the adoption of a program for monitoring or reporting on revisions the Commission has required in a project or the measures it has imposed as conditions of approval to mitigate or avoid significant environmental effects.

Subsection 11524(a) provides that when the Commission is the lead agency, prior to acting on a permit application, plan, plan amendment, or planning study, the Commission shall consider the materials generated pursuant to section 11520, if applicable, section 11521, and subsections 11523(a)(2) or 11523(b)(2), as applicable. This subsection also provides that the Commission shall approve the environmental assessment prior to or at the same time as it acts on the permit application, plan, plan amendment, or planning study. This subsection further provides that upon adoption of the resolution approving the permit application, plan, plan amendment, or planning study, the environmental assessment shall become final.

Subsection 11524(b) specifies that the final environmental assessment shall include: (1) the materials described in section 11520, if applicable, and section 11521; (2) comments on the environmental assessment and the written responses to comments prepared pursuant to subsections 11523(a)(2) or 11523(b)(2), as applicable; (3) the Commission resolution approving the permit application, plan, plan amendment, or planning study; and (4) any other documentation as the Commission may prescribe.

Subsection 11524(c) provides that if the environmental assessment prepared by the Commission identifies one or more significant environmental effects of the proposed activity, the Commission shall make any findings required by Public Resources Code section 21081 and sections 15091(a) and 15093(b) of the CEQA Guidelines, 14 C.C.R. §§ 15091(a) and 15093(b). These statutory and regulatory provisions require a public agency to make certain findings with respect to each significant environmental effect as to: (1) changes or alterations required in, or incorporated into, a project to mitigate or avoid significant effects; (2) those changes or alterations that are within the responsibility and jurisdiction of another public agency and that have been, or can or should be, adopted by that other agency; and (3) specific economic, legal, social, technological or other considerations that make infeasible the mitigation measures or alternatives identified in the environmental document.

Subsection 11524(d) provides that if the Commission makes any finding as described in Public Resources Code section 21081(a)(1) and section 15091(a)(1) of the CEQA Guidelines, 14 C.C.R. § 15091(a)(1), it shall adopt a program for monitoring or reporting on the revisions it has required in the project or the measures it has imposed as conditions of approval to mitigate or avoid significant environmental effects. Public Resources Code section 21081.6 and section 15091(d) of the CEQA Guidelines, 14 C.C.R. § 15091(d), provide that when a public agency makes findings that changes or alterations have been required in, or incorporated into, a project to mitigate or avoid significant effects, the agency shall adopt a monitoring or reporting program for the revisions it has required in the project or the measures it has imposed as conditions of approval to mitigate or avoid significant environmental effects.

The Authority and Reference note includes authority citations to Government Code section 66632(f) and Public Resources Code sections 21082 and 29201(e). The reference citations are to Public Resources Code sections 21080.5, 21081, and 21081.6.

### **Section 11525 -- Notice of Decision**

New section 11525 was added to require the Executive Director to file a notice with the Secretary of the Resources Agency whenever the Commission has issued a permit or adopted a plan or plan amendment for which the Commission has prepared an environmental assessment and acted as the CEQA lead agency. The Commission's permitting and planning regulations require compliance with these filing requirements. See 14 C.C.R. §§ 10524 (notice of issuance of a permit for which the Commission has prepared an environmental assessment and is acting as lead agency) and 11007(a) (notice of the adoption of a plan amendment or other plan document). Section 11525 restates these filing requirements and cross-reference sections 10524 and 11007(a), in subsections 11525(a) and (b), respectively, so that these requirements are set forth in Chapter 15, subchapter 1, which contains the regulations governing when the Commission is acting as the lead agency.

The Authority and Reference note includes authority citations to Government Code section 66632(f) and Public Resources Code section 29201(e). The reference citations are to Public Resources Code sections 21080.5, 29202, and 29520(a).

### **Section 11531 -- Selection and Retention of a Consultant**

The title of section 11531 was amended to read: "Selection and Retention of a Consultant," because this section addresses both the selection and retention of a consultant to prepare an environmental assessment. In addition, this section was amended in a number of respects.

First, a new subsection (a) designation was added at the beginning of the section and former subsections (a), (b), and (c) were redesignated as new subsections 11531(a)(1), (a)(2), and (3), respectively, to address the three steps described by the regulation to select a consultant. Second, subsection (a)(1) was amended to delete the word "maximum" before the word "fees" and subsections (a)(1) and (a)(3) were each amended to refer to consultant estimates of "fees and costs." Third, subsection (a)(2) was amended to delete the former requirement that a consultant establish a fixed cost to be incurred to prepare an environmental assessment.

Fourth, former subsection 11531(e), which vaguely stated that the Executive Director shall "enter into an agreement" for the preparation of an environmental assessment, was deleted and replaced by a new subsection 11531(b) which specifies, consistent with the CEQA Guidelines, two possible arrangements for retaining the consultant selected by the Executive Director to prepare an environmental assessment. Subsection (b) provides that the Executive Director may either: (1) enter into an agreement with the consultant; or (2) execute an agreement or memorandum of understanding with the applicant to govern retention and payment of the consultant, provided that the agreement or memorandum of understanding specifies that Commission staff shall manage the consultant, including communications between the applicant and the consultant.

Fifth, new subsection 11531(c) was added to state that, notwithstanding the estimated fees and costs provided by the selected consultant, the applicant shall be responsible for all consultant fees or costs to prepare or help to prepare the environmental assessment.

Sixth, former subsection 11531(d), which provided for the Executive Director to deposit the fees submitted by the applicant to pay the consultant into an account maintained by the Commission, and subsection 11531(f), which provided for the Executive Director to pay the consultant according to a mutually agreed upon schedule of payments, were combined into a revised subsection 11531(d). Subsection (d) was amended to: (1) clarify that the applicant shall deposit the amount of the fees and costs estimated by the consultant only if the Executive Director enters into an agreement with the consultant; (2) delete the former reference to a mutually agreed on schedule of payments usually being in installments of 25% of the total fee, with 25% withheld until the Commission has taken final action on the assessment, to allow the Executive Director and the consultant to mutually agree on a different payment schedule, such as monthly billing; (3) state that after completion of the environmental assessment, the Executive Director shall refund to the applicant any part of the consultant fees or costs not actually charged by the consultant; and (4) state that if the estimated fees and costs are exceeded prior to completion of the environmental assessment, the consultant shall submit monthly billing statements for the additional fees and costs as incurred and the applicant shall pay each bill within 30 days of receipt.

#### **Section 11532 – Consultant Fees or Costs in Excess of Estimates**

The title and the first sentence of section 11532 were amended to: (1) add the word “consultant” before the word “fees;” and (2) add the words “or costs” after the word “fees.” These amendments clarify that this section refers to consultant fees or costs and distinguish consultant fees or costs from Commission costs associated with preparation of an environmental assessment which are addressed in section 11540 (discussed below).

The first sentence of this section was amended to delete the words “previously determined ceiling” and insert instead the words “fees and costs estimated by the selected consultant,” and the second sentence of this section was deleted. These amendments were necessary because new subsection 11531(c) provides that the applicant shall be responsible for all consultant fees and costs to prepare or help to prepare the environmental assessment.

#### **Section 11533 -- Relationship of Commission and Consultant**

Section 11533 provides that the Commission, through the Executive Director, shall have final responsibility for the contents of any environmental assessment. This section was amended to add a sentence stating that before using an environmental assessment prepared by a consultant, the Commission shall subject the environmental assessment to the agency’s own independent review and analysis. Independent review and analysis by the lead agency is required by CEQA and the CEQA Guidelines. Pub. Res. Code § 21082.1(c)(1); 14 C.C.R. § 15084(e).

### **Section 11540 -- Commission Fees to Prepare an Environmental Assessment**

The title of section 11540 has been changed from “Basic Fee” to “Commission Fees to Prepare an Environmental Assessment.” The former text of this section, which provided that, in addition to any other fees, an applicant for a permit shall pay a “basic fee” of \$300 when the Commission prepares an environmental assessment, was deleted. Section 11540 was amended to authorize the Commission to assess fees sufficient to recover its full costs to prepare an environmental assessment in connection with an application for a permit, plan, or plan amendment.

Subsection 11540(a) provides that when the Commission is the lead agency and the Executive Director determines that an environmental assessment must be prepared, an applicant for a permit, plan, or plan amendment shall pay, in addition to any consultant fees and costs, the Commission’s full costs of preparing, processing, and distributing the environmental assessment. The recovery of the Commission’s reasonable costs associated with preparation and processing an environmental assessment is authorized by CEQA and the CEQA Guidelines. Public Resources Code section 21089(a); section 15045(a) of the CEQA Guidelines, 14 C.C.R. § 15045(a).

Subsection 11540(b) provides that after the Executive Director determines that an environmental assessment must be prepared, the Commission will submit monthly bills to the applicant for the costs incurred by the Commission and staff during the preceding month for preparation of the environmental assessment.

Subsection 11540(c) requires the applicant to pay the monthly bill for the Commission’s costs within 30 days of receipt and provides that an applicant’s failure to do so shall allow the Commission and staff to discontinue work on the environmental assessment until complete payment has been made.

Subsection 11540(d)(1) provides that the Commission shall bill the applicant for all unpaid costs actually incurred in preparing, processing, or distributing the environmental assessment within 30 days after either: (1) the Commission and staff complete all work on the application; (2) the applicant withdraws its application; or (3) the applicant abandons the application.

### **Section 11541 -- Preparation Fee**

Section 11541 formerly provided that, in addition to any other fees, a permit applicant shall pay an additional “preparation fee” of \$500 to cover the costs to the Commission of preparing an environmental assessment for which the Commission needs no consultant assistance. Section 11541 was repealed as unnecessary given the amendments to section 11540.

### **Section 11542 -- Consultant Fees**

Section 11542 formerly provided that the Commission shall charge an applicant consultant fees equal to the ceiling fee for the consultant based on the consultant’s estimate to prepare an



environmental assessment and shall refund any part of the consultant fee not actually charged by the consultant. Section 11542 was repealed as unnecessary because: (1) the amendment to subsection 11531(c) provides that the applicant shall be responsible for all consultant fees or costs to prepare an environmental assessment; and (2) the amendment to subsection 11531(d) provides that the applicant shall be required to deposit the fees and costs estimated by a consultant when the Executive Director enters into an agreement with the consultant to prepare an environmental assessment and further provides that the Executive Director shall refund any part of the consultant fees or costs not actually charged by the consultant.

### **Section 11543 -- Exception**

Section 11543 formerly provided that the Executive Director may reduce or increase the basic fee or the preparation fee, as authorized by former sections 11540 and 11541, respectively, by an amount not exceeding 50% of the normally required amount if the Executive Director believes that these fees do not reflect the actual cost to the Commission of preparing or analyzing required environmental documents. Section 11543 was repealed as unnecessary because the amendment to subsection 11540(a) provides that an applicant shall be responsible for paying the Commission's full costs of preparing, processing, and distributing an environmental assessment.

### **Section 11544 -- When Environmental Fees Must Be Paid**

Section 11544 formerly provided that an applicant must pay all applicable environmental fees prior the Commission commencing work on an environmental assessment. Section 11544 was repealed as unnecessary because: (1) the amendment to sections 11531(d) provide that when the Executive Director enters into an agreement with a consultant for preparation of an environmental assessment, the applicant shall deposit the fees and costs estimated by the consultant into an account maintained by the Commission and further provides that the Executive Director shall pay the consultant from this account according to a mutually agreed on schedule of payments; and (2) the amendments to subsections 11540(b), (c), and (d) specify the process for the Commission to bill an applicant for the Commission's full costs of preparing, processing and distributing an environmental assessment.

### **Section 11560 -- Review and Comment on and Consideration of Environmental Documents**

Section 11560 addresses the Commission's role as a CEQA responsible agency, rather than as the lead agency. The title of section 11560 was amended to add the words "and consideration of," so that it reads, "Review and Comment on and Consideration of Environmental Documents." The amended title accurately describes the scope of the Commission's responsibilities as a responsible agency, as set forth in the amended regulation. Section 11560 was further amended in a number of respects.

First, the introductory clause of subsection 11560(a) was amended to insert the word "proposed" before the word "activity" to reflect that CEQA environmental review is conducted for proposed activities or proposed projects.

Second, new subsection 11560(a)(1) was added to acknowledge the duty of the Commission as a responsible agency to respond to any request for consultation by the lead agency to ensure that the lead agency prepares an environmental document that meets the informational needs of the Commission. Pub. Res. Code § 21080.4; 14 C.C.R. § 15096(b).

Third, former subsection 11560(a)(1) was redesignated as subsection 11560(a)(2). This subsection describes the duty of the Commission as a responsible agency to review and submit comments to the lead agency on any environmental document that the lead agency has sent to the Commission for consultation. Subsection 11560(a)(2) was amended to: (1) add an initial study, environmental assessment, and negative declaration as types of environmental documents; (2) delete the vague reference to “environmental working papers” due to the lack of specificity of that term and the fact that in practice, lead agencies send CEQA environmental documents to the Commission for review and comment but do not send “environmental working papers”; and (3) delete the former reference to forwarding comments “to the appropriate state agency coordinating state comments” given the absence of any legal basis in CEQA for such a requirement and the fact that there is not a single state agency that coordinates state comments on environmental documents.

Fourth, former subsection 11560(a)(2) was deleted. This subsection required an applicant for a Commission permit to prepare a “written summary of any environmental documentation already prepared by the lead agency” including the disposition of any significant environmental issues as well as a description of “any revision to the proposed project to mitigate its impacts or any objections.” As a responsible agency, the Commission typically receives, and staff reviews and comments on, a public review draft of the environmental document prepared by the lead agency. Commission staff also typically receives a copy of any permit or other authorization issued by the lead agency, which includes conditions of approval and mitigation measures. Moreover, the Executive Director can request any of the information described in former section 11560(a)(2) from the lead agency and has the authority to request that an applicant provide such information for staff to fully evaluate an application. Therefore, it is unnecessary to burden an applicant to prepare a summary of the lead agency’s environmental document and to burden the staff with the additional tasks of reviewing and evaluating the applicant’s summary.

Fifth, subsection 11560(a)(3) was revised. This subsection formerly required the Executive Director to include any final environmental document that is less than 10 pages in length, or a summary thereof if the document is longer than 10 pages in length, with the staff summary of a permit application. Since virtually no CEQA environmental document is less than 10 pages in length, this subsection placed a considerable and unnecessary burden on staff to prepare a summary of what are typically lengthy environmental documents that may exceed hundreds of pages. Moreover, this subsection was limited to providing the environmental document, or a summary thereof, when the Commission is considering a permit application and did not encompass situations when the Commission is a responsible agency on a planning matter. For these reasons, subsection 11560(a)(3) was amended to require the Executive Director to consider the environmental effects of the proposed activity as described in any environmental

document prepared or provided by the lead agency and to summarize the environmental information contained therein as relevant to the Commission's statutory responsibilities in the application summary and/or staff recommendation on a permit application or in the staff planning report on a planning matter. This subsection was also amended to add a negative declaration or environmental assessment as types of environmental documents that the Executive Director is required to consider.

Sixth, new subsection 11560(a)(4) was added to provide that the Executive Director shall include the executive summary, if any, of any environmental impact report, negative declaration, environmental assessment, or environmental impact statement prepared or provided by the lead agency with the application summary on a permit application or with the staff planning report on a planning matter.

Seventh, new subsection 11560(c) was added to provide that if a lead agency has certified an environmental impact report for a proposed activity that identifies one or more significant environmental effects and the Commission approves an application for the proposed activity, the Commission shall make any findings required by Public Resources Code section 21081 and sections 15091(a) and 15093(b) of the CEQA Guidelines, 14 C.C.R. §§ 15091(a) and 15093(b). These statutory and regulatory provisions require a public agency to make certain findings with respect to each significant environmental effect as to: (1) changes or alterations required in, or incorporated into, a project to mitigate or avoid significant effects; (2) those changes or alterations that are within the responsibility and jurisdiction of another public agency and that have been, or can or should be, adopted by that other agency; and (3) specific economic, legal, social, technological or other considerations that make infeasible the mitigation measures or alternatives identified in the environmental document.

Eighth, new subsection 11560(d) was added to provide that if the Commission makes any finding as described in Public Resources Code section 21081(a)(1) and section 15091(a)(1) of the CEQA Guidelines, 14 C.C.R. § 15091(a)(1), it shall adopt a program for monitoring or reporting on the revisions it has required in the project or the measures it has imposed as conditions of approval to mitigate or avoid significant environmental effects. Public Resources Code section 21081.6 and section 15091(d) of the CEQA Guidelines, 14 C.C.R. § 15091(d), provide that when a public agency makes findings that changes or alterations have been required in, or incorporated into, a project to mitigate or avoid significant effects, the agency shall adopt a monitoring or reporting program for the revisions it has required in the project or the measures it has imposed as conditions of approval to mitigate or avoid significant environmental effects.

The Authority and Reference note was amended to add an authority citation to Public Resources Code section 21082 and references to Public Resources Code sections 21080.4, 21081, and 21081.6.