

DEPARTMENT OF TRANSPORTATION

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2011 MAY 13 PM 2:48

OFFICE OF
ADMINISTRATIVE LAW

May 9, 2011

Office of Administrative Law
 300 Capitol Ave., Ste 1250
 Sacramento, CA 95814

To Sir or Madam:

The California Department of Transportation (Caltrans) received correspondence from Francis E. Coats dated March 25, 2011, in which he requested the Office of Administrative Law to make a regulatory determination that three of the Department's Manual provisions defining "navigable river" as used in California Streets and Highways Code § 84.5 are underground regulations. On April 25, 2011, the Department informed Mr. Coats of its decision not to adopt a regulation pursuant to a contemporaneous request made under California Government Code § 11340.6. A true and correct copy of the letter is attached for your convenience. The Department also stated that it would strike the challenged definitions from the manuals. Enclosed please find a copy of the memorandum that accompanied the notice of change to the Project Development Procedures Manual.

In accordance with 1 California Code of Regulation 280, this letter is to certify that the Department will not issue, use, enforce, or attempt to enforce the definition of "navigable river" that was challenged. I have instructed the Division responsible for the Project Development Procedures Manual and the Local Assistance Procedures Manual to remove the sentence that reads: "The term 'navigable river' is construed to mean any body of water that will require a U.S. Coast Guard permit to cross over." Corrections have already been made to both manuals and all subscribers will be notified of the deletion.

If you have additional questions, comments, or concerns, please contact Matthew George at (916) 654-2630.

Sincerely,

MALCOLM DOUGHERTY
 Chief Deputy Director (Interim)

Enclosures:

- (1) Correspondence of April 25, 2011 to Francis Coats
- (2) PDPM Manual Revision Memo of April 27, 2011
- (3) Delegation of Authority

c: Francis Coats

2011 MAY 18 PM 2:11
 ENDORSED FILED
 IN THE OFFICE OF
 JESSICA BOWEN
 SECRETARY OF STATE