

CALIFORNIA TAHOE CONSERVANCY

NOTICE OF PROPOSED RULEMAKING

Title 14, Division 5.3 of the California Code of Regulations

Subject: Regulations on the Use of Conservancy Land

NOTICE IS HEREBY GIVEN that the California Tahoe Conservancy (Conservancy) is proposing to amend and adopt the regulations as described below, after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Conservancy proposes to amend Article 1, § 12052, and to adopt Article 6, §§ 12130 to 12133, within Title 14, Division 5.3 of the California Code of Regulations. The proposed regulations concern the use of lands and facilities under the Conservancy’s ownership or control.

WRITTEN COMMENT PERIOD

Any person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Conservancy. The written comment period ends **on July 26, 2023**. The Conservancy will only consider written comments it receives by the end of the written comment period.

Written comments may be submitted by any of the following methods:

1. By email to: **public.comment@tahoe.ca.gov**. The Conservancy requests, but does not require, that persons submitting comments by email include **“Comment Letter – Proposed Regulations on the Use of Conservancy Land”** in the subject line to facilitate timely identification and review of the comment.
2. By mail or hand delivered to:

California Tahoe Conservancy
Attn: Samantha Sellers
1061 Third Street
South Lake Tahoe, CA 96150

Please note that under the California Public Records Act (Gov. Code § 7920 et seq.), your comments, attachments, and associated contact information become part of the public record and can be released to the public upon request.

PUBLIC HEARING

The Conservancy will hold a virtual public hearing on the proposed regulatory action on **Wednesday, July 26, 2023, from 10:00 a.m. to 12:00 p.m.**

Attendees may participate via the Zoom webinar platform or connect by phone. Instructions for how to access the public hearing, including the specific Zoom link, can be found on the Conservancy’s website at: <https://tahoe.ca.gov/regulations-on-the-use-of-conservancy-land>.

During the public hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice. The Conservancy may impose reasonable limits on oral presentations. The Conservancy requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email. All comments made during the virtual public hearing will be collected and recorded.

SPECIAL ACCOMMODATION NOTICE

If any member of the public has a disability or language needs and requires accommodation to participate in the public hearing, please contact the Conservancy at info@tahoe.ca.gov or (530) 542-5580 no later than five (5) working days prior to the public hearing.

AUTHORITY AND REFERENCE

Authority: Government Code §§ 66906.4, 66907.9; Vehicle Code § 21113

References: Government Code §§ 66906.6, 6907.9; Vehicle Code §§ 21113, 40200, 40203.5

INFORMATIVE DIGEST

Summary of Existing Laws and Effects of the Proposed Regulations

Pursuant to Government Code § 66590.5, the Conservancy is authorized to acquire, hold, and manage real property on behalf of the State for the purposes of “protecting the natural environment, providing public access or public recreational facilities, preserving wildlife habitat areas, or providing access to or management of acquired lands.” Today, the Conservancy owns and manages approximately 4,700 properties in the Lake Tahoe Region, which total approximately 6,500 acres. Many of these are small parcels scattered throughout urban areas. Several of the Conservancy’s properties include amenities for public use and recreation, such as day use areas, trails, or interpretive signage. The Conservancy must operate and maintain these facilities to ensure public safety and health.

Government Code § 66907.9 directs the Conservancy to “take whatever actions are reasonably necessary and incidental to the management of lands and facilities under its ownership and control,” and authorizes it to “adopt and enforce regulations governing the use of those lands and facilities.” To that end, the objective of this proposed rulemaking is to enhance the Conservancy’s ability to manage the lands and facilities under its control, by addressing the use of such lands and facilities by the public.

Specifically, this rulemaking proposes to amend Article 1 (Definitions), § 12052, and adopt a new Article 6 (Use of Conservancy Land), §§ 12130 to 12133, within Division 5.3 of Title 14 of the California Code of Regulations, as follows:

- The proposed amendments to § 12052 define additional terms related to the provisions below.
- New § 12130 describes the procedures by which the Conservancy’s Executive Officer may temporarily close Conservancy land to minimize risks to public health and safety, or to protect habitat, wildlife, or natural or cultural resources.
- New § 12131 establishes parking restrictions on Conservancy land. It prohibits parking outside of “designated parking areas,” as defined. It also allows the Executive Officer to prohibit parking in a designated parking area, seasonally or during certain hours, by posting notice at the parking area. In conjunction with a use permit, license, or other written authorization to use or perform

work on Conservancy land, the Executive Officer or designee may authorize individuals or groups to park in other areas or during prohibited hours.

- New § 12132 specifies that the public hours of use for the Conservancy's recreation sites are sunset to sunrise, unless otherwise posted. It also requires that the hours of use be posted at each recreation site and on the Conservancy website. In conjunction with a use permit, license, or other written authorization to use or perform work on Conservancy land, the Executive Officer or designee may authorize individuals or groups to enter or remain in a recreation site outside of the hours of use.
- New § 12133 prohibits unauthorized damage to or removal of trees, shrubs, bushes, and other vegetation growing or standing on Conservancy land.

Other state laws related to the use of public land and to the proposed regulations include the following:

- Vehicle Code § 21113, which provides that a person shall not drive or park a vehicle on State grounds served by the California Highway Patrol, except with the permission with, and subject to any regulations imposed by, the state agency having jurisdiction over such grounds.
- Penal Code § 384a, which makes it a misdemeanor to willfully or negligently cut, destroy, mutilate, or remove plant material that is growing on public land without a written permit, signed by the owner of the land or an authorized agent.

Anticipated Benefits of Proposed Regulations

The anticipated benefits of the proposed regulations include protecting public health and safety and the environment. For example, establishing specific procedures for the temporary closure of Conservancy land when there are risks to public health and safety, habitat, wildlife, or natural or cultural resources will help to mitigate those risks. Such procedures also promote transparency regarding the reasons for and duration of such closures. In addition, reasonable restrictions on the hours of use of Conservancy recreation sites, and where and when vehicles may park on Conservancy land, protect the environment by reducing potential impacts to sensitive habitat and wildlife. The anticipated benefits to state property and to the public outweigh minor limitations on public access and are consistent with the Conservancy's responsibility as a land steward.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The proposed regulations are not inconsistent or incompatible with existing state regulations. To date, the Conservancy has not adopted any regulations concerning the use or management of its land or facilities. Regulations adopted by other state agency land managers are not applicable to Conservancy properties.

Forms Incorporated by Reference

None.

MANDATED BY FEDERAL LAW OR REGULATIONS

The Conservancy is not aware of any federal regulations or statutes that address the specific subject matter addressed by the proposed regulations.

OTHER STATUTORY REQUIREMENTS

There are no other requirements prescribed by statute applicable to the Conservancy, or to the specific regulations or class of regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Pursuant to Government Code § 11346.5(a)(5), (6), (7), (8), and (12), the Conservancy has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any other state agency: None.
- Cost to any local agency or school district which is required to be reimbursed: None.
- Other nondiscretionary costs or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: None.
- Significant effect on housing costs: None.

COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

The Conservancy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Government Code § 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend a regulation. The following is a summary of the results from the economic impact analysis:

- Creation or Elimination of Jobs within the State of California: The proposed regulations are not expected to create or eliminate jobs within the State of California.
- Creation or Elimination of Businesses within the State of California: The proposed regulations are not expected to create or eliminate businesses in the State of California.
- Expansion of Businesses Currently Doing Business within the State of California: The proposed regulations are not expected to encourage or discourage businesses from expanding their business in the State of California.
- Benefits of Regulation to Health and Welfare of California Residents, Worker Safety, and the State's Environment: The proposed regulations will benefit the health and welfare of California residents, and the State's environment, by providing the Conservancy with additional tools to manage Conservancy-owned public lands. Specifically, the proposed regulation will benefit the health and welfare of California residents by clarifying the procedures needed to close Conservancy property to the public when risk for harm is present. The proposed regulation will benefit the State's environment by protecting natural resources within Conservancy land from damage and degradation. Better land management tools for the Conservancy will ultimately result in healthier ecosystems and a more balanced relationship between the natural environment and manmade impacts/urban development/California residents.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13) of the Government Code, the Conservancy must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Conservancy invites interested persons to provide comments regarding any alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed action or regulatory process to:

California Tahoe Conservancy
Attn: Samantha Sellers
1061 Third Street
South Lake Tahoe, CA 96150
Phone: (530) 318-7013
Email: Samantha.sellers@tahoe.ca.gov

The backup contact person is Casey Strong, by email at casey.strong@tahoe.ca.gov or by phone at (530) 307-8006.

AVAILABILITY OF RULEMAKING PACKAGE

The Conservancy will have the entire rulemaking file available for inspection and copying at its office at the address above. A copy of this notice, the proposed regulation text, and the Initial Statement of Reasons can be accessed through the Conservancy's website at: <https://tahoe.ca.gov/regulations-on-the-use-of-conservancy-land>; or may be obtained by contacting the agency contact person(s) named in this notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Conservancy may adopt the proposed regulations substantially as described in this notice. If the Conservancy makes modifications which differ, but are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days prior to amendment. A copy of any modified regulation may be obtained from the agency contact person(s) named in this notice or on the Conservancy's website at the URL provided above. The Conservancy will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on the Conservancy's website at the URL provided above and may be requested from the contact person(s) named in this notice.