

CALIFORNIA TAHOE CONSERVANCY

**NOTICE OF MODIFIED TEXT OF PROPOSED REGULATIONS AND
15-DAY PUBLIC COMMENT PERIOD**

**Title 14, Division 5.3 of the California Code of Regulations
Subject: Regulations on the Use of Conservancy Land**

NOTICE IS HEREBY GIVEN pursuant to the requirements of Government Code section 11346.8(c), that the California Tahoe Conservancy (Conservancy) is proposing modifications to the text of the above-described regulations, which were the subject of a Notice of Proposed Rulemaking published in the California Notice Register on June 9, 2023. The modifications are substantially related to the originally proposed text and are being made available for public review and comment for a period of at least 15 days prior to adoption.

WRITTEN COMMENT PERIOD

The Conservancy will accept written comments relevant to the proposed modifications from **February 6, 2024 through February 21, 2024**. 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: Casey Strong
1061 Third Street
South Lake Tahoe, CA 96150

All written comments received by February 21, 2024 which pertain to the proposed modifications, will be reviewed by the Conservancy and summarized and responded to in the Final Statement of Reasons. Please limit your comments to the proposed modifications described in this Notice.

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.

AVAILABILITY OF RULEMAKING PACKAGE

This Notice, the Modified Text of Proposed Regulations, and other materials regarding this proposal are also available on the Conservancy’s website at: <https://tahoe.ca.gov/regulations-on-the-use-of-conservancy-land>. In addition, the rulemaking file is available for inspection and copying at the Conservancy office at the address above.

UPDATED INFORMATIVE DIGEST

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

SUMMARY OF REVISIONS TO THE PROPOSED REGULATIONS

The modifications to the proposed regulatory text are summarized below. Modifications to correct typographical or grammatical errors, changes in numbers or formatting, or other non-substantive or technical revisions made to improve the clarity or readability of the proposed regulations may not be addressed below in their entirety. The Modified Text of Proposed Regulations posted with this Notice includes the revisions to the originally proposed regulations, shown in double underline for new language and ~~double-strikeout~~ for deleted language.

Revisions to § 12052: No changes have been made to the proposed regulations text, but an error in the Reference citations was corrected.

Revisions to § 12130:

- In subsection (a), language was added to provide that the Executive Officer's designee may also temporarily close Conservancy land for the reasons described in the section. This change reflects a suggestion by a member of the Conservancy Board during the September 2023 Board meeting and provides flexibility.
- In subsection (b), language originally in subsection (c) was moved to the notice requirements, to advise the public that unauthorized entry may be considered a trespass under Penal Code section 602. The reason for this change is to clarify that the language's purpose is to ensure the public is adequately informed.
- In subsection (c), "unless otherwise authorized" was deleted as subsection (d) already identified who is exempt from closure restrictions.
- In subsection (d), language was added to clarify that the restrictions in the section do not apply to emergency personnel.

Revisions to § 12131:

- In subsection (a), "unless otherwise authorized" was deleted as it is unnecessary. Subsections (c) and (d) adequately describe how to obtain an exemption from the applicable parking restrictions and identify who is automatically exempt. In addition, language from subsection (b) was moved to subsection (a) to improve readability.
- In subsection (b) (formerly subsection (c)), language was added to clarify that the Conservancy may restrict or establish time limits on parking in designated parking lots, in addition to prohibiting parking, and to describe the reasons that the Conservancy may determine that it is necessary to implement these types of parking restrictions.
- In subsection (c) (formerly subsection (d)), references to a parking permit process were deleted. The text was revised to explain that the Conservancy will grant a temporary exemption to the applicable parking restrictions if the listed criteria are satisfied, and to clarify how an exemption may be requested.
- The references to the Vehicle Code originally in subsection (e) were deleted as they were unnecessary.

- In subsection (d) (formerly subsection (f)), language was added to clarify that the restrictions in the section do not apply to emergency personnel.

Revisions to § 12132:

- In subsection (b) (formerly subsection (c)), “unless otherwise authorized” was deleted as it is unnecessary. Subsections (c) and (d) adequately describe how to obtain an exemption from recreation site hours of use and identify who is automatically exempt. The reference to Penal Code section 602 was also deleted as it was unnecessary.
- New language was added in subsection (c) to explain that the Conservancy will grant a temporary exemption to the recreation site hours of use if the listed criteria are satisfied, and to clarify how an exemption may be requested.
- In subsection (d), language was added to clarify that the restrictions in the section do not apply to emergency personnel.

Revisions to § 12133:

- In subsection (a), “except when authorized in writing by the Conservancy” was deleted as it is unnecessary. Subsection (b) adequately identifies who is exempt from the section.
- In subsection (b), language was revised to clarify that the restrictions in the section do not apply to Conservancy employees or designees carrying out resource management activities.

ADDENDUM TO INITIAL STATEMENT OF REASONS – ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs; the Creation of New Businesses or the Elimination of Existing Businesses; or the Expansion of Businesses in California

The Conservancy does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. This is because the regulations will not alter, increase, or decrease commercial opportunities on or relating to Conservancy land. Further, the Conservancy does not foresee that a private person or business would incur new or additional costs as a result of complying with the proposed regulations.

Benefits 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 regulations 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 regulations will also benefit the State’s environment by protecting natural resources within Conservancy land from damage and degradation. More effective land management by the Conservancy will ultimately result in healthier ecosystems and a more balanced relationship between the natural and manmade environment.

CONTACT PERSONS

Please direct inquiries concerning this notice or the proposed action to Casey Strong at casey.strong@tahoe.ca.gov or (530) 307-8006 or to (designated back-up contact) Sara Lopez at sara.lopez@tahoe.ca.gov or (530) 543-6024.