

# CALIFORNIA TAHOE CONSERVANCY

## MODIFIED TEXT OF PROPOSED REGULATIONS

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

#### ARTICLE 1. Definitions

[NOTE: The current text published in the California Code of Regulations is shown in plain text. The initial proposal (noticed in the California Notice Register on June 9, 2023) is illustrated by single underline for proposed additions and ~~single strikethrough~~ for proposed deletions. Changes made after the 45-day comment period are illustrated by double underline for proposed additions and ~~double strikethrough~~ for proposed deletions.]

**Amend section 12052 to read as follows:**

**§ 12052.** ~~Executive Officer.~~ Definitions.

In addition to the definitions set forth in Title 7.42 of the Government Code, the following definitions shall apply to the regulations contained in this Division.

- (a) “Conservancy land” means any state-owned real property, including easements, over which the Conservancy has jurisdiction or management authority, or any real property over which the Conservancy has management authority through a current lease, memorandum of understanding, management agreement, or similar document.
- (b) “Designated parking area” means an area on Conservancy land that is improved as an off-street parking space or lot and that is held open for use by the public for the parking of vehicles.
- (c) “Executive Officer” means the executive officer of the California Tahoe Conservancy.
- (d) “Person” means any individual, corporation, operation, club, entity, or other association of persons.
- (e) “Recreation site” means an area of Conservancy land that has been designated, improved, or developed for recreational use, such as with picnic areas, day use areas, trails, or interpretive signage.
- (f) “Vehicle” means a motor vehicle as defined in Vehicle Code section 415, and includes a recreational vehicle as defined in Health and Safety Code section 18010.

Authority cited: Sections 66906.4, 66907.9 Government Code. Reference: Sections 66906, 66906.6, 66906.7.9, Government Code; ~~Section 21113, Vehicle Code.~~

#### ARTICLE 6. Use of Conservancy Land

[NOTE: The initial proposal (noticed in the California Notice Register on June 9, 2023) is shown in plain text. Changes made after the 45-day comment period are illustrated by double underline for proposed additions and ~~double strikethrough~~ for proposed deletions.]

**Add a new Article 6, "Use of Conservancy Land," and add new sections 12130 – 12133 to read as follows:**

**§ 12130. Temporary Closures of Conservancy Land.**

- (a) The Executive Officer or designee may close Conservancy land, or any portion thereof, to the general public when deemed necessary due to any of the following circumstances:
  - i. fire, mudslide, landslide, flood, erosion, or other such dangers pose a substantial risk to public health and safety or to natural resources;
  - ii. a federal, state, or local disaster or emergency declaration has been made by an authorized person or public agency;
  - iii. resource management, restoration, maintenance, or construction activities are being undertaken that pose a potential risk to public health and safety;
  - iv. to prevent or reduce environmental disturbance or damage; or
  - v. to protect habitat, wildlife, or other natural or cultural resources.
- (b) The Conservancy shall post notice of the closure at the area to which the closure applies and on the Conservancy's website. The notice shall identify the area(s) closed; describe the restriction(s) on use; state the reason(s) for the closure; ~~and~~ specify the period of time during which the closure applies; and state that unauthorized entry may be considered a trespass pursuant to Penal Code section 602. In addition, the Executive Officer or designee shall report the closure at the next regular meeting of the Conservancy's governing body.
- (c) ~~Unless otherwise authorized, n~~ No person shall enter or remain on Conservancy land that is subject to a closure. ~~In addition to any other penalties provided by law, unauthorized entry may be considered a trespass pursuant to Penal Code section 602.~~ This restriction shall not apply to Conservancy employees or designees in the performance of official duties or to emergency personnel.

Authority cited: Section 66907.9, Government Code; Reference: Section 66907.9, Government Code.

**§ 12131. Vehicle Parking.**

- (a) ~~Unless otherwise authorized, n~~ No person shall park any vehicle on Conservancy land except in a designated parking area and in conformance with posted signs and with the regulations set forth in this section. The Conservancy shall maintain a copy of the parking regulations contained herein at the Conservancy office and on its website.
- ~~(b) Unless otherwise authorized, no person shall park a vehicle in any area of Conservancy land other than in a designated parking area.~~
- ~~(c)~~ (b) The Conservancy may prohibit, restrict, or establish time limits on parking in any designated parking area, or in portions thereof, seasonally or during all or certain hours of the day to if deemed necessary for management purposes, including but not limited to consistency with surrounding uses or for snow removal or other seasonal impacts. Any such parking restriction shall become effective when signs giving notice of the ~~hours that parking is prohibited~~ restriction have been posted at the designated parking area.

- ~~(c)~~ (d) The Executive Officer or designee will provide a temporary exemption to the parking restrictions in this section if:
- i. The exemption is consistent with the existing purposes, uses, or management of the affected parcel;
  - ii. The exemption would not adversely affect the long-term value or beneficial uses of the affected parcel;
  - iii. The exemption does not have the potential to have a significant impact on the environment, including soil, wildlife, stream environment zone, native vegetation, or cultural resources;
  - iv. The exemption would provide access to Conservancy land or an adjacent parcel where no reasonable or feasible alternative exists; and
  - v. The Conservancy has adequate staffing and resources to review the exemption request and monitor the exempted use.

Any person may request an exemption by contacting the Conservancy's Land Management Division and providing a written description of the intended exemption, including an explanation of consistency with (i) through (iv) above. The Conservancy may request additional information if necessary to make a determination pursuant to this subsection. 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 issue a permit to park a vehicle outside of a designated parking area or during restricted hours. The parking permit must be displayed on the vehicle dashboard or rear view mirror while parked on Conservancy land. All parking permits shall indicate an expiration date.

~~(e) Parking in violation of this section shall be subject to a civil parking penalty pursuant to Vehicle Code Section 40200 et seq. Penalties for parking violations and late payments shall be in the amounts established by the applicable fee schedule of the city or county in which the violation occurs.~~

~~(d)~~ (f) The restrictions in this section shall not apply to Conservancy employees or designees in the performance of official duties or to emergency personnel.

Authority cited: Section 66907.9, Government Code; Section 21113, Vehicle Code. Reference: Section 66907.9, Government Code; ~~Sections 21113, 40200, 40203.5, Vehicle Code.~~

**§ 12132. Recreation Sites Hours of Use.**

- (a) Recreation sites are open to the general public from sunrise to sunset, unless otherwise posted. The hours of use shall be posted at the entrance to each recreation site and on the Conservancy's website.
- ~~(b) 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 issue a permit to enter or remain in a recreation site between closing and opening hours.~~
- ~~(b)~~ (c) Unless otherwise authorized, no person shall enter or remain in any recreation site when it is closed to the public, between closing and opening hours. In addition to any other penalties provided by law, unauthorized entry may be considered a trespass pursuant to Penal Code section 602.

- (c) The Executive Officer or designee will provide a temporary exemption to a recreation site's hours of use if:
- i. The exemption is consistent with the existing purposes, uses, or management of the recreation site;
  - ii. The exemption would not adversely affect the long-term value or beneficial uses of the recreation site;
  - iii. The exemption does not have the potential to have a significant impact on the environment, including soil, wildlife, stream environment zone, native vegetation, or cultural resources; and
  - iv. The Conservancy has adequate staffing and resources to review the exemption request and monitor the exempted use.

Any person may request an exemption by contacting the Conservancy's Land Management Division and providing a written description of the intended exemption, including an explanation of consistency with (i) through (iii) above. The Conservancy may request additional information if necessary to make a determination pursuant to this subsection.

- (d) The restrictions in this section shall not apply to Conservancy employees or designees in the performance of official duties or to emergency personnel.

Authority cited: Section 66907.9, Government Code. Reference: Section 66907.9, Government Code.

**§ 12133. Damage to Trees or Vegetation.**

- (a) No person shall willfully or negligently cut, destroy, injure, burn, or remove, any tree, shrub, bush, or other vegetation that is growing or standing on Conservancy land, ~~except when authorized in writing by the Conservancy.~~
- (b) This section does not apply to ~~activities undertaken by the~~ Conservancy employees or designees carrying out in conjunction with resource management activities, or to any person engaged in authorized fire suppression or management.

Authority cited: Section 66907.9, Government Code. Reference: Section 66907.9, Government Code.