

CALIFORNIA TAHOE CONSERVANCY

FINAL STATEMENT OF REASONS

Title 14, Division 5.3 of the California Code of Regulations

Subject: Regulations on the Use of Conservancy Land

UPDATE TO INITIAL STATEMENT OF REASONS

On June 9, 2023, the California Tahoe Conservancy (Conservancy) issued a Notice of Proposed Rulemaking, accompanied by an Initial Statement of Reasons (ISOR) and proposed regulatory text. The Conservancy Board approved the adoption of the proposed regulations on September 21, 2023. Following the Board's approval, the Conservancy submitted the rulemaking record to the Office of Administrative Law (OAL).

In response to feedback from OAL, the Conservancy withdrew the rulemaking record from OAL review on November 17, 2023. On February 6, 2024, the Conservancy issued a Notice of Modified Text of Proposed Regulations and 15-Day Public Comment Period (15-Day Notice), as well as the modified text of the proposed regulations with changes shown in underline/strikethrough. The 15-Day Notice described the modifications to the regulations and reasons therefor and included an Addendum to the ISOR's Economic Impact Assessment.

The modifications to the regulations are also summarized below:

- In Sections 12130, 12131, 12132, and 12133 of the proposed regulations, Conservancy staff deleted "unless otherwise authorized" and similar phrases as they were unnecessary. The regulations describe who is exempt from the provisions or how to obtain an exemption.
- In Section 12130, staff added language to provide that the Executive Officer's designee may temporarily close Conservancy land for the reasons described in the section.
- In Section 12130, staff moved and modified language referencing trespass under Penal Code section 602 to clarify that its purpose is to ensure the public is adequately informed of the potential consequences of a violation. In addition, staff deleted the reference to Penal Code section 602 from Section 12132 as it was unnecessary.
- In Section 12131, staff clarified that the Conservancy may restrict or establish time limits on parking in designated parking lots, and added language to describe why it may be necessary for the Conservancy to implement parking restrictions. In addition, staff deleted the subsection referencing the Vehicle Code as it was unnecessary.
- In Sections 12131 and 12132, staff deleted references to a use permit, license, or other written authorization, and added language explaining that the Conservancy will grant temporary exceptions to applicable parking restrictions and to recreation site hours of use if the listed criteria are satisfied and how an exemption may be requested.

The Conservancy is not relying on any new data and has not added any technical, theoretical, or empirical study, report or similar document to the rulemaking file. Except as described herein and in the 15-Day Notice, there are no additional updates to the ISOR.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 45-DAY AND 15-DAY PUBLIC COMMENT PERIODS

45-Day Comments: The Conservancy held a public comment period on the text of the regulations, as originally proposed, from June 9, 2023, through July 26, 2023. The Conservancy also held a public hearing on July 26, 2023. The Conservancy received one written comment and no oral comments during this public comment period.

Comment 1: Walt Young recommended that Penal Code section 602 not be referenced in section 12132 of the proposed regulations, which addresses the hours of use for Conservancy recreation sites, as it was not necessary and could complicate enforcement. He also stated that he was surprised that the proposed regulations do not address fire use and referred the Conservancy to Public Resources Code section 33211.6.

Response to Comment 1: As described above and in the 15-Day Notice, the Conservancy determined that referencing Penal Code section 602 in section 12132 was unnecessary and deleted it from the section. With regard to fire use, the proposed regulations are not intended to address all possible uses of Conservancy land. The Conservancy may consider additional land use and management regulations in the future.

15-Day Comments: The Conservancy held a public comment period on the modified regulations text from February 6, 2024, through February 21, 2024. The Conservancy did not receive any comments during this public comment period.

ALTERNATIVES DETERMINATION

The Conservancy has determined that no alternative considered by the Conservancy 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 statutory policies or other provisions of law.

No alternatives to the proposed regulations were presented or brought to Conservancy's attention by the public during the comment periods. Thus, the Conservancy has no alternatives to consider or respond to at the close of this regulatory record.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.