

SAN JOAQUIN RIVER CONSERVANCY

NOTICE OF PROPOSED ACTION

Title 14 Natural Resources, Division 10, Chapter 2 of the California Code of Regulations

Subject: San Joaquin River Parkway Public Access and Use Regulations

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

PROPOSED REGULATORY ACTION

The Conservancy proposes to adopt Chapter 2, §§ 25015 to 25018.07 within Title 14, Division 10, of the California Code of Regulations. The proposed regulations concern the use of lands and facilities under the Conservancy's ownership or jurisdiction.

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 December 4, 2024**. The Conservancy will only consider written comments it receives by the end of the written comment period (in addition to those written comments received at the public hearing).

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

1. By email to: info@sjrc.ca.gov Conservancy requests, but does not require, that persons submitting comments by email include "**Comment – Proposed Regulations on SJRC Land**" in the subject line to facilitate timely identification and review of the comment.
2. By mail to:

San Joaquin River Conservancy
Attn: Regulations Comment
P.O. Box 28338
Fresno, CA 93729

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 public hearing on the proposed regulatory action on **Wednesday, December 4, 2024, from 1:00-5:00 p.m.**

The public hearing will be held at the following location:

Fresno Metropolitan Flood Control District
5469 E. Olive Ave., Fresno, CA 93727

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: www.sjrc.ca.gov/Board/.

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 of up to 3 minutes 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@sjrc.ca.gov no later than five (5) working days prior to the public hearing.

AUTHORITY AND REFERENCE

Public Resources Code sections 32527 and 32529 authorizes the Conservancy to adopt these proposed regulations. The proposed regulations will implement, interpret, and make specific the provisions of Public Resources Code sections 32500 through 32538. References include Public Resources Code sections 32503, 32504, 32510, 32511, 32512, 32514, 32525, 32527, 32527.5, 32528, 32529, 32530, and 32536; Penal Code section 830 et seq; and Vehicle Code section 21113.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Pursuant to Public Resources Code § 32510, the Conservancy shall acquire and manage lands within the San Joaquin River Parkway (Parkway) to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves. The Conservancy is responsible for operation and maintenance of the Parkway, including closing its lands and facilities to the public when it is unable to maintain it in a clean and safe manner to adequately

protect the wildlife and rights of adjacent property owners from the public. (Pub. Res. Code § 32511.)

The Conservancy may adopt and enforce regulations governing the use of parkway lands and activities within the parkway; the protection and management of native riparian vegetation, wildlife, and other natural resources on parkway lands; and the protection of archaeological sites. (Pub. Res. Code §§ 32527, 32529.) Public Resources Code § 32527.5 authorizes the Conservancy to impose a penalty on any person who violates regulations adopted by the Conservancy and allows any duly authorized California peace officer to enforce the adopted regulations.

The Conservancy today owns and manages approximately 2,600 acres of both publicly open and closed properties along the San Joaquin River on both the Fresno County and Madera County sides of the river. The Conservancy must operate and maintain all its facilities to ensure public safety and health.

Effect of the Proposed Regulations

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. The proposed regulations authorize the Conservancy to adopt and post orders and rules pertaining to specific areas and subjects, execute operating agreements and issue permits for activities, close areas to the public, and enforce the proposed regulations through penalties and ejections. The proposed regulations also establishes general rules pertaining to conduct and activities allowed on Conservancy-owned property, including hours of operation, wildlife, hunting, firearms, plants and downed wood, geological features, archeological, cultural, and historical features, fires, vandalism, smoking, fireworks, camping, recreational equipment and occupancy, alcohol, dogs, remotely controlled devices, commercial filming, organized games and recreational events, assembly, soliciting and commercial activities, noise, litter and dumping, glass containers, sanitation, pesticides, loitering or peering in restrooms, and nudity. The proposed regulations also establishes rules pertaining to conduct and activities on Conservancy-owned property related to vehicles, aircraft, horses, and operator-propelled devices, aquatics, and boating.

Anticipated Benefits of Proposed Regulations

The anticipated benefits of the proposed regulations include protecting public health and safety, cultural resources, and the environment. 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.

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.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Conservancy has determined that 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.

Comparable Federal 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.
- The proposed regulations may affect small business.

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 results from the economic impact analysis:

- Creation or Elimination of Jobs within the State of California: The proposed regulations are not expected to impact jobs within the State of California.
- Creation or Elimination of Businesses within the State of California: The proposed regulations are not expected to impact 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 Regulations to Health and Welfare of California Residents, Worker Safety, and the State's Environment: The proposed regulations will benefit the health and safety of California residents, and the State's environment, by providing the Conservancy with additional tools to manage Conservancy-owned public lands. Specifically, the regulations will benefit the health and welfare of California residents by implementing rules and procedures to better allow the Conservancy to operate and maintain its lands in a clean and safe manner for the public. The proposed regulations 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 has determined that the proposed regulations are the most effective way to manage its lands and to protect public health, safety, habitat, and natural resources. The Conservancy considered not pursuing the proposed regulations and continuing to rely on local and state regulations to address land management issues, but rejected that alternative because it would be inconsistent with its responsibilities as a public land manager and the purposes for which the Conservancy was created. The Conservancy invites interested people 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:
San Joaquin River Conservancy
Attn: Regulation Comments
PO Box 28338
Fresno, CA 93729
Email: info@sjrc.ca.gov

Kari Daniska, Executive Officer, 559-287-2650
Cheryl Moxley, Project Manager, 559-287-7282

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Conservancy will have the entire rulemaking file available for inspection and review on its website. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed is based. 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://sjrc.ca.gov>. Please refer to the contact information listed above to obtain copies of these documents.

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 or make modifications based on the comments. 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 before the Conservancy adopts the regulations as revised. A copy of any modified regulation may be obtained from the agency by email request to info@sjrc.ca.gov 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 www.sjrc.ca.gov and may be requested from the contact person named in this notice.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Conservancy's website at www.sjrc.ca.gov.