

Title 14, NATURAL RESOURCES
DIVISION 10 SAN JOAQUIN RIVER CONSERVANCY
CHAPTER 2 SAN JOAQUIN RIVER PARKWAY PUBLIC ACCESS AND
USE REGULATIONS

ADDENDUM TO INITIAL STATEMENT OF REASONS

IV. SPECIFIC PURPOSE AND NECESSITY FOR EACH PROPOSED REGULATION

Following is a statement of necessity for each modification the Conservancy has incorporated into its proposed regulations. This statement of necessity is intended to supplement and/or add additional reasons to the original statement of necessity set for in the ISOR published on October 9, 2024.

Section 25015. General Provisions: The Conservancy amended this title to change “Section” to “Subchapter” to be consistent with the California Code of Regulations’ section titles.

Section 25015.01. Authority to Adopt Regulations: The initial ISOR failed to include reference citations. This section was modified to add Public Resources Code sections 32512, 32513, 32535, and 32538(b) as reference citations. The section was also modified to correct a grammatical error by added the word “to” in the first sentence. This section is necessary to identify and clarify the Conservancy’s jurisdiction to which these regulations will apply.

Section 25015.02. Purpose: This section was removed in its entirety because it is not regulatory and is unnecessary.

Section 25015.03. Definitions: This section was modified to correct a grammatical error in the definition of “Executive Officer” to add an apostrophe to “Executive Officer’s designee. This section was also modified to update the section numbering. The Conservancy further modified the reference citations to add Public Resources Code sections 32512 and 32513, and to remove Penal Code section 830, et seq. This section is necessary to provide explanation and clarity regarding terms used throughout the proposed regulations.

Section 25015.04. Authority to Adopt Rules through Posted Orders: This section, including the title of the section, was modified to remove all reference to the Conservancy adopting rules as it was not the Conservancy’s intent to be able to adopt rules without going through the Administrative Procedure Act process. The section was modified to make clear that the Conservancy has the discretion to post notices and orders pertaining to specific units and areas, such as hours of operations, swimming and boating restrictions, or notices of closure, and identifies all of the areas where such notices will be posted. In addition, it explains that violations of such orders are

enforceable and carry penalties. Further, the section was modified to update the section numbering.

This section is necessary to give the Conservancy an efficient and effective tool to manage its properties. In addition, it provides the public with valuable information about the Conservancy property that they are about to enter, such as activities that are restricted or areas that may be closed to the public.

Section 25015.05. Authority to close areas to the public: This section was modified for clarity and to provide specific circumstances for when the Executive Officer can close any lands or facilities to the general public. It also add the procedures that will be taken when the Executive Officer closes an area, and notifies the public of the consequences of entering closed units. It was also modified to add Penal Code section 602 as a reference citation. Further, the section was modified to update the section numbering. This section is necessary to give the Conservancy the ability to close its properties when necessary to protect the public's health and safety, and to protect habitat, wildlife, or other natural or cultural resources.

Section 25015.06. Payment for Use of Facilities: This section was removed in its entirety because a fee schedule has not yet been established.

Section 25015.07. Enforcement: This section was modified to remove "and the authorized representatives of their respective law enforcement agencies" because the language was vague and unnecessary. It was modified to add Penal Code section 830 as a reference citation. Further, the section was modified to update the section numbering. This section is necessary to establish who can enforce the regulations and to improve the Conservancy's ability to operate and manage its properties.

Section 25015.08. Ejection: This section was modified to add Public Resources Code section 32527.5 and Penal Code section 830 as reference citations. It as also modified to update the section numbering. This section is necessary to provide the Conservancy with a mechanism for ejecting persons from Conservancy land who are violating the law or these proposed regulations. The section is necessary to ensure public safety and to protect the Conservancy's natural and cultural resources. It provides the Conservancy with the land management tools necessary to enforce applicable laws and regulations.

Section 25015.09. Severability: This section was removed in its entirety because it is not regulatory and is unnecessary.

Section 25016. General Rules and Regulations: The Conservancy amended this title to change "Section" to "Subchapter" to be consistent with the California Code of Regulations' section titles.

Section 25016.01. Hours of Operation: This section was modified to clarify that a person present when the unit is closed could be considered a trespass pursuant to Penal Code section 602, and the reference citation was updated to reflect the added

citation. In addition, the section was modified to reference updated section numbers. This section is necessary give the Conservancy the land management tools to restrict hours of use of the Conservancy's properties, to establish a violation for persons found present when a property is closed, and to improve the Conservancy's ability to efficiently operate and manage its properties.

Section 25016.02. Wildlife: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that protects wildlife, reduces risks to public health and safety, and protects against resource damage and degradation.

Section 25016.03. Plants and Downed Wood: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that protects the Conservancy's natural and cultural resources.

Section 25016.04. Geologic Features: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that reduces risks to public safety and protects natural and cultural resources.

Section 25016.05. Archaeological, Cultural and Historical Features: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that protects the Conservancy's natural and cultural resources.

Section 25016.06. Fires: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that reduces risks to public health and safety, protects wildlife, and protects the Conservancy's natural and cultural resources.

Section 25016.07. Fireworks: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that reduces risks to public health and safety, protects wildlife, and protects the Conservancy's natural and cultural resources.

Section 25016.08. Camping: This section was modified to clarify that persons are not allowed to camp in any unit except those that are designated for camping and must be done in conformance with all posted signs. The section removed all reference to user fees and permits as the Conservancy has not yet established fees for camping. This section is necessary because the Conservancy has observed a significant increase in unauthorized persons camping and staying overnight on their properties. This section is necessary to the Conservancy's ability to operate and manage its properties in a manner to reduces risks to public and safety, and resource damage and degradation.

Section 25016.09. Alcohol: This section was modified to remove all reference to adopted or posted orders as there are no circumstances where alcohol would be allowed by posted order. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety.

Section 25016.10. Dogs: This section was modified for clarity and to be consistent with the proposed language of other sections. It was also modified to refer to the updated section number. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, and protects natural resources.

Section 25016.11. Remotely Controlled Aerial Devices: This section was modified to remove language pertaining to adopting and posting special rules. This section is necessary to improve the Conservancy's ability to protect and not disturb wildlife. In addition, it is necessary for the Conservancy to manage its property in a manner that enhances visitor enjoyment.

Section 25016.12. Commercial Filming: This section was modified to be consistent with the proposed language of other sections. In addition, it was modified to specify that the Conservancy's authorization for commercial filming must be in writing. This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that protects natural resources and enhances visitor enjoyment.

Section 25016.13. Games and Recreational Activities and Events: This section was modified to specify that the Conservancy's authorization for organized tournaments, races, and athletic events must be in writing. This section is necessary for the Conservancy's ability to manage crowd size. It is also necessary to the Conservancy's ability to operate and manage its properties in a manner that protects natural resources, and reduces risks to public health and safety.

Section 25016.14. Soliciting and Commercial Activities. This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that enhances visitor enjoyment.

Section 25016.15. Pesticides: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that protects wildlife, reduces risks to public health and safety, and protects natural resources and water quality.=

Section 25017. Vehicles, Aircraft, Horses, and Operator-Propelled Devices: The Conservancy amended this title to change "Section" to "Subchapter" to be consistent with the California Code of Regulations' section titles.

Section 25017.01. Off-Highway Vehicles: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that reduces risks to public health and safety, and protects natural resources. It is also necessary to ensure that off-highway vehicles stay on designated trails to protect vegetation and wildlife.

Section 25017.02. Speed Limits: This section was modified to add that the speed limits signs would be posted pursuant to Section 25015.03 of the proposed regulations to be consistent with the other proposed regulations. This section is necessary to the

Conservancy's ability to operate and manage its properties in a manner that reduces risks to public health and safety, and protects natural resources and wildlife.

Section 25017.03. Parking: This section is necessary to the Conservancy's ability to operate and manage its properties in a manner that reduces risks to public health and safety, and protects natural resources. It is also necessary to ensure that vehicles park in designated location to protect vegetation, trails, and wildlife.

Section 25017.04. Riding or Pack Animals: This section was modified for clarity and to be consistent with the proposed language of other sections. It was also modified to refer to the updated section number. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, protects natural resources and wildlife, and enhances visitor enjoyment.

Section 25017.05. Bicycles, Operator Propelled Devices: This section was modified for clarity and to be consistent with the proposed language of other sections. It was also modified to refer to the updated section number. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, protects natural resources and wildlife, and enhances visitor enjoyment.

Section 25018. Aquatics and Boating: The Conservancy amended this title to change "Section" to "Subchapter" to be consistent with the California Code of Regulations' section titles.

Section 25018.01. Paddle Sports: This section was modified for clarity and to be consistent with the proposed language of other sections. It was also modified to refer to the updated section number. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, protects natural resources and wildlife, and enhances visitor enjoyment.

Section 25018.02. Diving: This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety.

Section 25018.03. Rope Swings: This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, and protects vegetation, water quality, and natural resources.

Section 25018.04. Boats, Watercraft, and Vessels: This section was modified for clarity and to be consistent with the proposed language of other sections. It was also modified to refer to the updated section number. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, protects natural resources and wildlife, and enhances visitor enjoyment.

Section 25018.05. Launching Areas: This section was modified for clarity and to be consistent with the proposed language of other sections. It was also modified to refer to the updated section number. It was also modified to clarify that it does not apply to the San Joaquin River. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, protects natural and cultural resources, and protects wildlife.

Section 25018.06. Boat and Watercraft Speed Limits: This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, and protects natural resources and wildlife.

Section 25018.07. Operating Boats During Nighttime: This section was modified for clarity and to be consistent with the proposed language of other sections. It was also modified to refer to the updated section number. This section is necessary to the Conservancy's ability to operate and manage its property in a manner that reduces the risks to public health and safety, and protects natural resources and wildlife.