

Proposed Regulations

Title 14 Division 10 Chapter 2 Section 25020 et seq.

TITLE 14. NATURAL RESOURCES

DIVISION 10. SAN JOAQUIN RIVER CONSERVANCY

CHAPTER 2. FEE COLLECTION, SPECIAL EVENT FEES, AND PERMIT
ADMINISTRATION REGULATIONS

Subchapter 1. General Provisions.

§ 25020. Authority to Adopt Regulations.

All sections of Chapter 2 are adopted pursuant to the authority established by sections 32527 and 32529 of the Public Resources Code and apply to all properties and facilities owned, operated, or administered by the San Joaquin River Conservancy under its jurisdiction within the San Joaquin River Parkway pursuant to Public Resources Code sections 32512 and 32513 unless otherwise indicated. Where the San Joaquin River Conservancy contracts with other entities or agencies for services on lands within its jurisdiction pursuant to Public Resources Code sections 32535 and 32538(b), it reserves and retains all authorities over its lands established under this chapter.

Authority cited: Sections 32527, 32528, and 32529, Public Resources Code.

Reference: Sections 32512, 32513, 32535, 32538, Public Resources Code.

§ 25020.01. Definitions.

- (a) "Board" means the governing board of the San Joaquin River Conservancy.
- (b) "Conservancy" means the San Joaquin River Conservancy.
- (c) "Executive Officer," as used herein, means the Executive Officer of the San Joaquin River Conservancy, who, under the policy direction of the San Joaquin River Conservancy Governing Board of Directors, is, among other duties, responsible for the management of properties and facilities owned, operated, or administered by the San Joaquin River Conservancy, or the Executive Officer's designee.
- (d) "Facility" or "facilities" as used herein, means any structure or combination of structures, improvement, or any land feature modified by humans for human use and/or resources conservation, including but not limited to, buildings, trails, docks, parking lots, and roadways.
- (e) "Property" or "properties," as used herein, means any portion of any land, open space, or facility under the jurisdiction and management authority of the San Joaquin River Conservancy pursuant to Public Resources Code sections 32512 and 32513, including any areas that are not open to the public.
- (f) "Person," as used herein, shall be construed to mean and include natural persons, firms, sole proprietorships, partnerships, limited liability companies, cooperatives, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or as an agent, servant, or employee.

(g) "Permit," as used herein, is an authorization for a specified use issued by the San Joaquin River Conservancy.

(h) "Permittee" as used herein, is the individual, corporation, firm, partnership, association, institution, or public or private agency that is granted a permit by the Conservancy to carry out a specific activity.

(i) "Commercial purposes," as used herein, is for-profit use of any property or portion thereof, facility, or plant, wildlife, fish, or other resource within a unit by any person. Commercial use does not include the charging of a fee for use by the Conservancy, or business or services conducted by contractors or operators on behalf of the Conservancy pursuant to Public Resources Code section 32536.

Authority cited: Sections 32527, 32529, Public Resource Code.

Reference: Sections 32504, 32512, 32513, 32530, Public Resources Code.

§ 25020.02. Posting of Notices.

In addition to the General Rules and Regulations in Subchapter 2, the San Joaquin River Conservancy shall have the discretion to post notices and orders pertaining to specific properties affected, including but not limited to, special hours of operation, swimming and boating restrictions, fishing and camping restrictions, parking restrictions, and special use, special event, or collection prohibitions or restrictions. The San Joaquin River Conservancy shall maintain a bulletin board or similar structure upon which all notices and orders shall be posted pertaining to specified units at its headquarters or post all on its website, as well as post at the unit affected in a location convenient to the general public. Proof of posting shall be filed in the San Joaquin River Conservancy office. Such orders shall be enforceable under this chapter, carrying the penalties specified in Public Resources Code section 32527.5.

Authority cited: Sections 32527, 32529, Public Resources Code.

Reference: Sections 32527.5, 32529, Public Resources Code.

Subchapter 2. Fee Collection

§ 25021. Purpose and Authority

(a) The purpose of this Article is to establish regulations governing the collection, handling, transport, safeguarding, and deposit of fees collected by the Conservancy.

(b) These regulations are adopted pursuant to Public Resources Code section 32536, which authorizes the Conservancy to fix and collect fees for the use by the public of properties or facilities owned or controlled by the Conservancy, provided that no fee shall exceed the cost of providing the service for which the fee is charged.

(c) These regulations also support implementation of Public Resources Code section 32529, which provides that land acquired by the Conservancy shall not be open to public

use until the Board determines that adequate funds are available for the management of those lands.

(d) Fees collected pursuant to this Article shall be used to support the operation, maintenance, management, and public access of Conservancy-owned or controlled properties and facilities, and to recover staff costs associated with permits, permissions, oversight, and compliance activities.

(e) Fees collected shall be proportional to the cost incurred by the Conservancy and shall be annually reviewed and adjustments recommended to the Board in an amount necessary to pay the full cost of the associated Conservancy's costs, as specified.

Note: Authority cited: Sections 32529 and 32536, Public Resources Code.

Reference: Sections 32529 and 32536, Public Resources Code.

§ 25021.01. Fee Payment Methods

(a) Whenever feasible, persons required to pay fees to the Conservancy shall submit payment by one of the following methods:

- (1) Credit card;
- (2) Secure wire transfer;
- (3) Electronic check (e-check);
- (4) Automated Clearing House (ACH) transfer; or
- (5) Check payable to the San Joaquin River Conservancy.

(b) The Conservancy shall encourage the use of electronic payment methods to reduce the handling of physical checks.

(c) Cash payments shall not be accepted under any circumstances.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

Subchapter 3. Fees and Charges

§ 25022 Establishment of Fees

(a) The Conservancy shall collect fees for the use of Conservancy-owned properties and facilities pursuant to Public Resources Code section 32536.

(b) Fees shall be recommended by the Executive Officer and approved by the Board.

(c) No fee established pursuant to this Article shall exceed the cost of providing the service for which the fee is charged.

(d) Fees collected pursuant to this Article shall support the operation, maintenance, management, public access, and resource protection of Conservancy-owned properties and facilities.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Sections 32529 and 32536, Public Resources Code.

§ 25022.01 Day Use Parking and Trailer Fees

(a) Day use parking fees shall be charged for parking within Conservancy-owned properties open for public visitation and include the associated use of the property.

(b) Trailer parking fees shall be charged in addition to applicable vehicle parking fees.

(c) Standard day use fees shall be as follows:

(1) Passenger vehicle: five dollars (\$5.00) per day;

(2) Trailer: an additional seven dollars (\$7.00) per day;

(3) Buses and recreational vehicles (RVs): nine dollars (\$9.00) per day.

(d) No fee shall be charged for:

(1) School buses transporting students for school field trips with a Conservancy approved reservation;

(2) Personal vehicles associated with approved school field trips.

(e) Friant Cove shall be exempt from day use parking fees unless otherwise approved by the Board.

(f) The Conservancy may establish different fees for specific properties when justified by operational needs, demand, facility improvements, or maintenance costs.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25022.02 Gate Opening Fee for Closed Properties

(a) For access to Conservancy-owned properties and facilities that are closed to public visitation, and where access is requested and approved in advance in writing by the Executive Officer, a gate opening fee of fifty dollars (\$50.00) per visit shall be charged.

(b) Approval for access under this section shall be granted only when consistent with Conservancy operations, public safety, and resource protection.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25022.03 Annual Day Use Parking Passes

(a) The Conservancy shall offer annual day use parking passes for Conservancy-owned properties where fees are collected.

(b) The Annual Day Use Parking Pass shall authorize one passenger vehicle entry and parking and shall cost one hundred dollars (\$100.00) annually.

(c) The Annual Day Use Parking and Trailer Pass shall authorize one passenger vehicle entry, parking, and trailer parking and shall cost one hundred fifty dollars (\$150.00) annually.

(d) Each annual pass shall be valid from January 1 through December 31 of the applicable calendar year.

(e) Annual passes shall be sold at the Conservancy headquarters or through other approved methods established by the Executive Officer.

(f) At the time of sale, the purchaser shall be provided with an Annual Use Pass Information Sheet.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25022.04 Cancellations and Refunds

All sales of annual passes, parking passes, and related use fees are final. Refunds shall not be issued unless otherwise required by law.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

Subchapter 4. Fee Waivers and Exceptions

§ 25023. General Authority to Waive or Discount Fees

(a) No person shall use or be present in any Conservancy unit for which a use fee has been established without payment of the required fee.

(b) Nonpayment of a required fee constitutes a violation subject to enforcement and applicable penalties pursuant to Conservancy regulations.

(c) The Board or the Executive Officer may waive or discount fees for specific activities when the waiver or reduction is consistent with the purposes, mission, and objectives of the Conservancy.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25023.01. Volunteer Passes and Placards

(a) Active Conservancy volunteers shall be issued a volunteer placard authorizing free day use parking within a specific Conservancy-owned property.

(b) Volunteer placards shall:

(1) Be issued only for approved volunteer activities, specific dates, or specific events;

(2) Be non-transferable; and

(3) Be valid only for the property or event identified by the Conservancy.

(c) The Executive Officer shall establish procedures for issuance, revocation, and replacement of volunteer placards.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25023.02 Field Trips and School Groups

(a) Day use parking fees shall not be charged for K–12 school groups conducting educational field trips, provided a reservation has been approved by the Conservancy.

(b) Reservations shall be submitted at least fifteen (15) calendar days prior to the proposed visit date.

(c) The reservation request shall be signed by the head teacher or principal of the school attended by the students.

(d) School groups shall be accompanied by sufficient school-appointed adults or teachers to maintain order and supervision.

(e) Chaperones and teachers shall remain with students while on Conservancy property.

(f) The Conservancy shall establish daily capacity limits for school groups based on operational needs and resource protection.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25023.03 Official Government Business

(a) Day use parking fees shall not be charged for state officers, employees, contractors, or agents conducting official business under the direction of, at the request of, or with prior written approval from the Conservancy.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25023.04 Tribal Access

(a) Day use parking fees shall not be charged for Native American Tribes, Tribal organizations, or Tribal community members conducting approved non-recreational activities on Conservancy-owned property.

(b) Approved activities may include collection of resources for cultural practices, ceremonial purposes, or other non-recreational uses authorized by the Conservancy.

(c) Access under this section shall require prior written authorization from the Conservancy, including but not limited to a permit, license agreement, or written approval letter.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

Subchapter 5. Special Event and Commercial Event Permits

§ 25024 Special Event Permit Requirement

(a) A special event permit shall be required when one or more of the following conditions exist:

- (1) The event has more than twenty five (25) people;
- (2) The activity is different from general public use of the property;
- (3) Participants are charged fees beyond day use fees (Section 25022.01);
- (4) The activity creates greater hazard or liability than typical daily use;
- (5) The event requires exclusive use of an area;

- (6) The event significantly interferes with general public use of the property;
- (7) Additional staffing is required for event management, hosting, or oversight;
- (8) The activity has an impact on natural, cultural, or recreational resources; or
- (9) The event involves the sale of goods or services, or the solicitation or acceptance of donations.

(b) Special events shall not result in unnecessary closure of a property to the public and should not occur during peak public use periods when avoidable.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25024.01 Types of Special Events

Special event permits shall be issued for short-term use of Conservancy properties, including but not limited to:

- (a) Recreational events, including athletic events, fishing tournaments, paddling tours, and similar activities;
- (b) Educational events, including educational programs, fairs, wildlife walks, historical pageants, and similar activities;
- (c) Community events, including meetings, concerts, resource fairs, and fundraising events; and
- (d) Private or exclusive events, including weddings, receptions, banquets, meetings, and outside agency or group picnics with special circumstances.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25024.02 Special Event Applications and Fees

- (a) Any person or organization proposing an event requiring a special event permit shall submit a completed Special Event Application on a form prescribed by the Conservancy.
- (b) All applicable use fees established pursuant to Public Resources Code section 32536 shall be collected for special events unless waived pursuant to Section 1020.
- (c) The Executive Officer shall impose reasonable conditions necessary to protect public safety, resources, and operational continuity.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25024.03 Special Events Involving the Sale of Alcoholic Beverages

- (a) For any special event involving the sale of alcoholic beverages within Conservancy-owned properties and facilities, the permittee shall obtain all required licenses and approvals from the California Department of Alcoholic Beverage Control prior to the scheduled event.
- (b) The permittee shall provide proof of the required alcoholic beverage license to the Conservancy before final approval of the Special Event Permit.
- (c) The permittee shall allow sufficient time for both Conservancy review and approval procedures and for licensing review and approval by the California Department of Alcoholic Beverage Control.
- (d) Failure to obtain the required alcoholic beverage license prior to the event date shall result in denial, suspension, or revocation of the Special Event Permit for activities involving the sale of alcoholic beverages.
- (e) Compliance with this section does not relieve the permittee of responsibility for complying with all other applicable federal, state, and local laws governing the sale, service, and consumption of alcoholic beverages.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code; Alcoholic Beverage Control Act, Division 9, Business and Professions Code.

Subchapter 6. Special Event Fees and Administration

§ 25025. Collection of Special Event Fees

- (a) Fees associated with a special event permit shall be collected by the Conservancy in advance of the event unless the permit requires payment of a percentage of gross profits following completion of the event.
- (b) If a permittee is unable to make advance payment, the Executive Officer may require the permittee to post a performance bond or other financial security sufficient to guarantee payment to the Conservancy in the event of default.
- (c) The Board or the Executive Officer shall waive or reduce special event filing fees and activity fees for Conservancy-sponsored or Conservancy co-sponsored events when consistent with the purposes, mission, and objectives of the Conservancy.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25025.01 Special Event Filing Fee

(a) A non-refundable special event filing fee of fifty dollars (\$50.00) shall be paid at the time a Special Event Application is submitted.

(b) If a Special Event Application is submitted fewer than thirty (30) calendar days prior to the proposed event date, the filing fee shall be increased to one hundred dollars (\$100.00).

(c) Payment of the filing fee does not guarantee approval of the Special Event Permit.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25025.02 Special Event Activity Fee

(a) In addition to day use fees (Section 25022.01), the Conservancy shall assess a special event activity fee based on costs incurred by the Conservancy and prevailing fees for comparable facilities within the locality.

(b) The Executive Officer shall determine the amount of the activity fee based on:

- (1) Staff time required for review, oversight, and event management;
- (2) Property and facility preparation, restoration, and maintenance costs;
- (3) Size and scope of the event;
- (4) Public safety and operational requirements;
- (5) Impact on facilities, operations, and resources;
- (6) Amount of permittee equipment placed on the property;
- (7) Number of permittee employees and vehicles using the property;
- (8) Resource protection measures; and
- (9) Comparable fees charged by similar public facilities.

(c) If the event requires additional services, including but not limited to portable sanitary facilities, patrol services, traffic control, or use of state personnel, the permittee shall be charged for those services.

(d) Charges involving use of state personnel shall be calculated using the billing rate formula established in State Administrative Manual section 8140.

(e) In no case shall the total special event activity fee be less than the Conservancy's operational costs or less than two hundred dollars (\$200.00).

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code; State Administrative Manual section 8140.

§ 25025.03 Damage Deposit

(a) The Executive Officer shall require a permittee to provide a refundable damage deposit when warranted by the nature of the activity, the anticipated use of the property or facility, or the probability of damage or noncompliance.

(b) The amount of the damage deposit shall be determined by the Executive Officer based on the scale of the event and the level of risk presented.

(c) Costs for damage repair, cleanup, restoration, fines, penalties, or noncompliance with permit conditions may be deducted from the damage deposit.

(d) The Executive Officer or designee may authorize refund of all or part of the damage deposit following final inspection and verification of compliance.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25025.04 Reporting of Collections

(a) All fees collected in connection with Conservancy properties or special event permits shall be reported in the monthly Report of Collections.

(b) The Report of Collections shall clearly identify the source and purpose of each fee received.

(c) The Report of Collections shall be submitted directly to the Chief Administrative Officer, Supervisor I, and shall be accompanied by:

(1) The remittance; or

(2) A Report of Deposit using Standard Form 442 or Standard Form 443, as applicable.

(d) Reporting and remittance procedures shall comply with Conservancy fiscal controls and applicable state accounting requirements.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.

§ 25025.05 Permit Termination and Emergency Cancellation

(a) The Executive Officer or designee shall suspend, revoke, or terminate a Special Event Permit when necessary for:

- (1) Protection of public health, safety, and welfare;
- (2) Protection of Conservancy properties, facilities, or resources;
- (3) Violation of permit conditions;
- (4) Violation of Conservancy rules or regulations; or
- (5) Failure to comply with applicable laws or required approvals.

(b) In the event of an emergency, natural disaster, public safety concern, or other unforeseen circumstance, the Conservancy may cancel a Special Event Permit without prior notice.

(c) Permit termination or cancellation under this section may occur without refund when the cancellation results from permittee noncompliance.

Note: Authority cited: Section 32536, Public Resources Code.

Reference: Section 32536, Public Resources Code.