

TITLE 14. CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
April 22, 2016
Off-Trail Use Restrictions for Preserves and Reserves

NOTICE OF PROPOSED RULEMAKING

The California Department of Parks and Recreation (DPR) proposes to adopt the proposed regulations described below after considering all comments, objectives, and recommendations regarding the proposed action.

PUBLIC HEARINGS

The DPR has not scheduled a public hearing on this proposed action. However, the DPR will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interest person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DPR. Comments may also be submitted by facsimile (FAX) at (916) 324-0301 or by email to trails@parks.ca.gov. The written comment period closes at **5:00 p.m. on June 6, 2016**. DPR will consider only comments received at DPR offices by that time. Submit comments to:

Lisa Mangat, Director
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296

AUTHORITY AND REFERENCE

Public Resources Code Sections 5003 and 5008 authorize DPR to adopt these proposed regulations. The proposed regulations implement, interpret and make specific Public Resources Code Sections 5003, 5008, 5019.50, 5019.65, 5019.71, and 5019.74.

INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the authority for regulating off-trail use in Natural Preserves, Cultural Preserves, State Cultural Reserves, and State Natural Reserves within the California State Park System. Specifically the proposed regulations would prohibit all public use in these areas unless such use is on a trail, boardwalk or other designated route of travel. The proposed regulations are not required by federal law or regulations and there is no overlap with federal law

or regulation. These regulations will make it possible to better protect sensitive natural and cultural resources..

CONSISTENCY AND COMPATABILITY WITH EXISTING STATE REGULATIONS

After conducting a review of existing regulations, the DPR has concluded that these would be the only statewide regulations dealing with off- trail use in the State Park System. There are regulations prohibiting off-trail use where so posted in three units of the State Park System. The proposed regulations would not impact the existing regulations. CCR Sections 4360 and 4360 (a) regulate trail use in the State Park System and will be complimentary to the proposed regulations prohibiting off-trail use. Therefore, the DPR has determined that the proposed regulations are consistent and compatible with existing state regulations.

Public Access to Reserves and Preserves

While existing California Code of Regulations Sections 4360 and 4360 (a) provide regulation governing public use of trails within units classified as Natural Preserves, Cultural Preserves, State Cultural Reserves, and State Natural Reserves, there are no regulations governing off-trail use in these units. Cross country hiking, bicycling, horseback riding or other off-trail uses can cause significant damage to the sensitive resources these units were set aside to protect.

Benefits of the Proposed Actions: These regulations would provide language in the CCR to restrict public use to only designated trails, boardwalks, and other paths of travel. Having regulations in the California Code of Regulations will allow the Department to provide protection to the sensitive natural and cultural resources in reserves and preserves while continuing to provide limited and appropriate public access to the areas

DISCLOSURES REGARDING THE PROPOSED ACTION

The DPR has made the following initial determinations:

Documents incorporated by reference: Not applicable.

Mandated by Federal Law or Regulations: Not applicable. Protection of federally threatened species is required, but these regulations are not specifically required.

Other Statutory Requirement. None

Mandate on local agencies and school districts: None.

Costs or savings to any state agency: Minimal costs will be incurred by DPR to post new signs. The costs will be paid through the normal budget process. There will be no additional costs.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. None.

Results of the economic impact assessment/analysis:

- a) The creation or elimination of jobs within California-No jobs will be created or eliminated.
- b) The creation of new businesses or the elimination of existing businesses within the State of California-No businesses will be created or eliminated within the State of California
- c) The expansion of businesses currently doing business within the State of California-There will be no expansion of businesses currently doing business within the State of California
- d) The benefits of the regulations to the health and welfare of California residents, worker safety, and the State's environment- The proposed actions will provide DPR with the authority to prohibit off-trail use in reserves and preserves providing needed protection to sensitive natural and cultural resources while allowing for appropriate on-trail public use of the area. .

Cost impacts on representative private person or businesses: None. The DPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Report: The regulations do not require a report.

Small Business Determination: DPR has determined that the proposed regulations will not affect small businesses. The amendments and additions to the CCR will affect only management of trail uses and tool use within the California State Park System and will not affect small businesses in any way.

CONSIDERATION OF ALTERNATIVES:

In accordance with Government Code section 11346.5, subdivision (a)(13), the DPR must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affect 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 DPR invites interested persons to present written statements or arguments during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Lisa Mangat, Director
California Department of Parks and Recreation
1416 9th Street, Room 1405
Sacramento, CA 95814
(916) 653-8380

The backup contact person for these inquiries is:

Alexandra Stehl, Roads and Trails Program Manager
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296
(916) 324-0370

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Stehl at the above address.

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

The DPR will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Ms. Stehl at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing (only if requested) and considering all timely and relevant comments received, the DPR may adopt the proposed regulations substantially as described in this notice. If the DPR makes modifications which 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 DPR adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Alexandra Stehl at the address indicated above. The DPR 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, copies of the Final Statement of Reasons may be obtained by contacting Ms. Stehl at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.parks.ca.gov.

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