

**Resolution No. 2012-1
Adopting A Policy on Public Access to District Facilities**

WHEREAS; Reclamation District No. 1000 (the District) operates and maintain a system of levees, canals and pump stations providing drainage and flood protection to the Natomas Basin (District Facilities); and,

WHEREAS, the District desires to adopt a policy on public access to its District Facilities to allow it to carry out those operation and maintenance responsibilities in a manner which protects the public, District employees and contractors and the District Facilities; and,

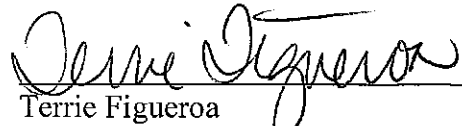
WHEREAS, State law further requires the District’s governing body adopt a formal policy on public access in order to enforce some provisions prohibiting access to the District Facilities; and,

WHEREAS, the District previously adopted a policy on public access by Resolution adopted at its regular meeting in May 1975 and intends this Resolution and policy shall supersede that previous policy adopted in 1975;

Now, therefore be it resolved the Reclamation District No. 1000 Board of Trustees hereby adopts the attached Policy on Public Access on District Facilities and directs the General Manager and District Superintendent to place appropriate signage at and along the District Facilities so that this adopted policy may be legally enforced by the District and local law enforcement agencies.

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No, 1000, hereby certify that the foregoing Resolution 2012-1 was duly adopted by the Board of Trustees of Reclamation District No, 1000 at a regular meeting held January 13, 2012 and made a part of the minutes thereof.


Terrie Figueroa
District Secretary

Reclamation District No. 1000

Policy on Public Access on District Facilities

Reclamation District No. 1000 operates and maintains the perimeter levee system surrounding Natomas; the levees along the Pleasant Grove Creek, Curry Creek, Pierce-Roberts Canal (collectively called the Pleasant Grove Levees); seven stormwater drainage pumping stations and a significant number of drainage canals and ditches which collect the stormwater and agricultural runoff for delivery to one of the pumping stations for discharge into the adjacent creeks and rivers surrounding Natomas (“District Facilities”). **In order for the District to meet its operation, maintenance and public safety responsibilities in a safe manner, public access to District Facilities must be restricted and shall generally be prohibited.** As such, the District hereby adopts the following policy, on public access on or to District Facilities which shall supersede all prior such policies previously approved by the District..

Motorized Vehicle Access

Section 21116 of the California Vehicle Code prohibits the use of roadways located on District levees and canal banks by motor vehicles without the permission of the maintaining agency. The District hereby defines “motor vehicles” to include all motorized vehicles defined in the California Vehicle Code Section 100 *et seq.*, including, but not limited to, motor vehicles, electric vehicles, golf carts, motorcycles, motorized bicycles, mini bikes, all-terrain vehicles, quad runners, and go-carts.

Pursuant to California Vehicle Code section 21116, this Public Access Policy shall be made available for inspection at the District’s principal office.

In those areas of the District’s levee and canal systems not encumbered by a dedicated right-of-way for roadway use by the general public on the levee crown (Garden Highway and East Levee Road/Natomas Road) as the system exists today and as it is modified in the future as a result of on-going construction to the levee and canal systems the following policy shall apply.

1. No motor vehicle (as defined above) may be driven upon or be parked on the District Facilities except as follows:
 - (a) District vehicles;
 - (b) Federal, State, or Local Government vehicles performing duties related to flood control operations and maintenance or public safety;
 - (c) Organizations or entities who have a written agreement approved by the District’s Board of Trustees authorizing their use of the District’s facilities; and

(d) Persons owning land adjacent to District Facilities may use the District Facilities for access in conjunction with their farming operations with the prior written approval of the District Superintendent.

The District’s General Manager and/or Superintendent may grant permits for the temporary vehicular access to District Facilities provided such temporary vehicular access is in the interest of the District to allow such use or is deemed to be of a public benefit. Such temporary permission shall not apply and may not be granted for public gatherings, social events or other similar requests by private individuals or groups for their personal benefit.

2. Except where required for maintenance or repair of District Facilities, no motor vehicle (including those referred to in Paragraph 1(b) through 1(d) above), may be driven on any portion of the District Facilities other than upon the established access roads, approved ramps or public roads.

Persons found to be in violation of the above policy may be prosecuted and may be subject to civil liability. Motor vehicles parked on District facilities in violation of the above policy are subject to towing at the owner’s expense.

Pedestrian and Bicycle

Many of the District’s operations and maintenance tasks pose a potential safety hazard to the public if they are in the vicinity when the work is being done. In addition, during high water when District staff are doing levee patrols, or during emergencies the District requires unimpeded access along its roads to monitor the system and respond as necessary.

For these reasons, the District Facilities shall be posted as “No Trespassing”. This policy shall apply to pedestrians as well as bicyclists. The policy shall be enforced, as necessary, to allow the District to operate and maintain the system, patrol during high water and respond to emergencies in a manner that protects the public and protects the District Facilities from damage. Violators are subject to prosecution and/or civil liability.

This policy does not apply to areas where a bicycle or recreation trail has been approved by agreement or easement with the District. However, these areas are subject to conditions included in the agreement and/or easement which include the temporary closure of the trail for flood control operation and maintenance or repair purposes and extended closures during emergency events. See the District’s approved Recreation Trails Policy for more specific information.

Boating or Swimming Access

No boating or swimming access is allowed on District canals or ditches without the written permission of the District. Violators may be prosecuted and/or subject to civil liability.

Hunting Access

No hunting is allowed on or from District Facilities without the written approval by the District’s Board of Trustees. Violators may be prosecuted.

Fishing Access

As with pedestrians, District operations and maintenance activities pose a public safety risk to people fishing along the District’s interior canals, ditches and channels. As such, the District’s interior canals, ditches and channels shall be posted as No Fishing. The policy shall be enforced, as necessary, to allow the District to operate and maintain the system and respond to emergencies in a manner that protects the public and protects the District Facilities from damage. Violators are subject to prosecution.

Fishing is allowed in accordance with California Fish and Game Code requirements, policies, and guidelines and any other applicable laws on the perimeter rivers and creeks including the Sacramento River, American River, Natomas East Main Drain Canal, Pleasant Grove Creek Canal and Natomas Cross Canal. Persons fishing in accordance with these regulations may traverse District Facilities to access these waterways except during periods of high water or when District operation and maintenance activities make such access unsafe. Parking for purposes of fishing is not allowed on District facilities in accordance with the provisions outlined above under Motorized Vehicle Access

Equestrian and Livestock

Equestrian and livestock access on District Facilities is prohibited unless it is in connection with the operation and maintenance or vegetation control on District Facilities and has been approved by the District in writing.

Pumping Plants

No access to the District’s pumping plants and immediate vicinity is allowed by vehicles and/or pedestrians except District personnel or contractors performing operations and maintenance functions related to the pump station or with the written approval of the District General Manager or Superintendent.