

Closing state parks may pose more problems

By Paul Rogers, San Jose Mercury News

A week after Gov. Jerry Brown announced that California will close up to 70 state parks to save money, parks officials are facing dozens of practical questions that could complicate – if not scuttle – the plan altogether.

The obstacles to shutting down parks range from state coastal laws that hamper efforts to close beaches to deciding whether to cite trespassers. Without a clear solution, state Parks Director Ruth Coleman also is considering a plan to simply leave the gates on closed parks open to the public.

“We are working through this process on a trial-and-error basis,” she said. “We know there are liability issues. Our overarching goal is to preserve these resources. That’s our fundamental mission. If we can do that in a way that preserves public access, we will.”

Among the emerging problems:

- Beach access laws. Eleven state beaches are marked for closure, including Twin Lakes State Beach in Santa Cruz, Gray Whale Cove in San Mateo County and Garrapata State Park in Big Sur. But under the 1976 Coastal Act, the public cannot be legally blocked from walking along the state’s shoreline.

Any attempt to close off access will require a permit from the California Coastal Commission, said Peter Douglas, executive director of the California Coastal Commission. That could mean months of public hearings, reports and potential lawsuits.

“If people are ticketed for walking across the state beaches, then we are going to be involved,” Douglas said.

- Trespassers. Last year, 5.6 million people visited the 70 parks on the closure list. Some of them, particularly hikers and mountain bikers, will simply walk around closed gates. State parks rangers could write trespassing tickets with fines of up to \$400 each. But that requires leaving rangers at parks, which could undercut the \$22 million in annual savings Brown hopes to achieve with the closures.
- Liability. In March, Brown signed a bill, AB 95, that absolves the state from liability if a person in a closed park is injured or causes damage. The new law has not been tested in court, however.
- Politics. What if dozens of surfers, mountain bikers or Sierra Club members start showing up at closed beaches en masse? "I'm planning on continuing to go hiking in these parks anyway," said Tom Taber, of San Mateo, author of "The Santa Cruz Mountains Trail Book." "Maybe I just won't carry any ID, and I'll tell them my name is John Q. Public. What are they going to do, haul me in from miles away on some trail?"

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