

Agenda of: February 13, 2020

Staff: Vickie Sanders/Chelsea Edman

STAFF REPORT –

**APPLICATION FOR TRANSFER AND APPROVAL OF
RIVER USE PERMIT #67**

APPLICANTS:

Kelly Kain of River Rat & Co., which holds River Use Permit #67 and is sole proprietor of River Rat & Co.

Michael Juarez of Action Whitewater Adventures CA, Inc., dba Action Whitewater Adventures, which holds River Use Permits #63, #13, #28, and #44 and is president of Action Whitewater Adventures.

REQUEST:

Kelly Kain, Sole Proprietor of River Rat & Co. and Michael Juarez, President of Action Whitewater Adventures request the transfer of River Use Permit #67 from River Rat & Co. to Action Whitewater Adventures.

Please refer to the attached letter of intent (Exhibit C).

SUMMARY RECOMMENDATION:

Staff recommends your Commission approve the request by Kelly Kain and Michael Juarez for the transfer River Use Permit #67 to Action Whitewater Adventures.

BACKGROUND:

River Use Permit transfers from one existing outfitter to another existing outfitter require one approval by the Planning Commission. The approval is for the transfer of the permit from the owner to the corporation. The El Dorado County River Management Plan (RMP) contains Element 6.2.1.4 (Exhibit A), which describes the guidelines and procedures for the transfer and consolidation of River Use Permits. The discussion section will include a checklist of compliance with RMP Element 6.2.1.4 and a record of the River Use Permit user day allocations being transferred.

River Use Permit Status

Action Whitewater Adventures and River Rat & Co. are in good standing with the County of El Dorado River Management Program per the standards set forth by the River Management Plan and have no outstanding fees or unresolved violations.

DISCUSSION:

Transfer Requirements

The applicants for the transfer have complied with the requirements for a River Use Permit transfer found in River Management Plan Element 6.2.1.4.1:

- The owner has signed a letter of intent.
- There are no outstanding debts or violations.
- Payment of a \$150 transfer fee has been paid.

River Use Permit Allocation

River Rat & Co., holds River Use Permits #67, with no component permits. The existing user day allocations for River Use Permit #67 are displayed in the following table:

River Rat & Co.	
River Use Permit Number	#67
Weekend day user day allocation	52
Weekday user day allocation	25
Memorial Day- Labor Day weekend allocation	N/A

If this item is approved, the existing permit, as shown above, will be transferred to Action Whitewater Adventures.

California Environmental Quality Act (CEQA)

The transfer of an El Dorado County River Use Permit is CEQA exempt under Section 15061(b) (3). There is certainty that the transfer of a River Use Permit from one outfitter to another will not have a significant effect on the environment. A River Use Permit transfer does not change the allotted amount of commercial river use allowed by the County's River Management Plan. A transfer will merely change the entity holding an existing River Use Permit.

PERMIT DISCUSSION:

Permit Issuance Procedure

Ordinance Chapter 5.48.050 (Exhibit B) describes the County's procedure for issuing River Use Permits. Applicants must submit an application consisting of an application fee and a river use plan that conforms to the standards of Ordinance Chapter 5.48.070. County River Program staff reviews the applications for compliance with the standards for a river use plan and County business license requirements. This staff report contains staff's conclusions and recommendations on whether an application's river use plan meets the standards of Ordinance Chapter 5.48.070.

The ordinance continues the County policy of granting the Planning Commission the authority to issue River Use Permits. The ordinance states that the Planning Commission shall approve a Permit upon a finding that the application and river use plan meet the standards of Ordinance

Chapter 5.48.070 and the RMP. The Planning Commission shall deny the permit upon a finding that the application and plan do not meet one or more river use plan or RMP standards.

California Environmental Quality Act (CEQA)

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The County has defined River Use Permits as discretionary permits in Ordinance Chapter 5.48.030.D. CEQA Guidelines §15357 requires that discretionary projects be subject to CEQA, requiring an analysis of the environmental factors that would be potentially affected by the approval of Permits. The initial evaluation by the County sought to determine whether the program 2001 Environmental Impact Report (EIR) for the RMP could be used as the environmental document for the approval of River Use Permits. The initial evaluation's Discussion section described the analysis undertaken to determine that the potential environmental effects from the approval of Permitted River Use were within the scope of the project analyzed by the EIR. The analysis concluded that all potentially significant effects from the approval of River Use Permits were addressed.

The County made the following findings in its initial evaluation pursuant to CEQA Guidelines §15162 and §15168 (c) (2):

1. The approval of River Use Permits is within the scope of the project described and analyzed for the River Management Plan.
2. Although the approval of River Use Permits could have a significant effect on the environment, all potentially significant impacts have been avoided or mitigated pursuant to the River Management Plan.
3. No new effects could occur from and no new mitigation measures would be required for the approval of River Use Permits.

FINDINGS:

The request to transfer River Use Permit #67 from River Rat & Co to Action Whitewater Adventures meets the standards required by River Management Plan Element 6.2.1.4.

RECOMMENDATION:

1. Your Commission approves the transfer of River Use Permit #67 to Action Whitewater Adventures.

ATTACHMENTS

- Exhibit A.....Element 6.2.1.4 from the El Dorado County River Management Plan
- Exhibit BChapter 5.48, Streams and Rivers Commercial Boating Ordinance
- Exhibit CSigned Letter of intent to the County of El Dorado