

## **American River Outfitters Association (AROA) Testimony**

### **For: El Dorado County 2025/26 River Management (RMP) Plan Update**

AROA is a 501C6 trade association whose (number) members represent the majority of commercial outfitters on the South, Middle and North Forks of the American River. We have, through our ongoing participation with the Coloma-Lotus Advisory Committee (CLAC) and relevant subcommittees, provided input, perspectives and suggestions to this ongoing RMP update process.

First, we wish to share with you our appreciation of, and support for, the efforts of the CLAC, and CLAC ad hoc RMP subcommittee. We agree with, and support, all of the suggestions that the CLAC forwarded to County Parks at their November 13, 2025 meeting. Following is our testimony regarding those suggestions which were either eliminated, or substantially altered, in the current draft RMP.

#### **Element 6, Permits and Requirements, 6.2 Outfitters Requirements, 6.2.2, 6.2.2.1**

CLAC suggested the following:

“Agree to change size from 56 to 63 people, however we disagree

on wording for spacing and instead would recommend the

following language:

All groups from an outfitter must meet one of the following

conditions:

- 1) There must be a 5 minute separation per outfitter
- 2) The lead boat of a same company must stay out of eyesite of the sweep boat from the same company
- 3) There must be a private boater or commercial group in between who is not controlled, managed, operated, or owned by the same individual, group, or corporation regardless of DBA or RUP name or number on the South Fork.

The reason for this is to prevent multiple pods piling up on each other and causing unnecessary congestion.

Additionally, we are requesting the following language be added:

El Dorado County River Staff "MAY" use pictures and metadata as evidence of Maximum Group Size pod violations.”

This change was not implemented with the following explanation:

“Modifications of density and spacing would require the CEQA environmental process”

It is our position that this suggested language is crucial to the health and safety of all boaters on the South Fork of the American. This language was, and is, unanimously adopted by all private and commercial boaters who were present during our CLAC ad hoc committee proceedings, and as well formally adopted by the CLAC.

We respectfully request that the County, and County Counsel, reconsider this position. The requirements for CEQA review have previously been satisfied with the EIR that was attached to the 2001 RMP. We note that boat density in that document is listed under the Public Health and Safety section of Appendix B. Please excuse the rough formatting of this document as that 2001 EIR, and its attachments, have not been digitally added to the County website. Following is the 2001 language dealing with Boat Density Mitigation:

In the event that boat counts exceed a threshold of 300 boats in two hours on any rapid twice in any season, the County shall develop management actions to allocate commercial and institutional groups (as defined in (b), above) use by river segment, and will conduct CEQA or other legal analysis as required prior to implementation of the management actions under consideration. Note that the management actions discussed below provide general actions that would be implemented under each level. Prior to the implementation of each action, specific conditions and implementation methods would be defined by the County.

---

Level One (to be implemented in year following observed exceedance of threshold identified above):

- Use incentives and/or disincentives, such as access fees for County operated facilities or commercial surcharge fee adjustments on peak days to encourage or discourage use of specific river reaches. Level One management actions will focus on commercial and institutional group use.

Level Two (to be implemented in year following observed exceedance of threshold with Level One management actions in place):

- Develop and implement commercial and institutional group density standards, such as trip time scheduling.

Level Three (to be implemented in year following observed exceedance of threshold with Level Two management actions in place):

Adjust commercial allocations by river segment and develop institutional group allocations.

---

We would note that there are NO specific density mitigations numbers or measures attached to this EIR. Furthermore, possible mitigations are only required after meeting specific levels of use, and that use has never been attained. But beyond that, we are simply asking to institute density numbers which will enhance the safety of all boaters. Given that there are no specific numbers in the 2001 mitigation measures, we do not see how our suggested language could possibly require further CEQA action.

## **Element 6, Permits and Requirements, 6.2 Outfitter Requirements: 6.2.10.3.2**

CLAC suggested the following:

“CLAC Recommendation: The Ad Hoc Committee requests changing the penalty schedule to the following:

Class I Violation Penalty Schedule- Element 6.2.10.3.1

First violation: \$500

Second violation: \$1,000

Third violation: \$1,500

Fourth violation: Becomes a Class 2 violation

Class II Violation Penalty Schedule- Element 6.2.10.3.1

First violation: \$3,000 and 3 weekday suspension

Second violation: \$5,000 and 1 week suspension

Third violation: \$5,000 and 1 week suspension and a revocation hearing

Explanation: The current penalty structure is insufficient, and there is no established penalties for Class II violations. These penalties are fair, and austere enough to encourage compliance.”

The draft RMP update did not include these changes with the following explanation:

“The penalty schedule is per State Govt Code 25132 and County Ord. Chapter 1.24.”

It is rare that a private industry sector asks for increased penalties dealing with their own operations. Yet that is the case in this situation. We are wondering if there is any way that the County can implement those additional fees and still meet State Government Codes?

We note that California Government Code 25132 dictates that county ordinance violations are generally misdemeanors unless classified as infractions. Also, specific, stricter limits apply to building, safety, and short-term rental violations. We are wondering if it's possible to change the violations from being classified as misdemeanors to infractions, or if it's possible to institute these higher fines as safety measures? Finally, if the fines cannot be

increased, can we utilize other tools at our disposal such as decreasing the number and types of Class I violations required to implement a Class II violation? For example -

Following is the amended Penalty for violation schedule dealing with what constitutes a Class I or Class II violation:

**“Sec. 5.48.140. Penalty for violation.**

B. Should an outfitter receive three (3) violations in any one Class I category or five (5) in any combination of Class I categories, a recommendation of suspension of the river use permit up to 10 consecutive days between Memorial Day and Labor Day or revocation of the permit may be considered.”

We strongly recommend doing away with the requirement that it would take 3 violations in any class 1 category or 5 in any combination of Class I violations to receive a Class II violation. In short, we believe that any 4 cumulative number of violations, regardless of any specific category, should be used to assign a Class II Violation to the offending party. Additionally, we suggest adding a \$500 fine to any Class II Violation. All of these suggestions are tools that are available to the County, and would serve to implement the intent of our wanting to help insure that all outfitters are working on a level playing field as regards the rules, ordinances and responsible management of our activities.

We have some additional concerns regarding the specific classification of violations. Following is the amended violation schedule in the RMP ordinance:

**“Sec. 5.48.150. Violation schedule.**

A. Class I violations include:

1. Violations of Quiet Zone requirements.
2. Violations of the maximum group size limit (63).
3. Operating after sunset.
4. Violations of the boat marking requirements.
5. Violations of the land use requirements pursuant to the County Stream and River Boating Ordinance  
Section 5.48.060, including any unauthorized, non-emergency use of land along the river.
6. Exceeding approved permit capacities.

7. As determined by the river management program, violations of any requirements set forth in the River Management Plan or the County Ordinance Code that are not specified as Class II violations.

**B. Class II violations include:**

1. Improper sale, loaning, borrowing, or transfer of user days.
2. Violations of the Operating Report and Fees monthly submission requirements.
3. Violations of consolidation, transfer, and adjustment requirements for River Use Permits.
4. Violations of insurance requirements.
5. Fraudulent reporting of user days usage or non-payment of User Day Fees.
6. Falsification of any documentation.”

We strongly, and respectfully, suggest that Class I violation numbers “5” and “6” be reclassified as Class II violations. These specific violations represent a disregard for two of the most fundamental responsibilities of commercial operations on this river. As such they should be penalized accordingly.

On the other end of the spectrum, we respectfully request that the current Class II violation number “2” be reclassified as a Class I violation. We feel this is a penalty that is excessive. For example, we can foresee an outfitter who doesn’t operate any trips in March – when we are required to start our reporting – forgetting to send in their report by April 15th, or realizing a few days later that they did not do so. Requiring a Class II violation for this clerical mistake does not have a reasonable nexus to the omission that has occurred.

One final comment regarding the new Ordinance section follows with:

**“Sec. 5.48.100. Revocation, denial, or non-renewal of permit.**

**CB.** If a commercial river use permit has been revoked and not issued on reapplication, denied, or no timely application for its renewal has been submitted, the weekday and weekend use allocations associated with that permit shall revert to the County. After first soliciting a recommendation from the **Planning Commission river management advisory committee**, the Board of Supervisors may dissolve those allocations or assign them to one or more existing commercial outfitters or new commercial outfitters who apply for all or a portion of the allocations.”

We note that just as CLAC, as the advisory body representing the community most affected by, and with the most experience with, all things related to this river, was added with this RMP update to the list of entities required to comment on any RMP updates, so too should

CLAC be first to advise the County on what to do with revoked or unused commercial use allocations. We believe that utilizing CLAC in this advisory role is the most justifiable and rational choice for dealing with this issue. The County can then choose, as it does with RMP updates, to also include the Planning Commission as they will then have the CLAC's expert analysis and reasoning.

We have one final element to comment on:

### **Element 6.2.1.2.3**

This element specifies that the County encourages consolidation of river permits held by one outfitter but does not require consolidations. For numerous reasons most outfitters have chosen to keep their separate permits in place. Following is the existing language under this section dealing with instances where consolidation might be required:

“Multiple permits may be required to be combined in the following instances.

~~6.2.1.3.10.1~~/6.2.1.2.3.1 When there is a history of reporting and accounting problems by either the County or the outfitter.

~~6.2.1.3.10.2~~/6.2.1.2.3.2 When the capacity limits as described in the permit(s) are exceeded.

~~6.2.1.3.10.3~~/6.2.1.2.3.3 When a transfer of a permit is proposed.

~~6.2.1.3.10.4~~/6.2.1.2.3.4 When the outfitter does not properly mark equipment and boats with the company name (if there is more than one company name on each permit and each permit is accounted for separately and distinctly.)

~~6.2.1.3.10.5~~/6.2.1.2.3.5 If the company names on the permits are the same, the overall multiple permit capacity shall be the sum total of the individual permits' weekend day and weekday allocations.”

We would like to question the specific language of Section 6.2.1.2.3.3 stating that consolidation may be required when transfer of a permit is proposed? The other listed reasons for requiring consolidation seem to be reasonable and rational choices. However, the same business and commercial realities that exists for outfitters regarding their existing

permits would still be an important factor in their choice to possibly purchase another company. Could we get some clarification and justification for this specific element?

This concludes our testimony on the Draft Updated RMP and Ordinances. Thank you for the opportunity to weigh in on this most important document. We look forward to working with County staff, the Parks and Recreation Commission, the Planning Commission and the Board of Supervisors in further refining this RMP Update.

Sincerely,

Scott Armstrong

President

American River Outfitters Association