

Executive Summary

ES.1 Introduction

Since 1984, the County of El Dorado (County) manages commercial and non-commercial whitewater recreation to enhance public health, safety, and welfare and preserve environmental values. The County’s River Management Plan (RMP) establishes a set of operational rules for commercial and private boaters navigating the South Fork of the American River between the Chili Bar Dam and Salmon Falls Road in El Dorado County (see Figure 1). These rules define and update the County’s river management and reporting activities.

ES.2 Background

On August 10, 1976, the El Dorado County Board of Supervisors adopted an ordinance making it unlawful to use the South Fork of the American River, from Chili Bar to Folsom Lake “. . . to float, swim or travel in said waterway by any artificial means.” Fishing or swimming “in a lawful manner,” use of the public areas, and exercise of property rights by private owners were declared exempt. Violation of the ordinance was pronounced a misdemeanor punishable by a fine of up to \$500, 6 months in jail, or both” (*People ex rel. Younger v. County of El Dorado*, 1979). Such was the beginning of the County’s regulation and management of one of America’s great whitewater recreation areas.

The County, acting in response to the California Court of Appeal, Third Appellate District determination that while “effective to eliminate pollution and sanitation problems, the ordinance goes too far” (*People ex rel. Younger v. County of El Dorado*, 1979), the County embarked on the development and implementation of an RMP.

The original RMP¹ was “intended to provide overall guidance for the long-term use of the river and adjacent riparian lands” (*People ex rel. Younger v. County of El Dorado*, 1979, p. ix). This document and its environmental impact report (EIR) used over 2,500 questionnaires, polling, and resource analyses to identify the opinions of river area property owners and river users to prepare the suite of possible management actions that resulted in the first RMP (*People ex rel. Younger v. County of El Dorado*, 1979, p. 10). The management objectives identified in this process were segregated into three chapters of the RMP:

- County’s management objectives
- River user’s objectives
- Landowner’s objectives.

It drew its authorities from California Government Code Sections 65300–65303.4, Article 5 (Authority for and Scope of General Plans) and through the Harbors and Navigation Code (Section 660), regulating the waters within their jurisdiction “as long as they do not directly conflict with primary State regulation” (*People ex rel. Younger v. County of El Dorado*, 1979, p. 2). Subsequent RMP amendments in 1988 and 1992 resulted in litigation (*Carlson v. County of El Dorado*) in 1994. The County authorized the most recent RMP update in

¹ The RMP evolved from an “Interim Management Plan” that was developed in 1981 and used by the County to manage the river until the development of and adoption of the first true RMP in 1984 (River Management Plan, South Fork American River, Volume 1, Adopted April 4, 1984, El Dorado County Community Development Department, Planning Division, Executive Summary, p. 10

response to this litigation, developing technical studies, intensive public involvement, and legal review that supported the 2001 RMP that is in force today.

Over the ensuing 15 years, the structure of the County's government has changed and the responsibility for the implementation of the RMP has moved from the County Department of Airports, Parks, and Grounds to the County Department of Environmental Management to the County Department of Transportation and currently to the County Administrator's Office.

The County has implemented the current RMP, since its adoption in 2001, with minor revisions. Five-year summary reports, required by RMP Section 7.2.2, were not completed for the 2002 to 2006 time period; the County prepared 5-year reports for the 2002 to 2006 time period, retrospectively, at the time of the preparation of the 2007 to 2011 report in 2012.

In 2013, the River Manager provided the summary of these recommended RMP modifications as a "List of Minor Modifications to the El Dorado County River Management Plan (From the 2002–2006 and 2007–2011 Five Year Summary Reports)" to the County Planning Commission on March 23, 2013. Many, but not all, of these recommended RMP modifications were endorsed by the Planning Commission. The RMP has not been revised to reflect these changes. Since that time, potential revisions to the RMP has been postponed until a more complete analysis of the RMP has been conducted.

Given the static nature of the RMP, and the lack of compliance with the prescribed data gathering, analysis, and interactive, adaptive management protocols, the County retained ESP to conduct a review of the RMP and its implementation. ESP has been succeeded by Dudek.

ES.3 Methodology

ESP conducted a three-phase approach to identify the perceptions and functions of the RMP's current implementation. These steps included:

- Conducting confidential interviews with over 20 interested parties and representatives of 6 public agencies
- Conducting a fiscal analysis of the implementation
- Conducting an analysis of the implementation of the RMP
- Providing the River Management Advisory Committee (RMAC) with a briefing on the results of the interviews and analyses
- Conducting public workshops to solicit thoughts and ideas from members of the community, regulatory and resource management agencies, and the public at large
- Providing recommendations on how the RMP could be updated to address current conditions and fiscal realities.

Summaries of the results of these activities were presented to the RMAC on April 3, 2015 (see Appendix A) and proposed changes to the RMP are provided as redline/strikeout text in Chapters 2 through 6 of this plan.

ES.4 Summary of Observations

ES.4.1 Public Outreach Results

The results of confidential interviews conducted in 2014 and 2015, observation of numerous RMAC meetings, and the results of the May 2015 public workshops (summarized in Appendix B of this report). The fall 2014 and winter 2015 interviews were conducted in an informal manner and the participants were informed that direct comments would not be published. The following description of general comments, presented within the framework of the existing RMP elements, is provided to summarize both specific and general opinions.

Educational Programs

Newsletter/Website

The newsletter is poorly designed and doesn't provide the information that is needed.

The newsletter should be online and include a standard "things you should know about the South Fork" summary for those that are unfamiliar with the river.

There continues to be great misunderstanding about the boundaries of private property and the waters of the State; this information should be readily available on the County website and on signs (especially where trespassing has been reported).

Emergency information beyond 911, including routes to active fire stations, Marshall Hospital, and Auburn hospitals should be made available.

The website should provide information on what to do about noise and unsafe conditions at river resorts, campgrounds, and outfitter facilities.

Signage

River signs are disjointed, contain too much information, and are sporadically located.

River users should have a standard set of signs to guide them, no matter if they are passing through private, state, or federal lands.

River users don't have the signage needed to identify where to park or find services.

Signage should let people know about local businesses that provide food and lodging.

River Ambassadors

The County should enlist individuals to greet people at Henningsen-Lotus Park and on-water to reinforce safety and etiquette.

Education

The County should rely on non-profits or other governmental agencies to conduct history and environmental education.

Private boater training should not be the County's responsibility.

The curriculum of the Conservancy shouldn't become the official position of the County.

The County should have outfitter permits that address more than rafting. For example, there is a great opportunity to conduct floating fishing trips along the South Fork, providing a unique recreational opportunity.

Safety Programs

River Safety Committee

The River Safety Committee was a bad idea. The County shouldn't take on that responsibility.

The (now defunct) River Safety Committee and rescue training should be one of the County's primary jobs.

Agency Safety and Rescue Training

The annual interagency meetings are a critical piece of emergency practice updates.

County Park's Staff Activities

The River Patrol is overwhelmed by tubers on busy weekends—they could devote all of their time to the Marshall Gold to Greenwood Reach.

County Parks Boat Patrol should minimize their time on the Upper and Lower Reaches and maximize their time on the Coloma to Greenwood Reach.

Transportation Programs

River Shuttle

The River Shuttle is one of the most successful parts of the RMP.

The economics of the River Shuttle should be investigated by the Grand Jury.

A parking area should be developed across the road from Henningsen Lotus Park.

Illegal parking (and trespassing) continue to be an epidemic.

The RMP traffic studies are a waste of time and money.

Monitoring and Reporting Programs

Incident Reporting/Cooperating Agency Reports

There is virtually no communication or coordination between the County and other agencies with land along the River.

RMP staff has never put any data (that we know of) in the County geographic information system (GIS).

Water Quality Sampling

The RMP's water quality program is a waste of time. The protocols that they use are outdated and, after 30 years, there hasn't been data to justify continuing the program.

Water quality work should be left to the County Environmental Management Department.

ES.5 Summary of RMP Implementation Analysis

The Context of the RMP Has Dramatically Changed

The RMP was originally prepared in response to trespassing land use conflicts, environmental impact concerns, and potential health and safety issues. While trespassing continues to occur on an infrequent basis, most of the other reasons for the creation of the RMP are no longer concerns. The issuance of special-use permits, the implementation of County Environmental Management monitoring of food preparation and other health protection measures, the development of outfitter campgrounds and staging areas, and the development of the river recreation community has obviated the needs that prompted the County to begin managing whitewater recreation over 30 years ago. There is, however, a continued need for the County to actively monitor and manage special-use permit holders within the River area, especially within the Coloma Valley.

The RMP Has Not Been Fully Implemented

The primary observation of this analysis is that the existing RMP is not and has not been fully implemented over its 15-year history. The RMP was designed to be informed each year by the results of river use, incident reports (e.g., emergency response, special-use permit violations, parking violations, pirate boater activities, and law enforcement actions), water quality analysis results, traffic operations, and river flows).

Problems created by the lack of complete data sets were compounded by delays in the River Manager's completion of annual RMP reports: the RMP was designed with strict timing protocols that allow for the RMAC to consider the results of each boating season and provide recommendations on how the RMP could be modified to address substantive issues in the next rafting season. Staff's submittal of draft annual reports in the spring of the following year, instead of the RMP-specified fall of each boating season, prevented timely consideration of changing conditions and, ultimately, the 5-year update processes in 2006 and 2011.

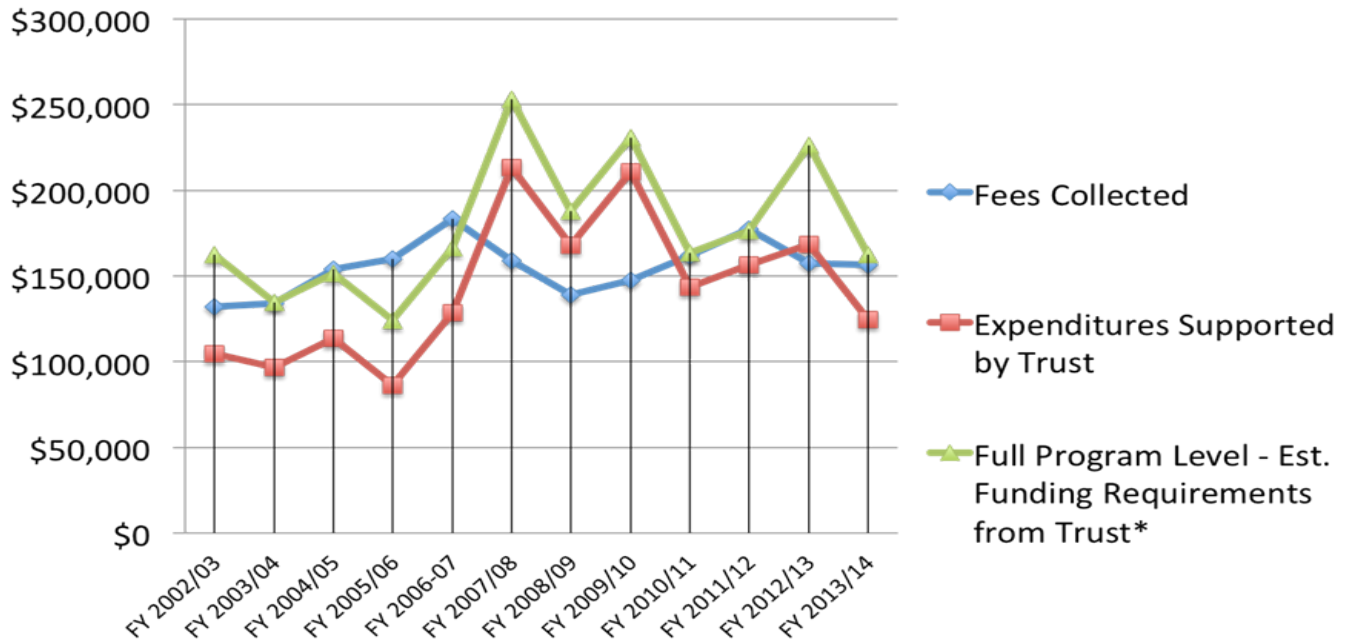
Many RMP elements have ceased to be implemented or were never fully implemented.

RMP elements that are not being implemented include:

- Element 1: Educational Programs
 - Cultural and natural resources workshops are not consistently taking place.
 - Resource and habitat education is not being implemented because of funding constraints.
- Element 2: Safety Programs
 - The River Safety Committee has ceased operation, despite its inclusion in the RMP.
 - Non-commercial boater education is not taking place, despite its inclusion in the RMP.
- Element 4: Monitoring and Reporting Programs
 - Incident Reporting
 - No cooperating agency (within the County and with state and federal partner agencies) data is shared.
 - Information on commercial outfitter warnings and violations are not readily available for public review.
 - No record of public complaints or comments is made available for review.

- No complaint tracking and resolution system currently exists.
- Stormwater sampling protocols have not been updated since 2002.
- Element 5: Agency and Community Coordination
 - Pre- and Post-Season Meetings:
 - Late annual reports results in data not available to RMAC for consideration/adaptive management recommendations.
 - The lack of substantive staff recommendations undermines the RMP adaptive management strategy.
 - No volunteer coordination record-keeping or summary information is available to assess programs or to compete for in-kind service grant programs.
 - No River Festival was held in 2015.
 - No agency coordination records have been kept or summarized.
- Element 6: Permits and Requirements
 - RMP staff member's conclusion that "RMP mitigation measure monitoring requirement minimums are still being met" with the current fee structure ignores the RMP elements that are incomplete or not being implemented.
- Element 8: Regulations and Ordinances
 - No unified County strategy for responses to pirate boater observations/evidence has been prepared.
 - Quiet Zone, trespass, and motorboat ordinance enforcement should be part of the RMP.
- Element 9: Facilities and Land Management
 - No unified restroom development and maintenance plan has been created by the RMP managers.
 - No planning, design, or construction of new RMP capital improvements has been identified in the County Parks Master Planover the past 15 years
- Element 10: Funding
 - The RMP implementation has been driven by the funds available from the River Trust Fund: no other funding sources have been proposed and RMP has not been revised to respond to the actual cost of full RMP implementation (see Exhibit 1).

Exhibit 1: Actual v. Estimate of Required RMP Implementation Costs



*ESP Estimate

- The cost to deliver river management services by the County has increased, as the value of dollars collected from commercial guests has diminished (\$2.00 in 1997 = \$2.96 in 2014 [U.S. Bureau of Labor Statistics 2015])
- Fee revenue erosion has resulted in undocumented program “adjustments” by RMP staff members
- Incomplete implementation of the RMP and the lack of cost estimates for the full implementation of the RMP make actual funding needs unclear
- Revenue reductions, caused by inflation and reduced commercial guest receipts, has compromised the County’s ability to adequately address the requirements of the RMP
- Maintaining the current funding “balance” can only be supported by an ever-decreasing degree of RMP implementation
- A capital improvement program (CIP) has not been developed for the RMP – the absence of a CIP limits the County’s ability to develop and operate RMP facilities and program enhancement measures.

RMP elements that are not being completely or effectively implemented include:

- Element 1: Educational Programs
 - Signage: despite the RMP’s call for a unified, effective signage program, signs are sporadic and disjointed between County, state, and federal lands. Private campgrounds would also benefit from participation in a unified signage program.

- The County’s RMP website needs to be updated to serve as an effective source of trip planning and educational materials, as well as a clear statement of the County’s RMP rules and standards.
- Quiet Zone, toilet locations, and public access information is not readily available on the RMP website or River area signs.
- Element 3: Transportation Programs
 - Illegal parking continues to be reported by River area residents and create unsafe conditions.

RMP elements that appear to be obsolete or unneeded include:

- Element 3: Transportation Programs
 - Off-Site River access parking continues to be identified as a goal of the RMP, despite no evidence that this measure is needed or wanted.
 - The RMP’s stormwater sampling has not identified water pollution problems.
 - The results of the annual traffic study are not used by the Community Development Agency for planning or decision-making.
- Element 4: Monitoring and Reporting Programs
 - The lack of historic exceedance events makes the need for an ongoing bacterial sampling program questionable.
 - Zoning and Special-Use Permits are the responsibility of the Community Development Agency and their monitoring and management should be removed from the RMP.
 - While the RMP can assist in the promotion of River etiquette, Noise Ordinance enforcement is a responsibility shared by other County entities .
- Element 5: Agency and Community Coordination
 - The Flow Phone has been made obsolete by Dreamflows.com.
- Element 9: Facilities and Land Management
 - The American River Conservancy Memorandum of Understanding, related to the Chili Bar property transfer, was identified in the 2001 RMP was executed in 2007; this measure should be removed from the RMP

The RMP Annual Reporting Protocols Have Been Ignored

The lack of complete and timely reporting by the River Manager and the lack of program consistency caused by the shifting of the RMP to four different elements of County government (i.e., the Department of Airports, Parks, and Grounds; the Department of General Services; the Department of Environmental Management; and the County Administrator’s Office) has continually eroded the RMP’s adaptive management system. Record-keeping has been diligent, in most cases, but the RMP annual review and update protocols, defined in RMP Sections 7.1 and 7.2, have been undermined by delays in sharing information with the RMAC, interested and responsible public agencies, commercial outfitters, and the public-at-large. Because of these annual report delays, the RMP program has become a mechanical exercise that cannot be informed by data and information gained each boating season.

The RMP Has Become a Static Program

The lack of adaptive management updates to the RMP has led to a static program that has not evaluated or embraced new technologies, such as boater count and global positioning system (GPS) data gathering, and current regulatory standards, such as stormwater monitoring protocols.

The RMP has not evolved to address key issues, such as the large number of inner tube and other “flatwater” craft that now use the central Class-1 segment of the River more than once in one day.

Many Commercial Outfitters Operate a User Day Market Outside of the RMP

It has become standard practice for some commercial outfitters to “trade” user days to respond to client bookings and RMP permit limits. This process involves temporarily marking one company’s boats with another company’s name and “sharing” the ability to accept clients. This informal marketplace is not allowed by the current RMP and has been operated with the knowledge of the River Manager. Despite extended discussion of this issues by the RMAC, no steps have been taken to enforce permit violations, modify the RMP, or address this user-day “graymarket.”

ES.6 Recommendations

1. Reconsider the County’s Management of Whitewater Recreation.

Our primary recommendation is for the County to seriously reconsider its role as the manager of recreation on the South Fork of the American River. The County’s property holdings and River-related facilities are currently limited to Henningsen-Lotus Park.² Given this small “footprint,” as compared to the active management of the lands of the Bureau of Land Management (BLM) and Department of Parks and Recreation (State Parks), the County’s primary responsibilities are generally limited to the management of commercial outfitters and on-river patrols.

2. Delegate the Management of Commercial Outfitters to a State or Federal Agency.

Both State Parks and the BLM also manage commercial outfitters on the South Fork of the American River. Because of this overlapping, duplicative system and the County’s ongoing RMP expenditures, we believe that the County should decide if it wants to continue to serve as River Manager, or to negotiate a cost-sharing agreement with the BLM and/or State Parks to accept the responsibility for managing commercial outfitters and other elements of South Fork River recreation.

3. Use the County’s GIS as the Clearinghouse for Outfitter Data.

In the event that the County continues to manage commercial outfitters, the County GIS should be used as a gateway to and repository for all outfitter data. This transition into a web-based accounting program will obviate the need for the River Manager to waste time updating spreadsheets.

² Because of ongoing litigation and the lack of capital improvement funds, the Chili Bar property will remain underdeveloped for the foreseeable future.

4. The RMP Needs to Be Streamlined.

If the County decides to continue to actively manage the South Fork, we recommend the County streamline the River Manager's duties and responsibilities. The "redline-strikeout" changes that we recommend are presented in Chapter 4.

5. Dissolve the RMAC.

The most significant change that we propose is to dissolve the RMAC. This committee has done some very good and dedicated work since its inception in 1984, but has evolved into more of a community-focused, rather than River-focused organization. Because of the lack of substantive issues that require deliberation and the wide-ranging interests of the RMAC, we recommend that this committee be dissolved and that the County encourage interested participants to form an ad-hoc committee. This committee could be supported by the County in same manner as the Rubicon Oversight Committee that has successfully conducted ad-hoc meetings for over 10 years.

6. Update the RMP Every 3 Years.

We recommend that annual reporting be ceased, unless an emergency situation warrants immediate intervention into the County's river management activities. Instead, the RMP would be updated every 3 years and direct monitoring and incident data would be transferred to the County's GIS and made available to the public on the County website.

7. Reduce the RMP Position to a Seasonal or Half-Year Assignment.

This potential reduction in River Management staff responsibilities proposed by these recommendations would allow the County to make the River Manager a one-half time position, with the winter season devoted to other parks, trails, or recreation facility assignments.

8. Create a User-Day Marketplace for Commercial User Days or Enforce Current Regulations.

The County should either modify the RMP to create a marketplace for the temporary transfer of user days between outfitters or enforce current prohibition on these practices. The practice of the River Manager allowing this clear violation of the existing RMP management framework undermines its implementation.

9. Address the Management of Institutional User Groups.

The County should either implement the RMAC recommendations for managing Institutional User Groups or use a 3-year transition period to require that institutional user groups become commercially permitted operations or cease operations on the South Fork of the American River.

10. End RMP Water Quality Sampling Programs.

Because of changed water quality regulations, the RMP water quality sampling protocol is outdated, and it's unneeded because of Sacramento Municipal Utility District's robust water quality monitoring program.

ES.7 References

People ex rel. Younger v. County of El Dorado (1979) Civ. No. 17987. Third Dist.
Aug. 27, 1979.

U.S. Bureau of Labor Statistics. 2015. Consumer Price Index.

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