

Agenda of: September 12, 2019

Staff: Vickie Sanders/Chelsea Edman

STAFF REPORT:

**APPLICATION FOR TRANSFER OF RIVER USE PERMIT
USER DAYS**

APPLICANTS:

Monica Stark, Managing Member, of Rise Up River Trips, LLC. which holds River Use Permits #20.

Tyler Soule, Managing Member, of H2O Adventures, LLC. which holds River Use Permit #72.

REQUESTS:

Monica Stark, Managing Member, of Rise Up River Trips, LLC. and Tyler Soule, Managing Member of H2O Adventures, LLC. request the transfer of 16 weekend and 16 weekday user days from Rise Up River Trips, LLC. (River Use Permit #20) to H2O Adventures, LLC. (River Use Permit #72).

Please refer to the attached letter of intent, Exhibit C.

SUMMARY RECOMMENDATIONS

Staff recommends your Commission approve the request by Monica Stark and Tyler Soule for the transfer of 16 weekend and 16 weekday user days from Rise Up River Trips, LLC. (River Use Permit #20) to H2O Adventures, LLC. (River Use Permit #72).

BACKGROUND

Transfers of a portion of a River Use Permit can only be authorized between outfitters that hold a valid County River Use Permit. The transfer of a portion of a River Use Permit must specifically state what portion of the weekday and weekend capacity is to be transferred. River Use Permits created in 1982 that had a user day allocation of less than 30 are considered “Flex” permits which allows for the flexing of weekend user days up to 30. With the transfer of 16 user days from permit #20, the number of weekend user days will be below 30 but permit #20 will be treated as a traditional permit without the ability to flex its use. 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

Rise Up River Trips, LLC. and H2O Adventures, LLC. are in good standing and have no outstanding fees or unresolved violations with El Dorado County.

DISCUSSION:

Transfer requirements

The applicants for the transfer have complied with the procedures for a River Use Permit transfer found in River Management Plan Element 6.2.1.4.2:

- The owners have each signed a letter of intent.
- There has been no value assigned to the permits in the transaction.
- River equipment and other assets are included in the purchase/sale agreements.
- There are no outstanding debts or violations.
- Payment of a \$150 transfer fee has been paid.

River Use Permit allocations

The permits and user day allocations for Rise Up River Trips, LLC. and H2O Adventures, LLC. are contained in the tables below.

Rise Up River Trips, LLC. – Existing Permit	
River Use Permit Number	#20
Weekend user day allocation	40
Weekday user day allocation	35
Memorial Day- Labor Day weekend allocation	n/a

H2O Adventures, LLC. – Existing Permits	
River Use Permit Number	#72
Weekend user day allocation	48
Weekday user day allocation	25
Memorial Day- Labor Day weekend allocation	n/a

The permits and user day allocations are displayed in the tables below if the user day transfer of 16 weekend user days and 16 weekday user days from Rise Up River Trips, LLC. (River Use Permit #20) to H2O Adventures, LLC. (River Use Permit #72) is approved.

Rise Up River Trips, LLC. – Permit Post User Day Transfer	
River Use Permit Number	#20
Weekend user day allocation	24
Weekday user day allocation	19
Memorial Day- Labor Day weekend allocation	n/a

H2O Adventures, LLC. – Permits Post User Day Transfer	
River Use Permit Number	#72
Weekend user day allocation	64
Weekday user day allocation	41
Memorial Day- Labor Day weekend allocation	n/a

Environmental Document:

The environmental documents utilized for River Use Permit approvals are the February 28, 2002 initial evaluation by the General Services Department utilizing the El Dorado County Environmental Checklist Form and the Final Environmental Impact Report for the River Management Plan, State Clearinghouse number 1998092013, certified on March 27, 2001.

CEQA Compliance

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 User Day from one outfitter to another will not have a significant effect on the environment. A User Day transfer does not change the amount of commercial river use allowed by the County's River Management Plan. A transfer will merely change the existing River Use Permit User Day allocations.

FINDINGS:

1. The application for the transfer of 16 weekend user days and 16 weekday user days from Rise Up River Trips, LLC. (River Use Permit #20) to H2O Adventures, LLC. (River Use Permit #72) meets the standards required by the River Management Plan Element 6.2.1.4.

RECOMMENDATION:

1. Your Commission approves the transfer of 16 weekend user days and 16 weekday user days from Rise Up River Trips, LLC. (River Use Permit #20) to H2O Adventures, LLC. (River Use Permit #72).

ATTACHMENTS

Exhibit A	Element 6.2.1.4 from the El Dorado County River Management Plan
Exhibit B	Chapter 5.48, Streams and Rivers Commercial Boating Ordinance
Exhibit C	Letter of intent from the applicants