

# 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 RMP<sup>1</sup> 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

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<sup>1</sup> 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.

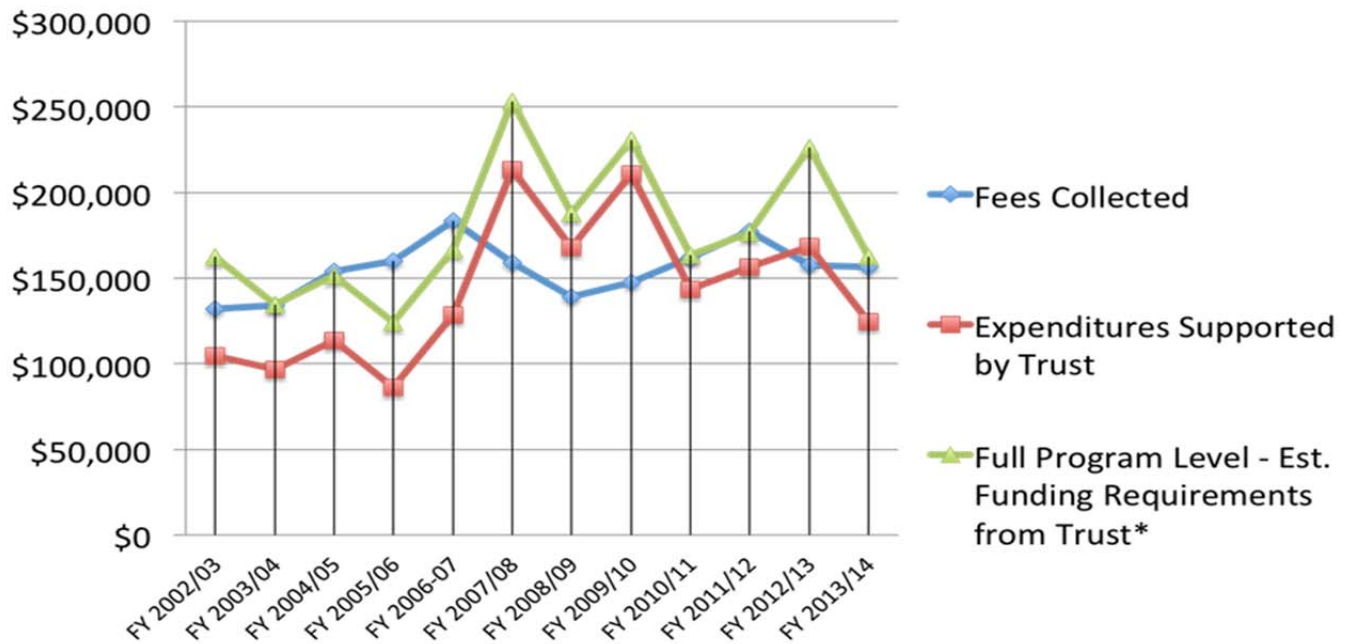
Many RMP elements have ceased to be implemented or were never fully implemented.

#### ***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.<sup>2</sup> 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.

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<sup>2</sup> 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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# ***1 Introduction***

## **1.1 Purpose of the RMP**

Since the early 1980's, the County of El Dorado manages commercial and non-commercial whitewater recreation to enhance public health, safety, and welfare and preserve environmental values. This El Dorado County River Management Plan (RMP) (2001) 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. These rules define and update the County's river management and reporting activities.

The RMP focuses on whitewater recreation on the 20.7-mile segment of the South Fork of the American River between the Chili Bar Dam, near State Highway 193, and Salmon Falls Road, at the upper extent of Folsom Reservoir (see Figure 1-1). This document reflects an update process authorized by County Ordinance 4365. This ordinance and subsequent actions by the El Dorado County Board of Supervisors (Board) directed the whitewater recreation plan update process and the ultimate implementation of the policies and procedures described herein.

## **1.2 History of the RMP Planning Process**

The Board has adopted this El Dorado County RMP (2016), which updates the 2001 El Dorado County RMP. This RMP is the latest action in El Dorado County's (the County's) ongoing interest in the preservation and enhancement of human and natural environments within the project area. Over the past 35 years, the County has banned, and then actively managed, whitewater recreation on the South Fork of the American River.

In response to landowner complaints about noise, trespassing, litter, and inadequate sanitation, the County banned whitewater recreation by ordinance in 1976 (RMI, 1997). This ordinance was later struck down by the State Court of Appeal in the case of *People ex rel. Younger v. County of El Dorado* (1979) (96 CalApp.3rd 403). Following the *Younger* decision, the County adopted a Stream and River Rafting ordinance in 1980. In 1981, the County began active management of commercial outfitters on the South Fork.

The County then embarked on the development of survey and factual information to formulate a river management program. This effort consisted of property owner surveys, river user surveys, and coordination with representatives of responsible and interested agencies (County of El Dorado, 1984). An El Dorado County RMP and accompanying Environmental Impact Report (EIR) were prepared in 1984. This plan was adopted by the County in 1984 as a chapter of the General Plan's Recreational Element (*ibid.*). The project EIR also was certified in 1984, and the County began the active management of whitewater recreation in and along the South Fork of the American River.

The RMP was amended in March 1988 (Sections III, IV, and V— County Resolution 99-88) and again in May 1992 (Sections 3A, 4A, and 4B—County Resolution 135-92). Many of the 1988 RMP's (Section IV, Land Use and Facilities) goals have been met, including:

- Special Use Permitting for all river access and camps;
- Acquisition and development of Henningsen-Lotus Park;
- Public agency (Bureau of Land Management) acquisition of river area lands; and
- Development of a radio communications system by the El Dorado County Sheriff's Office.

In 1995, Mr. Bernard Carlson sued the County on the grounds that the commercial permitting process in the RMP was a discretionary, rather than a ministerial process, under the California Environmental Quality Act (CEQA). Mr. Carlson prevailed in this litigation and, as a term of settlement, the County agreed to contract with independent consultants to update the existing RMP and prepare a new one.

### 1.3 Planning Process

In adherence to the terms of Carlson vs. County of El Dorado (as defined by County Ordinance 4365), the 2001RMP and the 2001RMP EIR were prepared by independent consultants reporting to the Planning Commission and the Board of Supervisors, through coordination with the County.

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, was not done for the 2002 to 2006 time period. The County prepared Five-Year reports for the 2002 to 2006 time period, retrospectively, at the time of the preparation of the 2007 to 2011 report in 2013. The 2013 RMP report provided a “List of Minor Modifications to the El Dorado County River Management Plan (From the 2002-2006 and 2007-2011 Five Year Summary Reports).” These recommended some of these measures have been implemented, but the RMP has not been revised to reflect these changes.

The County will consider any proposed modifications to the RMP and evaluate the need for specific California Environmental Quality Act (CEQA) compliance activities.

### 1.4 RMP Content and Structure

The RMP consists of nine chapters which present the technical basis and management elements of the RMP and five technical appendices:

- Chapter 1 examines the context of the County’s plan to manage whitewater recreation on the South Fork of the American River.
- Chapter 2 identifies the legal and geographic boundaries of the standards and procedures presented in later chapters of the plan.
- Chapter 3 describes the natural resources, as modified by historical and current human use, that provide the physical setting of the RMP.
- Chapter 4 identifies the County’s river management goals, recounts the body of goals and objectives that have remained in effect since the adoption of the most recent (2001) RMP, introduces the new goals and objectives, and presents the relationship between these guiding principals and respondent RMP (2001) elements.
- Chapter 5 discusses the carrying capacity development process and provides an overview of the resulting management actions that are embodied in elements of the RMP.
- Chapter 6 contains the RMP elements. This body of 11 functional plan elements is the heart of the RMP: all County river management and river user performance standards are designed to respond to the basic precepts of the plan’s elements.
- Chapter 7 defines an annual process that provides public forums and processes for calibrating the RMP and an evaluation process that requires County consideration of the need for an RMP update on a 5-year cycle.
- Chapters 8 and 9 present references cited in the document and list the plan preparers, respectively.
- Appendix A – Resolution No. \_\_\_\_\_, Board of Supervisors Adoption of the RMP.

- Appendix B - Mitigation Monitoring Plan.
- Appendix C - River Use Ordinances and Guidelines.
- Appendix D - RMP Data and Standards.
- Appendix E - Summary of RMP Elements.

## 1.5 Definitions and Terminology

The following terms are used in the RMP as defined below.

**Camp/Campground:** A land use area designed and used for overnight camping. The level of physical improvements varies from undeveloped to highly developed. Put-in and takeout by boaters may occur, depending on location. Road access may or may not exist. Special Use Permits are required for commercial operations.

**Carrying Capacity:** A prescribed number and type of people that an area will accommodate, given the desired biophysical/cultural resources, visitor experiences, and management program

**Commercial Outfitter:** A business person who organizes and transports people on the river for profit. Commercial Outfitters are required to hold a River Use Permit. (Chapter 6, Element 6 contains a more detailed definition of commercial outfitters and their requirements.)

**Limiting Factors:** Any natural, social, or economic constraint to use of the river system.

**Lunch, Rest Stop:** A location along the river where non-commercial and/or commercial boaters stop for a period of time to rest or have lunch and put-in or takeout does not occur.

**Non-Commercial/Private Boater:** Members of the general public who float the river for recreational or educational purposes and share costs equally.

**Pirate Boaters:** Any person or outfitter operating on the South Fork who meets the definition of commercial outfitter, but does not hold a River Use Permit for such operations.

**Put-in:** A location where rafts, kayaks, and other craft are physically placed in the water; the act of ingress to the river with boats, equipment, and people for trip origination.

**Rapids (Class I, II, III, IV, V, VI):** A whitewater difficulty rating system adopted by the American Whitewater Affiliation.

- **Class I:** Very easy (beginner). Waves small, regular; passages clear; sandbanks, some artificial difficulties like bridge piers; riffles.
- **Class II:** Easy (intermediate). Rapids of medium difficulty, with passages clear and wide; low ledges; spraydecks useful.
- **Class III:** Medium (experienced). Waves numerous, high, irregular; rocks, eddies, and rapids with passages that are clear through narrow, requiring expertise in maneuvering; inspection usually needed; spraydeck needed.
- **Class IV:** Difficulty (highly skilled with several years experience with organized group). Long rapids, waves powerful and irregular; dangerous rocks; boiling eddies; passages difficult to reconnoiter; inspection mandatory first time.
- **Class V:** Extremely difficult (teams of experts). Extremely difficult, long, and very violent rapids following each other almost without interruption; riverbed extremely obstructed; big drops, violent current, very steep gradient; reconnoitering essential but difficult.

- **Class VI:** Extremely difficult (teams of experts). Difficulties of Class V carried to the extreme of navigability. Nearly impossible and very dangerous. For teams of experts only at favorable water levels.

**Registration:** As used in this RMP, the act of providing information to the County prior to each boating season or each trip. Registration enables the County to collect information, confirm that applicable requirements are met, and disseminate information concerning safety, trespass, and environmental protection. Registration requirements vary by user group, and are specified in Chapter 6, Element 6.

**River User:** A general description of people who use the river for a variety of activities, including swimming, boating, and fishing, and for aesthetic enjoyment.

**River Use Permit:** A permit issued by the County that enables a commercial outfitter to operate on the South Fork. River Use Permits specify client and guest allocations and include terms, conditions and requirements that must be met by commercial outfitters.

**Run (Upper, Middle and Lower):** A reach or segment of the South Fork.

- **Upper Run :**Reach of the South Fork from below Chili Bar Dam to Coloma.
- **Middle Run:** Reach of the South Fork from Coloma to Greenwood Creek.
- **Lower Run:** Reach of the South Fork from Greenwood Creek to Skunk Hollow/Salmon Falls.

**Shuttle:** A term used to describe a route and/or vehicle trips required from the put-in location to the takeout location.

**Special Use Permit (SUP):** A permit issued by the County that allows specific land uses pursuant to terms and conditions identified in the permit.

**Takeout:** A location where rafts, kayaks, and other craft are physically removed from the water; the act of egress from the river with boats, equipment, and people for trip termination.

**Threshold:** Measurable levels of a particular limiting factor that can be used for management of the river over time. This RMP incorporates river use and density thresholds into its management mechanisms in the interest of public safety and natural resources protection.

**User Day:** A day, or any portion of a day, that a paying passenger, commercial outfitter, or private boater floats or otherwise travels on the river.

**User Group:** A general term inclusive of four defined types of boaters used in this RMP to distinguish river users by type and requirements. User groups identified within this RMP include: commercial outfitters, institutional groups, large groups, and private boaters. Specific definitions and requirements associated with each of these user groups are contained within Chapter 6, Element 6.



# **2 Planning Area and Legal Authorities**

## **2.1 Planning Area**

In accordance with the Board of Supervisors direction, this RMP is limited to the South Fork of the American River corridor from Chili Bar (at and adjacent to the Highway 193 bridge) to the Salmon Falls parking area (adjacent to the Salmon Falls Road Bridge) within El Dorado County, California. The vicinity and boundary of the RMP area are identified in Figure 1-1. The RMP is also applicable to all properties required to have a Special Use Permit pursuant to the County’s Stream and River Rafting ordinance.

Land use within this area is comprised of a mix of commercial, residential, industrial, agricultural, and recreational uses. Commercial rafting outfitters own, operate and use campgrounds, and parking and staging areas along portions of the river. In addition, a number of recreation-related and other small businesses are located in the area, predominantly near the communities of Coloma and Lotus.

A number of private residences are located adjacent to the river and are dispersed throughout the area. Many residents living in this area enjoy the peaceful solitude associated with remote, low- density locations. Industrial land uses in the area involve relatively small mining and rock harvesting operations, including one slate cutting operation adjacent to the river, southeast of the Highway 193 bridge. Agricultural lands within the river corridor include scattered small farms and cattle grazing. Recreational uses of the river corridor include whitewater rafting and kayaking, as well as fishing, gold mining, and a number of other water and shoreline activities.

## **2.2 Legal Authorities**

This RMP provides regulatory, plan, and policy guidance for El Dorado County’s (the County’s) management of whitewater recreation and related activities in and adjacent to the South Fork of the American River. This RMP updates prior plans in accordance with El Dorado County Ordinance No. 4365 (El Dorado County Board of Supervisors, 1995).

The RMP is responsive to Objective 9.1 in the El Dorado County General Plan (General Plan) Parks and Recreation Element (El Dorado County Board of Supervisors, 1996):

Conserve and promote the waterways of El Dorado County, particularly the South Fork of the American River, as recreational and economic assets.

and to Policy 9.1.4.1:

The River Management Plan, South Fork of the American River, (River Management Plan) is considered the implementation plan for the river management policies of this chapter.

### **2.2.1 RMP Relationship to El Dorado County General Plan Elements**

The El Dorado County General Plan is the primary land use document governing the project area. The General Plan identifies a comprehensive set of goals, objectives, policies, and programs designed to direct the County’s growth, protect natural resources, and provide opportunities for economic growth and community development. The RMP is an

implementing tool of the Parks and Recreation Element of the 2004 General Plan, and is responsive to goals and policies identified in other General Plan elements.

Table 2-1 presents the specific County goals, objectives, policies, and programs in the General Plan Parks and Recreation Element that relate to the RMP.

Table 2-2 identifies the RMP’s compatibility with the goals, objectives, policies, and programs of other General Plan elements. These general assessments of RMP compatibility assumes that the County will take reasonable measures to ensure compatibility of the RMP with the General Plan, including land use designations of the General Plan map, when implementing specific elements of the RMP.

### **2.2.2 Other Agency Jurisdictions in the Project Area**

Other governmental agencies with jurisdiction in the South Fork corridor, in addition to El Dorado County, include the BLM and the State of California Department of Parks and Recreation (California State Parks). Lands managed under jurisdiction of the County are comprised of unincorporated land either owned by the County (such as parks) or held privately (privately owned lands contain commercial, residential, and undeveloped parcels).

California State Parks manages Marshall Gold Discovery State Historic Park and the Folsom Lake State Recreation Area. There are approximately 6,368 acres of BLM lands adjacent to the river, with 14 miles of river frontage. Public toilets also are available on BLM lands. The County participates in river management planning programs developed and conducted by the BLM.

Public rights-of-way for river access are available at the Highway 49 and Highway 193 river crossings. Although agencies other than the County have jurisdiction over lands adjacent to the river, the County maintains the lead role in managing whitewater recreation activities and is deferred to by other agencies with regard to most South Fork management planning.

Commercial outfitter vehicles (e.g., client shuttle busses and vans) are subject to the requirements of the California Public Utilities Commission. Outfitter camps and housing facilities are subject to regulation by the California Department of Housing and Community Development.

### **2.2.3 Other Legal Authorities**

The County’s authority to regulate boating and associated activities within the South Fork of the American River arises from several sources. The primary source of legal authority is the County’s police powers under Article XI, Section 7 of the state constitution. Specifically:

A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

The state and federal constitutions, and preemptive state and federal law limit these powers. In particular, Article X, section 4 of the California Constitution safeguards the public’s access to navigable waters, the public trust doctrine protects a broad range of public rights in navigable waters, and California’s common law also includes a public right to access and use navigable waters for various activities. It is uncertain whether, or to what extent, some of these legal principles apply to the South Fork of the American River. The case of *People ex rel. Younger v. County of El Dorado*, however, makes it clear that the public’s rights impose limits on the County’s regulatory powers.

The Harbors and Navigation Code defines what exercises of police power by the County will be deemed acceptable in the context of the public’s right to access and use the river, specifically

stating that regulations must pertain only to “time-of-day restrictions, speed zones, special use areas, and sanitation and pollution control” (Section 660 [a]) (RMI, 1997).

CEQA also creates statutory duties that affirm the County’s power to regulate and carry out those duties (Public Resources Code, Section 21000, et sec). The RMP update process complies with CEQA by adopting alternatives and mitigation measures that will substantially lessen environmental effects and by imposing a monitoring program that will ensure compliance with the mitigation measures during project implementation.

As noted above, the County has regulated commercial boating since 1981 (El Dorado County Planning Department, 1984). This regulatory program includes taxing power over commercial outfitters’ possessory interest in the river, regulation of overall numbers and concentration of commercial use, time-of-day restrictions, pollution and sanitation control, and other management activities. This RMP will continue these management actions with modification and calibration as described in Chapter 6.

This RMP includes management and regulatory provisions for institutional and large-group use of the river. These activities are indistinguishable in appearance and impact from commercial activities. As such, the river management regulations presented herein are within the County’s recognized authority to enact, implement, and enforce reasonable limits on river use.

**Table 2-1**  
**Comparison of RMP Elements and El Dorado County General Plan,**  
**Parks and Recreation Element**

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
<i>Parks and Recreation Element</i>	
<i>Parks and Recreation Facilities</i>	
<b>Goal 9.1.</b> Provide adequate recreation opportunities and facilities including developed regional and community parks, trails, and resource-based recreation areas for the health and welfare of all residents and visitors of El Dorado County.	The RMP contributes to this goal.  The RMP would increase recreational opportunities through extension of the middle run and would result in the development of parking areas, restroom facilities, and trails to accommodate recreationists.
<b>Objective 9.1.4.</b> Conserve and promote the waterways of El Dorado County, particularly the South Fork of the American River, as recreational and economic assets.	The RMP contributes to this objective.  The RMP would promote the recreational value of the South Fork of the American River, thereby contributing to its value as a recreational and economic asset.
<b>Policy 9.1.4.1.</b> The RMP, South Fork of the American River, (RMP) is considered the implementation plan for the river management policies of this chapter.	The RMP is consistent with this policy.  The RMP provides necessary elements for the implementation of the Parks and Recreation Facilities Chapter of the General Plan Parks and Recreation Element; however, the RMP does not contribute to all of the goals and policies of the Parks and Recreation Facilities Chapter (see Policy 9.1.4.2, below).
<b>Policy 9.1.4.2.</b> Support the acquisition of a public river access adjacent to the Marshall Gold Discovery State	The RMP does not contribute to this policy.  The RMP does not contain provisions for the

**Table 2-1  
Comparison of RMP Elements and El Dorado County General Plan,  
Parks and Recreation Element**

<b>General Plan Goal, Objective, Policy, or Program</b>	<b>RMP Compatibility with Goal, Objective, Policy, or Program</b>
Historic Park.	acquisition of a public river access adjacent to the Park.
<b>Objective 9.1.5.</b> Coordinate future park and trail planning and development with Federal, State, cities, community service districts, school districts, and other recreation agencies and districts to provide increased recreation opportunities through shared use of facilities, continuity and efficiency of operation, and a more coordinated and balanced park system.	The RMP is consistent with this objective.  The RMP contains elements to promote and encourage coordination of future park and trail planning with federal, state, and other agencies.
<i>Funding</i>	
<b>Goal 9.2.</b> Secure an adequate and stable source of funding to implement a comprehensive Countywide parks and recreation plan.	The RMP does not contribute to this goal.  The RMP would provide some funding for County activities related to river activities, but it would not secure adequate and stable funding for a Countywide parks and recreation plan.
<b>Objective 9.2.1.</b> Secure adequate funds to implement the Interim Master Plan, the Trails Master Plan, the Bikeway Master Plan, and the RMP to provide for the acquisition, development, maintenance, and management of parks and recreation facilities.	The RMP is consistent with this objective.  Funding for implementation of the RMP is, and would continue to be, provided through commercial user fees.
<b>Objective 9.2.3.</b> Other types of funding including Federal, State, and private grants, user-fees, concession agreements, and private contributions to fund the construction of facilities such as trails along abandoned railroad lines (Rails-to-Trails) along rivers and creeks and to acquire historical or archaeologically significant land for parks.	The RMP is generally consistent with this objective.  The RMP provides funding collection methods such as river- user and parking fees, as well as campground and commercial outfitter surcharges that could be applied to the construction of facilities.
<b>Policy 9.2.3.1.</b> Institute a system whereby user fees and concessions of various sorts (e.g., food and beverage vendors, gift shops, and boat rental facilities), wherever possible, contribute to the operation and maintenance costs of a facility.	The RMP is consistent with this policy.  Commercial outfitters would continue to pay a boater surcharge fee to the County.
<b>Policy 9.2.3.2.</b> The River Management program for the South Fork of the American River shall continue to be	The RMP is consistent with this policy.  The RMP would receive primary funding

**Table 2-1  
Comparison of RMP Elements and El Dorado County General Plan,  
Parks and Recreation Element**

<b>General Plan Goal, Objective, Policy, or Program</b>	<b>RMP Compatibility with Goal, Objective, Policy, or Program</b>
funded primarily through commercial permits and user fees.	through commercial permits and user fees.
<b>Policy 9.2.3.3.</b> Actively encourage private sector donations of land and/or conservation easements through the use of various land use mechanisms (such as density transfers).	The RMP does not contribute to this policy.  The RMP does not actively encourage private sector donations; however, the plan does not discourage or affect the potential for such donations to occur.
<b>Policy 9.2.3.4.</b> Actively encourage private sector donations of structures, materials, funds, and/or labor to reduce acquisition, development, and maintenance costs.	The RMP is consistent with this policy.  The RMP would encourage volunteer activities related to river use.
<b>Policy 9.2.3.5.</b> The County will encourage private sector development, operation, and maintenance of recreation facilities.	The RMP is consistent with this policy.  The RMP would allow special use permit modifications for the operation of a privately operated put-in/take-out facility near Highway Rapid.
<i>Tourism and Recreation Uses</i>	
<b>Goal 9.3.</b> Greater opportunities to capitalize on the recreational resources of the County through tourism and recreational based businesses and industries.	The RMP contributes to this goal.  The RMP supports and contributes to the protection of the recreational and tourism value of the South Fork of the American River.
<b>Objective 9.3.1.</b> Protect and maintain existing recreational and tourist based assets such as Apple Hill, State historic parks, the Lake Tahoe Basin, wineries, South Fork of the American River and other water sport areas and resorts, and encourage the development of additional recreation/tourism businesses and industries.	The RMP contributes to this objective.  The RMP supports and contributes to the protection of the recreational and tourism value of the South Fork of the American River.
<b>Objective 9.3.2.</b> Protect and preserve those resources that attract tourism.	The RMP contributes to this objective.  The RMP supports and contributes to the protection of the recreational and tourism value of the South Fork of the American River.
<b>General Plan Goal, Objective, Policy, or Program</b>	<b>RMP Compatibility with Goal, Objective, Policy, or Program</b>
<b>Objective 9.3.3.</b> Actively encourage major recreational events (e.g., professional bicycle races, running events, white water kayaking, equestrian shows, rodeos, and athletic events) to showcase El Dorado	The RMP would be consistent with this objective.  The RMP supports recreational events.

**Table 2-1**  
**Comparison of RMP Elements and El Dorado County General Plan,**  
**Parks and Recreation Element**

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
County and increase tourism.	

**Table 2-2**  
**Comparison of RMP and Related El Dorado County General Plan Elements**

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
<i>Introduction</i>	
<i>Statement of Vision</i>	
1. Maintain and protect the County’s natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values, and maintain the rural character and lifestyle while ensuring the economic viability critical to promoting and sustaining community identity.	The RMP is generally consistent with this goal.  The RMP would result in relatively few adverse impacts on the natural beauty and environmental quality of the area. The RMP’s adverse impacts would be localized and predominantly temporary or short-term, and would be offset in most cases by beneficial economic effects.
7. Improve and expand local park and recreational facilities throughout the County.	The RMP generally contributes to this goal.
<i>Plan Objectives</i>	
3. To sustain a quality environment.	The RMP is generally consistent with this objective.  The RMP would result in relatively few adverse impacts on the environmental quality of the area. The RMP's adverse impacts would be localized and predominantly temporary or short-term, and would be offset in most cases by significant beneficial effects that would be realized immediately and continue into the future.
<i>Land Use Element</i>	
<b>Policy 2.2.5.15.</b> Any imposition of National Recreational Area or Wild and Scenic River designations on lands within El Dorado County shall be deemed inconsistent with this General Plan.	The RMP is consistent with this policy.  The RMP does not recommend, support, or directly encourage a National Recreation Area or Wild and Scenic River designation on the South Fork.
<i>Transportation and Circulation Element</i>	
<b>Policy TC-Xa.3.</b> Developer-paid traffic impact fees shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative	The RMP is consistent with this policy.  In assessing any necessary traffic impact fees, the County would ensure that such fees are sufficient to meet the requirements of this

**Table 2-2**

**Comparison of RMP and Related El Dorado County General Plan Elements**

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
traffic impacts from new development upon any highways, arterial roads, and their intersections during weekday, peak-hour periods in unincorporated areas of the County.	policy.
<b>Policy TC-Xa.2.</b> The County shall not add any additional segments of Highway 50, or any other roads, to the County's list of roads that are allowed to operate at Level of Service "F" (gridlock) without first getting the voter's [sic] approval.	The RMP is consistent with this policy.  The RMP would not result in the addition of any roads, including additional segments of Highway 50, to the County's list of roads that are allowed to operate at level of service "F."
<i>Public Health, Safety, and Noise Element</i>	
<i>Fire Hazards</i>	
<b>Goal 6.2.</b> Minimize fire hazards in both wildland and developed areas.	The RMP does not affect this goal.  The RMP does not significantly increase the possibility of wildland or developed area fire hazards.
<b>Objective 6.2.2.</b> Regulate development in areas of high and very high fire hazard as designated by the California Department of Forestry and Fire Prevention Fire Hazard Severity Zone Maps.	The RMP is consistent with this objective.  Prior to construction of any facilities related to the RMP, Fire Hazard Severity Zone Maps would be consulted to determine site-specific fire hazards. All appropriate standards and mitigation measures would be applied, depending on ultimate site selection.
<i>Flood Hazards</i>	
<b>Objective 6.4.1.</b> Minimize loss of life and property by regulating development in areas subject to flooding in accordance with Federal Emergency Management Agency (FEMA) guidelines, California law, and the El Dorado County Flood Damage Prevention Ordinance.	The RMP is consistent with this objective.  The RMP would not require or encourage human-occupied development in areas located within the 100-year flood plain. Facilities that would be developed would be located outside the 100-year flood plain.
<i>Noise</i>	
<b>Objective 6.5.1.</b> Protect existing noise-sensitive developments (e.g., hospitals, schools, churches and residential) from new uses that would generate noise levels incompatible with those uses and, conversely, discourage noise-sensitive uses from locating near sources of high noise levels.	The RMP is generally consistent with this objective.  The RMP would not create an additional noise source near noise-sensitive development nor would it encourage noise-sensitive uses to locate near existing noise sources. The RMP could, however, result in short- and/or long-term increased noise levels in some areas as a result of potential increased use of the middle reach.
<b>Policy 6.5.1.7.</b> Noise created by new	The RMP is generally consistent with this

Table 2-2

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
<p>proposed non- transportation sources shall be mitigated so as not to exceed the noise level standards of Table [10-1] for noise sensitive uses.</p>	<p>policy.  The RMP would not introduce a new non-motorized noise source. However, it would allow increased river use, which could result in increased potential for exceedance of County noise standards.</p>
<p><i>Conservation and Open Space Element</i></p>	
<p><i>Conservation and Protection of Water Resources</i></p>	
<p><b>Objective 7.3.1.</b> Preserve and protect the supply and quality of the County's water resources including the protection of critical watersheds, riparian zones, and aquifers.</p>	<p>The RMP is generally consistent with this objective.  The RMP includes elements and mitigation to avoid significant degradation of the water quality of the South Fork of the American River.</p>
<p><b>Objective 7.3.2.</b> Maintenance of and, where possible, improvement of the quality of underground and surface water quality.</p>	<p>The RMP is generally consistent with this objective.  The RMP includes elements and mitigation to avoid significant degradation of the water quality of the South Fork of the American River.</p>
<p><b>Policy 7.3.2.1.</b> Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.</p>	<p>The RMP is consistent with this policy.  The RMP would result in increased enforcement of special use permit requirements related to erosion control.</p>
<p><b>Policy 7.3.2.5.</b> As a means to improve the water quality affecting the County's recreational waters, enhanced and increased detailed analytical water quality studies and monitoring should be implemented to identify and reduce point and non-point pollutants and contaminants. Where such studies or monitoring reports have identified sources of pollution, the County shall propose means to prevent, control, or treat identified pollutants and contaminants.</p>	<p>The RMP is generally consistent with this policy.  The RMP requires continued water quality monitoring of the South Fork of the American River. The RMP contains elements to reduce both point and non-point source pollution by enforcement of special use permit requirements related to underground septic systems and through the construction of restroom facilities to reduce direct introduction of human waste to the river and the river's shoreline.</p>
<p><b>Objective 7.3.3.</b> Wetlands protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and</p>	<p>The RMP is consistent with this objective.  The RMP would not affect wetlands within the river corridor.</p>



Table 2-2

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
sensitive plant life.	
<i>Conservation of Biological Resources</i>	
<b>Goal 7.4.</b> Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.	The RMP is consistent with this goal.  The RMP is not expected to affect biological resources of significant value.
<b>Objective 7.4.2.</b> Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.	The RMP would further this objective.  RMP elements (including any adopted California Environmental Quality Act <b>mitigation measures</b> ) require pre-construction surveys or monitoring to identify additional wildlife or aquatic resources within the river corridor where facilities may be constructed.
<i>Preservation of Open Space</i>	
<b>Goal 7.6.</b> Conserve open space land for the continuation of the County's rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.	The RMP is generally compatible with this goal.  The RMP would result in the construction of parking areas, restroom facilities, and trails that could be located in open space. In addition, the RMP does not dedicate, recommend, or preserve the maintenance of open space.
<b>Objective 7.6.1.</b> Consideration of open space is an important factor in the County's quality of life.	The RMP is generally compatible with this goal.  The RMP would result in the construction of parking areas, restroom facilities, and trails that could be located in open space. In addition, the RMP does not dedicate, recommend, or preserve the maintenance of open space.
<b>Policy 7.6.1.1.</b> The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and objectives of the Land Use and the Conservation and Open Space Elements by serving one or more of the purposes stated below: A. Conserving natural resource areas required for the conservation of plant and animal life including habitat for fish and wildlife species; areas required for ecological and other scientific study purposes; rivers, streams banks of rivers and streams and watershed lands.	The RMP is generally compatible with this policy.  The RMP contains elements that would enhance the County's geographic information system (GIS) with updated information collected related to river recreation. This information would be provided to County and other agencies for utilization in meeting the elements of Policy 7.6.1.1.

Table 2-2

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
<p>Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes including those providing access to lake shores, beaches and rivers and streams; and areas which serve as links between major recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors.</p> <p>Delineating open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soils areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.</p>	
<i>Economic Development Element</i>	
<i>Policy Section</i>	
<p><b>Program 10.1.1.3.1.</b> Support County business and local government efforts to develop regional, State, National, and international markets for our County's products, services, and attractions.</p>	<p>The RMP is consistent with this program.</p> <p>The RMP supports the maintenance of commercial outfitters' business and the attractions and services within the South Fork corridor.</p>
<p><b>Policy 10.1.2.2.</b> Improve, streamline, and monitor permit processing procedures.</p>	<p>The RMP is consistent with this policy.</p> <p>The RMP would provide for improvements or streamlining permit processing procedures.</p>
<p><b>Program 10.1.2.2.1.</b> Assess the impact on large and small businesses of regulatory issues and recommend cost saving changes to permit processing procedures.</p>	<p>The RMP does not further this program.</p>
<p><b>Program 10.1.2.2.4.</b> Review existing County regulations and procedures to eliminate unneeded, inconsistent, and redundant legal requirements.</p>	<p>The RMP is consistent with this program.</p> <p>The RMP has resulted in a review of existing river-related regulation and procedures.</p>
<p><b>Policy 10.1.2.3.</b> All County</p>	<p>The RMP is consistent with this policy.</p>

Table 2-2

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
regulations and procedures shall be written in a concise and easy to understand manner.	The RMP is written in a manner that is concise and easy to understand.
<b>Policy 10.1.2.4.</b> When adopting new regulations or procedures, both regulatory and business needs shall be reflected.	The RMP is consistent with this policy.  The RMP recommends certain new regulations and procedures related to river management that consider both regulatory and business needs.
<b>Program 10.1.2.4.1.</b> Regulations shall include a means to accomplish regulatory needs with the least interference and/or barriers to business. Interested parties should be invited to participate in the development and review of new regulations.	The RMP is consistent with this program.  The RMP recommends new regulations and procedures related to river management that consider both regulatory and business needs, attempt to accomplish these needs with the least interference to business. Interested parties have been and will continue to be involved in the development and review process.
<b>Program 10.1.2.4.2.</b> The County shall prepare an overview statement for proposed laws or administrative regulations including: (a) the purpose of the law and/or regulation; and (b) the relationship between stated purposes and other adopted laws and/or regulations of the County.	The RMP is consistent with this program.  Prior to proposing regulations, County Parks would prepare an overview statement.
<b>Program 10.1.2.4.3.</b> All proposed development regulations or ordinances shall demonstrate a public benefit where proposed regulations or ordinances will result in private or public costs. This requirement shall not be construed to create a cause of action against the County for its alleged failure to prepare a formal cost/benefit analysis or its alleged failure to prepare a legally adequate or sufficient cost/benefit analysis.	The RMP is consistent with this program.  Prior to proposing regulations, the public benefit would be demonstrated whenever there would be an associated cost.
<b>Policy 10.1.2.5.</b> County agencies and/or department, when developing ordinances, rules, regulations, and procedures to implement the General Plan, will analyze and present to the appropriate reviewing and/or regulating bodies the economical effects and taking implications of the proposed ordinances, rules, regulations, procedures on private property and private property rights.	The RMP is consistent with this policy.  Prior to proposing regulations, County Parks or another appropriate County agency would determine and present the economical effects.

Table 2-2

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
This requirement shall not be construed to create a cause of action against the County for its alleged failure to prepare a formal cost/benefit analysis or its alleged failure to prepare a legally adequate or sufficient cost/benefit analysis.	
<b>Objective 10.1.5.</b> Assist in the retention and expansion of existing businesses through focused outreach and public and private incentive programs and target new industries which diversify and strengthen our export base.	The RMP is generally consistent with this objective.  The RMP retains existing businesses related to river recreation, but does not target or expand new river recreation-related industries.
<b>Policy 10.1.5.1.</b> Assist industries to remain, expand, or to locate in El Dorado County.	The RMP is generally consistent with this objective.  The RMP provides provisions for existing businesses to remain in El Dorado County but does not expand or encourage new river recreation-related industries.
<b>Program 10.1.5.1.1.</b> Identify and attract selected targeted industries that are consistent with the County's goal of balancing economic vitality and environmental protection.	The RMP does not contribute to this program.
<b>Objective 10.1.6.</b> Capture a greater share of retail and tourist dollars within the County by providing opportunities to establish new tourist-related commercial operations while promoting and maintaining existing tourist commercial operations.	The RMP is consistent with this objective.
<b>Policy 10.1.6.5.</b> The County shall designate areas Tourist Recreation to promote the development of tourist-related business. Such areas may be located along the U.S. Highway 50 Corridor, other State highways, the American River Canyons, and other appropriate areas suitable for such uses. A new zone district shall be established to differentiate between the low intensity recreational uses and high intensity recreational uses such as RV parks. The placement of this designation shall not be used as a precedent for additional high intensity land use designations in	The RMP does not contribute to this policy.  The RMP does not assign land use designations to any portions of the South Fork of the American River.

Table 2-2

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
nearby areas.	
<b>Program 10.2.2.1.1.</b> Review other County impact fees and consider adopting fees necessary to assure that new development pays its fair share of public facility and services costs.	The RMP is consistent with this program.  The RMP has considered and provides for review of necessary impact fees, in an attempt to fairly distribute development costs.
<b>Program 10.2.2.2.1.</b> When a project directly or indirectly impacts existing public services and/or infrastructure, it shall provide for and finance improvements consistent with the degree of impact to public services and/or infrastructure directly or indirectly attributed to the project. Cost to be borne by the project proponent shall be determined on the basis of the above described nexus and other pre- existing legally binding agreements such as development agreements.	With the implementation of Mitigation Measure 4-1 (see Appendix B, Mitigation Monitoring Plan) and certain elements specified in Chapter 6, the RMP is consistent with this program.  The RMP would require increased public services and infrastructure that would be funded through existing mechanisms, including the River Trust Fund and the California Department of Boating and Waterways. Currently, the River Trust Fund is supported through a commercial use surcharge. The RMP requires that adequate funding is secured prior to the implementation of management actions that require increased expenditures.
<b>Policy 10.2.2.3.</b> Fees and assessments collected shall be applied to the geographic zone from which they are originated.	The RMP is consistent with this policy.  Fees collected from river users and river corridor permit holders and applicants would continue to be applied to river- related services.

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Suggest that this chapter be removed from the RMP and that all applicable information be updated and used in the RMP CEQA document.

# 3 RMP Goals and Objectives

The RMP embodies the County’s intent to manage and support whitewater recreation while protecting the natural and social resources of the South Fork of the American River. Past and current river management goals and objectives form the guiding principles of these management actions, as described below.

## 3.1 RMP Objectives

Table 4-1 lists these project objectives and provides a reference to the primary RMP elements that serve as the implementation strategies for the achievement of each objective. Detailed descriptions of the requirements of each element are provided in Chapter 5 of this RMP.

**Table 3-1  
RMP Update Objectives and Respondent RMP Elements**

<b>RMP Update Objectives</b>	<b>Respondent RMP Elements</b>
Objective 1: To promote on-going community and user participation in river management.	Element 2 – Safety Programs Element 5 – Agency and Community Coordination Programs
Objective 2: To provide adequate facilities and suitable services to support river-related activities, where there is a documented need to support such activities; protect the natural, cultural and human resource values of the river; and preserve the quality of life in the area and experience.	Element 1 – Educational Programs Element 4 – Monitoring and Reporting Programs Element 6 – Permits and Requirements Element 8 – Regulations and Ordinances Element 9 – Facilities and Lands Management
Objective 3: To preserve and enhance the unique range of experiences and historic character of the river.	Element 1 – Educational Programs Element 4 – Monitoring and Reporting Programs Element 6 – Permits and Requirements Element 8 – Regulations and Ordinances Element 9 – Facilities and Lands Management
Objective 4: To employ equity as a guiding principle when defining rights, responsibilities and obligations of ALL river users.	Element 5 – Agency and Community Coordination Programs Element 8 – Regulations and Ordinances
Objective 5: To achieve a balance between County- wide economic benefits, costs and impacts associated with river recreation. (Requires more detailed economic information to identify the costs and impact versus economic benefits associated with river recreation.)	Element 9 – Facilities and Lands Management Element 10 – Funding
Objective 6: To preserve and protect environmental and cultural resources.	Element 1 – Educational Programs Element 4 – Monitoring and Reporting Programs Element 6 – Permits and Requirements Element 8 – Regulations and Ordinances
Objective 7: To enhance educational	Element 1 – Educational Programs



**Table 3-1**  
**RMP Update Objectives and Respondent RMP Elements**

<b>RMP Update Objectives</b>	<b>Respondent RMP Elements</b>
programs on river safety and etiquette, respect for private and public lands, natural and historical resources, and river rules and regulations.	
Objective 8: To establish the County's primary role in facilitating coordinated river management, in cooperation with the Bureau of Land Management and other resource agencies and groups.	Element 5 – Agency and Community Coordination Programs
Objective 9: To enhance safety through education, enforcement, facilities, and coordinated rescue response.	Element 1 – Educational Programs Element 2 – Safety Programs Element 5 – Agency and Community Coordination Programs
Objective 10: To promote adequate law and (rational) code enforcement to protect public health, safety, and welfare; property; and natural resources.	Element 4 – Monitoring and Reporting Programs Element 6 – Permits and Requirements Element 8 – Regulations and Ordinances

**Sources:**

RMI, 1996 and 1997.

ESP, 2001.

# 4 *South Fork Carrying Capacity*

## 4.1 Introduction

The following discussion summarizes the RMP carrying capacity process, the intent of the adopted carrying capacity measures, and the resulting management actions thresholds and actions that are embodied in RMP elements presented in Chapter 6.

## 5.2 Definition

The following definition of carrying capacity is used as the operative concept of this plan.

**Carrying Capacity:** A prescribed number and type of people (demand) that an area will accommodate (supply), given the desired biophysical/cultural resources, visitor experiences, and management program.

Where:

- “A prescribed number” acknowledges the reasoned decision by a person of authority rather than some absolute or formula-based decision;
- “Type of people” is inclusive beyond recreation use and considers all human uses and values for an area, and must also clearly and comprehensively define what people are demanding (i.e., activities, settings, and experiences);
- “Demand” recognizes the importance of consumer preference in public resource decisions;
- “That an area will accommodate” implies that only a portion of the demand will be provided for, and also implies that use of public resources is a privilege and not a right;
- “Supply” recognizes that agencies produce or provide services, products, and values to the public;
- “Given” acknowledges the existence of conditions and/or constraints by which public demand will be supplied in a given area; and
- “Biophysical/cultural resources, visitor experiences, and management program” recognizes the need to be comprehensive, integrative, concurrent, and holistic in decision making (Haas, 1999).

## 4.2 Carrying Capacity Management Actions Overview

The framework of carrying-capacity management actions contained in this RMP consists of a process that includes the identification and monitoring of objective and measurable performance standards, and specific response mechanisms to be implemented in the event that performance standards are not met.

Element 4.1 of this RMP describes the County’s monitoring requirements associated with determining boat densities and daily boater totals to identify density and river use carrying capacity threshold exceedance. Element 6 provides definitions and requirements

associated with commercial and non-commercial use,<sup>1</sup> as well as insurance and reporting requirements for commercial outfitters and institutional groups, as required pursuant to the mitigation measure identified above (unlike the 1988 RMP, this RMP addresses the potential contributions of non-commercial large groups to boater density and numbers). Finally, Element 7 contains specific management actions to be implemented by the County in the event that the carrying capacity thresholds are exceeded.

Management actions contained in Element 7 invoke increasingly rigorous levels of management actions that will be implemented in the event of observed exceedances of thresholds associated with boat densities and total daily numbers of boaters. This “tiered” approach will, in the event of threshold exceedance, initially result in the implementation of management actions and river user requirements that focus on providing incentives and disincentives through methods such as increased commercial outfitter river use fees and new river use fees for institutional groups. In the event that such actions are implemented and threshold exceedance is repeated, more rigorous management actions will be implemented, including trip time scheduling and/or a reduction in commercial outfitter allocations and the development of an allocation system for institutional groups. Finally, in the event that all available management actions to reduce cumulative impacts to less-than-significant levels are implemented and total boater thresholds are still met or exceeded, the County will institute a permit system for all river users. As with all management actions, the project’s goals of equitability will be a primary consideration during the development of such a permit system.

Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the management actions developed pursuant to the previous exceedance occurrence.

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1 This analysis suggests that the County consider either invoking new Institutional Group management methods, as identified by the RMAC (Proposal *Draft Institutional Permit Update to the River Management Plan*, El Dorado County River Management Advisory Committee, March 2013), or transition Institutional Groups into the Commercial Outfitter management protocols (see RMP Section 6.2).

### INTRODUCTION

This chapter provides the County's actions associated with management of the South Fork of the American River below Chili Bar Dam. In addition to the County's responsibilities, the chapter discusses requirements placed on commercial outfitters operating on the South Fork, and use permit requirements for landowners and managers, as well as private and other groups of boaters who utilize the river. Due to the County's ongoing management of the South Fork, many of the management actions and requirements contained herein are currently being implemented or are in place.

This chapter has been divided into the following 11 general element classifications; each general classification is subdivided into specific elements:

- Element 1 – Educational Programs
- Element 2 – Safety Programs
- Element 3 – Transportation Programs
- Element 4 – Monitoring and Reporting Programs
- Element 5 – Agency and Community Coordination Programs
- Element 6 – Permits and Requirements
- Element 7 – Carrying Capacity Exceedance Actions and Implementation
- Element 8 – Regulations and Ordinances
- Element 9 – Facilities and Lands Management
- Element 10 – Funding
- Element 11 – River Data Availability

Appendix E provides a summary of the plan elements contained herein.

### ELEMENT 1 - EDUCATIONAL PROGRAMS

Educational programs contained within this RMP serve to provide information to river users and landowners with a goal of improved safety and social conditions through increased knowledge of various aspects of river use, requirements, and rights. Educational programs serve as the primary tool for management efforts directed towards private boaters. Such efforts include information dissemination (including information provided in association with private boater registration tags, as described in Element 6) and County staff presence at put-in locations.

1.1 The County will provide landowners, residents and visitors with the following information.

- 1.1.1 A summary of landowner rights and boater rights and limitations, and a discussion of trespass issues in a unified manner, including a graphic illustration of the typical boundary between public riparian and river use zones and trespass zones.
- 1.1.2 A map of public and private lands throughout the river corridor.

- 1.1.3 A directory of services and contact numbers to report emergencies, problems and annoyances
- 1.1.4 A calendar of river-related activities.
- 1.2 Signs will be developed under the supervision of the County Parks Division.
- 1.3 Standardized informational kiosks, using the sign design guidelines developed above, will be placed (existing kiosks will be replaced or modified, as necessary) at County facilities, Chili Bar, Henningsen-Lotus Park, Camp Lotus, Marshall Gold Discovery State Historic Park, Greenwood Creek (in association with the BLM) and Salmon Falls/Skunk Hollow (in association with the California Department of Parks and Recreation). Each kiosk will provide safety and orientation materials, emergency response available at these sites, and a comment box.

1.4 The County Parks Division will use the RMP website to publicize the Dreamflows website (<http://www.dreamflows.com/>) to provide river flow conditions and projections. .

1.5

1.6 The County will continue efforts to educate boaters (especially those putting in at Marshall Gold Discovery State Historic Park and at Henningsen-Lotus Park) of the requirements and sensitivities of the Quiet Zone. (See Element 6 for a discussion of Quiet Zone requirements.)

1.7 As a part of the river education program, the County will continue to provide information on the location of trash disposal containers and toilets.

1.8 The County will continue to provide mapping, available for printing or download from the RMP website, that provides information on the approved river put-in and takeout areas, campgrounds, and lunch stops.

1.9 Commercial Guide Educational Programs

1.9.1 The River Manager, with the assistance of the Sheriff's Office, will continue to provide boating education, river etiquette, emergency procedures, and evacuation instruction for commercial outfitters and their guides. The Sheriff's Department, County Parks, and commercial outfitters will continue to offer boating safety instruction, boating emergency procedures, first-aid, and evacuation and emergency communications education to other interested boaters.

merchants. Toward these ends, a day-long, pre-season guide orientation workshop will be held each year.

1.9.1.1.1 This workshop will be coordinated by the County Parks Division with the participation of representatives of the State Department of Parks and Recreation, , and the BLM. Participation of local residents will also be encouraged to facilitate mutual respect and understanding.

1.9.2 In addition to required safety talks at all commercial put-ins, guides will be provided with a standardized script to brief clients on El Dorado County river etiquette guidelines. This talk will focus on behavior in and around the Quiet Zone, water fights, and the use of vulgar or abusive language.

## **ELEMENT 2 - SAFETY PROGRAMS**

Safety is the primary goal of many of the elements contained throughout this RMP. The County Sheriff's Boating Safety Unit maintains the lead role in law enforcement functions.

### 2.1 County Parks Staff Activities

2.1.1 County Parks will maintain a presence at the Chili Bar and Henningsen-Lotus Park put-ins, or other locations as determined necessary. County Parks will use seasonal river recreation aides to assist with County Parks' efforts at these put-ins.

2.1.2 County Parks will provide staff at Middle-Run put-ins and at the Highway Rapid takeout to provide safety equipment checks and to inform rafters of the hazards of the lower reach.

- 2.2 The County will use boater density carrying-capacity thresholds and additional management actions as described in Element 7 to address safety issues associated with high boater density and use levels.

### **ELEMENT 3 - TRANSPORTATION PROGRAMS**

This Transportation Programs element requires that the County conduct traffic studies and adhere to performance standards when undertaking actions that could have an effect on traffic patterns, requires that the County continue to encourage and seek opportunities for the development of one or more boater shuttles, and specifies methods to avert illegal parking. The County strongly supports, and the State Department of Parks and Recreation currently requires, the use of buses and vans by commercial outfitters to reduce traffic volumes and parking demand.

### **ELEMENT 4 - MONITORING AND REPORTING PROGRAMS**

This Monitoring and Report Programs element identifies methods and protocols for the County to collect information regarding river use, community satisfaction, water quality, and other environmental conditions within the river corridor.

- 4.1 Carrying Capacity Monitoring - To determine use levels and boat densities in order to identify carrying-capacity threshold exceedance associated with Element 7, County Parks will perform boater and boat counts at Troublemaker, Barking Dog and Satan's Cesspool rapids. The County will request proposals for the use of remote sensing technology to monitor river use to reduce monitoring costs and increase the accuracy and objectivity of boater and boat counts.
- 4.2 Public Comments/Complaints
  - 4.2.1 Standardized complaint forms will be made available to landowners, residents, and river users on the County's website.





## **ELEMENT 5 - AGENCY AND COMMUNITY COORDINATION PROGRAMS**

This Agency and Community Coordination Programs element defines protocols for sharing of information and recommendations through pre- and post-season annual meetings, coordination of community involvement activities including meeting participation and volunteer opportunities, and coordination with federal and state agencies concerning river management issues.

5.1 Any CEQA evaluation of a proposed RMP modification will be noticed and considered in accordance with CEQA.

5.2 Agency Coordination

5.2.1 The County Parks Division currently enjoys a high level of coordination and cooperation with other County Departments, as well as with state and federal agencies. As the lead river management agency, the Department will enter into memoranda of understanding with any agencies with jurisdiction over the river (e.g., the California State Parks and the BLM) to delineate physical and functional areas of responsibility and coordination. These memoranda of understanding will include data-sharing and collection protocols, coordination of on-river patrols, and emergency management procedures.

## **ELEMENT 6 - PERMITS AND REQUIREMENTS**

This Permits and Requirements element specifies requirements associated with commercial outfitter activities (note that commercial outfitter application regulations are specified in the El Dorado County Stream and River Rafting Ordinance included in Appendix C), non-commercial boating (with distinction between Large Group, and private boater requirements), and both Temporary and Special Use Permit requirements. Special Use Permit monitoring and reporting activities are also included.

A River Use Permit is required for any person, outfitter, organization, club, school or institution that sponsors or organizes river use activity on the South Fork of the American River that falls within under the definition of commercial use. The recreation programs of schools, universities and colleges must comply with the requirement for a River Use Permit if the program meets the commercial definition.

The County may consider the approval of a new River Use Permit application by an outfitter who offers a truly new and unique service. The service should not duplicate the services of an existing outfitter.

## 6.1 User and Group Definitions

6.1.1 Commercial Outfitters are defined as operations that meet any one or more of the following five criteria: :

6.1.1.1 Where fees, charges, and other compensation are collected in excess of the actual costs of the river trips or where the fees are typically paid to one member or organization that does not share equally in the costs among the trip members.

6.1.1.2 Where fees and charges are collected for financial gain for salaries or benefit for any of the group, its leaders, or sponsors.

6.1.1.3 Where other compensation is received, such as capital increases in equipment or facilities used for the trip.

- 6.1.1.4 Where guides, managers, drivers, and any other employees are paid by salary, wages, or any other form of compensation.
  - 6.1.1.5 Where advertising and promotion of river trips are made.
  - 6.1.2 Large Groups are defined as non-commercial and non-institutional group of four or more boats having three or more occupants, or a total of 18 or more people.
  - 6.1.3 Private Boaters are defined as an individual boater who is self-funded or on a shared cost trip, and is not participating in a commercial or institutional river trip. A group of private boaters meeting the size criteria in Element 6.1.3 is considered a large group, and is subject to the large group requirements specified in Element 6.3.7.
- 6.2 Commercial Outfitter Requirements
- 6.2.1 Annual Commercial River Use Permits - The Stream and River Rafting Ordinance Chapter 5.48 governs River Use Permit application procedures and standards. The ordinance requires any entity conducting commercial trips on the South Fork to obtain a River Use Permit and requires that such entity meet and follow applicable insurance requirements; provides authority to the Planning Commission to approve River Use Permits for a three-year term; establishes standards for a River Use Permit application, termed the “river use plan”; and establishes a procedure to appeal the decision of the Planning Commission to the County Board of Supervisors.
    - 6.2.1.1 The term for a River Use Permit issued to an existing, permitted commercial outfitter shall be three years with an annual update of said permit. The provisional term for a permit issued to an outfitter who has been operating for less than one year on the South Fork shall be one year. Transfer of a River Use Permit from an existing outfitter to an outfitter who is not currently operating on the South Fork shall cause the term of the transferred permit to change, if necessary, so it expires as of the next March 31st. Permits shall be issued by April 1st of each year.

6.2.1.2 The granting of a River Use Permit will not establish any vested rights to an extension or renewal beyond the permit period.

6.2.1.3 River Use Permit Allocations

6.2.1.3.1 The County's River Use Permit system contains an allocation system that regulates the number of user days available to each outfitter. The basic purpose of the allocation system is to protect the environmental quality of the river corridor and to prevent the river's environmental quality, public services, roads and social values from being overburdened or damaged from excessive use.

6.2.1.3.2 Current River Use Permit holders and capacities are presented in Appendix D.

6.2.1.3.3 The total weekday, weekend and guest allocations will not be increased above the capacities provided in Appendix D, and may be reduced per future management actions as identified in Element 7.

6.2.1.3.4 The current allocation system includes a separate weekend day allocation and weekday allocation for each permit. On weekend days, the total number of user days available to an outfitter each weekend day is specified by their permit's weekend day allocation. Outfitters may utilize their weekend day allocation on any weekend day throughout the permit term.

6.2.1.3.4.1 The maximum number of weekday user days available is up to two times the permit's weekday allocation. However, a commercial outfitter's combined weekday user day levels during any one week may not exceed five times the weekday allocation.

6.2.1.3.4.2 Outfitters are allowed one guide per boat that is not counted towards the permit's user day allocation. Extra guides or assistant boatmen are also permitted. The use of extra guides is limited, and extra guides cannot be used if the outfitter's river use is at the permit's allocation capacity. If an outfitter exceeds permit capacity through the use of extra guides, a Class I violation for exceeding capacity shall apply. An exception to the extra guide limitation will be granted to 1) outfitters primarily serving "special needs"

passengers, and 2) whitewater kayak instruction. Approval of this exception must be specified in an outfitter's River Use Permit.

- 6.2.1.3.5 Outfitters with a weekend day allocation of less than 30 user days may "flex" their allocation. The intent of the flex is to allow the smaller outfitters to run somewhat larger and more profitable trips during the peak summer season. These outfitters must stay within their season-long weekend day allocation, defined as 30 (the number of weekend days between Memorial Day and Labor Day) times their base allocation. Current flex allocations are specified in Appendix D.
- 6.2.1.3.6 User days cannot be transferred, loaned, or borrowed. User days, as assigned to each outfitter, are not a commodity or an element of their permit that can be traded or purchased or sold among different outfitters. The capacity assigned under each permit is assigned strictly to the permit holder named on the River Use Permit.
- 6.2.1.4 River Use Permit Transfers - Where a commercial outfitter wishes to transfer a River Use Permit, the following guidelines and procedures shall be used.
  - 6.2.1.4.1 For any proposed transfer of a River Use Permit, a written application must be submitted to the Planning Commission for its review and approval prior to a transfer being consummated. Said application letter is to be submitted through County Parks. The following guidelines are to be used to facilitate the application for transfer.
    - 6.2.1.4.1.1 The buyer and seller negotiate and settle privately on the selling price of that commercial outfitter's business and inventory, excluding the South Fork River Use Permit. The River Use Permit shall have no value assigned to it in the transaction.
    - 6.2.1.4.1.2 The seller and buyer submit a Letter of Intent stating that the seller wishes to sell his business and transfer the River Use Permit to the buyer. The letter shall include the River Use Permit numbers and names of outfitters involved. This Letter shall be delivered to County Parks. With the Letter of Intent, when requested by the County, the buyer and seller shall include an inventory of equipment and other assets that shall be transferred along with the permit.
    - 6.2.1.4.1.3 County Parks shall review the proposed transfer and forward a staff recommendation along with conditions to the Planning Commission. A transfer fee, set by the Board of Supervisors, will be paid to the County by the new permit holder.
    - 6.2.1.4.1.4 Permit holders with outstanding violations may not be allowed to transfer a permit until the violations are resolved.

- 6.2.1.4.1.5 An existing outfitter's business may be sold to an individual who does not currently hold a River Use Permit or to another permit holder.
- 6.2.1.4.2 Transfer of a Portion of a River Use Permit - In some instances where an outfitter would like to sell a portion, but not all of his business, or an existing partnership is proposed to be dissolved, the Planning Commission may consider the transfer of a portion of that River Use Permit. The guidelines outlined in the preceding Elements shall apply as well as the following.
  - 6.2.1.4.2.1 The transfer of a portion of a River Use Permit can only be authorized between two commercial outfitters that each hold a valid County River Use Permit.
  - 6.2.1.4.2.2 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.
  - 6.2.1.4.2.3 The business sale must include a share of equipment or other physical assets proportioned to the portion of the River Use Permit that is to be transferred between the two outfitters.
  - 6.2.1.4.2.4 Two outfitters may form a partnership and merge their individual permits. The Planning Commission must approve mergers, and transfer fees shall apply. Partnerships or merged permits may be dissolved through approval of the Planning Commission. Transfer fees shall apply for applications to dissolve merged permits.
  - 6.2.1.4.2.5 The permittees' past history of river use, violations, complaints, and other operating characteristics will be carefully considered prior to approving any transfer of permit capacity. In general, the County wishes to allow partial transfers only to those outfitters who have exhibited the highest level of expertise and commercial management and have operated without violations or infractions.
- 6.2.1.4.3 Consolidation of River Use Permits – The County strongly desires that outfitters who hold more than one County River Use Permit combine those Permits into a single Permit. This will greatly simplify the County's accounting procedures. In some situations, it is a business advantage to an outfitter to hold more than one Permit. The County will not, in general, require that multiple permits be combined unless problems with reporting, accounting, exceeding permit capacity, and other problems occur. Multiple permits may be required to be combined in the following instances.

- 6.2.1.4.3.1 When there is a history of reporting and accounting problems by either the County or the outfitter.
- 6.2.1.4.3.2 When the capacity limits as described in the permit(s) are exceeded.
- 6.2.1.4.3.3 When a transfer of a permit is proposed.
- 6.2.1.4.3.4 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.)
- 6.2.1.4.3.5 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.
- 6.2.1.4.4 River Use Permits, Inactive Status - A commercial outfitter who does not wish to operate in any year may request that the River Use Permit be placed in an inactive status. The following requirements apply to inactive River Use Permits.
  - 6.2.1.4.4.1 River Use Permits cannot remain in an inactive status more than one year;
  - 6.2.1.4.4.2 A permit maintenance fee, set by resolution of the Board of Supervisors, is required for inactive River Use Permits;
  - 6.2.1.4.4.3 A letter requesting that the River Use Permit be placed in an inactive status must be submitted to County Parks prior to May 1st.
  - 6.2.1.4.4.4 The "normal" requirements for River Use Permits (insurance, Operating Plans, fees, etc.) are not required for inactive permits.
  - 6.2.1.4.4.5 A River Use Permit in an inactive status has no use capacity allocation assigned to it; the inactive designation merely reserves that use/capacity potential until the permit is activated.
  - 6.2.1.4.4.6 An inactive River Use Permit in no way allows commercial river use.

## 6.2.2 Maximum Group Size

- 6.2.2.1 With the exception of Element 6.2.2.2, the number of boats in each group on the South Fork will be limited to 7 and will not exceed 56 people (passengers, guests, guides) per group. If more than one group is traveling together, sufficient distance between groups should be maintained so that, if needed, other individual boats may fit in.



- 6.2.2.2 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river.
- 6.2.3 Quiet Zone – The Quiet Zone in the Coloma-Lotus area is designated as follows:
  - 6.2.3.1 The Quiet Zone begins at Indian Creek above Coloma, and ends at Greenwood Creek below Rivers Bend.
  - 6.2.3.2 All commercial outfitters are required to counsel their passengers to refrain from loud noises, screaming, and yelling in the Quiet Zone, with the exception of the immediate vicinity of Troublemaker Rapid.
  - 6.2.3.3 A Class I violation in the Quiet Zone may be issued for any non-emergency yelling or screaming by passengers that is not being actively discouraged by the guide, except for normal noise associated with downriver travel in rapids.
  - 6.2.3.4 All commercial outfitters will be required to observe the Quiet Zone.
- 6.2.4 To protect public health and safety and to respect the rights and reasonable expectations of adjoining landowners, no commercial outfitter will organize a commercial river trip with the intent to be on the South Fork after sunset.
- 6.2.5 All commercial boats used on the South Fork of the American River shall be identified by name or logo.
  - 6.2.5.1 All inflatable and hard-shell craft operated by commercial outfitters shall be subject to identification requirements.
  - 6.2.5.2 The required boat identification standard is letters at least 6 inches high that can be easily read from either bank of the river at its widest point. Where boat space is limited, letter size may be reduced, provided the name or logo must be readable from either bank of the river at its widest point.
  - 6.2.5.3 Identification requirements also apply to boats that are borrowed from another outfitter. In such instances, the boat(s) borrowed will be marked and identified with the name or logo only of the company under whose permit it is operating. Identification will be to the same standard as specified above.
  - 6.2.5.4 The identification of other items used by outfitters, such as jackets and paddles, is also strongly recommended. This will assist not only in lost and found situations but also when County staff are on the river taking commercial and non-commercial user day counts.
    - 6.2.5.4.1 Adequate identification of all commercial boats used on the South Fork of the American River will be enforced by the County Parks Division.

## 6.2.6 County Operating Reports and Fees

6.2.6.1 To enforce the permit allocation system and to track a commercial outfitter's operational characteristics, the County requires that each outfitter provide the County an Operating Report for every month in which operations are conducted. The County's Geographic Information System will serve as the clearinghouse for this accounting.

6.2.6.1.1 Operating Reports are mandatory for the months of April through September whether or not there are operations. If no river use was conducted for a specific month, outfitters are to submit a report marked, "No River Use This Month."

6.2.6.1.2 All Operating Reports must be submitted electronically no later than the 15th day of the month following the month of operations.

6.2.6.1.3 Where user day fees are received after the deadlines stipulated above, a late penalty charge will be added to the amount due. The current late penalty amount is provided in Appendix D. The late penalty charge cannot be appealed.

6.2.6.1.4 It is a Class I violation to fail to deliver an Operating Report for any month of operation by the required deadline. Each 30 days thereafter the Operating Report is not received constitutes an additional Class I violation.

6.2.6.2 The following information is to be contained on each Operating Report:

1. Name of outfitter;
2. River Use Permit number month of report;
3. Designate day of each river trip, put-in, lunch camping, and takeout areas;
4. List numbers of passengers and non-paying guests for each trip, number of crafts used.

6.2.6.3 Commercial Fees Required

6.2.6.3.1 Application Fees – There shall be a fee associated with each full permit application. These fees or other fees will be sufficient to reimburse the County for administrative staffing and materials costs. Current permit application fees are provided in Appendix D.

6.2.6.3.2 River Management Fees – Each commercial outfitter is required to submit a surcharge per passenger per user day, for each commercial passenger and guest that is transported on the river. The river use fees will be submitted electronically each month, along with the monthly Operating

Reports. The current River Management Fee, as adopted by Board Resolution, is provided in Appendix D.

- 6.2.6.3.2.1 The County will assess the amount of the River Management Fee surcharge based on the cost of administration of management activities associated with the management of commercial outfitters. The surcharge will be adequate to generate sufficient revenue to pay for County administrative costs associated with commercial outfitters as well as administrative costs associated with activities that have shared or incidental benefits to private boaters. (See also, Element 10, Funding.)

## 6.2.7 Commercial Guide Requirements

- 6.2.7.1 Trip leaders for commercial river outfitters will be required to provide the County Parks Division with copies of current American Whitewater Affiliation-approved Swiftwater Rescue Certification. All guides will be required to review and sign a statement agreeing to comply with County River Safety and Etiquette standards.
- 6.2.7.2 El Dorado County will work with the commercial outfitters, landowners, and Federal, State, and County staff to develop river guide operational standards, knowledge, and skill levels. If problems caused by an obvious disregard or lack of knowledge are observed, these guidelines will be adopted as mandatory requirements by the County for all commercial outfitters, area managers, and guides.

Recommended knowledge and skills include:

- a. Emergency procedures, access, and evacuation;
- b. Boat wrap/flip emergency procedures;
- c. Communications;
- d. Location of approved rest areas, lunch stops, camping, put-in and take-out areas;
- e. Governmental agencies, involvement and jurisdiction;
- f. Boating skills (guide for a minimum of 3 Class III trips, various flow levels, boating type);
- g. Standard first aid and C.P.R. All commercial guides shall be certified in standard first aid and C.P.R. Records of certification shall be maintained by the employer and shall be available for inspection by the County.

As a condition placed on the issuance of each outfitter's River Use Permit, guides are required to be fully knowledgeable and competent for items a., b., f., and g.

6.2.8 Commercial operators will be required to carry a repair kit and a first-aid kit for each group or trip.

6.2.9 Insurance, Business License, and Water Notice Requirements

6.2.9.1 Each commercial outfitter shall have and maintain in force, bodily injury and liability insurance.

6.2.9.1.1 Each insurance certificate must name the County of El Dorado, its officers and employees and the riparian owners along the South Fork of the American River as additional insureds, and comply with standard insurance requirements prescribed by the County Department of Risk Management.

6.2.9.1.2 The amounts and scope of required insurance coverages will be periodically reviewed by the County Department of Risk Management, and may be amended by resolution of the Board. Current minimum insurance requirements are provided in Appendix D.

6.2.9.2 Each commercial outfitter is required by County ordinance and State and Federal law to have a valid El Dorado County Business License that must be renewed each year, and meet the requirements of Federal and State labor laws.

6.2.9.3 Water Notice – El Dorado County requires that each commercial outfitter provide a water flow notice to their passengers who book trips on the South Fork.

6.2.9.3.1 The water notice shall read as follows: “Water flows in the South Fork American River result from releases from hydroelectric facilities located upstream. Such water releases are not subject to the control of El Dorado County or commercial rafting companies operating under Permits from the County of El Dorado.”

6.2.9.3.2 Outfitters shall determine the most appropriate means to notify their passengers; however, El Dorado County requires proof of this notice in the form of a brochure, booking confirmation notice, or other document.

6.2.10 Violations, Penalties, and Appeals

Commercial Outfitter violations are classified as Class I or Class II violations which result in varying degrees of penalty severity as prescribed below.

6.2.10.1 Violation Terminology

6.2.10.1.1 Class I violations include:

1. Violations of Quiet Zone requirements
2. Violations of the maximum group size limit
3. Operating after sunset
4. Violations of the boat marking requirements
5. Violations of the Operating Report submission requirements.
6. 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.
7. Exceeding approved permit capacities. (NOTE: In addition to the normal penalty fine for this violation, an additional penalty fee per passenger per user day may be assessed. The current additional penalty fee is provided in Appendix D.)

6.2.10.1.2 Class II violations include:

1. Improper sale, loaning, borrowing, or transfer of user days.
2. Violations of consolidation, transfer, and adjustment requirements for River Use Permits
3. Violations of insurance requirements

6.2.10.2 A violation notice will be sent to the River Use Permit holder by certified mail, return receipt requested, within 14 days of the County's observation of the violation.

6.2.10.3 Penalty Schedule

6.2.10.3.1 For Class I Violations occurring in any single calendar year, the penalty schedule is provided in Appendix D.

6.2.10.3.2 Should a commercial outfitter receive four violations in any one Class I category or six 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 may be submitted for hearing before the Hearing Officer, whose decision may be appealed to the Board of Supervisors.

6.2.10.4 Class I Violation Appeal Procedures – Class I Violations, if appealed, will follow the procedure below.

- 6.2.10.4.1 Within 10 days of receiving a violation notice, a commercial outfitter may submit a written appeal request to County Parks.
- 6.2.10.4.2 County Parks will then submit said appeal with a recommendation to the County Parks Hearing Officer.
- 6.2.10.4.3 The County will notify the outfitter in writing of the date, time, and place at least 10 days in advance of the hearing.
- 6.2.10.4.4 The Hearing Office may sustain, reverse, or modify the violation notice. The decision on the appeal of the Hearing Officer will be final.
- 6.2.10.5 For Class II violations, following due notice and hearing, the Hearing Officer may suspend or revoke the River Use Permit.
  - 6.2.10.5.1 The County will notify the outfitter in writing of the date, time, and place of hearing at least 10 days in advance of the hearing.
- 6.2.10.6 Class II Violation Appeal Procedures - Any decision of the Hearing Officer may be appealed directly to the Board. Appeals must be made in writing and submitted to the Board Office. A fee is charged for each appeal.
  - 6.2.10.6.1 There will be a stay on an appeal of the Hearing Officer decision to the Board.
  - 6.2.10.6.2 Following submittal of the appeal application, the Board will schedule a hearing on the appeal, normally within 4 weeks. The Board may sustain, reverse, modify, or remand the Hearing Officer's decision.
- 6.2.10.7 Status of River Use Permits which are Denied or Revoked
  - 6.2.10.7.1 Any River Use Permit which has been denied or revoked in any year may be reapplied for in the following year. This reapplication provision shall only be available the calendar year after the year the denial or revocation of the permit has occurred. The River Use Permit may only be approved if the conditions of denial or revocation have been resolved.
  - 6.2.10.7.2 Where a River Use Permit has been revoked or denied and not reapplied for, the capacity of that permit shall revert to the County.
- 6.2.11 All commercial outfitters are required to follow current food storage, food preparation, sanitation, and human waste guidelines established by the Environmental Management Department. Environmental Health Permits shall be obtained as required. Current sanitary guidelines are provided in Appendix C.

6.2.12 Falsification of any documentation will result in a mandatory hearing before the Hearing Officer, who may issue a warning, or suspend or revoke a River Use Permit.

### 6.3 Non-Commercial Boater Requirements

6.3.1 The County has designated the South Fork of the American River as a special use area as allowed by the State Harbor and Navigation Code Section 660. The specific purpose of designating a special use area along the South Fork is to require that non-commercial boaters who float the river are aware of basic whitewater boating safety and pollution control information. The designation of a river special use area is intended to be analogous to those special use areas now in existence where certain types of boater restrictions apply and basic boating knowledge is necessary to prevent conflicts from occurring and to provide for the boater's safety.

6.3.1.1 Within this special use area, the County requires that at least one person or group leader for each boat have in their possession while on the river, a signed and dated registration certificate/information tag that includes safety information, locations of public and private lands, information concerning what to do in an emergency, basic sanitation rules and other necessary information. The tag is required to be renewed each season. Such tags will be made available through County Parks at certain public put-in locations.

6.3.1.2 This element applies to all non-commercial groups/boaters, including Institutional Groups, Large Groups, and private boaters, and is intended to ensure that at least one person in each boating group is knowledgeable of boating safety, sanitary and other information as specified.

6.3.2 All river users will have one Coast Guard-approved life jacket for each passenger and guide. It is required that these life jackets be worn at all times while on the river. The Sheriff will continue to enforce applicable state laws and County ordinances regarding life jackets.

#### 6.3.3 Waste Requirements

6.3.3.1 All river users are directed to remove all their waste and refuse from the river corridor and dispose of it in a proper location.

6.3.3.2 Litter containers are required for all boats with more than two people on board.

#### 6.3.4 Maximum Group Size

6.3.4.1 With the exception of Element 6.3.4.2, below, the number of boats in each group on the South Fork will be limited to 7 and will not exceed 56 people (passengers, guests, guides) per group. If more than one group is traveling together, sufficient distance between groups should be maintained so that, if needed, other individual boats may fit in.

- 6.3.4.2 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river.
  - 6.3.5 All river users will respect the sensitivities of the Quiet Zone (as defined in Element 6.2.3), will make efforts to limit noise while within the Quiet Zone, and will comply with applicable County ordinances.
  - 6.3.6 Large Group Requirements
    - 6.3.6.1 Large Groups are subject to the requirements of Elements 6.3.1, 6.3.2, 6.3.3, 6.3.4 and 6.3.5, above.
    - 6.3.6.2 Large Groups are subject to pre-trip registration with County Parks.
    - 6.3.6.3 Large Groups will be provided information on boat dispersion techniques and river etiquette from the County upon registration.
  - 6.3.7 Private Boater Requirements
    - 6.3.7.1 Private boaters are subject to the requirements of Elements 6.3.1, 6.3.2, 6.3.3, 6.3.4 and 6.3.5, above. Note: A group of private boaters meeting the size criteria in Element 6.1.3 is considered a large group, and is subject to the large group requirements specified in Element 6.3.7.
- 6.4 Special Use Permit Issuance, Guidelines, and Inspections



## **ELEMENT 7 - CARRYING CAPACITY EXCEEDANCE ACTIONS AND IMPLEMENTATION**

This element defines the protocols to be used by the County in the event that river use levels (based on total daily boater use and density) exceed specified carrying capacity thresholds. Management actions specified herein implement increasingly rigorous methods for reducing use and density to the levels determined necessary for boater safety, and protection of environmental resources and social conditions within the South Fork corridor.

- 7.1 The County will use river use periodic river use counts to determine exceedance of carrying-capacity thresholds associated with density and/or total daily river use as discussed below. In the event that thresholds are exceeded, the County will implement management actions as specified in this element.
- 7.2 The County will conduct CEQA or other legal analysis as required prior to implementation of the management actions presented in this element. It is expected that further refinement and definition of the actions to be taken may occur during any required CEQA compliance activities, and the County will encourage public and agency input during any such refinement process. As a component of CEQA or other analysis, potential adverse effects associated with potential changes in use patterns will be considered.
- 7.3 In the event that boat counts exceed a “density threshold” (as defined in Appendix D), the County will implement management actions to address density and associated safety issues on the South Fork as specified in this element. In the event that one or more density exceedance occurs during a day with low-flow releases from Chili Bar Dam (as defined in Appendix D), the County may exclude up to two low-flow release days from the count.
  - 7.3.1 The following Level One management actions will be implemented in the year following observed exceedance of the density threshold identified above:
    - 7.3.1.1 The County will increase the commercial river use fee surcharge for each weekend day passenger during the summer rafting season, between and including Memorial Day weekend and Labor Day weekend. Such fee increases shall be applied only to trips conducted on the segment(s) of the river on which the threshold exceedance occurred.
    - 7.3.1.2 The County will institute a fee equal to that of the adjusted commercial surcharge fee as identified in Element 7.3.1.1 that will apply to each boater on the South Fork participating in an Institutional Group trip on weekend days during the summer rafting season. This fee shall be applied only to trips conducted on the segment(s) of the river on which the threshold exceedance

occurred. The fee shall be due to the County at the time of submittal of the post-season report.

7.3.1.3 Following two successive years during which density threshold levels are not exceeded, the County may consider the elimination of some or all of the Level One management actions identified in this element.

7.3.2 The following Level Two management actions will be implemented in the year following observed exceedance of the density threshold that occurs during a year with management actions identified in Element 7.3.1 in place:

7.3.2.1 Level One management actions identified in Element 7.3.1 will remain in effect.

7.3.2.2 The County will institute trip time scheduling protocols for the segment(s) of the river on which the threshold exceedances occurred.

7.3.2.2.1 Trip time scheduling protocols will require commercial outfitters and institutional groups to register for specific departure time slots (each time slot will be a 30-minute period) and put-in locations no less than 2 days prior to a weekend day trip.

7.3.2.2.2 The County will facilitate this scheduling requirement by providing a secure, automated registration system, using the County's Internet site, an automated telephone system, or a combination of the two systems.

7.3.2.3 Following two successive years during which density threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Two management actions identified in this element.

7.3.3 The following Level Three management actions will be implemented in the year following observed exceedance of the density threshold that occurs during a year with management actions identified in Element 7.3.1 and 7.3.2 in place:

7.3.3.1 Level One and Level Two management actions identified in Elements 7.3.1 and 7.3.2 will remain in effect.

7.3.3.2 The County will reduce commercial outfitter weekend day allocations.

7.3.3.3 The County will implement an institutional group allocation system.

7.3.3.3.1 Institutional group allocations will be equivalent to an amount less than the institutional group use level that occurred during the year of threshold exceedance.

- 7.3.3.4 Following two successive years during which density threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Three management actions identified in this element.
- 7.4 In the event that data collected in a single year indicate exceedance of a “daily boater total” threshold (as defined in Appendix D), the County will implement management actions to reduce total daily boater use levels and allocate use to address potential environmental and other impacts associated with high levels of river use as specified in this element.
  - 7.4.1 The following Level One management actions will be implemented in the year following observed exceedance of the daily boater total threshold identified above.
    - 7.4.1.1 Commercial outfitter guest allocations will be eliminated from each commercial outfitter’s total allocation. This action will result in a reduction of the total commercial outfitter allocations by 8 percent.
    - 7.4.1.2 The County will increase the commercial river use fee surcharge for each weekend day passenger during the summer rafting season, between and including Memorial Day weekend and Labor Day weekend. Such fee increases shall be applied to trips conducted on the segment of the river for which the threshold exceedance occurred.
    - 7.4.1.3 The County will institute a fee equal to that of the adjusted commercial surcharge fee as identified in Element 7.4.1.2 which will apply to each boater on the South Fork participating in an institutional group trip on weekend days during the summer rafting season. This fee shall be applied only to trips conducted on the segment of the river for which the threshold exceedance occurred. The fee shall be due to the County at the time of submittal of the post-season report.
    - 7.4.1.4 Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the Level One management actions identified in this element.
  - 7.4.2 The following Level Two management actions will be implemented in the year following observed exceedance of the daily boater total threshold during a year with management actions identified in Element 7.4.1 in place:
    - 7.4.2.1 Level One management actions identified in Element 7.4.1 will remain in effect.
    - 7.4.2.2 The County will reduce commercial outfitter weekend day allocations, and will assign commercial allocations by river segment in an amount proportional to past use ratios of the upper and lower reaches by commercial outfitters to ensure that the reduction in use is distributed.
    - 7.4.2.3 The County will implement an institutional group allocation system.

- 7.4.2.3.1 Institutional group allocations will be equivalent to an amount less than the institutional group use levels that occurred during the year of threshold exceedance.
- 7.4.2.4 Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Two management actions identified in this element.
- 7.4.3 The following Level Three management actions will be implemented in the year following observed exceedance of the boater daily total threshold that occurs during a year with management actions identified in Element 7.4.1 and 7.4.2 in place:
  - 7.4.3.1 In the event that all available management actions to reduce cumulative impacts to less-than-significant levels are implemented and boater daily total thresholds are still met or exceeded, the County will institute a permit system for all river users. As with all management actions, the project's goals of equitability will be a primary consideration during the development of such a permit system.
  - 7.4.3.2 Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Three management actions developed pursuant to this element.

## **ELEMENT 8 - REGULATIONS AND ORDINANCES**

Appendix C includes copies of the primary County ordinances that are applicable to activities on the South Fork. Nothing in this RMP shall be interpreted to allow activities that are inconsistent with any County ordinance.

- 8.1 Pirate Boater Ordinance Enforcement
- 8.2 The County will amend Quiet Zone regulations and enforcement mechanisms to enable the issuance of citations to private rafters violating Quiet Zone requirements
- 8.3 Motorboats are prohibited by Ordinance Code Section 12.64.040.

## **ELEMENT 9 - FACILITIES AND LANDS MANAGEMENT**

Continued maintenance and consideration of opportunities for additional river-related facilities is an important function of the County's river management activities. This element contains requirements for the County to continue such activities and to coordinate with landowners and agencies with jurisdiction within and adjacent to the river corridor to accomplish the County's facilities and lands management responsibilities.

- 9.1 The County Parks Division will work with California State Parks, Folsom Lake Division, and adjacent landowners in order to identify opportunities to increase parking in the vicinity of Salmon Falls.

- 9.2 The County may continue to explore opportunities for land acquisition and/or development of river access facilities within the corridor, including areas near Marshall Gold Discovery State Historic Park.
- 9.3 The County will pursue identification of appropriate sites for the development of additional restroom facilities within the river corridor. The use of Phoenix composting toilets will be considered at such locations.
- 9.4 The County will work with the BLM to continue to maintain toilets on BLM sites.
- 9.5 Trails
  - 9.5.1 The County will maintain existing County-owned trails within the river corridor.  
  
The County Parks Division will continue to coordinate with BLM, California State Parks, and other agencies to develop riverside trails on public lands. In the event that private landowners express a willingness to allow public access, these opportunities will be considered as well. No trails will be developed near residences, except with the consent of landowners.
- 9.6 No net loss of riparian habitat (including wetlands) will occur as a result of development of RMP-related facilities.

## **ELEMENT 10 - FUNDING**

Commercial River Use Permit application fees and river use fees serve to support the River Trust Fund, which is the source of funding for much of the County's river-related management activities.

- 10.1 The River Trust Fund, created in 1981, will continue to function as a savings account for the deposit of commercial River Use Permit application fees and user day fees. County Parks provides fiscal administration of the River Trust Fund.
- 10.2 The River Trust Fund will be used, as budgeted by the County, as the basic funding source for improvements in the river corridor, including education programs, land lease/purchase, mitigation monitoring and reporting, staffing, and other management activities as specified in this RMP.
- 10.3 The County will ensure that adequate funds are available or funding is secured prior to the implementation of the elements of this RMP that may require increased County expenditures or elements that could result in decreased revenue to levels below that necessary to conduct the management activities identified in this RMP.

## **ELEMENT 11 - RIVER DATA AVAILABILITY**

Table 6-1 provides a summary of river data to be collected and the methods to be used for making this information available to boaters and landowners/residents pursuant to Elements 1, 2, 4, 5, 8, 9, and 10 of this RMP. Much of the information collected through monitoring and reporting

programs will be input and stored within the County's GIS database. In addition, the County will make river requirements, flow condition, and other requirements available to the public on kiosks and on the internet within the County's RMP web site (<http://co.el-dorado.ca.us/generalservices/parks/>) in order to facilitate the rapid broadcasting of river operations and conditions.

**Table 6-1  
River Data Dissemination Methods**

<b>Information</b>	<b>As Specified in Element:</b>	<b>Landowner/ Resident Information Sheet</b>	<b>Riverside Kiosks</b>		<b>County Internet Site</b>	<b>Signage</b>		<b>Tri-Annual</b>
Landowner rights	1,4,9	☺☺	☺☺		☺☺			
Boater's rights	1, 4, 9	☺☺	☺☺		☺☺			
Trespass	1, 4	☺☺	☺☺		☺☺	☺☺	☺☺	
River activity calendar	1	☺☺	☺☺		☺☺			
Safety and Orientation Materials	1, 2, 6		☺☺		☺☺	☺☺	☺☺	
River flow projections	1, 2, 6		☺☺		☺☺			
Recent use levels	1, 2, 6				☺☺			☺☺
Estimated High and Low Use Periods	1, 2, 6	☺☺			☺☺			☺☺
Parking/shuttle options	1, 2, 3		☺☺		☺☺	☺☺	☺☺	
General camping information	1		☺☺		☺☺		☺☺	
Wildlife and Habitat Protection	1, 4, 5	☺☺	☺☺		☺☺			
Quiet Zone requirements	1, 6		☺☺		☺☺		☺☺	
Quiet Zone locations	1, 6		☺☺		☺☺	☺☺	☺☺	
Double Fine zones	1, 3				☺☺	☺☺		
Middle run boundaries/ lower reach hazards	1, 2		☺☺	☺☺	☺☺	☺☺	☺☺	
Trash disposal container locations	1, 5		☺☺		☺☺	☺☺		
Approved river access/rest stop locations	1, 3, 4, 9		☺☺		☺☺	☺☺	☺☺	
Boating education	1, 2, 5, 6, 7						☺☺	
River etiquette	1, 2, 6		☺☺		☺☺		☺☺	
Emergency and Evacuation Procedures	1, 2, 5		☺☺		☺☺		☺☺	
Environmental Monitoring and Water Quality Information	1, 2, 4, 6	☺☺			☺☺			☺☺
Volunteer opportunities	1, 2, 5	☺☺	☺☺		☺☺			
Source: ESP, 2001.								

## 6 RMP Revision Process

The RMP is designed to serve as an active, evolving tool that implements the County’s river management goals. The intent of this portion of the RMP is to provide ongoing refinement of the RMP to ensure public safety, environmental protection, and the most efficient use of County resources. RMP update procedures are defined to provide for plan refinements in response to:

- Results of annual operations monitoring, and
- Low water conditions.

The RMP revision processes described below also include a periodic review of the RMP to ensure that the adopted and implemented management actions and impact mitigation measures remain, in total, meaningful and responsive to current guidance provided by the Board.

### 6.1 Annual Operations

After completion of the first rafting season following full implementation of the RMP, County Parks will present a summary of the year’s river management activities and their relationship to the carrying capacity program to the County Parks and Recreation Commission (CPRC) in a public session. The CPRC will consider this report in public sessions to assess:

- The adequacy of the adopted carrying capacity measures,
- The appropriateness of the adopted measures, and
- The need for new or different carrying capacity measures.

If substantive issues or suggestions are identified in these sessions, the County River Manager will direct County staff to conduct a focused study of these subjects for consideration at the next annual (pre-season) CPRC meeting. If no substantial plan revisions are proposed after this first year of RMP implementation, the next review of the RMP would occur three years from the date of the last RMP review.

### 6.2 Three-Year Report to the Parks and Recreation Committee

The three-year RMP update process is the heart of the intent to refine and improve the County’s ongoing management of the River. This three-year cycle will provide the interested parties with current information and timely public involvement opportunities each season. The process described below and presented in Figure 6-1 will be used to implement annual review processes.

The County River Manager, working with the County Geographic Information System (GIS) Manager, will compile data and observations from staff Committee for the past three completed boating season. River use data will be summarized in November of each third year and posted on the County’s web site. The County River Manager will meet with representatives of the BLM, California State Parks, and key County agencies including, but not limited to, the County Sheriff, Community Development Agency and Health and human Services Agency . This session (typically held in mid-winter of the third year) will focus on a review of the past seasons and a collaborative review of lessons learned and possible improvements in the management of the South Fork.



The public will be encouraged to propose increased County attention to management issues, conflicts, or problems by monitoring in the subsequent year or by temporary RMP modification.

### **6.2.1 Planning Commission Consideration of CPRC Recommendations**

The County Planning Commission will conduct a public session for consideration of any CPRC recommendations to modify the existing RMP. After the receipt of public comments and deliberation, the Planning Commission will reject or tentatively accept the CPRC recommendation. If the CPRC recommendation is accepted, a CEQA Initial Study will be conducted to identify and report the potential environmental impacts of the proposed program modification. The results of this analysis will be reported to the County Planning Commission in a public session. The Planning Commission will consider the results of the CEQA analysis and accept or reject the CPRC recommendation to modify the RMP.

### **6.2.2 Periodic Review**

RMP tri-annual reports will be compiled by the County River Manager. By January 30 of every sixth year, these annual reports will be summarized by the County River Manager, and this summary will be submitted to the County Community Development Director. The Community Development Department will evaluate the adequacy of the RMP, as implemented, in consideration of conditions reported in the summary report. Such evaluation will consider the following:

- Responsiveness to County goals and policies,
- Completeness of impact mitigation measures, and
- Efficiency and economy of RMP implementation.

The County Community Development Director will present the findings of this review to the County Planning Commission, including recommendations to:

- Continue implementation of the RMP as currently prescribed,
- Continue implementation of the RMP with minor modifications, or
- Update the RMP.

In the event that the second finding is presented, the County Planning Commission will conduct a public session to consider any Community Development Director's recommendations to modify the existing RMP. After the receipt of public comments and deliberation, the Planning Commission will reject or tentatively accept the Community Development Director's recommendations. If these recommendations are accepted, a CEQA Initial Study will be conducted to identify and report the potential environmental impacts of the proposed program modification. The results of this analysis will be reported to the County Planning Commission in a public session. The Planning Commission will consider the results of the CEQA analysis and accept or reject these recommendations to modify the RMP.

In the event that the third finding is presented, the County Planning Commission will conduct a public session to consider any Planning Director's recommendation to update the RMP. After the receipt of public comments and deliberation, the Planning Commission will reject or tentatively accept the Community Development Director's recommendation. If the Planning Commission accepts this recommendation, it will be transmitted to the Board for deliberation and action. The Board will consider the results of this process and determine the need to update the RMP.

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