

Agenda of: February 13, 2020

Staff: Vickie Sanders/Chelsea Edman

STAFF REPORT:

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

APPLICANTS:

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

Deric Rothe, President of Sierra Whitewater, Inc., which holds River Use Permit #19 and #74.

REQUESTS:

Michael Juarez, Managing Member, of Action Whitewater Adventures and Deric Rothe, Managing Member, of Sierra Whitewater, Inc., request the transfer of 10 weekend and 10 weekday user days from Action Whitewater Adventures (River Use Permit #63) to Sierra Whitewater, Inc., (River Use Permit #19).

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

SUMMARY RECOMMENDATIONS

Staff recommends your Commission approve the request by Michael Juarez and Deric Rothe for the transfer of 10 weekend and 10 weekday user days from Action Whitewater Adventures (River Use Permit #63) to Sierra Whitewater, Inc., (River Use Permit #19).

BACKGROUND

Transfers of a portion of a River Use Permit can only be authorized between outfitters that hold a valid County River Use Permit. The transfer of a portion of a River Use Permit must specifically state what portion of the weekday and weekend capacity is to be transferred. The El Dorado County River Management Plan (RMP) contains Element 6.2.1.4 (Exhibit A) which describes the guidelines and procedures for the transfer and consolidation of River Use Permits. The discussion section will include a checklist of compliance with RMP Element 6.2.1.4 and a record of the River Use Permit user day allocations being transferred.

River Use Permit status

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

DISCUSSION:

Transfer requirements

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

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

River Use Permit allocations

The permits and user day allocations for Action Whitewater Adventures and Sierra Whitewater, Inc., are contained in the tables below.

Action Whitewater Adventures – Existing Permit	
River Use Permit Number	#63
Weekend user day allocation	102
Weekday user day allocation	42
Memorial Day- Labor Day weekend allocation	n/a

Sierra Whitewater, Inc. – Existing Permits	
River Use Permit Number	#19
Weekend user day allocation	87
Weekday user day allocation	74
Memorial Day- Labor Day weekend allocation	n/a

The permits and user day allocations are displayed in the tables below if the user day transfer of 10 weekend user days and 10 weekday user days from Action Whitewater Adventures (River Use Permit #63) to Sierra Whitewater, Inc (River Use Permit #19) is approved.

Action Whitewater Adventures – Permit Post User Day Transfer	
River Use Permit Number	#63
Weekend user day allocation	92
Weekday user day allocation	32
Memorial Day- Labor Day weekend allocation	n/a

Sierra Whitewater, Inc. – Permits Post User Day Transfer	
River Use Permit Number	#19
Weekend user day allocation	97
Weekday user day allocation	84
Memorial Day- Labor Day weekend allocation	n/a

Environmental Document:

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

CEQA Compliance

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

FINDINGS:

1. The application for the transfer of 10 weekend user days and 10 weekday user days from Action Whitewater Adventures (River Use Permit #63) to Sierra Whitewater, Inc., (River Use Permit #19) meets the standards required by the River Management Plan Element 6.2.1.4.

RECOMMENDATION:

1. Your Commission approves the transfer of 10 weekday user days and 10 weekend user days from Action Whitewater Adventures (River Use Permit #63) to Sierra Whitewater, Inc., (River Use Permit #19).

ATTACHMENTS

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