

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. ~~The River Management Advisory Committee serves an important role in many of these functions. The RMAC advises the Planning Commission and Board on RMP amendments, Special Use Permit applications, and use of the River Trust Fund. Monthly public meetings are held as a community forum. RMAC membership, role, and conduct are established by Resolution 120-2001.~~

} START

5.1 ~~Pre- and Post Season RMAC Meetings~~— Each November, the RMAC will hold a post-season meeting to summarize the year's river management character. This meeting will be publicized by notices distributed to river-area residents and merchants, in addition to the usual RMAC mailing list. The meeting will feature a summary report by County staff and opportunities for residents, outfitters, private boaters, merchants, and all other interested persons to discuss river operations. County staff will be tasked with the review of the minutes of this session to identify issues requiring special attention in the coming recreation season. The minutes of this session will be presented to the Planning Commission by the RMAC Chairperson.

} START

5.1.1 ~~In response to the input received at the post season RMAC meeting, County staff will present the results of review of input, coordination with representatives of collaborating County departments, and other agencies. Proposed modifications to river management protocols will be announced and discussed by the RMAC and the public. Updated river management protocols will be implemented with the advice of the RMAC, the County Department of General Services, and other river management agencies.~~

} START

5.1.2 ~~Representatives of the El Dorado County Water Agency and/or El Dorado Irrigation District (EID), the Sacramento Municipal Utility District (SMUD), and Pacific Gas and Electric Company (PG&E) will be requested to present a forecast for river flow and typical system operations. This information will be used to anticipate the character of river management needs, and the need to track low water issues such as congestion of the Gorge area on mid-July and early-August Saturdays.~~

} START

In the event of an exception by FERC to the mandated flow year type release schedule, the County will initiate discussions with SMUD and PGE to discuss scheduled flows. ~~and~~

A

5.2 ~~The County Department of General Services will coordinate with utilities (i.e., PG&E, SMUD, and EID) to ensure their participation in a pre season outfitter meeting to receive flow information and outlooks. The goal of this element is to improve communication with utilities.~~

5.3 ~~The County will identify opportunities for individuals and organizations to provide service to the river environment. In addition to river cleanups, tree planting, and river safety training, events will be coordinated and conducted by the County to use the efforts of the interested volunteers.~~

} START

In the event of River Festival ^{or similar} events,

5.4 ~~The River Festival has provided an important opportunity to coordinate with the river community. The County will use this opportunity to provide river safety and management~~

REVISED

~~information to festival participants. The festival will be subject to standard Temporary Use Permit (TUP) provisions, as required by the Planning Department.~~

~~5.55.1 Any CEQA evaluation of a proposed RMP modification will be noticed and considered in accordance with CEQA.~~

~~5.6 Litter Control~~

~~5.6.1 County efforts to collect river trash will be expanded to a monthly program. County staff and seasonal aides will work with river organizations and interested individuals to conduct frequent clean-ups throughout the summer season.~~

~~5.6.2 In addition to the cleanup efforts described above, litter control will be improved by using volunteers and members of non-profit organizations. Monitoring of gear storage and other litter prevention activities at put-ins and enforcement of existing litter laws will be continued.~~

STET

} STET

~~5.75.2 Agency Coordination~~

~~5.7.1 The County will pursue coordination with California State Parks and BLM recreation staff to identify the occurrence of conflicts between non-whitewater recreation, historic interpretation, mining, and uses administered by the RMP.~~

~~5.7.2 The County will request annual reports from California State Parks and the BLM to identify specific riparian habitat and/or general environmental quality impacts (i.e., acceptable levels of change) occurring at their facilities or management areas.~~

STET

~~5.7.35.2.1 The County Department of General Services 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.~~

~~5.7.4 The County will encourage the BLM to retain new holdings near Greenwood Creek as wilderness for the near future.~~

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 Institutional, Large Group, and private boater requirements), and both Temporary and Special Use Permit requirements. Special Use Permit monitoring and reporting activities are also included.

note: TBD
Institutional group
should transition
to commercial
permit over 3 year
time frame, making
use of county's
inventory of
pool of unused
commercial
permits.

The County began regulation of commercial outfitting on the South Fork in 1981 with the adoption of the Stream and River Rafting Ordinance Chapter 5.48. Outfitters that could submit documentation to the County providing evidence of their operating commercial trips on the South Fork in 1980 and prior years were given the opportunity to apply for River Use Permits beginning in 1981.

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 1984 River Management Plan contained a policy declaring that no new River Use Permits would be issued, thus closing the opportunity to apply for a permit based on 1980 documentation. The County's decision to limit the number of permits was made on the basis of the existing number of outfitters with a wide variety of use patterns, accommodations, and services available. Additional outfitters would be duplicating those services and create additional impacts to the cultural and physical features in the river corridor. There are currently sixty seven River Use Permits in existence, and outfitters are allowed to hold more than one River Use Permit (see Appendix D).

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.

The 1984 River Management Plan contained an outfitter allocation system that was revised in 1987. The revision was based on a reallocation formula that focused on reducing the amount of commercial river use on peak weekends. As a result of the 1987 revision, the total number of weekend user days in the allocation system was reduced to 2,750 per weekend day; the total season allocation provision contained in the 1984 RMP was removed; individual outfitter's allocations were revised based upon the historic use of his/her permit. Weekday allocations were not adjusted, thereby continuing a 1984 RMP policy of allowing growth in the amount of midweek commercial river use. The reallocation system was subsequently adopted into the 1988 RMP through Resolution No. 99-88.

STAT
But update
the

, as of (date),
← (#)

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 An Institutional Group is defined as a non-commercial group participating in a river trip operated as a program of a non-profit organization that meets IRS tax-exempt requirements, or a non-commercial group participating in a river trip through an accredited academic program as part of the educational curriculum of a school, college, or university. An Institutional Group must also meet the following criteria:~~

~~6.1.2.1 Fees or charges are collected only to recover the actual costs of the trip.~~

~~6.1.2.2 All expenses are shared equally by all group members.~~

~~6.1.2.3 No member of the group obtains financial gain, including salaries, or otherwise benefits by increased assets.~~

~~6.1.2.4 No paid employees such as guides, lead guides and drivers are compensated by salary, wages, or equipment, with the exception that educational leaders for accredited educational programs may be paid or compensated.~~

~~6.1.3.1.2~~ Large Groups are defined as ~~non-commercial and non-institutional~~ ^a group of four or more boats having three or more occupants, or a total of 18 or more people.

~~6.1.4.1.3~~ 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.

*RMAC recommends
that Institutional groups
transition to commercially
permitted outfitters over
a 3 year timeframe
utilizes the county's
pool of unuseful commercial
outfitters. Details to
be worked out.*

*without a commercial
perm.*

a commercial

an otherwise permitted

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.

START {
~~6.2.1.3.4.2 In addition to the user day allocation, outfitters are allowed guests on trips. A specific guest allowance of 8 percent has been established (Resolution No. 99-88). The total number of guests shall not exceed 8 percent, rounded to the nearest whole number, of an outfitter's allocation. The guest allowance on a weekend day is 8 percent of the weekend day allocation. The guest allowance on a weekday is 8 percent of the weekday allocation.~~
Commercial outfitters shall pay user day fees for all non-paying guests.

~~6.2.1.3.4.3~~ 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"

insurance 4. The second outfitter is responsible for all ~~gear and tax and fees~~ 5. The second outfitter's raft does not commingle with the first outfitter's trip 5. The customer agrees in writing to be transferred to the second outfitter's trip.

~~not~~ associated with the transferred customer.

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.

Comment [SP1]: 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.

Formatted: Highlight
 Formatted: Highlight
 Formatted: Highlight
Comment [SP2]: VS note: get language from Noah
 Formatted: Highlight

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.

Formatted: Highlight

Comment [SP3]: Noah to insert new language
 Formatted: Highlight

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.

6.2.1.3.7 It shall be permissible for an outfitter to transfer (i.e. subcontract) customers to a second outfitter, if all of the following criteria are met: 1. The second outfitter uses their own equipment, properly marked with the second outfitter's name 2. The draft is guided by the second outfitter's employee 3. The raft is covered by the 16-0164 outfitter's

El Dorado

- 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

investigation
STRT

8.1.1 The County will pursue civil prosecution of pirate boaters under the Unfair or Fraudulent Business Practices (§17200) and False Advertising (§12500) codes. The use of civil, rather than criminal prosecution, allows the imposition of civil penalties of up to \$2,500 per instance; and conviction requires the use of preponderance of evidence, rather than the "beyond a reasonable doubt" standard of criminal proceedings.

8.1.2 The County office initiating the civil action (e.g., the Sheriff's Department or County Department of General Services) and the District Attorney's office will divide equally the fines received from civil action against pirate boaters.

8.1.3 A portion of these fines will be used to continue the investigation and prosecution of pirate boaters.

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.

Comment [SP4]: Revision of the existing Pirate Boater Ordinance should be coordinated by County Counsel, the District Attorney's office and the Sheriff's Department should be encouraged to identify a more effective strategy for addressing this issue.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

8.1.2
The county will work with state parks and Blm and any other agencies as appropriate to ~~control~~ investigate and prosecute pirate boaters.