

Proposal - Institutional Group Permit Update to the River Management Plan

Background:

This draft of proposed revisions of the institutional permit system on the South Fork American River as managed by El Dorado County, has been revised in response to 3 formal rounds of stakeholder and public input and multiple discussion at the monthly RMAC meetings..

Reference:

This document cites, and is best understood in reference to Element 6 of the El Dorado County South Fork American River Management Plan, http://www.co.el-dorado.ca.us/Government/EMD/Rivers/River_Management_Plan.aspx

EXECUTIVE SUMMARY

Currently, and in the past, although Non-Profit organizations operate as organized entities, they have been considered a subset of the Private boater segment, with their river use being counted as part of the overall Private boater numbers.

The disparity between how categories of organized entities (Commercial and Non-Profit) are managed makes it harder overall to manage various aspects of the County River Program or to proactively plan for growth.

At the crux of the current disparity are three things:

- **River user capacity caps set forth in the River Management Plan**
Commercial entities are regulated by a limited number of River Use Permits (RUPs) that identify specific usage numbers, but Non-Profit entities, as part of the Private Boater group are unregulated. Both contribute to total river usage along with true private boater numbers, but if total daily capacity caps for either the Chili Bar or Gorge river segments are exceeded, Commercial entities will be impacted by usage reductions, but non-profit entities will not.
- **Operational and safety standards that differ**
Aside from the current, operational reality, this difference results in mistrust between the two guiding communities that should form a unified backbone of safety and cooperation on what is the most popular whitewater river in the Western U.S.
- **Differences in responsibility, accountability and representation**
Commercial entities pay fees into the River Management Trust Fund (RMTF), are operationally accountable in real time and are represented on the RMAC while Non-Profit entities pay no fees, report at the end of the year and lack RMAC representation.

RMAC saw an opportunity to simultaneously address capacity issues, rationalize the disparity in regulations/accountability, address RTF funding needs and provide a way for the Non-profit community to be a full partner in RMAC decision making, and by providing an opportunity for future representation on the RMAC.

The possibility of increasing contributions to the RMTF through this process is another factor; in that, the non-profit organizations will be able to operate with transparency and with responsibility in the future while contributing to the stewardship of the South Fork American River's resources for the public at-large.

After 4+ years comprising basic work, refinement, RMAC input, public input, and the input of non-profit organizations and commercial entities, RMAC and the Non-Profit Organization Sub Committee recommends the El Dorado County Board of Supervisors and the Planning Commission make the following River Management Plan changes that will provide a well-developed plan to formalize the River Use Permits to non-profit organizations that have been historically active on the South Fork of the American River.

For consideration:

1. Definitions

- **Standard institutional trip:** a trip in which all participants' may be charged fees or charges only to recover the actual costs of the trip (shared cost.).
 - An organization cannot require money of participants in excess of actual shared cost for a trip
 - The shared cost does not need to be evenly distributed among the participants

Institutional groups may only operate standard trips, with the exception of 3 fundraising trips per year.
- **Fundraising trip:** A trip in which participants may be charged an amount that exceeds shared cost in order to support the organizations stated goals and organizational charter.
- **Guest:** A trip participant.
Institutional volunteers such as guides, guides-in-training or staff are NOT considered guests, but must still be reported.
- **Trip:** One (1) day on river. (overnight trip is 2 days)
- **User Day Allocations – 1 person on river = 1 user day**
 - **Base allocation:** the number of guests/weekend day.
Derived by averaging the number of paying guests (2006-2012) and dividing that number by 30 (number of weekend days starting with Memorial Day weekend and ending on Labor Day weekend)

- **Peak Season:** Begins Memorial Day weekend and ending on Labor Day weekend
- **Off Season:** Begins after Labor Day weekend and ends before Memorial Day weekend
- **Shared cost:** The actual cost of a trip
 - Shared cost includes:
 - Insurance costs
 - Shuttle (Bus/van charter fees, vehicle fuel, professional driver)
 - Equipment rental (boats, etc)
 - River Equipment Shuttle
 - Put-in and/or takeout fees
 - Tow-out fees
 - Safety gear (wrap kits, ropes, throw bags)
 - PFDs
 - Lost paddles
 - Consumable 1st aid and repair supplies
 - Food
 - Organizationally owned vehicle maintenance
 - Shared cost does NOT include:
 - Capital purchases and improvements (i.e. boats, equipment leases, trailers, racks, frames, boxes, coolers, organizationally-owned transportation) (see #7 below)
 - Volunteers cannot receive compensation for equipment. Guides cannot rent or lease equipment to the organization
 - Staff wages

2. **Institutional volunteers are exempt from the shared cost requirement.**
Other non-guests are included in (NOT exempt from) shared cost. (same as current RMP 6.1.2)
3. **Donations or fees may not be prerequisites to participate in a shared cost institutional trip.** (same as current RMP 6.1.2)
4. **Institutional groups may solicit donations or membership immediately after any trip,** but may not make participation on a trip contingent on post-trip donations.
5. **Each permitted institutional groups may operate up to (3) fundraising trips per calendar year.**

Fundraising trips may charge an amount that exceeds shared cost in order to support the organizations stated goals and organizational charter.

The size of a fundraising trip:

- Allowed 7 boats maximum

- Allowed up to 56 TOTAL people (includes volunteers, guides, family, friends, and organizational staff)

6. Staff

Institutional groups may have paid staff to administrate their on-river program.

- Staff wages cannot be included in shared cost
- Staff cannot be compensated for guiding
- Volunteers may not be compensated for guiding

7. Capital Improvements

Capital improvements made by institutional groups, such as equipment or facilities, must be made exclusively with funding sources that are not river trip-based (such as grants), with the exception of funds raised during the allowed number of fundraising trips. 6.1.1.3

8. Advertising restrictions on Institutional groups (Reference 6.1.1.5- commercial def.)

- Institutional groups may only advertise the provision or availability of whitewater trips to their constituent groups, and only in terms of their organization’s mission. All communication, including individual web pages, should include the organization’s mission and be easily distinguishable to the casual viewer from communication from commercial outfitters.

Any public advertising or announcements solely for the purposes of advertising the provision or availability of whitewater trips is prohibited.

9. Limit institutional use to a closed pool of 7 total number of institutional permits (reference: Institutional Use Allocation - Appendix A)

- | | |
|---------------------------|--------------------------------------|
| Beale Air Force Base | Travis Air Force Base |
| Healing Waters | Sierra Club Inner City Outings (ICO) |
| Friend of the River (FOR) | Project Go (PGO) |
| Cavalry Chapel | |

10. Institutional permit holder daily usage limits :

Peak Season Allocation (Memorial Day to Labor Day)

All institutional groups fall under

Weekend (Sat-Sun)

- Allowed 7 boats maximum per weekend day
- Allowed base allocation* of guest/day - can flex up to 30 guests/weekend day

Institutional groups MAY "flex" their base allocation up to 30 guest/day, but may not exceed their TOTAL user day (guest) allocation. (The TOTAL number of guests between the Memorial Day weekend and the Labor Day weekend is calculated at thirty times the base allocation. Example: Base

allocation of 14, means that the total allocation would be 420 (14 X 30 = 420).

Institutional Group Peak Season Allocation Table

	Calvary Chapel	FOR	ICO	Healing Waters	PGO	Travis AFB	Beale AFB
Base Allocation*	14	23	8	8	11	8	6
Peak Season Weekend TOTAL Allocation	420	690	240	240	330	240	180
Peak Season Weekday TOTAL Allocation	420	690	240	240	330	240	180

Mid-week (M-F) - aligns with current guaranteed commercial allocation

- Allowed 7 boats maximum per week day
- Allowed 25 guest /week day - can flex to 50 guest maximum /weekday maximum
- Weekly total guests may not exceed 125 guests
- TOTAL mid-week allocation may not exceed the total weekday allocation

Off-Season Allocation (after Labor Day to before Memorial Day)

Weekend (Sat-Sun)

- Allowed 7 boats maximum per weekend day
- Allowed up to 30 guests maximum/weekend day

Mid-week (M-F) - aligns with current guaranteed commercial allocation

- Allowed 7 boats maximum per week day
- Allowed up to 50 guest maximum /weekday
- Weekly total guest allocation may not exceed 125 guests

Exemptions (not counted against the permit allocation):

- Trips run as part of the formal curriculum of an accredited college or university will be governed by large trip registration.
- Guides in training

- 11. Institutional permits may not be transferred**, but revert to the county for reallocation by a recommendation from RMAC. County to issue 7 institutional permits based on prior years usage. Organizations may be granted inactive status for 1 year
- Inactive Status may not exceed 2 years in a rolling 5-year period. Exceedance = loss of permit; permit returns to County Institutional permit pool
 - (2) Consecutive years of non use = loss of permit; permit returns to County Institutional permit pool

12. Guide Requirements 6.2.4 - Same as commercial

13. Health Requirements – Same as commercial

14. **Parking Locations and Transportation Plan Requirements.** Institutional groups must file a transportation plan/annual application - same as commercial (reference: Annual Permit Application - Appendix C).
15. **Reporting.** County Electronic Monthly Operating Reports (eMORS) 6.2.9
- Reporting - same as commercial – monthly numbers to be filed by the end of the following month through eMOR (reference: Monthly Operating Report - Appendix B).
16. **Fees**
- 50% of commercial river use fees for all participants of trips run by institutional/non-governmental organizations
 - 100% of commercial fees for participants of all other organizations, including those that are government affiliated.
17. **Violations, Penalties, & Appeals** - Same as commercial
18. **Parking & Transportation**
- Transportation Plan- same as commercial
 - Parking - must meet County guidelines and follow County-provided location recommendations
19. **Health Permits** – Same as commercial

Appendixes

- A. Institutional Use Allocation
- B. eMOR (Monthly Operating Report) sample
- C. Sample Transportation Plan (Annual Permit Application)

Institutional use analysis for calculation of an institutional permit allocation;

The feedback received about a 24 person limit as the “paying” guest trip limit for the Institutional Groups using the South Fork was felt to be too restrictive. Most of the trips run by Institutional Groups are under 24 guests but there are a few times when trips are larger and therefore could the limit be increased to 30 guests. A 30 person guest limit is the same as the current maximum for Commercial Companies that have “flex permits”. The flex permit has a limit on overall use between Memorial Day to Labor Day. Below is the explanation on how a Flex Permit works.

Memorial Day to Labor Day Weekend Allocation:

Outfitters with a weekend allocation of 30 or less are able to "flex" their allocation. Outfitters are allowed a weekend day allocation equal to the number on the right (example: 14/30). However, the total number of passengers between the Memorial Day weekend and the Labor Day weekend may not exceed thirty times the number on the left ($14 \times 30 = 420$).

Weekend Trips run outside of the Memorial Day to Labor Day window would only have would not count toward your flex allocation and would only have the 30 person guest limit per trip.

Weekday trips would have a 25 person limit which could be flexed to 50 as long as the total for the week did not exceed 125. A Memorial to Labor Day weekday limit would be the same as the weekend flex limit.

The use for the seven Institutional groups in operation today from 2006 to 2012 was the used to formulate a “flex permit” size for each group.

The annual guest average between 2006 and 2012 was used to come up with annual use number. Only the paying guest numbers where used from Memorial Day to Labor Day weekend. I then divided that by 30 to get the base allocation for the flex permit rounded up. The lowest year of use was dropped from to find the average.

The three fundraising trips would not be counted toward the flex or trip size limit. They would be limited at the total maximum for a trip which is 56 total people. Fundraising trips are three days annually not three trips per year.

Guides, Trainees and non-paying guests (family/friends) do not count toward your flex total

The table below shows what a flex permit for each Institutional group would have, the preferred method based on input from the RMAC and Institutional Groups.

Average annual use with lowest year of use dropped	Calvary Chapel	FOR	ICO	Healing H2O	PGO	Travis AFB	Beale AFB
2006 Total Guests Memorial Day to Labor Day*	483	914	210	211	219	148	117
2007 Total Guests Memorial Day to Labor Day*	527	890	181	225	167	212	275
2008 Total Guests Memorial Day to Labor Day	447	739	370	220	455	238	146
2009 Total Guests Memorial Day to Labor Day	332	538	168	217	305	278	210
2010 Total Guests Memorial Day to Labor Day**	364	585	214	258	611	179	109
2011 Total Guests Memorial Day to Labor Day	267	160	144	256	277	54	107
2012 Total Guests Memorial Day to Labor Day	259	355	224	224	387	240	145
Average of 2006 through 2012 = Permit User Days Divided by 30	402.08	670.17	227.83	233.33	328.60	215.83	167.00
Rounded Up = Base Allocation (xx/30)	14	23	8	8	11	8	6
Memorial Day to Lab. Day Total User Day Allocation	420	690	240	240	330	240	180

* 2006 and 2007 Calvary Chapel data included guides – Number reflects subtraction of 1/7 to account for guides.

** 2010 PGO data is from Photo Counts and is not included