

Exhibit A

County Code Ordinance 5.48

Streams and Rivers Commercial Boating

## CHAPTER 5.48. - STREAMS AND RIVERS COMMERCIAL BOATING

### Sec. 5.48.010. - Title.

This chapter shall be referred to as the Streams and Rivers Commercial Boating Ordinance.

(Code 1997, § 5.48.010; Ord. No. 4594, 1-15-2002)

### Sec. 5.48.020. - Purpose.

The Board of Supervisors recognizes that recreational use of the County's streams and rivers includes the use of streams and rivers by rafts, kayaks, and other floating devices. The Board has further found it necessary to manage whitewater recreation, through the County's River Management Plan, to protect the riparian environment and the safety, health, and welfare of river users and riparian landowners. Consistent with the policies and purposes of the 2001 El Dorado County River Management Plan, as it may be amended from time to time, this chapter regulates commercial boating on County rivers and streams.

(Code 1997, § 5.48.020; Ord. No. 4594, 1-15-2002)

### Sec. 5.48.030. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boat rental* means the lease, rental, loan, or bailment for consideration of any floating device for use on any stream or river named in Section 5.48.040.

*Commercial outfitter* means any operation that meets any of the criteria specified in Subelement 6.1 of the 2001 El Dorado County River Management Plan, as it may be amended from time to time.

*Commercial river use* means any operation of a boat rental or commercial outfitter.

*Commercial river use permit* means a discretionary permit issued pursuant to this chapter that entitles the permittee to engage in commercial river use.

*County Parks* means the Parks Division of the Chief Administrative Office.

*Floating device* means any raft, kayak, canoe, inner tube, kickboard, water wheel, or similar object, or any "vessel" as defined by Harbors and Navigations Code § 21, as it may be amended from time to time. The term "floating device" expressly excludes U.S. Coast Guard approved personal flotation devices, Types 1 through 5.

(Code 1997, § 5.48.030; Ord. No. 4594, 1-15-2002)

### Sec. 5.48.040. - Permit required.

No person or entity shall engage in commercial river use on the reaches of the South Fork of the American River between Chili Bar and Salmon Falls, except as authorized by a valid commercial river use permit in good standing.

(Code 1997, § 5.48.040; Ord. No. 4594, 1-15-2002)

Sec. 5.48.050. - Permit issuance procedure.

Commercial river use permits shall be issued by the Planning Commission. The procedure for permits is as follows:

- A. The applicant shall submit an application for a commercial river use permit, accompanied by a river use plan, and appropriate fee, to County Parks on or before an annual deadline set by County Parks.
- B. Within 60 days of the deadline for receipt of the application and river use plan, County Parks shall review them for compliance with the standards of this chapter and of the River Management Plan and submit a written report of its conclusions and recommendations to the Planning Commission. If County Parks concludes that an applicant's river use plan is not complete or does not meet the standards of Section 5.48.070, it shall recommend that the application be denied.
- C. Upon receipt of the report from County Parks, the matter shall be placed on the agenda of the next available meeting of the Planning Commission. The Planning Commission shall approve the permit upon a finding that the application and plan meet all standards of this chapter and of the River Management Plan; it shall deny the permit upon a finding that the application and plan do not meet one or more standards, identified in the finding, of this chapter or of the River Management Plan.
- D. Following the decision of the Planning Commission, either the applicant or any other person who is adversely affected by the decision may file an appeal to the Board of Supervisors in accordance with Chapter 2.09. The appeal must be filed within ten days after the action of the Planning Commission on a form furnished by the Clerk to the Board of Supervisors. The appeal must be accompanied by a fee for every permit or application included in the appeal. The appeal fee shall be in an amount as established by the Board of Supervisors from time to time.

(Code 1997, § 5.48.050; Ord. No. 4594, 1-15-2002)

Sec. 5.48.060. - Permit term; annual review; fees.

- A. Commercial river use permits shall be issued for a three-year term, with mandatory annual review by County Parks. The permit term shall run from the earlier of April 1 or the date of issuance.
- B. Notwithstanding Subsection A of this section, the following permits shall have one-year terms:
  1. A permit issued for a commercial river use that has been operating for less than one year.
  2. A permit issued to an operator who does not currently hold a permit.
- C. In its annual review, County Parks shall review any violations or complaints regarding the permittee and require the permittee to provide the following: a statement of any changes in its river use plan, current certificates of insurance, a newly executed letter agreeing to observe all standards enacted or enforced by the Director of Environmental Health regarding food storage, handling, and preparation, solid waste, sewage and sewage disposal, and water supply.

- D. Fees for the issuance and annual review of commercial river use permits shall be established by resolution of the Board of Supervisors. The issuance fee shall be an amount equal to the estimated cost of enforcing and administering the provisions of this chapter, including the processing of the application. The annual review fee shall not exceed the costs of conducting the annual review.

(Code 1997, § 5.48.060; Ord. No. 4594, 1-15-2002)

Sec. 5.48.070. - River use plan contents.

The river use plan required by Section 5.48.050 shall include, but need not be limited to, the following information:

- A. Applicant's name, mailing address, and location of place of business.
- B. If the place of business is not located in the County, the name, address, telephone number, and other relevant contact information of a local agent within the County who will be available in the event of emergencies or other problems.
- C. Full description of all activities proposed to be conducted under the commercial river use permit being sought.
- D. Full descriptions, including location, of all planned ingress and egress from the water, as well as all rest stops, lunch stops, or other planned non-emergency stops on adjoining lands. All lands so specified must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a State or Federal agency.
- E. Full description, including location, of the parking facilities for the permittee's commercial vehicles, employees, clients, and guests. Parking facilities must provide parking allocated to the permittee's exclusive use that meets the standards of Chapter 130.18. All lands specified for parking facilities must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a State or Federal agency.
- F. Written proof that the applicant has obtained the landowners' or managing public agencies' permission for the activities planned on all lands specified in response to Subsections D and E of this section, if the applicant is not the landowner.
- G. Written confirmation that the permittee will provide shuttle transportation services to and from all points of ingress and egress. Vehicles used by permittee to transport clients, employees, or equipment shall meet at current State Vehicle Code requirements.
- H. Written confirmation of compliance with County Environmental Health permit requirements and all food storage, handling and preparation, solid waste, sewage and sewage disposal, and water supply standards enacted or enforced by the Director of Environmental Health. This requirement may be satisfied by a letter and Environmental Health permit application, signed by the applicant, agreeing to observe all such standards.
- I. Full description of planned safety measures for river users that meet that standards of Section 5.48.120.
- J. Written proof of bodily injury and liability insurance covering all activities of the permittee and the permittee's employees or agents relating to or incidental to river use

pursuant to the permit sought. Liability insurance must meet scope and amount standards set by resolution of the Board of Supervisors, and must name the County, its officers and employees, and riparian landowners as additional insureds.

- K. Full description of a name or logo identification, to be utilized on all flotation devices, that meets the criteria of Subelement 6.2.5 of the River Management Plan, as it may be amended from time to time.

(Code 1997, § 5.48.070; Ord. No. 4594, 1-15-2002)

Sec. 5.48.080. - Limitation on allocations.

Notwithstanding Section 5.48.050, no river use permit will be issued if its issuance would cause the total weekend or weekday commercial use allocation to exceed the allocations authorized by permits in effect on November 20, 2001, unless a permit is sought for the provision of a truly new and unique commercial river use, as determined by the Planning Commission or the Board of Supervisors on appeal. The purpose of this limitation is to protect the health, safety and welfare of river users and riparian landowners, as well as the riparian environment.

(Code 1997, § 5.48.080; Ord. No. 4594, 1-15-2002)

Sec. 5.48.090. - No vested right.

The granting of a commercial river use permit does not vest any right or entitlement to an extension or renewal beyond the permit period.

(Code 1997, § 5.48.090; Ord. No. 4594, 1-15-2002)

Sec. 5.48.100. - Revocation, denial, or non-renewal of permit.

- A. A commercial river use permit may be revoked by the County Hearing Officer, or the Board of Supervisors on appeal, and may be reapplied for in the following year, pursuant to the standards and procedures of the River Management Plan as it may be amended from time to time.
- B. If a commercial river use permit has been revoked and not issued on reapplication, denied, or no timely application for its renewal has been submitted, the weekday and weekend use allocations associated with that permit shall revert to the County. After first soliciting a recommendation from the river management advisory committee, the Board of Supervisors may dissolve those allocations or assign them to one or more existing commercial outfitters or new commercial outfitters who apply for all or a portion of the allocations.

(Code 1997, § 5.48.100; Ord. No. 4594, 1-15-2002)

Sec. 5.48.110. - Permit transfer, consolidation, or inactivation.

Commercial river use permits may not be transferred or consolidated in whole or part, or inactivated, except as provided in Subelement 6.2.1.4 of the River Management Plan, as it may be amended from time to time.

(Code 1997, § 5.48.110; Ord. No. 4594, 1-15-2002)

Sec. 5.48.120. - Safety equipment and standards.

- A. Each floating device used to traverse a stream or river shall carry one U.S. Coast Guard approved personal flotation device per person using the floating device.
- B. The number of persons using a floating device shall not exceed the floating device's design capacity, except in an emergency or rescue situation.
- C. All commercial outfitters shall observe the safety, training, and equipment standards of Subelements 6.2.7 and 6.2.8 of the River Management Plan, as they may be amended from time to time.

(Code 1997, § 5.48.120; Ord. No. 4594, 1-15-2002)

Sec. 5.48.130. - Littering and trespass.

All persons, groups or business entities who use the streams and rivers of the County for recreational or commercial purposes shall be subject to State law regarding littering and trespass.

(Code 1997, § 5.48.130; Ord. No. 4594, 1-15-2002)

Sec. 5.48.140. - Penalty for violation.

- A. Violation by commercial river use permittees of certain standards and representations specified in Section 5.48.070 shall be penalized as follows:
  - 1. Violations of Section 5.48.070.A, B, D, E, F, G, or K shall be punishable as specified in Subelement 6.2.10.3 of the River Management Plan, as it may be amended from time to time.
  - 2. Violations of Section 5.48.070.H shall be punishable by penalties imposed or enforced by the Department of Environmental Management.
  - 3. Violations of Section 5.48.070.C or J shall be punishable as specified in Subelement 6.2.10.4 of the River Management Plan, as it may be amended from time to time.
  - 4. Violation of Section 5.48.070.I shall be a misdemeanor punishable pursuant to Subsection B of this section.
- B. Except as otherwise specified in Subsection A of this section, violations of any provision of this chapter shall be a misdemeanor and punishable according to the general penalties described in Chapter 1.24.

(Code 1997, § 5.48.140; Ord. No. 4594, 1-15-2002; Ord. No. 5051, § 2, 4-18-2017)

Exhibit B  
River Management Plan Element 6  
Outfitter Requirements

## **ELEMENT 6 – Outfitter Requirements**

### **6.1 Outfitter Requirements**

6.2.1 Annual River Use Permits - The Stream and Rivers Commercial Boating 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 outfitter shall be three years with an annual review 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 and prevent the river’s environmental quality, public services, roads and social values from being overburdened or damaged from excessive river use.

6.2.1.3.2 Current River Use Permit holders and guest allocations are presented in Appendix C.

6.2.1.3.3 The total weekday, weekend and guest allocations will not be increased above the capacities provided in Appendix C, 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 In addition to the user day allocation, outfitters are allowed guests on trips. A specific guest allowance of 8 percent has been established. The total number of guests shall not exceed 8 percent, rounded up to the nearest whole number, of an outfitter's daily allocation. Commercial outfitters shall pay user day fees for all guests.

6.2.1.3.4.3 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 C.

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.

6.2.1.3.7 It shall be permissible for an outfitter to subcontract with a second outfitter, if all of the following criteria are met:

6.2.1.3.7.1 The second outfitter uses their own equipment, properly marked with the second outfitter's name;

6.2.1.3.7.2 The raft is guided by the second outfitter's employee;

- 6.2.1.3.7.3 The raft is covered by the second outfitter's insurance;
  - 6.2.1.3.7.4 The second outfitter is responsible for all fees;
  - 6.2.1.3.7.5 The customer signs a liability release with the second outfitter.
- 6.2.1.4 River Use Permit Transfers - Where an 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 completed. Said application letter is to be submitted through the County Parks and Trails Division. 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 and Trails Division. 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 River Use Permit.
    - 6.2.1.4.1.3 County Parks and Trails Division 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.
  - 6.2.1.4.2 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 holds 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 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.
  - 6.2.1.4.2.4 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 or be inactive for more than two years within a 5 year timeframe. If this element is violated, the permit and its user days will be immediately returned to the County for redistribution or dissolution

6.2.1.4.4.2 A permit maintenance fee shall be the same as the annual permit renewal fee.

6.2.1.4.4.3 A letter requesting that the River Use Permit be placed in an inactive status must be submitted to the County Parks and Trails Division 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 6.2.2.6, 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, each group must have a five minute period between launches from Chili Bar to below Hospital Bar rapid and when launching trips from other put in's and lunch stops in between. On the river each group will then stay out of sight of each other (lead boat cannot see last boat from other group).

- 6.2.2.2 Rafts in a group shall remain in reasonably close proximity between Chili Bar and Trouble Maker Rapids and between Fowler's Rock and Hospital Bar Rapids (class III sections) to give assistance, whenever needed, without unnecessary delay.
  - 6.2.2.3 Rafts in a river trip shall not purposefully integrate into another's group trip in class III whitewater.
  - 6.2.2.4 If flows are above 6,000 cfs at Chili Bar, trip sizes shall be a minimum of 2 rafts. Permit holders on a trip shall recommend to guests that they wear wetsuits to reduce the risk of hypothermia.
  - 6.2.2.5 A ratio of one guide per 8 guests shall be required on every permitted trip. Guides shall meet the requirements of Element 6.2.7.
  - 6.2.2.6 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river.
  - 6.2.2.7 Groups shall maintain a distance apart from each other of 4 boat lengths, except when overtaking another group.
- 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 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 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 outfitter will organize a river trip with the intent to be on the South Fork after sunset.
- 6.2.5 All outfitter 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 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 and Trails Division.

6.2.5.4.2 Boat identification materials and methods shall be sufficient to withstand river conditions and shall remain firmly affixed and legible throughout the duration of the trip.

6.2.5.4.3 Safety kayaks do not require logos, but must stay with the trip while traveling downstream.

6.2.5.5 Boats being used for non-commercial trips (i.e. "private trips") must:

- 1) Have company logos completely covered or removed, or
- 2) Have 3 (three) "flags" attached to the raft. Flags must each be at least an 8" x 8" square of red, pink or orange durable material. Flags must be attached to the bow, and on each side near the logos.

## 6.2.6 County Operating Reports and Fees

6.2.6.1 To enforce the permit allocation system and to track outfitter's operational characteristics, the County requires that each outfitter provide the County an Operating Report for every month in which operations are conducted.

6.2.6.1.1 Operating Reports are mandatory for the months of March through October 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 C. 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 guests for each trip, number of crafts used.

6.2.6.3 Outfitter 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 C.

6.2.6.3.2 River Management Fees – Each 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 each month, along with the monthly Operating Reports electronically. The current River Management Fee, as adopted by Board Resolution, is provided in Appendix C.

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 outfitters. The surcharge will be adequate to generate sufficient revenue to pay for County administrative costs associated with 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 Guide Requirements

6.2.7.1 At least one guide per trip, which needs not be the trip leader, shall have completed a swift water rescue training course. Approved courses shall include the American Canoe Association Level 4 Swiftwater Rescue course,

Rescue 3 International Swiftwater and Flood Rescue Technician course, or an equivalent course containing the elements of these courses, as approved by the County Parks and Trails Division. Courses taught by outfitters' in-house staff that meets these requirements may be deemed acceptable by the County Parks and Trails Division. Such in-house courses must be proposed in writing by outfitter to the County and conducted after the receipt of written approval from the County Parks and Trails Division. Each year, permitted outfitters shall submit a list of guides that meet swiftwater rescue training standards to County Parks and Trails Division by May 15 for the upcoming river season.

- 6.2.7.2 All guides will be required to review and sign a statement agreeing to comply with County River Safety and Etiquette standards. These will be made available upon request from the County.
- 6.2.7.3 El Dorado County will work with outfitters, landowners, 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 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 private property boundaries, 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); and
- g. Standard first aid and C.P.R. All 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 Outfitters will be required to carry a sweep kit, a repair kit, a first-aid kit and one extra personal floatation device for each group or trip.
- 6.2.9 Insurance, Business License, and Water Notice Requirements
  - 6.2.9.1 Each 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 C.

6.2.9.2 Each 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 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 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

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 C.)
8. As determined by the River Program, violations of any requirements set forth in the River Management Plan or the County Ordinance Code that are not specified as Class II violations.

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
4. Fraudulent reporting of user day usage

6.2.10.2 A violation notice will be sent to the River Use Permit holder by certified mail, return receipt requested.

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 C.

6.2.10.3.2 Should an 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 considered.

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, the outfitter may submit a written appeal request to County Parks and Trails Division.

- 6.2.10.4.2 County Parks and Trails Division will then submit said appeal with a recommendation to the County Parks and Trails Division 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 Class II Violation Appeal Procedures - the same appeal process will be followed as Class I violations other than the following:
  - 6.2.10.5.1 The Hearing Office may suspend or revoke the River Use Permit. Any decision of the Hearing Officer may be appealed directly to the Board of Supervisors. Appeals must be made in writing and submitted to the Board Office. A fee is charged for each appeal.
  - 6.2.10.5.2 There will be a stay on an appeal of the Hearing Officer decision to the Board.
  - 6.2.10.5.3 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.
- 6.2.10.6 Status of River Use Permits which are Denied or Revoked
  - 6.2.10.6.1 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.
  - 6.2.10.6.2 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 outfitters are required to follow current food storage, food preparation, sanitation, and human waste guidelines established by the Environmental Management Division. Environmental Health Permits shall be obtained as required.
- 6.2.12 Falsification of any documentation will result in a mandatory hearing before County Parks and Trails Division, who may issue a warning, suspend or make a recommendation to revoke the River Use Permit.

## Exhibit C

# River Use Permits and User Day Allocations

**LIST OF RIVER USE PERMITS THAT EACH OUTFITTER HOLDS**

Updated October, 2018

<i>RUP</i>	<i>Company</i>	<i>Total Permit #s held</i>	<i>Weekend Allocation</i>	<i>Weekday Allocation</i>	<i>Total Weekend Allocation</i>	<i>Total Weekday Allocation</i>	<i>Total Weekend Guest</i>	<i>Total Weekday Guest</i>
02	Vacant	One Permit			103	75	8	6
05	River Runners	One Permit			64	45	5	4
08	WET	One Permit			100	50	8	4
10	All Outdoors	RUP 10	144	35	200	90	16	7
		RUP 49	21	25				
		RUP 52	35	30				
11	Tributary dba	RUP 11	69	66	272	291	22	23
	RaftCalifornia.com	RUP 01	110	100				
		RUP 50	93	125				
18	Sierra Nevada College	One Permit			12/25	25	2	2
19	Sierra WW	RUP 19	87	74	95	99	8	8
		RUP 74	8	25				
20	Rise Up River Trips	One Permit			40	35	3	3
23	WW Excitement	RUP 23	109	30	109	80	9	6
		RUP 30	—	25				
		RUP 43	—	25				
24	CA Canoe Kayak	One Permit			20/30	35	2	3
27	CSU Chico	One Permit			35	25	3	2
32	ARTA	One Permit			79	55	6	4
33	Current Advent.	One Permit			10/20	25	2	2
36	Vacant	One Permit			33	25	3	2
38	ASI, Peak Adv.	One Permit			35	25	3	2
45	Amer. WW Exp.	RUP 45	173	75	301	175	24	14
		RUP 40	105	75				
		RUP 34	23	25				
48	Beyond Limits	RUP 48	117	90	128	115	11	9
		RUP 25	11	25				
55	Rock-N-Water	One Permit			15/30	100	2	8
60	Tahoe WW Tours	RUP 60	36	25	52	50	4	4
		RUP 59	16	25				
63	Action WW Adv.	RUP 63	112	52	310	133	25	11
		RUP 13	32	22				
		RUP 28	105	25				
		RUP 44	61	34				
67	River Rat & Co.	One Permit			52	25	4	2
68	Mother Lode River Trips	RUP 68	114	67	228	142	18	11
		RUP 51	16	25				
		RUP 61	98	50				
70	O.A.R.S. West	RUP 70	89	59	287	218	23	17
		RUP 58	114	69				
		RUP 14	84	90				
72	H2O Adventures	One Permit			48	25	4	2
75	Out. Adv. UCD	One Permit			74	50	6	4
79	Env. Traveling Companions	One Permit			48	60	4	5

**\* 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: 14/27). 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 X 30 = 420).

Outfitter allocations were amended in 1988 (Resolution #99-88). Today, if an outfitter's weekend allocation is less than 30, that outfitter is allowed to operate at either its pre-reallocation capacity (if less than 30), or up to a weekend day capacity of 30 (if before reallocation the outfitter's capacity was greater than 30). This allocation was seen as a means of giving smaller outfitters an opportunity to operate fewer but more profitable trips during the course of a summer.

**Permit # and Total Memorial to Labor Day Weekend Allocations**

#18	360
#24	600
#33	300
#55	450