

65 RMP ELEMENTS

INTRODUCTION

RMAC 05/26/2016 revisions to RMP, starting at Agency and Community Coordination Programs

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 continue to publish a Quarterly Newsletter to provide landowners, ✓residents and visitors with the following information.

1.1.1 An annual 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.

1.1.1.2 A map of public and private lands throughout the river corridor.

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1.1.21.1.3 A directory of services and contact numbers to report emergencies, problems and annoyances

1.1.3 Opportunities to participate in RMAC meetings.

1.1.4 A calendar of river-related activities.

1.2 Signs will be developed under the supervision of the County Parks Division~~Department of General Services in collaboration with the RMAC, El Dorado County Sheriff's Department (Sheriff's Department), the River Safety Committee (RSC), the Marshall Gold Discovery State Historic Park (SHP), and the American River Conservancy. The design guidelines for these signs will be utilized in all river related signage. The cost of design guidelines, sign text, manufacture, placement, and maintenance will be funded by River Management Trust Funds.~~

1.2.1 A limited amount of on river signage will be added to the river corridor to support management activities and goals. A unified signage system, designed in an unobtrusive yet effective manner, will identify legal put ins and takeouts, resting areas (i.e., public land boundaries), toilets, and Quiet Zone entrance and exit. Interpretive site signs will be used to reference cultural and natural resources. Signs also will be placed at sites where wading and swimming are determined to be unsafe and in areas where children or land based river users could be pulled into swift water.

1.2.2 Roadway and on river signage will be increased to direct recreationists to parking, access, and toilet/changing facilities; and to indicate private property boundaries and warn trespassers of prosecution.

1.2.3 Middle Run Signage

1.2.3.1 The County will increase signage specifically directed toward Middle Run boaters with warnings about the dangers of rafting with improper equipment, skills, and knowledge of rescue techniques and river flows.

1.2.3.2 In the event that Special Use Permit (SUP) modification near Highway Rapid results in private boater put in and takeout access at this location, the County will install signage at Middle Run put ins and upriver from Highway Rapid, informing boaters of the location of the Highway Rapid takeout and warning unprepared boaters of the dangers of continuing beyond Highway Rapid.

1.2.3.3 The County will increase and continue to provide on river signage at the start, end, and within the Quiet Zone, as a reminder to rafters when they are within the Quiet Zone.

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.

1.3.1 Kiosks will be designed and constructed by the County Department of General Services.

1.3.2

1.3.3 Kiosks will use the design guidelines developed for river signage, including standardized color palate and materials.

1.3.4 The cost of kiosk design, manufacture, placement, and maintenance will be funded by River Management Trust Funds.

1.4 The County Parks Division Department of General Services will use the RMP website to publicize the Dreamflows website (<http://www.dreamflows.com/>) to provide river flow conditions and projections, continue to facilitate a “flow phone” telephone system. This system will be publicized and accessible both within and outside the 530 area code, and will provide current flow information throughout the boating season. The County Department of General Services may coordinate with private enterprise or other government agencies to provide this service. This program will use a voice message system to provide information on river flows and timing; recent recreational use levels; estimates of high and low use periods; parking, camping, and shuttle options; and other river related information.

1.5 The County Department of General Services will continue to expand its use of the Internet to disseminate and receive information on river management activities via the County’s RMP web site (<http://co.el-dorado.ca.us/generalservices/parks/>). In addition to the information described in Elements 1.1 through 1.4, the County web site will provide information on river flows and use patterns and levels, and will solicit comments and suggestions related to river management.

1.6 Using brochures, kiosks, and the Internet, the County will institute an educational program designed to provide river users and landowners/managers within the river corridor information regarding the value of plant, fish, and wildlife resources and the habitats on which they depend, and encourage protection of riparian vegetation.

1.7.6 The County will continue to increase 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.)

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

1.9.8 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.

1.10.1.9 Commercial Guide Educational Programs

1.10.11.9.1 The Sheriff’s Office and River Manager, with the assistance of the Sheriff’s Office, County Parks 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.

4.10.2

4.10.2.1 River guides serve as the managers of commercial clients on the South Fork of the American River. It is important that all guides understand the importance of river safety, etiquette, and sensitivity to residents and local

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

~~4.10.2.1.4.1.9.1.1.1~~ This workshop will be coordinated by the County Parks Division~~Department of General Services~~ with the participation of representatives of the ~~Sheriff's Department, the~~ State Department of Parks and Recreation, ~~the El Dorado County Fire Protection District, the RSC, and the BLM. RMAC will be represented by a Coloma area resident and a local merchant.~~ Participation of local residents will also be encouraged to facilitate mutual respect and understanding.

~~4.10.2.1.2~~ ~~The American River Conservancy will be asked to provide a natural history orientation and a schedule of naturalist training available during the guiding season. The focus of this session will be communication between guides and local residents to develop mutual respect and a sense of community.~~

~~4.10.3~~ 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. ~~The RSC will be involved in producing the etiquette standards.~~

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1.9.2

~~4.11~~ ~~The County, in coordination with Marshall Gold Discovery SHP and American River Conservancy representatives, will lead cultural resources and natural resources workshops at Henningsen Lotus Park and on river. These sessions will be open to the public and focus on interpretation of historical river use (including the evolution of recreational boating) and the natural environment of the South Fork.~~

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ELEMENT 2 - SAFETY PROGRAMS

Safety is the primary goal of many of the elements contained throughout this RMP. ~~This Safety Programs element is comprised of River Safety Committee coordination protocols and County staff responsibilities associated with monitoring safety programs and boater activities. The County Sheriff's Department Boating Safety Unit, funded annually through the California Department of Boating and Waterways, maintains the lead role in coordinating safety training, incident reporting and law enforcement functions. Coordination among the Sheriff's Department, the River Safety Committee, the El Dorado County Fire Protection District and County Parks is necessary to fulfill the safety related elements of this RMP.~~

2.1 River Safety Committee (RSC)

~~2.1.1~~ ~~The RSC will be coordinated by, and provided training under the direction of, the Sheriff's Department. The RSC will be formed to coordinate and standardize El Dorado County safety instruction and rescue coordination. The RSC will coordinate volunteers and provide safety training to the rafting community.~~

~~2.1.2 Participation will be solicited from the County Department of General Services, the El Dorado County Fire Protection District, California State Parks and Recreation Department (California State Parks) personnel, BLM personnel, riverside residents, and interested professional and expert boaters. This group will prepare and update recommended safety curricula, and develop educational opportunities and competitions at the River Rodeo and training sessions.~~

~~2.1.3 The RSC will form a volunteer River Search and Rescue Team, consisting of government agency personnel and qualified local paddlers. This team will define chain of command, mobilization, equipment management, and record keeping as coordinated by the Sergeant of the Boat Patrol. Emergency operations protocols will be developed by the RSC and coordinated and approved by the Sheriff's Department and California Office of Emergency Services.~~

2.2 Agency Safety and Rescue Training

~~Agencies currently cooperating with El Dorado County river management activities have varying degrees of river safety and swiftwater rescue capabilities. To unify, upgrade, and update safety and rescue activities, representatives of the RSC, under the direction of the Sheriff's Department, will be authorized to conduct training sessions for agency personnel.~~

~~2.2.1 Annual agency safety and rescue training sessions will consist of basic paddling skills, safety protocols instruction and rescue techniques, and emergency response protocols.~~

~~2.2.2 RSC instructors will be paid a reasonable fee for execution of training activities using the River Trust Fund or other available funds.~~

2.32.1 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.

2.42.1 County Parks Staff Activities

~~2.4.12.1.1 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 ~~and volunteers from the RSC~~ to assist with County Parks' efforts at these put-ins.~~

~~2.4.2 During weekend days, on-river staff will provide patrol and respond to safety, trespass, and noise issues. Boat counts and coordination with the Sheriff related to trespass and illegal parking incidents will be conducted by on-shore staff.~~

~~2.4.32.1.2 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.~~

~~2.4.4 County Parks will coordinate with the RSC on safety-oriented programs, such as swiftwater rescue courses for the public.~~

2.5 The Sheriff's Department will remain the lead agency for river emergency response.

2.5.1 The Sheriff's Department will continue its river regulation and law enforcement functions, and coordinate with the El Dorado County Fire Protection District and RSC in all river rescue planning and response functions.

~~Sheriff's Department efforts will focus on riverside enforcement activities during weekends, with weekday periods devoted to the investigation and prosecution of pirate boaters.~~

2.5.2

2.6 The El Dorado County Fire Protection District will continue to coordinate with the Sheriff's Department for river rescue planning and response functions.

2.72.2 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.

3.1 The County will encourage the private sector to implement a river shuttle service. The County will assist in the implementation of this shuttle service or, if the private sector is unable to do so, the County may investigate operating this shuttle service.

3.2 The County will seek to obtain a central meeting location and parking area that enables and encourages boaters to organize shuttles on their own as a method to reduce traffic on local roads as well as provide a needed service.

3.2.1 Two large areas on the north end of Coloma located just off Highway 49, on either side of the highway, shall be given special consideration. These areas are centrally located for vehicles coming from the Bay Area that use Highway 50, drive through Shingle Springs, and arrive in Coloma via Lotus Road. If the areas could be used, by permission, lease, or otherwise, they would offer ideal staging areas.

3.2.2 If developed, signs stating the specific use of the parking areas and the best times to convene people for shuttles will be posted.

3.2.3 The parking areas will be closed overnight to prevent misuse of the facility.

3.2.4 When and if the location becomes the recognized meeting place, the County may consider providing bus transportation to and from the river access locations.

3.3 The County will undertake the following actions to respond to illegal parking:

- 3.3.1 Illegal parking areas identified by citizen and merchant complaints will be designated as double fine zones.
- 3.3.2 Double fine zone designations will be displayed by signage to notify motorists of the County's commitment to parking control.
- 3.3.3 The Sheriff's Department will be encouraged to authorize the towing of illegally parked cars.
- 3.3.4 Established no parking zones along Bayne Road, Little Road, and Salmon Falls Road will continue to be enforced.

3.4 Commercial outfitters may not use Mt. Murphy Bridge for commercial boating activities transport.

3.5 The County will conduct detailed traffic studies and adhere to performance standards as necessary to comply with measures 9-1 and 9-4 identified in the Mitigation Monitoring Plan (see Appendix B).

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 Incident Reporting/Cooperating Agency Reports - The Sheriff's Department and County Department of General Services staff will continue to develop incident and accident, regulation violation, and safety report summaries. The County will compile the information in an annual report, and present findings to the RMAC. These reports also will include incident information made available by California State Parks, the BLM, and other cooperating agencies. These annual reports will be compiled on a computer data base and summarized in the Department's post season report. The geographic locations of incidents and accidents will be recorded for inclusion in the County's Geographic Information System (GIS).

4.34.2 Public Comments/Complaints

4.34.2.1 Standardized complaint forms will be made available to landowners, residents, and river users on the County's website will be provided with standardized comment/complaint forms. These forms will be distributed in annual landowner/resident informational mailings and made available at river area kiosks. The forms will include checklists for comment/complaint type, occurrence date and time, location, and descriptions of follow up action(s).

4.3.2 The County Department of General Services will continue to operate a telephone line and voicemail system dedicated to receiving comments and complaints related to river management issues. Reported traffic and trespass issues will be forwarded to the Sheriff's Department for action. The County Department of General Services is tasked with coordinating responses to calls and ensuring responses to all messages left on the dedicated answering machine.

4.3.3 Public comments/complaints will be distributed by the County Department of General Services to the County Planning Department (Planning Department) and Sheriff's Department. This information also will be tabulated in the County Parks' data base, spatially recorded in the County GIS, and reported in the post season report.

4.4 The County GIS will be used to catalogue the spatial location of river use data, including incident/accident reports and public complaints/comments, and to assess management trends and management needs.

4.5 The County Department of General Services will continue to compile a summary of river use patterns and totals, incident reports, revenue stream, and County river management expenditures for staff presentation in an annual report at a post season RMAC meeting.

4.6 Water Quality Sampling and Analysis

4.6.1 The County Departments of Environmental Management and Environmental Health will coordinate with the County Department of General Services and the Central Valley Regional Water Quality Control Board (RWQCB) to define a unified water quality analysis program that apportions a percentage of cost sharing to each entity.

4.6.2 Special focus on near river vehicle parking, erosion and sedimentation, malfunctioning septic systems, abandoned mines, and untreated human waste will be used to define the program protocols.

4.6.3 Monitoring shall include the following:

4.6.3.1 Sampling runoff from unpaved parking areas, such as Chili Bar, during initial season rainstorms and peak season afternoons for petroleum contamination according to Basin Plan requirements.

4.6.3.2 Sampling human fecal coliform (as a key indicator of water quality impacts and management action needs) routinely, including during peak season weekend days.

4.6.4 In the event that water quality monitoring indicates an exceedance of any water quality standard defined by the *Water Quality Control Plan for the Central Valley Region* (Basin Plan), the County will:

4.6.4.1 Report exceedance(s) of standards to County Departments of Planning, Environmental Management, and Environmental Health and the Central Valley RWQCB for possible enforcement action.

4.6.4.2 Investigate and report the relationship between exceedance of standards and river related SUP permitted activities.

4.7 The County will continue to require that all river related land uses have the proper zoning and SUPs for proposed or existing uses. Annual and complaint based inspections of lands subject to SUPs will be conducted as specified in Element 6.5.

4.8 Noise Monitoring The County will develop and implement a system for conducting noise monitoring and reporting for noise sensitive areas near project area campgrounds and at other sensitive locations along the river, with focus on areas within the Quiet Zone.

4.8.1 Observed or reported violations of Quiet Zone regulations or County noise standards will be reported to the County Code Enforcement Officer or the Sheriff's Department, as appropriate, within 2 working days of the occurrence.

4.8.2 More than two noise exceedance citations per year issued to SUP holders may result in a formal hearing considering the noise exceedances and the possible imposition of fines and other disciplinary measures on violators.

4.8.3 More than two noise exceedance citations in two consecutive years may result in a formal recommendation for limitation or revocation of an SUP to the County Code Enforcement Officer and Planning Director.

4.9 Recreation Impact Monitoring County Parks will coordinate with California State Department of Parks and Recreation and BLM staff to identify the occurrence of conflicts between non whitewater recreation, historic interpretation, mining, and uses administered by the RMP. County Parks' staff also will survey Henningsen Lotus Park users about intended recreational uses and the possible limitation of recreational opportunities resulting from whitewater recreation use.

4.9.1 If recreation conflict/impact surveys identify potentially significant impacts on non whitewater recreation, historic interpretation, or mining uses, the County will (1) develop a mitigation plan and/or modify facilities or management strategies, and (2) present the mitigation plan to the RMAC and the Planning Commission for RMP modification and/or other action as determined appropriate. Such actions may include allocation of parking and river access for non whitewater uses.

4.9.1.1 Impact analysis of any proposed management actions will require completion of a CEQA Initial Study checklist and additional CEQA analyses if required.

4.9.1.2 A focused recreation conflict/impact survey in addition to standard RMP monitoring and canvassing will continue following the implementation of mitigating actions, to assess their effectiveness and sufficiency.

4.10 The County will hire sufficient seasonal summer staff to enforce and investigate river use characteristics, land use, and other management actions.

4.11 The County will record river use data compiled during normal RMP operations in the County GIS.

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.

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.

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.

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. In the event of an exception by FERC to the mandated flow year type release schedule, the County will initiate discussions with the Sacramento Municipal Utility District (SMUD) and Pacific Gas and Electric Company (PG&E) to discuss scheduled river flows.~~ 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.

Comment [RMAC 05261]: RMAC restored and revised these sections deleted by ESP

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.~~

5.35.2 ~~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.~~

5.45.3 ~~The River Festival has provided an important opportunity to coordinate with the river community. In the event of River Festivals or similar events, The County will strive to use this opportunity to provide river safety and management~~

Comment [RMAC 05262]: Safety education at river events will be strongly recommended but not mandatory

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

Comment [RMAC 05263]: RMAC restored and modified these sections deleted by ESP

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

5.65.5 Litter Control

5.6.15.5.1 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 river clean-ups throughout the summer season.

5.6.25.5.2 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.

5.75.6 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.

5.7.35.6.1 The County Parks Division 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.

Comment [RMAC 05264]: RMAC accepted ESP's deletion of these sections

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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.

Comment [RMAC 05265]: The RMAC recommends that the County transition Institutional permits to commercial permits over a 3 year timeframe, making use of the County's inventoried pool of unused commercial permits. Institutions traveling the river as a large private group must strictly adhere to shared cost protocols. Further details will need to be worked out. BLM states that educational trips, if the trip is included in a curriculum, are federally exempt from commercial permit requirements.

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.

Comment [RMAC 05266]: RMAC restored this section.

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. As of ~~, there are~~ were currently sixty-seven River Use Permits in existence, and outfitters are allowed to hold more than one River Use Permit (see Appendix D).

Comment [RMAC 05267]: RMAC restored this section with the provision that the number of River Use Permits in existence be updated with an "as of _____" date.

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.

Comment [RMAC 05268]: RMAC restored this section

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.~~

6.1.36.1.2 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, on the river without a commercial permit.

6.1.46.1.3 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.

Comment [RMAC 05269]: As noted previously, the RMAC recommends that the County transition Institutional permits to commercial permits over a 3 year timeframe, making use of the County's inventoried pool of unused commercial permits. Institutions traveling the river as a large private group must strictly adhere to shared cost protocols (fees may not exceed shared cost). Further details will need to be worked out. BLM states that educational trips, if the trip is included in a curriculum, are federally exempt from commercial permit requirements.

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

Comment [RMAC 052610]: RMAC restored this section deleted by ESP and revised it to specify that guests are non-paying and outfitters shall pay user fees for all such nonpaying 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 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.

6.2.1.3.7 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:

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 associated with the transferred customer; and

6.2.1.3.6.6.2.1.3.7.5 The customer agrees in writing to be transferred to the second outfitter's trip.

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

Comment [SP11]: 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.

Comment [SP12]: VS note: get language from Noah

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Comment [RMAC 052613]: RMAC accepted committee member Keith Gershon's recommendation to formalize the subcontracting method in use, excepting the comingling prohibition; instead a new provision to maintain 4 boat length separation between groups was added in section 6.2.2.3

inventory of equipment and other assets that shall be transferred along with the [permit].

Comment [SP14]: Noah to insert new language

- 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.

6.2.2.26.2.2.3 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 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. Both the Sheriff's River Patrol and County Parks staff will enforce 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 both the Sheriff's Patrol and

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Comment [RMAC 052615]: At this point, RMAC skipped ahead to work on Element 8.1, the Pirate Boating element.

| 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 ~~postmarked (if mailed) or received by the County Parks office~~ no later than the 15th day of the month following the month of operations.

6.2.6.1.3 Where user day fees are ~~mailed or~~ 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 ~~postmark or~~ 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~~~~Department of General Services~~ 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.

~~Sheriff is to provide an annual report of violations and citations to the Community Development Director.~~

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. ~~With recommendation of the RMAC, the capacity allocation may, upon action of the Board of Supervisors, be dissolved or be assigned to any existing outfitter, combination of outfitters, or proposed new outfitter who successfully bids for the opportunity to utilize the permit capacity.~~
- 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~~strongly recommended that these life jackets be worn at all times while on the river. The ~~Sheriff's Department~~ 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 Institutional Group Requirements

~~6.3.6.1 Institutional 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 Institutional groups are subject to pre-season annual registration with County Parks.~~

~~6.3.6.3 Liability insurance and proof of such insurance will be required upon registration. Insurance requirements will be the same as those identified for commercial outfitters in Element 6.2.9.1.~~

~~6.3.6.4 A trip leader will be designated and will provide proof of guide certification on rescue training, first aid, and knowledge of County regulations.~~

~~6.3.6.5 Institutional groups will provide post-season annual reporting of river use, by date.~~

~~6.3.6.6 Institutional groups will be provided information on boat dispersion techniques and river etiquette from the County upon registration.~~

6.3.7.6.3.6 Large Group Requirements

~~6.3.7.46.3.6.1 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.~~

~~6.3.7.26.3.6.2 Large Groups are subject to pre-trip registration with County Parks.~~

~~6.3.7.36.3.6.3 Large Groups will be provided information on boat dispersion techniques and river etiquette from the County upon registration.~~

6.3.86.3.7 Private Boater Requirements

~~6.3.846.3.7.1 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 Temporary Use Permit (TUP) Requirements

~~6.4.1 The Planning Department will require TUPs for all river related events, including those on public property and sponsored by a County agency. The Planning~~

Department's review and approval will be conducted in coordination with the Sheriff's Department, Department of Environmental Health, and Department of Transportation.

6.4.2 TUPs will focus on river related activities in a manner consistent with current Planning Department procedures.

6.5.6.4 Special Use Permit Issuance, Guidelines, and Inspections

6.5.1 To increase the knowledge base of RMAC consideration of SUP applications and modifications, Planning Department and County Department of General Services staff will work with the RMAC to prepare a set of SUP review guidelines for RMAC and Planning Commission adoption.

6.5.1.1 These protocols will define a standard process for RMAC consideration of new or modified SUP applications, including a checklist of environmental and RMP consistency items, standards the RMAC will use for review of SUPs, and a discussion of the RMAC's role in the County's Technical Advisory Committee and Planning Commission processes.

6.5.1.2 Planning Department staff will present all such SUP applications within the River corridor to the RMAC and be available to answer technical questions, as appropriate.

6.5.1.3 RMAC members will be encouraged to conduct site visits (with the approval of applicants) to review the site characteristics of each SUP application.

6.5.2 All new or reissued SUPs will include landscape, signage, drainage, and erosion control plans.

6.5.2.1 The use of turf, native grasses and native plant materials for biotechnical slope protection and ornamental purposes will be emphasized to stabilize areas within the river floodplain.

6.5.2.2 The installation, health, and vigor of planting plans will be evaluated as a normal SUP monitoring function.

6.5.2.3 Appropriate levels of signage related to restrooms, stopping locations, and takeout points will be provided.

6.5.2.4 Development of parking lot drainage collection and filter systems for new SUPs and SUP revisions with parking areas within the 100 year floodplain will be required.

6.5.2.5 SUPs currently in place will be made subject to the above requirements at such time as they may apply for permit revisions.

6.5.3 The County will annually inspect for compliance with SUP conditions on all privately owned lands within the project area subject to SUPs. Inspections based on complaints also will be conducted.

6.5.3.1 Observed violations, including written records and photographs, will be provided to the County Code Enforcement Officer for enforcement actions as deemed appropriate by the Enforcement Officer.

6.5.3.2 Upon observation of violations of two or more permit conditions in successive years, a formal recommendation for revocation of the SUP will be provided to the County Code Enforcement Officer and the Planning Director.

6.5.3.3 In the event that annual or complaint based SUP monitoring identifies evidence of erosion or unpermitted grading in SUP and other areas, the County will take the following actions:

6.5.3.3.1 Photograph erosion/grading areas and transmit with a written report to County Environmental Management and Planning Departments for possible enforcement action.

6.5.3.3.2 Conduct water quality sampling in the river downstream of the subject site and report results to County Environmental Management.

6.5.3.3.3 In the event that photographic monitoring or other monitoring and reporting indicate a loss of riparian resources suspected to be attributable to the whitewater boating related activities, the County will:

6.5.3.3.3.1 Report the potential impact to the California Department of Fish and Game.

6.5.3.3.3.2 Coordinate biological monitoring program protocol development with California State Parks and BLM recreation staff.

6.5.3.3.3.3 Conduct focused monitoring of the impact site in conjunction with the following season's monitoring.

6.5.3.3.3.4 Identify ownership of the subject property and report the impact to the County Planning Department if the impact occurs in an SUP area.

6.5.3.3.3.5 Provide signage (or coordinate signage with California State Parks and BLM recreation staff) and other management disincentives to minimize human use of affected areas.

6.5.3.3.3.6 Coordinate and assist with funding, when feasible, for focused habitat restoration project(s) with willing landowners, California State Parks, and/or BLM recreation staff, as appropriate.

~~6.5.3.4 The Planning Department will prepare an annual summary of River Area SUP inspections. This report will be presented by the County River Manager at the post season RMAC meeting, and to the El Dorado County Planning Commission (Planning Commission) in the event that modifications are recommended.~~

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 level counts ~~conducted as required in Element 4.1 of this RMP~~ 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 County Parks will provide staff on weekend days during the summer rafting season who will meter all boaters at select rapids in an effort reduce staging backlog above the rapids and to increase safety for all river users.~~

~~7.3.1.4~~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

8.1

8.1.1 The County will investigate and 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 will work with State Parks and BLM and any other agencies, as appropriate, to investigate and prosecute pirate boaters. 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.

Comment [SP16]: 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.

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Comment [RMAC 052617]: RMAC restored and revised this portion of the section that ESP had deleted.

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Comment [RMAC 052618]: State Parks may be able to assist with sting operations when pirate boaters advertise; it has the capability to confiscate property.

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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

8.2 .

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8.3 To reduce the occurrence of trespass, the County will:

8.3.1 Increase prosecution of trespass violations.

8.3.2 Increase towing of vehicles parked in unauthorized areas.

8.3.3 Provide prompt response, towing, and substantial fines and/or prosecution when property owners report vehicles blocking access to driveways.

8.48.3 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 Department of General Services will obtain a memorandum of understanding with put in owners in the Chili Bar area, allowing County staff (i.e., County Department of General Services and Sheriff's Department), the El Dorado County Fire Protection District, and RSC staff, formally recognized access to the put in site to implement the updated RMP.

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9.29.1 The County Parks Division/Department of General Services 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.

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9.39.2 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.

9.49.3 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.

9.59.4 The County will work with the BLM to continue to maintain toilets on BLM sites.

9.6 The County may allow, on a willing permittee basis, SUP modifications to enable private boaters to use the Highway Rapid area for put ins and takeouts. Any such modification to a SUP is subject to all SUP issuance and modification requirements specified in this RMP.

9.79.5 Trails

9.749.5.1 The County will maintain existing County-owned trails within the river corridor.

9.7.2 The County Department of General Services/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.~~

~~9.8 Prior to and during construction of new facilities or modifications to existing facilities, the County will adhere to Mitigation Measures 5.1, 6.1, 8.1, 10.1, 10.2, 11.1, 12.1, 15.2, and 16.3 as described in Appendix B, Mitigation Monitoring Plan.~~

Comment [SP19]: This section will be revised in response to the updated CEQA analysis.

~~9.99.6 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. ~~Sheriff's Department river activities are funded through annual application to the California Department of Boating and Waterways.~~

- 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, ~~RMAC meeting notices and minutes~~, 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

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

Source: ESP, 2001.

Comment [SP20]: No longer needed with the advent of the "Dream Flows" website.