

## Comments and Discussion of El Dorado County Ordinances and River Management Plan

to the Parks and Recreation Commission for Agenda Item 26-0339, February 19, 2026

*Respectfully submitted by Emmett Cartier*

The El Dorado County River Management Plan (RMP) has described **land ownership** somewhat vaguely, often overlooking the roles and responsibilities of federal and state agencies in managing land and river resources—even while achieving the stated RMP goal of expanding public acreage. Land trusts bought ranches from willing sellers for donation to the U.S. Bureau of Land Management (BLM) to ensure better public access and landscape conservation. Today, a continuous trail runs along the entire river corridor from Highway 49 near Coloma to Folsom Lake, offering hiking, biking, and equestrian opportunities in addition to river boating access.

The transition from private ranches to public land has generally benefited recreational activities, such as commercial and noncommercial boating. In the past, outfitters would coordinate with private landowners for lunch stops. Now these lunch sites in the river corridor are **managed by federal government** processes, allowing wider commercial and noncommercial use of beaches and gravel bars during boating trips. Additional road access and day-use amenities—like tables, shelters, and portable restrooms—have been developed at convenient riverside stops.

River management strategies have shifted from dealing with scattered BLM ‘Public Domain’ parcels—often isolated former mining claims—to **overreaching County jurisdiction** of river recreation on the increasingly federal corridor, especially by permit terms and conditions for commercial rafting outfitters. The RMP cites authority for both land zoning and public health and safety for the rules. Certainly, many large outfitters now operate additional camp and access facilities on parcels per County zoning, acquired over several decades. Facility improvements on both public and private lands now serve commercial boating groups comfortably, compared to when remote access was the norm. Amenities now feature flush toilets and steel sinks now, rather than the former ammo can ‘groovers’ and plastic wash buckets. Modern self-bailing rafts allow more paddlers per guide than earlier basket boats with rowing frames and piles of semi-dry bags for camping gear.

These changes have encouraged **new recreational use patterns** that reduce conflicts between user groups or private landowners. Concerns for potential exponential commercial growth that had led to tighter restrictions have faded, thanks to circumstances including better access, equipment, and guide training. State Parks built the Salmon Falls parking lot for 100 vehicles including buses in 1990, and expanded the Low Water Staging Area for commercial rafting takeout in 2005. That huge new Salmon Falls takeout left the narrow trail at Skunk Hollow for noncommercial access at Folsom Lake. Reliable river flows from favorable FERC hydropower relicensing have helped stabilize boating schedules and reduce crowding, so trips started at different times and places along the river rather than just at Marshall Gold SHP. These factors obviously reduced boating congestion, and notions of recreational ‘carrying capacity’ became irrelevant.

On top of that, **substitute boating opportunities** on the Middle and North Forks American River helped absorbed demand, especially with summer hydropower flows negotiated for the new Middle Fork FERC license since 2012. Access there also improved, and some outfitter bases relocated towards Placer County. Outfitter numbers on the South Fork have declined since the original management planning, with some consolidation of about 80 concession permits in the 1980s to about 25 today, while about 57 permits for the Auburn State Recreation Area dwindled to 15 for the Middle Fork and 11 for the North Fork American River as of the latest drawing for start dates and times on January 28. The trend has reached the point where outfitter permits are below the nominal allocations for commercial rafting outfitter access under strict terms and conditions of permits that were never actually approved under State Parks concessions rules in the Public Resources Code. Note also that State Parks plans to bring their concession permits into compliance within the next year, using a Request for Proposal system that has not yet specified how existing outfitters might be accommodated for Auburn and Folsom Lake SRAs and Marshall Gold Discovery SHP.

Moving forward, river recreation planning should adapt to reflect substantial shifts in usage patterns, and focus on better **coordination among state and federal agencies**, rather than chasing outdated visitor density ‘trigger’ thresholds that have never been reached and probably never will be. Group size limits and boat density standards should be reconsidered, shifting instead toward comprehensively monitoring visitor use and evaluating any remaining potential impacts or conflicts, by location and time. If any conflicts or congestion may still be attributable to adverse user behavior, then that behavior needs to be addressed. So far we have only data for boat numbers at selected rapids, which have not exceeded the standard selected for a ‘carrying capacity’ limit.

**Educational initiatives** should continue and expand to address negative behaviors if they arise, and enforcement against illegal trespassing on private lands should persist to protect landowner privacy. Reviewing historical trends can help put past surges or declines in recreation into context—for instance, many outfitters moved to the South Fork American River after the Stanislaus River canyon was flooded by New Melones Reservoir in 1983.

The following section focuses on one particular aspect of the County management of the river corridor: the growing importance of clarifying federal land ownership and jurisdiction for crafting County regulations that appropriately address actual public health and safety needs within legal authorities across various segments of the river’s total mileage.

Reference **limited scope and authority**, Subject 1: El Dorado County “Ordinance No. 3463, Page 2

Section 3. Chapter 12.72 is hereby added to Title 12 of the El Dorado County Ordinance Code to read as follows:

CHAPTER 12.72, SPECIFIC USE REGULATIONS FOR THE SOUTH FORK OF THE AMERICAN RIVER

12.72. 010 Purpose The purpose of this chapter is to protect the public's health, safety and welfare by designating the South Fork of the American River as a special use area and requiring the registration of persons, who, for non-commercial purposes, float or otherwise traverse all or any

portion of the South Fork of the American River from Chili Bar Dam to the confluence of the Folsom Lake State Recreation Area. The registration requirement is necessary to ensure that persons who float the South Fork of the American River are aware of the locations of private lands, public use areas, approved human sanitation methods, including the locations of public toilets, approved solid waste disposal methods and locations, emergency procedures and other necessary safety rules. This chapter is therefore proposed to regulate recreational travel on the South Fork of the American River to ensure the safety of the users and the health and welfare of the community. ...”

and Subject 2: El Dorado County Ordinance 4528, Definitions:

“5.50.030 Special-Use Area.

The portion of the South Fork of the American River between Chili Bar Dam and **the confluence of the Folsom Lake State Recreation Area** is hereby designated as a special use area pursuant to California Harbors and Navigation Code section 660. (Ord. 4596, 3-19-2002)”

As described, the location of the special use area designation by El Dorado County appears to end at the ‘confluence with’ or start of Folsom Lake SRA, which is a designation by the California State Parks and Recreation Commission for jurisdiction of the California Department of Parks and Recreation (CDPR). As mapped by the CDPR, Folsom Lake SRA includes lands of the South Fork American River upstream from, and often within the bed of Folsom Lake as the water levels fluctuate seasonally.

California Harbors and Navigation Code § 660 generally applies on federal land within California, particularly regarding the regulation of vessels on "waters of the state". However, its application is subject to federal supremacy, meaning state regulations apply only to the extent they do not conflict with federal laws, regulations, or exclusive jurisdiction over specific federal property.

Key aspects of application of County ordinance or other regulations on Federal Land may include:

- "Waters of the State": Section 660 allows for state/local regulation of vessels on waters within California, including many areas adjacent to federal land.
- State-Federal Interaction: While the state can regulate, federal agencies (like the BLM, National Park Service, or Reclamation) often adopt federalized rules (33 CFR, 36 CFR, or 43 CFR) that take precedence over local or state ordinances.
- Safety & Compliance: California peace officers have authority to stop and board vessels on waters subject to state jurisdiction to enforce state laws, which often includes federal, state, and local requirements.

Limitations:

- Exclusive Jurisdiction: If the federal government has exclusive jurisdiction over a specific area (e.g., a secured military dock), state laws might not apply.

- Conflict: If a local or state regulation under § 660 conflicts with federal maritime law or federal management plans (e.g., for a National Marine Sanctuary), the federal law controls.
- Both BLM and Reclamation have resources management plans in for respective federal lands effect along the South Fork American River in El Dorado County.

In effect, recreational visitors and commercial outfitter concessions must comply with both California Harbors and Navigation Code § 660 and federal boating regulations when operating on federal land in California.

The El Dorado County River Management Plan (RMP), adopted under the authority of California Harbors and Navigation Code § 660, applies to the South Fork of the American River, including areas flowing through Bureau of Land Management (BLM) and Reclamation federal land.

References by the El Dorado County RMP or other documents to additional authority for regulating commercial outfitters under police powers of local agency zoning can not apply on federal lands.

Key details regarding the jurisdiction claimed by El Dorado County include:

- Unique Management Structure: While BLM owns several large land parcels of Public Domain and acquired/donated lands along the river (such as lunch spots with Phoenix toilets), El Dorado County acts as the primary governing agency for commercial and non-commercial whitewater recreation in the designated segment between Chili Bar Dam and Salmon Falls Road.
- Authorization: The Board of Supervisors first designated this section as a special use area pursuant to § 660 in 1984, with subsequent adoptions (most recently in 2002), allowing the County to regulate boat traffic, safety, and commercial activities.
- Scope of Application: The RMP governs the 20.7-mile segment of the river, managing commercial and non-commercial boating, including on BLM parcels, to ensure public health, safety, and welfare.

### **Discussion:**

The El Dorado County RMP does not reference the Reclamation lands acquired and withdrawn from the Public Domain for the Folsom Lake project. The reference to County jurisdiction downriver to Salmon Falls Road does not consider the original intent and ordinance definition of County jurisdiction only to the ‘...confluence of the Folsom Lake State Recreation Area...’ While the County manages the recreational or commercial outfitter boating user regulations (commercial, non-commercial, institutional trips), federal, state (Marshall Gold Discovery State Historic Park), and private lands exist along the river. The RMP serves as the implementation plan for *County policies* aimed at minimizing environmental impacts on these lands. However, the County plan does not necessarily supersede or fulfill federal management roles and responsibilities on large areas of BLM and Reclamation lands. Some further review is needed of the respective land management plans and governing regulations in effect for federal properties within the river corridor.

For the U.S. Bureau of Reclamation (Reclamation) lands and facilities (such as parts of the Folsom Lake State Recreation Area), 43 CFR Part 423 (Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies) also applies.

Here is the breakdown of how these jurisdictions interact:

- **Concurrent Jurisdiction:** While El Dorado County acts as the primary manager for commercial boating and non-commercial river recreation in this corridor, the land itself is federal. Therefore, users must comply with 43 CFR § 423.20(a), which requires following all applicable Federal, State, and local laws.
- **Federal Authority:** 43 CFR governs public conduct, including camping (§ 423.33), vehicles (§ 423.28), and *special uses* (§ 423.21) such as commercial boating outfitters.
- **Reclamation Control:** Reclamation reserves the right to control, restrict, or close areas, even if they are within the scope of the County's RMP.
- **Conflicts:** If a conflict arises between local (County) rules and federal regulations (43 CFR), the federal regulation (43 CFR) prevails on Reclamation land.

In practice, El Dorado County must fully coordinate its RMP with each of the federal agencies involved, but federal 43 CFR regulations remain in effect for public conduct on Reclamation land.

Commercial rafting permits issued by El Dorado County may apply on South Fork American River lands managed by the U.S. Bureau of Reclamation (BOR). However, because the BOR retains ownership of these lands, federal regulations, including 43 CFR, also still apply. In turn, State Parks manages recreation activities and facilities at Folsom Lake SRA under the state Public Resources Code. Each of these respective jurisdictions should coordinate fully in planning and implementing their respective regulations. So far, the County plans and regulations do not seem to adequately recognize and consider the jurisdiction of Reclamation on federal lands along the lower reach of the South Fork American River.

Key Details on Jurisdiction and Permitting:

- **County Authority:** El Dorado County manages the River Management Plan (RMP) and serves as the primary permitting agency for commercial and private boaters between Chili Bar Dam and Salmon Falls Road.
- **Federal Land:** While the County issues permits for commercial outfitters for purposes of the California Harbors and Navigation Code section 660, much of the public land, such as specific lunch spots, belongs to the Bureau of Land Management (BLM) and/or is acquired or withdrawn and managed under Reclamation oversight.
- **43 CFR Applicability:** Because the lands are federal, 43 CFR regulations regarding the use of land, facilities, and waterbodies (e.g., 43 CFR Part 429) apply. Commercial operators must follow both County-specific rules and federal regulations for using these areas.

- **Agency Coordination:** The County RMP and its restrictions are designed to align with federal, state, and local requirements, with input from a local committee that includes representatives from the boating community, landowners, and relevant agencies.

In summary, commercial boating outfitters must comply with El Dorado County's rafting regulations (including obtaining their permit), but federal laws governing the use of Bureau of Reclamation land still take precedence on federal property.

Federal regulations apply to commercial rafting or outfitting on Bureau of Land Management (BLM) land along the South Fork American River, specifically through the requirement of [Special Recreation Permits](#) (SRPs) for commercial, organized, or competitive activities. While El Dorado County manages much of the river recreation use for public health and safety, the BLM mandates that commercial operators, particularly those using BLM-managed sites like the Dave Moore Nature Area, Cronan Ranch, Greenwood Creek access, and scattered parcels, adhere to federal permitting standards. The BLM manages these areas for public safety and resource protection, requiring strict standards for commercial, outfitter-guided trips. For commercial operators, securing a valid BLM Special Recreation Permit is necessary to legally operate on BLM-owned land parcels along the river.

[El Dorado County commercial rafting permits](#) still apply to the South Fork American River, including extensive reaches managed by the BLM and Reclamation. The County considers itself the primary permitting agency, regulating commercial outfitters across various land jurisdictions—including BLM land, [California State Parks](#), and private property—along the 21-mile stretch from [Chili Bar Dam to Folsom Lake](#). The depiction of County roles and responsibilities is not necessarily binding on state and federal agencies, but opportunities for cooperative management remain readily available.

Commercial rafting on the South Fork American River on BLM and Reclamation lands requires compliance specifically with [43 CFR Part 2930 \(BLM Special Recreation Permits\)](#) and [43 CFR Part 429 \(BOR use of land/waterbodies\)](#). [BLM Special Recreation Permits \(43 CFR 2930\)](#), authorized under the Federal Land Policy and Management Act (FLPMA), are required for commercial, competitive, or commercial-related recreation on BLM-managed land. [BOR Use Authorization \(43 CFR 429 & 423\)](#) governs commercial use of land and waterbodies to prevent unauthorized occupancy or extraction of resources, ensuring federal safety and land management standards are met. Operators must obtain a Special Recreation Permit from the BLM (often via a multi-year process) to operate on BLM land, with additional requirements for BOR-managed areas.

For example, County regulations such as for "Quiet Zones" in specific reaches are designated where noise restrictions apply, enforced to balance user experience and private land ownership, may be authorized under concurrent jurisdiction with federal agencies, although less appropriate on the more remote federal land parcels that have no private residences nearby. Rather, federal agencies can implement noise regulations under separate jurisdictional procedures.

In general, El Dorado County's zoning powers do not apply to activities conducted by the federal government on land owned or leased by the U.S. Bureau of Land Management (BLM) or the U.S. Bureau of Reclamation (USBR).

The El Dorado County Zoning Ordinance explicitly states that its provisions do not apply to the activities of the federal government on federally owned or leased land. This setting suggests key considerations available for planning and management should include:

- **Federal Preemption:** Under federal law, the federal government generally maintains immunity from local land-use controls unless Congress has explicitly waived that immunity or a specific memorandum of understanding (MOU) exists between the County and the federal agency.
- **Cooperative Management:** While zoning does not apply to the federal agencies themselves, the BLM and Reclamation develop management plans that are intended to complement County plans or interests to ensure consistent management of the river corridor.
- **River Management Plan:** El Dorado County does exercise specific regulatory authority over whitewater recreation (both commercial and private) and private land uses or access on the South Fork American River through its [River Management Plan](#), which sets operational rules for boaters regardless of land ownership.

Through the [El Dorado County River Management Plan \(RMP\)](#) applies to whitewater recreation on the South Fork American River, including stretches passing through [Bureau of Land Management \(BLM\)](#) and Bureau of Reclamation (USBR) lands.

While the County generally lacks zoning power over federal activities, it maintains authority over the activity of river recreation under the following framework:

- **Public Health and Safety:** The RMP operates as an exercise of the County's police power to regulate recreational activities for public health, safety, and welfare. These regulations (such as [Personal Flotation Device \(PFD\) requirements](#) and group size limits) apply to the individuals and commercial outfitters using the waterway, rather than to the federal land itself.
- **Parallel Jurisdiction:** Even without a formal memorandum of agreement (MOA) for County management of federal lands, both the County and federal agencies exert jurisdiction over the same space. For example, the BLM issues its own permits for commercial outfitters using BLM land, while the County requires those same outfitters to comply with the RMP and County Code Chapter 5.48.
- **Navigable Waterway:** Under California law, the public has a right to use navigable waters (like the South Fork) for recreation. The County regulates this usage to prevent congestion and environmental impact, monitoring boat density at key spots like [Fowler's Rock](#) and Troublemaker Rapid.
- **Adaptive Management:** The RMP is updated annually (most recently in progress for the [2026 season](#)) to coordinate safety and environmental goals across the 20.7-mile stretch, regardless of whether a parcel is state, federal, or privately owned.

The U.S. Bureau of Land Management (BLM) issues Special Recreation Permits (SRPs) for commercial uses on the South Fork American River, specifically under [43 CFR Subpart 2932](#).

These permits authorize business entities to operate on federal public lands and waters when they meet the federal definition of commercial use, which includes making a profit, receiving compensation for services, or engaging in paid advertising.

### Specific Commercial Permits and Requirements

The BLM issues these permits to ensure safety and resource protection through the [Mother Lode Field Office](#):

- **Commercial Whitewater Outfitting & Guiding:** This is the primary permit type issued for the South Fork. Any entity charging a fee to lead rafting, kayaking, or tubing trips on river segments passing through BLM land must hold an SRP.
- **Commercial Filming and Photography:** Permits are required for professional filming or photography ventures on federal lands that use actors, models, or sets, even if the primary activity is river-based. Commercial photography on a small scale has largely been exempt from regulations on federal lands. Note that permit requirements for commercial filming have changed substantially with the 2025 Explore Act, compared to the prior federal regulations in effect since 2000: <https://www.blm.gov/sites/default/files/docs/2026-02/BLM-EXPLORE-Act-Title-III-SRP-FAQs.pdf>
- **Commercial Vending:** This applies to any mobile or fixed-site sales occurring on BLM-managed banks or access points.
- **Organized Group and Competitive Event Permits:** While not always "commercial" in the traditional sense, if a group charges a fee that exceeds actual expenses, it requires an SRP under the same 43 CFR 2932 regulations.

Under federal law, these commercial permits require:

- **Insurance:** Applicants must obtain [property damage and public liability insurance](#) naming the U.S. Government as additionally insured.
- **Operating Plans:** Outfitters must submit a detailed plan of operations, including safety protocols and emergency procedures.
- **Fee Payments:** Permittees pay a commercial fee, typically a percentage of gross receipts or a per-user day fee, to the [BLM](#).

The BLM Sierra Resource Management Plan (RMP) recognizes the El Dorado County River Management Plan (EDCRMP) as a vital cooperative framework, but it does not formally "surrender" federal authority to the County. Instead, the BLM treats the County's plan as a foundational document for managing the river corridor. The relationship is characterized by cooperative management rather than a delegation of powers. Here is how that recognition works in practice:

## Recognition of the "River Management Plan" (RMP)

The Sierra RMP (specifically the Record of Decision) identifies the South Fork American River as a Special Recreation Management Area (SRMA). Within this designation, the BLM explicitly states its intent to coordinate with El Dorado County to ensure that federal management actions are consistent with the County's 1984 RMP (and subsequent updates).

## Management Objectives and Consistency

The BLM's Sierra RMP aligns itself with the County on several key regulatory fronts:

- **Carrying Capacity:** The BLM respects the boater carrying capacity limits (boat density) established by the County to prevent overcrowding and environmental degradation.
- **Commercial Operations:** The BLM requires commercial outfitters to comply with both the federal 43 CFR 2930 regulations and the County's commercial ordinances. The BLM generally will not issue an SRP to an outfitter who is not also in good standing with the County's permit system.
- **Special Use Area:** The BLM recognizes the river corridor as a "Special Use Area" where County ordinances regarding camping, fires, and sanitation are enforced by County sheriff's deputies even on federal land, through a cooperative law enforcement agreement.

## The "Memorandum of Understanding" (MOU) History

There is no current MOA found for the *management* of federal lands, but there has historically been a strong MOU for Law Enforcement and Emergency Services between local and federal agencies.

- Under the California Supplemental Rules (which the BLM adopts), federal rangers and County sheriffs share jurisdiction.
- The BLM recognizes the County's role as the primary manager of the water surface, while the BLM manages the land-based facilities (like the Cronan Ranch or Dave Moore Nature Area).

Because the BLM is a federal agency, it maintains "preemption" in specific areas where federal mandates might clash with local zoning:

- **Mineral Rights:** The BLM retains authority over mineral extraction on federal lands, which County zoning cannot strictly prohibit.
- **Wildlife Management:** Federal Endangered Species Act (ESA) requirements on BLM land take precedence over County-level recreational or management preferences.

## Summary Table: Jurisdiction Comparison

Feature	El Dorado County Authority	BLM Authority
Water Surface	Primary (Safety, Flow, Density)	Supportive (Special Rules)
Commercial Permits	Mandatory County License	Mandatory Federal SRP
Land Use/Zoning	No (on federal parcels)	Primary (Sierra RMP)
Law Enforcement	Penal Code & River Ordinances	Federal Regulations & CFRs

The BLM [Sierra Resource Management Plan](#) is the governing federal document for BLM lands along the river. It states that the BLM will "work with El Dorado County to implement the South Fork of the American River Management Plan."

The U.S. Bureau of Land Management (BLM) is not required to prepare a [National Environmental Policy Act \(NEPA\)](#) document for the [El Dorado County River Management Plan \(RMP\)](#) itself, as the RMP is a local government action, not a federal one. However, NEPA documentation is required for any specific federal actions the BLM takes to implement or coordinate with that plan on federal lands. The BLM must conduct NEPA analysis (such as an Environmental Assessment or a Determination of NEPA Adequacy) in the following scenarios related to the river corridor:

- Issuance of Federal Permits: Every time the BLM issues or renews a Special Recreation Permit (SRP) for commercial rafting under [43 CFR Part 2930](#), BLM must ensure the action complies with NEPA.
- Federal Land Projects: If the BLM proposes physical improvements (including any land disturbance) on the river—such as new restrooms, parking lots, or trailheads at sites like Cronan Ranch—these projects require NEPA review even if they align with the County's RMP.
- Adopting Management Blueprints: While the BLM recognizes the County RMP, any formal adoption of its strategies into the Sierra Resource Management Plan (the federal "blueprint") requires a comprehensive Environmental Impact Statement (EIS).
- Categorical Exclusions: Minor actions, such as renewing an existing permit with no changes in use, may sometimes be fast-tracked using a Categorical Exclusion (CX) if the BLM determines the action has no significant environmental impact.

## Coordination vs. Adoption

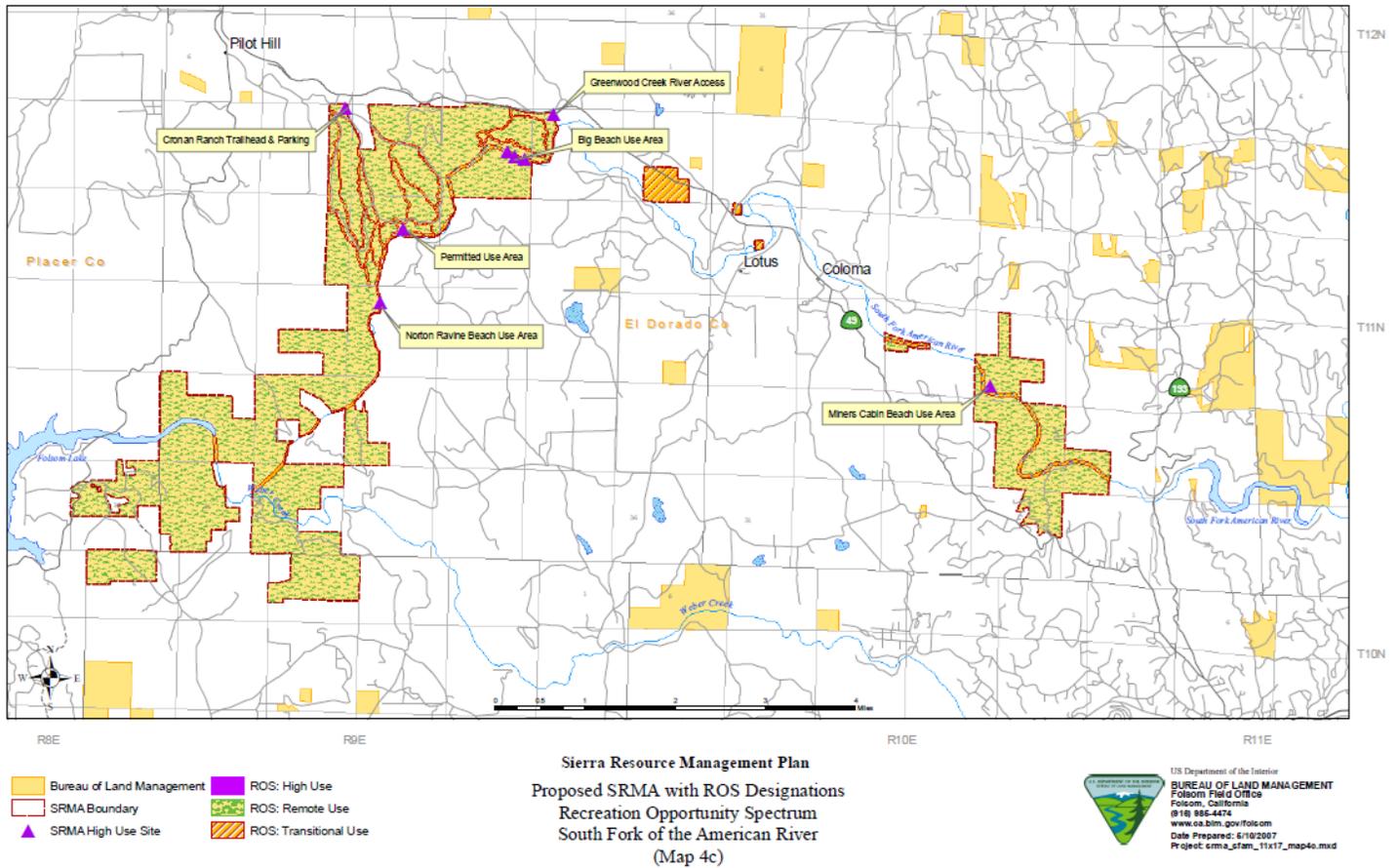
The BLM necessarily coordinates with El Dorado County to resolve inconsistencies between federal and local plans. While this coordination does not require a unique NEPA document, the resulting federal decisions (like setting boat density limits on federal stretches) must be backed by the environmental analysis found in the Sierra RMP's original EIS.

Federal decisions regarding the management of BLM land on the South Fork American River are backed by the environmental analysis in the BLM Sierra Resource Management Plan (RMP) and its associated Final Environmental Impact Statement (FEIS).

While a unique NEPA document is not created for every coordinated action with the County, the foundational authority for federal actions rests on that original analysis. Here is how that support functions:

- **Tiering of Decisions:** The BLM uses a "tiering" process where site-specific actions (like issuing a Special Recreation Permit) "tier" back to the broader analysis already completed in the Sierra RMP/FEIS.
- **SRMA Designation:** The Sierra RMP designates the South Fork as a Special Recreation Management Area (SRMA). The FEIS analyzed the impacts of high-density recreation and established that managing the river through a "collaborative framework" (implicitly including the County's plan) was the Preferred Alternative for protecting resource values. Lands under this SRMA designation total [nominal] 6,365 acres. However, that BLM SRMA designation does not reference whitewater boating or commercial outfitting on the river, and does not mention roles of El Dorado County, State Parks, or Reclamation in any actions or authorities in the Federal Register posting.
- **Boat Density as a Proxy:** The BLM RMP and EIS did not analyze the "carrying capacity" of the river corridor. If the BLM supports the County's boat density limits, it is perhaps acting on the FEIS's conclusion that congestion management is necessary to prevent degradation of "Outstandingly Remarkable Values" such as water quality and wildlife habitat. The Sierra RMP states briefly on page 1-5, "Heavy demand for boating has led to congestion-related conflicts. There is a need for rafting, beginning kayaking, and expert kayaking opportunities. Rapids, lunch and camping areas, parking areas, and put-in and take-out locations are all seeing increased demand and the need for thoughtful planning and conflict resolution." Reference was also made to capacity for OHV uses on the BLM lands, but not to a specifically designated capacity for any recreational activity.
- **Documentation of NEPA Adequacy (DNA):** Instead of a new full-scale analysis, the BLM often completes a DNA. This is a brief federal document stating that a proposed action (like setting a new seasonal limit) was already sufficiently analyzed in the original Sierra RMP EIS and therefore may require no further study.

- Supplemental Rules: To enforce specific limits on federal stretches, the BLM publishes Supplementary Rules in the Federal Register. These rules cite the Sierra RMP as the underlying authority, ensuring the legal "backing" of the original environmental analysis.



2007 BLM Sierra RMP, page 391,  
 and updated in digital format at [South Fork American River | Bureau of Land Management](https://www.blm.gov/sites/blm.gov/files/documents/files/Maps_California_south-fork-of-the-american-river-map.pdf)  
 and external map at [https://www.blm.gov/sites/blm.gov/files/documents/files/Maps\\_California\\_south-fork-of-the-american-river-map.pdf](https://www.blm.gov/sites/blm.gov/files/documents/files/Maps_California_south-fork-of-the-american-river-map.pdf)

See also on these BLM web pages with references to processes for permits for commercial uses:

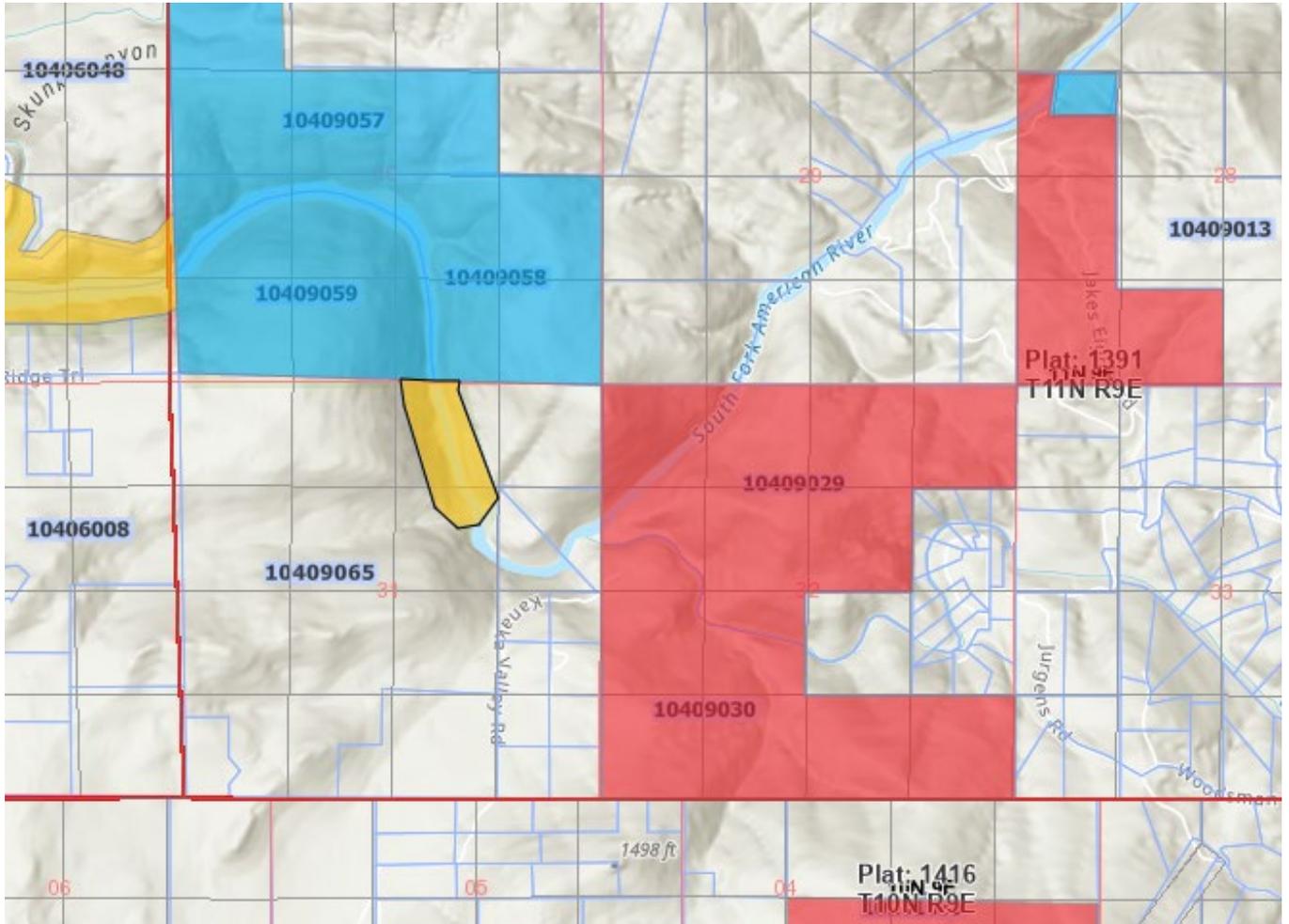
Special Recreation Permits

- [Permit Information and Application \(2930-1\)](#)

The Reclamation map should also be considered for comparison with County and BLM maps of federal lands along the lower South Fork American River, and respective roles and responsibilities:

### Hospital Bar Parcel and Vicinity

Folsom Lake State Recreation Area, excerpted from Reclamation Tessel GIS map



Yellow = acquired, managed by Reclamation  
Blue = withdrawn, managed by Reclamation  
Red = relinquished / restored (to public domain/BLM)

Parcel ownerships and boundary alignments may be subject to change with land acquisitions, disposals, and revised surveys. Any potential discrepancies that may be found among depictions by BLM, Reclamation, State Parks, or El Dorado County of federal lands can be resolved in current planning by references to Master Title Plats and Federal Register notices of withdrawals and revocations of the withdrawals.

BLM and Reclamation necessarily consider their agency roles in managing the river, lands, resources and recreation differently than does the County draft RMP, which should be more closely reflected in the revised County RMP. The 2007 BLM Sierra RMP provides on Page E-23:

“2. Status of land ownership, current use, and local zoning.

The South Fork American River segment begins at the Chili Bar put-in, just downstream of Highway 193, and traverses downstream approximately 22 miles to Weber Creek at the terminus of Folsom Reservoir. BLM manages 8.8 miles of riverfront property containing 2,122 acres of public land (38%) within the half mile wide boundary of the river. The South Fork American River planning area contains 5,580 acres of public lands that are connected to the public lands within the half mile wide boundary. Public land managed by BLM, El Dorado County, or the State totals nearly 40% of the land in the half mile wide corridor. ...”

“BLM has worked cooperatively with El Dorado County and California Department of Parks and Recreation in managing whitewater boating on the South Fork American. In order to manage up to 150,000 boaters [sic], BLM developed camping and picnicking areas in remote segments of the canyon to encourage the public to use public lands and facilities rather than trespass onto private lands. BLM has also issued title to El Dorado County for federal lands adjacent to Henningsen-Lotus Park for a boating put-in/take-out area. BLM and El Dorado County jointly patrol the upper and lower segments of the river. BLM maintains three remote composting toilets as well as numerous picnicking and camping areas and put-in/take-out facilities. The California Department of Parks and Recreation manages picnicking and put-in facilities at Marshall Gold Discovery State Historic Park and two take-out facilities at Salmon Falls. A majority of commercial operators lease or own property to provide camping, picnicking, and put-in/take-out facilities for their clients. Commercial operators take 50,000 to 100,000 visitors each year down the South Fork American River.

BLM has recently completed a community based river management plan for the South Fork American....”

The 2007 BLM Sierra RMP, Page E-24:

“Management of public lands and waters along the South Fork American was addressed in BLM’s 2004 South Fork American River Management Plan (SFARMP) and by El Dorado County’s 2001 South Fork American River Whitewater River Management Plan.”

The 2007 BLM Sierra RMP, Page E-25:

For a prospective proposal for Wild and Scenic River status for the South Fork American River, BLM states,

“4. Federal Agency that will administer the Wild and Scenic River Segments

For the South Fork American River, current management would continue with strong cooperation among the federal, state, and local river management agencies. BLM would administer the WSR

segment in conjunction with its partners from El Dorado County and California Department of Parks and Recreation. El Dorado County would continue to be the lead agency in managing the whitewater boating activity on the river, and the California Department of Parks and Recreation would continue to manage the Marshall Gold Discovery State Historic Park and two take-out facilities near Salmon Falls. BLM plans to pursue development of a Memorandum of Understanding between the three agencies that outlines this river management partnership.”

The 2007 BLM Sierra RMP, Page 3-2:

“BLM manages recreation on the following rivers: South Yuba, North and South Forks of the American, Mokelumne, lower Merced, and a portion of the Tuolumne. Permits are issued to private concessionaires to conduct whitewater rafting trips.”

The 2007 BLM Sierra RMP, Page 3-49:

“BLM issues an assortment of special recreation permits for commercial, competitive, and special area uses as well as for organized groups and special events. Special recreation permits are required for specific recreational uses of BLM lands and waters. These permits help manage visitor use, protect natural and cultural resources via special stipulations, and provide a mechanism to accommodate commercial recreational use.”

To enforce specific recreation management policies on the South Fork American River, the BLM relies on Supplementary Rules published in the Federal Register. These rules provide the legal "teeth" to enforce the objectives analyzed in the Sierra RMP and the County's River Management Plan on federal lands.

The specific publication that governs the South Fork American River is:

70 FR 40393: "Supplementary Rules for Public Lands in the Mother Lode Field Office, California."

Federal Register/Vol. 75, No. 92/Thursday, May 13, 2010/Notices 26981

[See also reference to the BLM “2004 South Fork American River Management Plan (Section 2)” online at [The South Fork American River - a management plan \(IA\\_southforkamerica00unit\).pdf](#) and BLM’s related Environmental Analysis (CAL 80-03-25) for NEPA.]

South Fork American River Special Recreation Management Area [lands under the SRMA]

T. 11 N., R. 10 E., Secs. 22, 26 (SW 1/4), 27, and 34 (Miner’s Cabin parcel); T. 11 N., R. 10 E., Sec. 21; T. 11 N., R. 10 E., Sec. 18 Lots 5 and 6 (Parcel C); T. 11 N., R. 10 E., Sec. 18 NW 1/4 NE 1/4 NW 1/4 (Ponderosa parcel); T. 11 N., R. 9 E., Sec. 12, Lots 1 to 9 (Dave Moore Nature Area); T. 11 N., R. 9 E., Secs. 3, 10, and 11 (Greenwood Creek parcel); T. 11 N., R. 9 E., Secs. 4, 8, 9, 15, 16, and 17 (Cronan Ranch); T. 11 N., R. 9 E., 29, 28, 21, and 20 (Norton Ravine parcel); T. 11 N., R. 9 E., Secs. 30, 31, 32; T. 10 N., R. 9 E., Secs. 4 and 6; T. 11 N., R. 8 E., Sec. 36 (Pine Hill Preserve); MDM.

The following rules apply to the South Fork American River Special Recreation Management Area:

[Special regulations relating to commercial boating concessions are not found in this RMA, but other regulations include, for example, for Cronan Ranch: “Deer hunting is allowed only during the summer open season with bows and arrows and during the fall open season with smoothbore shotguns and slugs.”]

“The interim final supplementary rules do not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific public lands.”

The Federal Register notice explicitly states that these ‘supplementary rules’ were developed to:

1. Implement the decisions of the BLM 2007 Sierra Resource Management Plan.
2. Provide for public safety and resource protection.
3. Ensure consistency with local government regulations (e.g., El Dorado County) where those regulations align with federal management goals.

#### Enforcement Authority

Under 43 CFR 8365.1-6, a person who violates these supplementary rules may be tried before a United States Magistrate and is subject to a fine, imprisonment (not to exceed 12 months), or both. This is the mechanism by which a BLM Ranger can cite an outfitter for exceeding the daily boat density limits established by the RMP.

The BLM does not have carrying capacity references in the Sierra Resource Management Plan (RMP). Reclamation also does not have a similar reference to whitewater boating capacity in the GP/RMP for Folsom Lake project lands.

The Folsom Lake State Recreation Area (SRA) GP/RMP, managed jointly by California State Parks and Reclamation, addresses whitewater boating concessions primarily through its management of the "lower section" take-outs and aquatic recreation zones.

El Dorado County’s RMP generally differs from the BLM's approach for river management and coordination among responsible agencies in the following ways:

- **Take-Out Control vs. Land Management:** While the BLM coordinates with the County to manage the *river corridor* and boat density throughout the upper and middle sections, State Parks/USBR coordination focuses heavily on access control. For example, during the COVID-19 pandemic, the closure of Folsom Lake take-outs effectively halted commercial "lower section" trips (Lotus to Folsom Lake), regardless of County river ordinances.
- **Concession vs. Permit Models:** The BLM uses a Special Recreation Permit (SRP) model that explicitly adopts El Dorado County’s boat density and passenger limits as federal requirements (70 FR 40393: "Supplementary Rules for Public Lands in the Mother Lode Field Office, California."). In contrast, State Parks/USBR management in the Folsom SRA is oriented toward a General Plan framework that categorizes the river confluence and lake entry as "high-intensity" or "developed"

recreation zones, which are managed through state concession contracts rather than just County-aligned permits.

- **Joint Federal-State Jurisdiction:** The Folsom SRA GP/RMP is a joint EIR/EIS document, meaning it satisfies both state (CEQA) and federal (NEPA) requirements simultaneously. Because State Parks manages the Reclamation-owned land through a formal managing partner agreement (MPA), the County’s River Management Plan (RMP) is treated as a "boundary" document - the RMP ends exactly where the Folsom SRA begins.
- **Adaptive Management Coordination:** The County’s annual river reports highlight that when State Parks opens or closes lower-section facilities, it dictates whether commercial outfitters can complete their trips. The BLM coordination is more "active" in daily operations (e.g., shared river patrols), whereas the Reclamation/State Parks coordination is more "facility-based" (e.g., managing the Salmon Falls and Skunk Hollow take-outs).

**Summary of Coordination Styles:**

<b>Feature</b>	<b>BLM Coordination</b>	<b>USBR/State Parks Coordination</b>
<b>Primary Focus</b>	Resource protection & boat density.	Access point & facility management.
<b>Legal Tie</b>	Federal SRPs adopt County RMP limits.	Joint EIR/EIS defines land-use zones.
<b>Take-Outs</b>	Primarily wild or undeveloped.	Highly developed/structured settings.

The management of commercial rafting at Folsom Lake State Recreation Area (SRA) involves a complex intersection of federal, state, and local law. Because the land is owned by the U.S. Bureau of Reclamation (USBR) but managed by California State Parks, the legal framework differs significantly from the BLM’s "cooperative" model.

**1. Specific Stipulations in the Folsom Lake SRA General Plan**

The Folsom Lake SRA General Plan/RMP treats whitewater rafting take-outs (primarily at Salmon Falls and Skunk Hollow) as specific "management zones." The stipulations include:

- **Commercial Use Permits (CUPs):** Unlike the BLM’s SRPs, State Parks issues specific Commercial Use Permits or concession contracts. These permits require outfitters to pay per-person take-out fees (often referred to as "head taxes") that go directly to the State Park fund to maintain the facilities.

- Shuttle Operations & Staging: The GP/RMP mandates that commercial shuttles must use designated "loading zones" to prevent congestion with private boaters and hikers. In peak season, State Parks can limit the number of commercial vehicles allowed in the Salmon Falls parking lot at any one time. (Noncommercial boaters are referred to the nearby Skunk Hollow access originally used for take-outs by commercial boaters with inadequate space and inherent congestion for large groups and buses.)
- Operational Capacity: While the El Dorado County RMP sets the "on-water" density, the Folsom SRA GP/RMP sets the "land-side" capacity. If the parking lots at Skunk Hollow or Salmon Falls reach capacity, State Parks has the authority to divert or delay commercial take-outs, regardless of the County's daily boat limits. (Note for comparison that Dr. Glen Haas, one of the bibliographical authors cited in the County RMP, was a consultant in implementing a "Water and Land Recreation Opportunity Spectrum" - WALROS – for subjectively-determined 'carrying capacity' approach - for the 2010 Folsom Lake SRA GP/RMP.)
- Resource Protection: The plan includes "Special Protection Zones" for the Valley Elderberry Longhorn Beetle and sensitive raptors. Commercial outfitters are stipulated to stay within developed trails and ramps to avoid impacting these federal/state protected species.

## Legal Comparison: Folsom SRA vs. El Dorado County RMP

The application of law at Folsom SRA is more restrictive than on BLM land because it must satisfy **both** the federal Reclamation Act (and other CFR) and the California Public Resources Code.

Feature	Folsom Lake SRA (State/USBR)	El Dorado County RMP
<b>Primary Law</b>	<b>Federal:</b> 43 CFR Part 423 & <b>State:</b> Title 14 CCR	County Code Chapter 5.48
<b>Zoning/Land Use</b>	<b>Federal/State Preemption:</b> County zoning does not apply.	Applies to private parcels only.
<b>Take-Out Fees</b>	Set by State Parks (CCR § 4301).	County "River Trust Fund" fees (per guest).
<b>Permit Source</b>	State Parks Commercial Use Permit.	County Commercial Outfitter Permit.
<b>Enforcement</b>	State Park Rangers (Peace Officers) & USBR.	El Dorado County Sheriff (River Patrol), BLM Ranger.

### Conflict of Laws: When County Power Stops

The Folsom SRA General Plan establishes a jurisdictional boundary that is much firmer than the BLM's:

- **Federal/State Supremacy:** While the BLM "adopts" County limits into its federal rules to simplify management, State Parks and USBR view the SRA as a self-contained unit. If the County RMP suggests a change (e.g., increasing passenger counts), State Parks is not obligated to allow that increase if their General Plan (backed by a joint EIR/EIS) determines the land-side facilities cannot handle it.
- **Proprietary Authority:** Because USBR land at Folsom Lake is acquired or "withdrawn" for a specific project (Folsom Dam/Reservoir, American River Division, Central Valley Project), the federal government exercises proprietary jurisdiction. This means they have the rights of a landowner to exclude or charge for access, which overrides the general "navigable water" public access rights that the County RMP manages elsewhere.

- The "Gap": There is often a coordination gap at the confluence where the river meets the lake. The County RMP generally purportedly stops its management (per various references) at Folsom Lake SRA, Salmon Falls Road, or the high-water mark of Folsom Lake (approx. 466 ft elevation), at which point the County presumes that the Folsom Lake SRA General Plan/Resource Management Plan becomes the sole governing document. Notably, the actual boundary of the Folsom Lake SRA is upriver near Hospital Bar Rapid and Weber Creek, where even BLM has mistakenly presumed to govern special use permits on lands that have been withdrawn for project purposes by Reclamation for its jurisdiction.

While the BLM generally refers to its role as a partner to the County in the river management, the Reclamation/State Parks land role under the CFR, GP/RMP, and MPA acts more as a landlord. They allow the County RMP to function nearby, but their own General Plan dictates the fees, shuttle movements, and facility access rules that can override County preferences.

#### Need for Further Visitor Data

The volumes and patterns of recreational boating uses over the decades should be delineated more completely for historical reference to the apparent trend of fewer commercial outfitters and visitors on the South Fork American Rivers. Estimates of boating visitation range unreliably from less than 30,000 to more than 120,000 boaters per year. In any case, the dwindling numbers of whitewater outfitters reflect trends in recreation uses that are contrary to early planning presumptions of exponential growth needed heavy governmental controls.

#### **Selected references**

California Department of Parks and Recreation. Folsom Lake State Recreation Area & Folsom Powerhouse State Historic Park Road & Trail Management Plan. FINAL. JANUARY 20, 2023. [Final FLSRA RTMP 508.pdf](#)

California Department of Parks and Recreation, and US Bureau of Reclamation. Final General Plan and Resource Management Plan. Folsom Lake State Recreation Area. 2010. Also: EIS/EIR. [FLSRA GP RMP Vol1 Final Plan.pdf \(SECURED\)](#), [FLSRA GP RMP Vol2 EIR EIS.pdf \(SECURED\)](#)

United States. Bureau of Land Management. Sierra Resource Management Plan and Record of Decision. Published: 2008. <https://archive.org/details/sierraresourcema00unit>