

April 9, 2016

MEMO TO: Noah Rucker-Triplett/Vickie Sanders

FROM: Nate Rangel - President, Adventure Connection, Inc.

RE: Adventure Connection's Comments on the RMP Revision Draft

This memo represents my company's comments on the current Draft RMP. To be clear these are my own comments and as such I am not representing them as "industry" comments in my role as the RMAC Outfitter representative. I will be submitting those industry comments later this week.

I basically agree with most of the elements which suggest eliminating duplicative and non-productive elements of the existing plan. That would include eliminating the water quality testing.

I would have preferred to have seen a much more extensive fiscal analysis. I'm not an expert in that field, but even I can see that the bare bones paragraph that is being passed off as an analysis is woefully inadequate. Also, I note that the contract with ESP calls for an analysis that identifies new revenue streams. Other than approaching BLM and State Parks I don't believe that any new revenue strategies are included. I would like to see this deficiency addressed in the final draft.

I believe that El Dorado County has an obligation to it's citizens to be the lead managing agency on this river. I don't oppose talking to BLM and State Parks to investigate possible ways to eliminate or reduce duplicative processes, but moving either of those agencies into a lead role would not be in our best interests. I am certain that we the river users, both commercial and private - would be financially impacted in a negative way if either of those agencies took up that mantle. I am also nervous that moving management to the federal or state level would reduce our ability to make choices that are best for this specific resource. In short I believe that this local resource of national importance should be managed by those folks who work, live and recreate along and nearby it's banks.

The suggestion to dissolve RMAC is very injurious to both my company and to our community. RMAC has for decades been an incredibly useful tool that deals with

issues of import for anyone with an interest in our river and it's environs. The suggestion that an ad hoc committee, much like the Rubicon Oversight Committee, would be a more effective management model is like comparing apples and watermelons. The Rubicon does not have anything close to the social, environmental and recreational issues that exists here on the American. When comparing the two resources the number of users alone puts the American in a class of it's own. Additionally I, as a business owner, have a large investment in my own company and having to expect an ad hoc committee to deal with my economic interests is unrealistic. This is the most popular whitewater river on the West Coast. Commercial outfitting is the largest pure tourism industry on the West Slope of El Dorado County. That unique status demands a Board appointed committee. If the County, and our community, wants a different or more effective voice then I believe we should address that separately from this RMP revision process once the revision is finalized.

I see no need to revise the RMP every three years. In fact, I'd suggest utilizing an "adaptive" management protocol that would look at issues in depth once every 5 years but would also be able, thru RMAC advising the BOS, to address specific concerns as they crop up vis-a-vis making specific changes to the RMP with timely ordinances as required.

Regarding the RMP manager I agree that utilizing the RMP position in ways that allows that individual to expand his or her duties during the off-season makes sense. If that means reducing the river manager position to half-time I support that as long as that individual is still a full-time employee of Parks and Rec.

Regarding the totality of the renting/trading/borrowing of commercial user-days: from my perspective the County should not make regulations which it cannot enforce. I was, and am, disturbed by the language of the current Draft which suggested that the River Manager was allowing a clear violation of the existing RMP by not enforcing the existing rules. I don't believe the current RMP actually prohibits what is now a common practice by many of my colleagues. When outfitter A puts a raft on the water that bears the identification of outfitter B, and where outfitter B pays all the fees and follows the mitigations that are stipulated in the RMP, then I believe that's a legal exercise of commerce. From my perspective the bottom line here is that that use is covered by the RMP's provisions - mitigations are followed, fees are paid. There is no injury to the resource or the public that uses and/or lives alongside it. I recognize that this may not be the most elegant way to conduct business, but I am certain that it is legal and unless the County gets advice from it's own County Counsel that making this illegal can be accomplished I'd suggest we just leave things as they are.

Regarding the management of institutional groups - I believe the County should choose the simplest path towards a resolution of this issue. That path, from my perspective, is to enforce the current RMP's prohibition against commercial entities operating without a commercial permit. That may be harsh, but it is consistent with Federal and State managing agency actions on other resources. We don't need to reinvent the wheel. The County has, in good faith, attempted to do just that by accommodating

those groups. It has suggested creative ways to allow them to continue their operations without sacrificing their core mission values. Those attempts have failed. It's time for El Dorado County to simply enforce their commercial boating regulations as regards non-permitted commercial groups.

Under section 6.2.1.3.4.2 which deals with River Use Permit Allocations there is no discussion or rationale given to eliminate the current 8% guest allocation. That allocation has been part of every river use permit issued since the inception of the permit system back in 1982. The majority of the current river permit holders came into this system after that initial offering and, as such, we bought businesses that had that allocation in place. To summarily dissolve that use without a compelling reason or compensation is not an equitable nor fair choice to make. Those outfitters who have utilized that guest allowance have almost unanimously paid the County's \$2/user-day fees. I would suggest that the County has no compelling reason to remove that allowance, but that it would make sense to compel any such use be subject to the user-day fees.

One very large concern I have about this draft is it's complete avoidance of any discussion or solutions regarding the largest issue I believe we now have on this river - the extraordinary growth of tubers in the middle section. That is a glaring void in this document. I'd like to see it addressed in a final draft.

In summary my comments on this draft reflect a statement made by another individual at our public meeting in Coloma a few months back. To paraphrase - this draft, for the most part, whilst not fixing what is broken attempts to do away with what isn't.

I thank you for your consideration of my comments.

April 14, 2016

Memo To: Vickie Sanders and Noah Rucker-Triplett
From: Arnie Chandola – American Whitewater Expeditions Inc.
American River Resort, American River Recreation

Re: Draft RMP Revisions

Vickie/Noah,

The comments below represent my views as a resident and business owner in the Coloma/Lotus valley.

I definitely am in favor of eliminating duplicate and non-productive elements in the RMP such as water testing and certain reporting elements to various committees that use up staff time unnecessarily.

I would like to see the County keep management and control of the American River. Given all the private property along the river and businesses operating under County Special Use Permits, I do not feel it's appropriate for a State or Federal agency to manage the American River. The American River is a huge financial asset for the County. From a fiscal perspective it's a solid asset the County should invest in heavily.

It is very important for the American River community to have a strong voice and a direct line to the BoS. There are a very unique set of challenges that seasonal use on the American River has on the Coloma/Lotus community. In the last six years the RMAC has largely been an ineffective committee, it has used valuable county staff time with not much to show and due to various reasons it has largely lost the credibility it once held. There are too many conflicts of interest and hypocrisies that come to the surface under the current structure of RMAC. We have elected representation in the County for a reason and they should be left to do their jobs for which we have elected them. The American River has changed a lot over the past decade and it is time for the County to embrace change as well. The Coloma/Lotus community should have an ad-hoc committee or something along the lines of an American River Oversight committee that can have a stronger voice that can advise the BoS in a positive and effective manner. The new American River Oversight Committee should focus on the relevant and current issues effecting the community such as impact of use (e.g. tubers, bridge work, pirate boating, parking and trespass issues), future planning for responsible growth, special projects and improvements, tourism generation, community enhancements etc. that will help the Coloma/Lotus Valley prosper.

Regarding the sharing of User Days, I am 100% opposed to this as it raises issues with respect to liability and legality. More serious are issues relating to each companies user allocation which ties in with the carrying capacities based on their

assets and operating infrastructure at the campgrounds they operate from. Rafting companies should operate within their means and allocated user days or purchase additional permits to enable their company growth as several companies have done in the past few years. The sharing of user days will make it impossible for the County to monitor and manage, wasting an incredible amount of staff time and resources. County should have a clear and enforceable rule stating that companies cannot borrow or sharing User Days.

I would like to see the County spend more of its efforts and funding staffing the River Program so it can enforce the existing regulations and enhance the users overall experience on the river. Making the RMP more streamlined will make County staff jobs more efficient.

Thank you for your consideration and time.

Arnie Chandola President, American Whitewater Expeditions, Inc.

	Section	Existing language	Recommended change	Explanation and Comment
1	ES.6.1	The County's property holdings and River-related facilities are currently limited to Henningsen-Lotus Park.	The County's property holdings and River-related facilities are currently limited to Henningsen- Lotus Park and Chili Bar Park <delete 2="" footnote=""></delete>	The chilibar litigation has been settled.
2	ES.6.1	Entire section	Strike entire section	The county's interest in river management is not only a function of the amount of river front land owned by the county, as implied in this section. There is a significant amount of private riverfront land that is owned and occupied by EDC citizens who have a stake in proper management. There are also many EDC based businesses who have a stake in river management. The reasoning behind this section is not supportable.
3	ES.6.5	Entire section	Strike entire section	RMAC should not be abolished. RMAC is an important vehicle for citizen input in all river matters. The document asserts that is has evolved to a community rather than river focused organization. This is false. River issues strongly affect the Coloma valley community

				due to its unique location. This
				does not mean RMAC is
				community-centric. It means that
				RMAC pays attention to all river
				matters, including those that
				directly impact the community.
				Also note the contradiction to the
				#1 goal of the RMP, in Table 3.1:
				"Objective 1: To promote on-
				going community and user
				participation in river
				management."
4	ES.8			This section is a clear example of
				the contractor's failure to provide
				an acceptable product. It is the
				contractor's responsibility to
				propose a solution to this
				problem, i.e., draft enforcible
				standards. Instead he simply
				notes the problem and punts it
				back to the county.
5	ES.9			This section is a clear example of
				the contractor's failure to provide
				an acceptable product. In this
				case, RMAC provided the
				guidelines and the contractor
				ignored them.
6	ES.X	New section, under Recommendations	The County should consider	Parks & Trails is on record that
			administrative alternatives to the	they do not consider river
			present delegation of river	management a top priority. For
			management to County	example, they have been a

			Administrators Office, Parks and Trails Div.	proponent of giving away the county owned Chili Bar put-in site, which is one of the most critical holdings with respect to recreational river use; not only for private and commercial river trip staging, but also fishing, picnic-ing, and swimming. There is an existing master plan to develop Chili Bar into a beautiful multi use area akin to HLP, but Parks has taken no initiative to find funding to implement this plan.
7	ES 4.1	River Ambassadors The County should enlist individuals to greet people at Henningsen-Lotus Park and onwater to reinforce safety and etiquette.	River Ambassadors The County should enlist individuals to greet people at ChiliBar park, Henningsen-Lotus Park and onwater to reinforce safety and etiquette.	Thousands of people start trips at ChiliBar.
8	ES 4.1	The County should have outfitter permits that address more than rafting. For example, there is a great opportunity to conduct floating fishing trips along the South Fork, providing a unique recreational opportunity.	Strike entire paragraph	This is already covered in Section 6: "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."
9	ES.5	Problems created by the lack of complete data sets were compounded by delays in the River Manager's completion of annual	Late submission of annual reports impede efficient decision making and planning for upcoming	Scapegoating of individual staff members is counterproductive and unprofessional.

		RMP reports: the RMP was designed with strict timing protocols that allow for the RMAC to consider the results of each boating season and provide recommendations on how the RMP could be modified to address substantive issues in the next rafting season. Staff's submittal of draft annual reports in the spring of the following year, instead of the RMP-specified fall of each boating season, prevented timely consideration of changing conditions and, ultimately, the 5-year update processes in 2006 and 2011.	seasons.	
10	ES.5	Exhibit 1	Financial analysis needed	This table makes no sense without detailed substantiation
11	ES.5 element 3	The RMP's stormwater sampling has not identified water pollution problems.	Strike this sentence	The fact that no problems have been found in the past does not mean there will not be pollution in the future. Better substantiation is needed to ensure that other agencies will conduct this function.
12	ES.5 element 4	The lack of historic exceedance events makes the need for an ongoing bacterial sampling program questionable.	Strike this sentence	The fact that no problems have been found in the past does not mean there will not be pollution in the future. Better substantiation is needed to ensure that other agencies will conduct this function.

13	ES.5	The lack of complete and timely reporting by the River Manager and the lack of program consistency caused by the shifting of the RMP to four different elements of County government (i.e., the Department of Airports, Parks, and Grounds; the Department of General Services; the Department of Environmental Management; and the County Administrator's Office) has continually eroded the RMP's adaptive management system.	The lack of complete and timely reporting by the River Manager and the lack of program consistency caused by the shifting of the RMP to four different elements of County government (i.e., the Department of Airports, Parks, and Grounds; the Department of General Services; the Department of Environmental Management; and the County Administrator's Office) has continually eroded the RMP's adaptive management system.	Scapegoating of individual staff members is counterproductive and unprofessional.
14	6.1.4	The County Parks DivisionDepartment of General Services will use the RMP website to publicize the Dreamflows website (http://www.dreamflows.com/) to provide river flow conditions and projections.	The County Parks DivisionDepartment of General Services will use the RMP website to publicize the CDEC and Dreamflows websites (http://www.dreamflows.com/) to provide river flow conditions and projections.	Dreamflows is a private site that obtains data from CDEC. There is no guarantee that Dreamflows will continue indefinitely.
15	6.4.1	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,	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	The middle section must be counted. This has become the most troublesome section of the river.

		Barking Dog and Satan's Cesspool rapids	boater and boat counts at Troublemaker, Old Scary, Barking Dog and Satan's Cesspool rapids	
16	6.1.1.5	Where advertising and promotion of river trips are made	Where advertising and promotion of river trips are made, except private trips using social media.	Social media is widely used to organize private non profit trips.
17	6.2.1.3.2	Current River Use Permit holders and capacities are presented in Appendix D.	Strike sentence	The list changes frequently. Website would be a better resource than printed RMP.
18	6.2.1.3.4.2	In addition to the user day allocation, outfitters are allowed guests on trips. A specific guest allowance of 8 percent has been established (Resolution No. 99-88). The total number of guests shall not exceed 8 percent, rounded to the nearest whole number, of an outfitter's allocation. The guest allowance on a weekend day is 8 percent of the weekend day allocation. The guest allowance on a weekday is 8 percent of the weekday allocation.	In addition to the user day allocation, outfitters are allowed guests on trips. A specific guest allowance of 8 percent has been established (Resolution No. 99-88). The total number of guests shall not exceed 8 percent, rounded to the nearest whole number, of an outfitter's allocation. The guest allowance on a weekend day is 8 percent of the weekend day allocation. The guest allowance on a weekday is 8 percent of the weekday allocation.	No justification for eliminating guest allocation has been provided.
19	6.1.3.4.2		<add> Guest allowance user days are allocated for non-paying guests only.</add>	
20	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	<add> 6.2.1.3.6.a Evidence of illegal permit transfers include, 1. An outfitter placing a customer with a second outfitter, while</add>	This change represents work that should have been done by the RMP contractor. Illegal permit transfers have not been enforced

		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.	representing that trip as one run by the first outfitter; 2. An outfitter using their own raft, which has been temporarily marked with another company's name or logo; 3. An outfitter using his employee to guide a raft owned by another company; 4. An outfitter placing a customer in any raft that is not covered by that outfitter's insurance, or is not guided by an employee of that outfitter's company, without the customer's express knowledge and consent.	due to lack of enforcement criteria and disagreement over what constitutes an illegal transfer.
21	6.2.1.3.6		<add> It shall be permissible for an outfitter to transfer (i.e., subcontract) customers to a second outfitter, if all of the following criteria are met: 1. The second outfitter uses their own equipment, properly marked with the second outfitter's name, 2. The raft is guided by the second outfitter's employee, 3. The raft is covered by the second outfitter's insurance; 4. The second outfitter is responsible for all put-in and take-out fees; 5. The second outfitter's raft does not comingle with the first outfitter's trip; 6. The customer agrees in writing to be transferred to the</add>	If an outfitter overbooks, it should be permissible for the overbooked customers to be transferred to another company. However, once this happens, the 2 nd outfitter becomes 100% responsible for that raft, using their own permit user days, employees, insurance, and equipment.

			second outfitter's trip.	
22	6.2.5		<add> Boat identification</add>	Outfitters have been observed
22	0.2.3		materials and methods shall be	
			sufficient to withstand river	using crude cardboard signs that fall off in the river
				Tall off in the river
			conditions, and shall remain firmly	
			affixed and legible throughout the	
22	6070		duration of the trip	
23	6.2.7.2	d. Location of approved rest areas, lunch	d. Location of private property	
		stops, camping, put-in and	boundaries, approved rest areas,	
		take-out areas;	lunch stops, camping, put-in and	
			take-out areas;	
24	6.2.10.1.2		<add> Life jacket violations</add>	
25	6.2.10.7.2	Where a River Use Permit has been	Where a River Use Permit has been	Undo strikethrough
		revoked or denied and not	revoked or denied and not	
		reapplied for, the capacity of that permit	reapplied for, the capacity of that	
		shall revert to the County.	permit shall revert to the County.	
		With recommendation of the RMAC, the	With recommendation of the	
		capacity allocation may, upon	RMAC, the capacity allocation	
		action of the Board of Supervisors, be	may, upon	
		dissolved or be assigned to any	action of the Board of Supervisors,	
		existing outfitter, combination of	be dissolved or be assigned to any	
		outfitters, or proposed new outfitter	existing outfitter, combination of	
		who successfully bids for the opportunity	outfitters, or proposed new outfitter	
		to utilize the permit capacity.	who successfully bids for the	
			opportunity to utilize the permit	
			capacity.	
26	Element 8	8.1 Pirate Boater Ordinance Enforcement	8.1 Pirate Boater Ordinance	Restore text and add enforcement
		8.1.1 The County will pursue civil	Enforcement	criteria
		prosecution of pirate boaters under the	8.1.1 The County will pursue civil	
		Unfair or	prosecution of pirate boaters under	
		Fraudulent Business Practices (§17200)	the Unfair or	

		and False Advertising (§12500) codes.	Fraudulent Business Practices
		The	(§17200) and False Advertising
		use of civil, rather than criminal	(§12500) codes. The
		prosecution, allows the imposition of civil	use of civil, rather than criminal
		penalties of	prosecution, allows the imposition
		up to \$2,500 per instance; and conviction	of civil penalties of
		requires the use of preponderance of	up to \$2,500 per instance; and
		evidence, rather than the "beyond a	conviction requires the use of
		reasonable doubt" standard of criminal	preponderance of
		proceedings.	evidence, rather than the "beyond a
		8.1.2 The County office initiating the civil	reasonable doubt" standard of
		action (e.g., the Sheriff's Department or	criminal
		County	proceedings.
		Department of General Services) and the	8.1.2 The County office initiating
		District Attorney's office will divide	the civil action (e.g., the Sheriff's
		equally	Department or County
		the fines received from civil action against	Department of General Services)
		pirate boaters.	and the District Attorney's office
		8.1.3 A portion of these fines will be used	will divide equally
		to continue the investigation and	the fines received from civil action
		prosecution of	against pirate boaters.
		pirate boaters.	8.1.3 A portion of these fines will
			be used to continue the
			investigation and prosecution of
			pirate boaters.
27	8.		<add> Ant of the following shall</add>
			be considered evidence of probable
			pirate boating activity: a. fees
			being charged that would exceed a
			shared cost private trip. This may
			be established via interviews. b.

		passenger believing the trip is a commercial activity.	
28	Element 9	<add> the county will pursue funding sources for improvement of ChiliBar park facilities</add>	

General Comments on 2016 River Management Plan Update:

Thank you for considering public input on the 2016 River Management Plan Update. The following are my general comments.

- a) The draft River Management Plan submitted by Environmental Stewardship Planning (ESP) for public review, unlike any other plan that I have ever seen submitted in El Dorado County, references elements that it states should be included in the plan, but were not. The draft plan could not be authorized or enacted in its current state without adding the missing elements.
 - i) Staff regardless has informed RMAC that the county believes the draft submitted for public review was complete and met contractual obligations.
 - ii) I have asked, and apparently there is no standard in El Dorado County for the condition of a plan update when it is submitted for public review. Regardless, asking the public to comment on elements that are not present is a break from county precedent and defies explanation.
 - iii) The missing elements are:
 - (1) Pirate boaters, where ESP commented as follows:
 - a. Element 8.1: "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."
 - b. ESP failed to deliver a proposed element to address currently unenforceable pirate boater violations (which were noted in a 2011 Sheriff's report).
 - (2) User Day Transfer, where ESP commented as follows:
 - a. Element 6.2.1.3.6: "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."
 - b. ESP failed to comprehend the difference between outfitter subcontracting and user day transfers, but more importantly, failed to deliver a proposed element for user day transfers. In the RMAC meeting on August 14, 2014, time 2:14, Parks Manager Vicki Sanders promised RMAC that the RMP update would include an analysis of user day transfer options for commercial outfitters, which was not fulfilled.
 - (3) Institutional permit, where ESP footnoted the following:
 - a. Element 4.2 (new numbering) "This analysis suggests that the County consider either invoking new Institutional Group management methods, as identified by the RMAC (Proposal Draft Institutional Permit Update to the River Management Plan, El Dorado County River Management

- Advisory Committee, March 2013), or transition Institutional Groups into the Commercial Outfitter management protocols (see RMP Section 6.2)."
- ESP failed to deliver a proposed institutional permit element, although the RMAC had already completed a proposed draft, and the River Supervisor had submitted a proposal to transition institutional users to commercial permits.
- (4) In addition, county staff comments, which were included as separate exhibits on the 2016 River Management Plan Update website, were not addressed in the redlined draft submitted by ESP.
- b) The key recommendations from ESP were to cut expenses by eliminating the RMAC and the river patrol, and by cutting the river supervisor to a half time position.
 - i) I oppose this proposal. I have separately provided an audio recording of the 2/18/2016 RMP update public meeting where these recommendations were unveiled. More than 70 people attended, dozens spoke, and there was uniform public opposition to those proposals.
 - ii) ESP's cost cutting recommendations were not supported. For example, there is no evidence that eliminating the RMAC would reduce county expenses. The RMAC members serve for free.
 - iii) The plan to eliminate RMAC directly contravenes the #1 goal of the RMP, in Table 3.1: "Objective 1: To promote on-going community and user participation in river management." The County benefits tremendously from RMAC's work. Prior to the creation of the RMAC, the County was hit with two expensive lawsuits centered on river use and regulation. The RMAC is comprised of 7 members who represent various interests on the use of the South Fork American: private boaters, landowners, commercial outfitters, business owners, and the broader public. Many of those interests conflict in some way. Because the RMAC serves as a forum for informal conflict discussion per the BOS resolution at https://www.edcgov.us/BosBoardsCommissionsPdfUploads/Executed%20Resolution%2006 5-2002.pdf
 - this burden is offloaded from paid county staff or officials. The fact that the county has not been sued in the past 15 years is evidence of RMAC's effectiveness, not that it should be destroyed.
 - iv) For many years I have commented at the annual RMAC meeting that it is amazing how well the west's most popular whitewater river is run with such limited resources. Most RMAC members have decades of whitewater and business experience. They donate their time and effort out of a love of the extraordinary whitewater river that graces this beautiful county, and I sincerely hope their contributions will be supported.
- c) Opportunities to increase revenues were not explored in the ESP draft. Supervisors in the 2/23/2016 board meeting quickly identified this omission and expressed surprise that other revenue sources had not already been tapped, particularly the SMUD special revenue fund that was originally designated for river related purposes. Those words were met with gratitude and relief by everyone who cares about this river.
 - A self-sustaining financial model for implementation of the RMP is achievable by implementing private boater fees, some form of institutional fees, and initiating a focused effort to pursue grants.

(1) The financial picture for the River Management Trust, (RMT), which is funded by outfitter fees and pays for RMP operations, is fairly simple. In fiscal 2015, RMT revenues were \$158,000, according to the annual report. Annual river expenses, excepting special items like plan update costs, are budgeted at around \$170,000, of which \$155,000 is comprised of staff salaries and benefits, according to the exhibit staff delivered to the RMAC at

https://eldorado.legistar.com/LegislationDetail.aspx?ID=2682099&GUID=B51B5195-6885-4DE5-BFD3-482DE63A9E60&Options=&Search=

This leaves a current funding gap of about \$12,000 for bare bones funding of the plan. A management fee as small as \$1 per private or institutional user, half the \$2 commercial user fee, would add about \$25-\$30K¹ per year in RMT revenue. This would cover current expenses and fund a promotion of the River Supervisor to River Manager.

- (2) In higher water years, when outfitters can run multiple trips due to longer daily runnable flows, the RMT should be cash flow positive and begin to rebuild its cash balances.
- (3) Larger whitewater capital improvement projects cannot be funded by fees, but could be addressed through grants and case-by-case BOS authorization tapping SMUD fees and other sources.
- d) ESP in this draft plan also recommended transferring river management to State or federal entities, specifically State Parks or BLM.
 - i) I incorporate the 2/23/2016 BOS meeting audio recording at: http://eldorado.granicus.com/MediaPlayer.php?view_id=2&clip_id=761 item 43, where the majority of supervisors expressed that they were not inclined to give up local control, particularly in light of the importance of the commercial rafting industry to the county.
 - ii) ESP argues that because the county does not directly own most of the land underlying the river, it should exit river management, but this position fails to recognize the county's jurisdiction over private land use and its economic interests. Taking into consideration that ownership of the riverbed is usually split down the middle of the river, the South Fork American is bordered primarily by privately owned lands (see Attachment 3.)
 - iii) With great appreciation expressed to the important contributions to SFA river recreation made by BLM and State Parks, I agree that control should remain local. Not only does the county have a strong interest in preserving the economic contributions of the outfitter industry, it also has an interest in protecting the private landowners along the river corridor, and the businesses who depend on visiting private boaters.
- e) So where do we go from here?
 With the goal of minimizing further cost and wrapping this update up quickly, I respectfully submit a new redlined draft (Attachment 1) which further revises the draft RMP submitted by ESP.
 - i) The new draft revises Chapter 5's regulatory elements, with changes to EPS's draft identified through redlines. It incorporates many pages of comments provided by staff and cited on

¹ The 2015 annual report counted private use at over 20,000, but notably, the count does not include boaters who enter and exit in the middle section only, a run that has become increasingly popular in recent years. Institutional use was roughly 2800 in 2015.

- the 2016 River Management Plan Update website at https://www.edcgov.us/Government/EMD/Rivers/2016_RMP_Update.aspx. Comments and references are provided on the left margin.
- ii) Proposed language for the missing elements identified in comment (a)(iv) above is submitted for consideration in Attachment 2. These were drafted using public comment delivered at numerous RMAC meetings over the years (excepting the past year when the new remote location precluded my attendance.) Because these are new elements, these have been submitted for review separately, with optional provisions.
- iii) Other revisions reverse ESP's elimination of RMAC and the River Patrol for the aforementioned reasons. ESP also proposes that the River Manager (who is actually a River Supervisor at present) should be cut to a half time position. I instead propose that he attend training seminars in grant writing and devote any spare off-season time to grant pursuits to fund both operating expenses and whitewater capital improvement projects. The Sheriff, for example, is able to capture annual funds for Rubicon trail related operating expenses through a successful grant application process, year after year. Given those increased responsibilities, it would be appropriate for the River Supervisor to be promoted to a River Manager position, as is currently referenced in the plan.

Karen Mulvany

Riverfront landowner and private boater

INTRODUCTION

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 on its River Management website.

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.

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

Comment [KM1]: This is a great objective, but prior studies done by county counsel concluded that there is no uniform consensus on this boundary line. The plan may instead identify a "best practices" grey area where it is best for both the public and private landowners to avoid confrontation.

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El Dorado County River Management Plan

4.1.21.1.3 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 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.
 - 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. Given limited signage real estate, this signage will include a scanable QR code to direct mobile device users to real time, updated and/or locally pertinent river information on the county river management website. Such linked information may include: dreamflows or CDEC site links; flood level prediction site links; Weather Underground site at RockNWater; 49 Bridge Construction update; AWA incident site; county counsel advisory on personal responsibility assumed by whitewater boaters. Separate living advisory documents should may be made available online for whitewater etiquette, strainer dangers. The link shall include the county's key regulatory requirements, including private boater regulations, and a list of permitted outfitters.
 - 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.

1.2.31.2.2 Middle-Run Signage

1.2.2.1 The County will increase maintain 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.

1.2.3.11.2.2.2

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.

Comment [KM3]: The middle section has the worst compliance record so signage there should be maintained and enhanced

Comment [KM2]: RMAC should remain.

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El Dorado County River Management Plan

65-2

1.2.3.31.2.2.3 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.

Comment [KM4]: This section must be retained to facilitate quiet zone compliance.

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. County staff will work with the owners of riverfront private campgrounds and resorts to install informational kiosks at put-ins on their properties.

Comment [KM5]: Per 2/10/2015 Noah Triplett Memo summarizing Planning Commission recommendations.

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

132

- 4.3.3 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 (http://www.dreamflows.com/) or CDEC (http://cdec.water.ca.gov/cgi-progs/queryF?s=CBR) 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—may 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 The County will <u>continueinerease</u> 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 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 The County will continue to provide a 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 Commercial Guide Educational Programs
 - 1.10.1 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

El Dorado County River Management Plan

65-4

Comment [KM6]: Dreamflows obtains its info from CDEC; CDEC is a state resource.

Field Code Changed

Comment [KM7]: Leave this optional for grant purposes

safety instruction, boating emergency procedures, first-aid, and evacuation and emergency communications education to other interested boaters.

1.10.2

1.10.2.1 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

Comment [KM8]: Reconsider the inclusion of this section, or change the wording. As is, it may obligate outfitters and others to offer first aid to interested boaters, which is not appropriate.

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

1.10.2.1.1 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.

1.10.2.1.2 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.

1.10.3 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.

1.10.2

1.11 The County, in coordination with Marshall Gold Discovery SHP and American River Conservancy representatives, will may 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.

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, and the coordinated safety effort with the County Sheriff. 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 and river emergency response. 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.

Comment [KM9]: The revision is not intelligible.

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Comment [KM10]: Make this optional and a potential element for grants

El Dorado County River Management Plan

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- 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.
- 2.4.22.1.2 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.
- 2.4.32.1.3 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 The County may contract with a River Rescue Instruction company to provide reduced-cost group courses for outfitters and the public, or alternatively, video instruction accessible through the river management website. Parks will coordinate with the RSC on safety-oriented programs, such as swiftwater rescue courses for

Comment [KM11]: Do not delete this section. The river patrol is essential to safety on the SFA. Notice that there will be no safety provisions left in the Safety Programs Element if ESP recommendations are accepted, despite the acknowledgement that safety is critical.

Comment [KM12]: Per 2/10/2015 Noah Triplett Memo summarizing Planning Commission recommendations.

El Dorado County River Management Plan

Attachment 1	K. Mulvany 2016 Chapter 5 RMP Redlined Comments	
	the public.	
El Dorado Cou	nty River Management Plan 65-8	

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

- 2.5.12.2.1 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 the River Manager in all river rescue planning and response functions.
- 2.5.2 Sheriff's Department efforts will focus on riverside enforcement activities during weekends, with weekday periods devoted to the investigation and prosecution of pirate boaters.
- 2.6 The El Dorado County Fire Protection District will continue to coordinate with the Sheriff's Department for river rescue planning and response functions.
- 2.72.3 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. The County strongly supports the use of the River Shuttle at www.colomashuttle.com by private users to reduce traffic volumes and parking demand.

- 3.1 The County will encourage the private sector recreation users to implement a utilize the Reviver sShuttle service to reduce traffic and air pollution. 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

El Dorado County River Management Plan

65-9

Comment [KM13]: If the Sheriff cannot afford enforcement and has asked for this deletion, other funding options should be pursued.

Comment [KM14]: I agree that the plan should not prescribe how the Sheriff assigns resources.

Comment [KM15]: The shuttle is one of the major improvements that has occurred since the last plan update.

Comment [KM16]: County support for shuttling should continue for environmental reasons.

1		
A	attachment 1 K. Mulvany 2016 Chapter 5 RMP Redlined Comments	
1		
	consider providing bus transportation to and from the river access locations.	
	El Dorado County River Management Plan 65	

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

3.3.13.2.1 Illegal parking areas identified by citizen and merchant complaints will-may be designated as double fine zones.

3.3.23.2.2 Double fine zone designations will be displayed by signage to notify motorists of the County's commitment to parking control.

3.3.33.2.3 The Sheriff's Department will may be encouraged to authorize the towing of illegally parked cars.

3.3.43.2.4 Established no parking zones along Bayne Road, Little Road, and Salmon Falls Road will continue to be enforced.

3.43.3 Commercial outfitters may shall 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 Meatgrinder, Troublemaker, Barking Dog, Fowler's 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

3.14.2.1 Standardized complaint forms will be made available to Handowners, 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

El Dorado County River Management Plan

65

Comment [KM17]: Per 2/10/2015 Noah Triplett Memo summarizing Planning Commission recommendations, this section would first require the Community Development Agency, Transportation Division, to establish double fine zones through a County ordinance.

Comment [KM18]: Keep this, but make some provisions optional, to bring in enforcement as needed

Comment [KM19]: This must remain given the overcrowding and dangerous conditions at Mt. Murphy bridge.

Comment [KM20]: Per 2/10/2015 Noah Triplett Memo summarizing Planning Commission recommendations.

Comment [KM21]: It's great to deploy remote technology, but obtaining a wireless signal will likely prove challenging, and should not be presumed feasible as most of these rapids are surrounded by property not controlled by the county.

Comment [KM22]: I agree that this is not necessary, but only if RMAC meetings return to the Lotus Coloma valley where public input can also provide incident data. The ability of RMAC and staff to question and better understand incidents will be compromised without in-person input.

tim mo	e, location, and des nthly for distribution	scriptions of follow to the RMAC.	-up action(s). 1	<u>'his data will l</u>	oe compiled	Comment [KM23]: reporting back to RMA	Great idea, but a C.

- 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.
- 4.54.3 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.
- 4.64.4 Water Quality Sampling and Analysis
 - 4.6.14.4.1 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.
 - 4.6.34.4.2 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.
 - 4.6.3.24.4.2.1 Sampling human fecal coliform (as a key indicator of water quality impacts and management action needs) routinely, including during peakseason weekend days.
 - 4.6.44.4.3 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:
 - 4.6.4.14.4.3.1 Report exceedance(s) of standards to County Departments of Planning, Environmental Management, and Environmental Health and the Central Valley RWQCB for possible enforcement action.

Comment [KM24]: This must continue for adaptive management to work.

Comment [KM25]: The E.Coli monitoring section should continue until SMUD takes over. If EDC abandons monitoring first, SMUD will have no obligation to assume those duties. Note that in FY 2014, there were 16 samples exceeding 100/100 ml of E.coli.

El Dorado County River Management Plan

- 4.6.4.24.4.3.2 Investigate and report the relationship between exceedance of standards and river-related SUP permitted activities.
- 4.74.5 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.
- 4.84.6 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.
 - 4.8.14.6.1 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.
 - 4.8.24.6.2 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.
 - 4.8.34.6.3 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.

Comment [KM26]: Monitoring SUP compliance is one of the River Supervisor's most important duties. Given the record of transgressions it would be a CEQA violation to omit this.

Comment [KM27]: Eliminating penalties for noise violations will encourage violations. Late night noise that disrupts the sleep of citizens with seizure conditions can trigger a seizure, so this is an important consideration.

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 in the Lotus Coloma Valley. 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.
 - Representatives of the El Dorado County Water Agency and/or El Dorado Irrigation District (EID), the Online forecasts for river flow and typical system operations from Sacramento Municipal Utility District (SMUD), and Pacific Gas and Electric Company (PG&E) will be requested to present a forecast for river flow and typical system operations. This information will be used to anticipate the character of river management needs, and the need to track low water issues such as congestion of the Gorge area on mid-July and early-August Saturdays.
- 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 rRiver cleanups, tree planting, and river safety training, other river-related volunteer events will be coordinated and conducted by the County-to use the efforts of the interested volunteers.
- 5.4 The River Festival has provided an important opportunity to coordinate with the river community. The County will use this opportunity to provide river safety and management

Comment [KM29]: These forecasts are

delivered online and can be retrieved from dreamflows comments. See also 2/10/2015 Noah Triplett Memo summarizing Planning Commission

recommendations.

Comment [KM28]: I, along with the vast majority of the whitewater community, strongly oppose the proposed elimination of RMAC. Its

varied membership fully represents the various

conflicting interests pertaining to river recreation and this committee provides a vital informal forum

to reach agreement on those conflicts. This entire

section has been gutted, and should be retained.

its public input and conflict resolution duties

The location of the meeting must be returned to the Lotus Coloma Valley to enable the RMAC to perform

El Dorado County River Management Plan

65

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

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

5.65.4 Litter Control

- 5.6.15.4.1 County efforts to collect river trash will be expanded to a monthly program.

 County staff and seasonal aides will may work with river organizations and interested individuals to conduct frequent clean-ups throughout the summer seasonin the river corridor as warranted and as conditions permit.
- 5.6.2 In addition to the cleanup efforts described above, litter control will be improved by using volunteers and members of non-profit organizations. Monitoring of gear storage and other litter prevention activities at put ins and enforcement of existing litter laws will be continued.

5.75.5 Agency Coordination

- 5.7.15.1.1 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<u>5.1.1</u> 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
- 5.7.35.5.1 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.
- 5.5.2 The County willmay 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.
- 5.5.3 The County willmay 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.
- 5.7.4 The County will encourage the BLM to retain new holdings near Greenwood Creek as wilderness for the near future.

Comment [KM30]: This is an obvious candidate for grants. See also 2/10/2015 Noah Triplett Memo summarizing Planning Commission recommendations.

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Comment [KM31]: ESP has deleted many provisions of the RMP in an effort to save costs, which is understandable. However, simply changing these provisions from required to optional (changing "will" to "may" leaves open the possibility of pursuing grants to fulfill them.

El Dorado County River Management Plan

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.

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

A River Use Permit is required for any person, outfitter, organization, club, school or institution that sponsors or organizes river use activity on the South Fork of the American River that falls within under—the definition of commercial use. The recreation programs of schools, universities and colleges must comply with the requirement for a River Use Permit if the program meets the commercial definition.

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

The County may consider the approval of a new River Use Permit application by an outfitter who offers a truly new and unique service. The service should not duplicate the services of an existing outfitter.

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

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. Trip members that are offered a trip for free (defined as "guests") while others trip members share the actual cost will not violate this requirement.
 - 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

Comment [KM32]: Without this added qualification, a private rafting trip will be deemed commercial if the trip leader fails to charge share of cost, which is not the intent of this section.

Attachment 1 K. Mulvany 2016 Chapter 5 RMP Redlined Comments	
or facilities used for the trip.	
El Dorado County River Management Plan 65	

- 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 to members of the public unaffiliated with the organization.
- 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.
- 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.
- 6.2 Commercial Outfitter Requirements
 - 5.2.1 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.

Comment [KM33]: Paddling clubs should not be caught up in the commercial definition. These clubs offload the county's educational and safety workload by allowing experienced boaters to mentor new boaters, and serve the county's health and safety goals. Private members of a not for profit that has a website or newslist announcing a group paddling trip should not be considered commercial users.

Comment [KM34]: On 3/28/2013, the Planning Commission directed staff to prepare a CEQA initial study and document pursuant to RMAC's institutional permit recommendations and to return to the Planning Commission for consideration. These steps were not completed. A subsequent proposal to use commercial user days held by the county was discussed but not fully analyzed or approved. See Attachment 2 for options for this element.

Comment [KM35]: Update when final to the correct element number.

- 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 guest allowance of 8 percent has been established (Resolution No. 99-88). The total number of guests shall not exceed 8 percent, rounded to the nearest whole number, of an outfitter's allocation. The guest allowance on a weekend day is 8 percent of the weekend day allocation. The guest allowance on a weekday is 8 percent of the weekday allocation.
 - 6.2.1.3.4.36.2.1.3.4.2 Outfitters are allowed one guide per boat that is not counted towards the permit's user day allocation. Extra guides or assistant boatmen are also permitted. The use of extra guides is limited, and extra guides cannot be used if the outfitter's river use is at the permit's allocation capacity. If an outfitter exceeds permit capacity through the use of extra guides, a Class I violation for exceeding capacity shall apply. An exception to the extra guide limitation will be granted to 1) outfitters primarily serving "special needs"

Comment [KM36]: The rationale for this deletion is not provided. The original provision likely considered guests to be private users.

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 seasonlong 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.
- 6.2.1.4 River Use Permit Transfers Where a commercial outfitter wishes to permanently transfer a River Use Permit, the following guidelines and procedures shall be used.
 - 6.2.1.4.1 For any proposed <u>permanent</u> transfer of a River Use Permit, a written application must be submitted to the Planning Commission for its review and approval prior to a transfer being consummated. Said application letter is to be submitted through County Parks. The following guidelines are to be used to facilitate the application for transfer.
 - 6.2.1.4.1.1 The buyer and seller negotiate and settle privately on the selling price of that commercial outfitter's business and inventory, excluding the South Fork River Use Permit. The River Use Permit shall have no value assigned to it in the transaction.
 - 6.2.1.4.1.2 The seller and buyer submit a Letter of Intent stating that the seller wishes to sell his business and transfer the River Use Permit to the buyer. The letter shall include the River Use Permit numbers and names of outfitters involved. This Letter shall be delivered to County Parks. With the Letter of Intent, when requested by the County, the buyer and seller shall include an inventory of equipment and other assets that shall be transferred along with the permit.
 - 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.

Comment [SP37]: 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 [SP38]: VS note: get language from Noah

Comment [KM39]: See Attachment 2 for new subcontracting element option and new user day exchange element option for Commercial Outfitters

Comment [KM40]: The county has no real authority to set prices in a third party transaction, and GAAP would dictate that willing sellers and buyers determine fair value. Instead, an indemnification agreement should be pursued.

Comment [SP41]: Noah to insert new language

El Dorado County River Management Plan

65-

- 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 authorize 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 upon request through after 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:

Comment [KM42]: This passage says an outfitters business can be sold to anyone, so it adds no value.

Comment [KM43]: Why impose this restriction? If it is just more busy work, I would delete it.

Comment [KM44]: As written, this sentence gives the Planning Commission the authority to dissolve partnerships without the permission of the partnership.

- 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:), or:
- 6.2.1.4.3.5 If the company names on the permits are the same, the overall multiple permit capacity shall be the sum total of the individual permits' weekend day and weekday allocations.
- 6.2.1.4.4 River Use Permits, Inactive Status - A commercial outfitter who does not wish to operate in any year may request that the River Use Permit be placed in an inactive status. The following requirements apply to inactive River Use Permits::
 - 6.2.1.4.4.1 River Use Permits cannot remain in an inactive status more than one year, or be inactive for more than two years within a 5 year timeframe. If this element is violated, the permit and its user days will be immediately returned to the County for redistribution or dissolution;
 - 6.2.1.4.4.2 A permit maintenance fee, set by resolution of the Board of Supervisors, is required for inactive River Use Permitsshall be the same as the annual permit renewal fee;
 - 6.2.1.4.4.3 A letter requesting that the River Use Permit be placed in an inactive status must be submitted to County Parks prior to May
 - 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
- 6.2.2 Maximum Group Size
 - 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,

Comment [KM45]: This element, without the "or" could be interpreted to mean that all violations must be present before the county may require consolidation.

Comment [KM46]: As recommended by staff in 2/10/2015 memo summarizing Planning Commission Recommendations

Comment [KM47]: More serious consequence

Comment [KM48]: As recommended by staff in 2/10/2015 memo summarizing Planning Commission Recommendations

El Dorado County River Management Plan



- sufficient distance between groups should be maintained so that, if needed, other individual boats may fit ineach group must launch 5 minutes apart and maintain a distance representative of 5 minutes of paddling, and remain out of sight of each other.
- 6.2.2.2 Rafts in a group in a regulated river trip shall remain in reasonably close proximity between Chili Bar and Trouble Maker Rapids and between Fowler's Rock and Hospital Bar Rapids (class III sections) to give assistance, whenever needed, without unnecessary delay.
- 6.2.2.3 Rafts in a regulated river trip shall not purposefully integrate into another's group in class III whitewater.

 6.2.2.4 If flows are above 6,000 cfs, trip sizes shall be a minimum of two boats.
- 6.2.2.4 If flows are above 6,000 cfs, trip sizes shall be a minimum of two boats.

 Permit holders on a regulated trip shall recommend to users that they wear wetsuits to reduce the risk of hypothermia.
- 6.2.2.16.2.2.5 One guide per 8 guests shall be required on every commercially permitted trip, which guide shall meet the requirements of Element 6.2.7.

Comment [KM49]: As recommended in 2/10/2015 Noah Triplett memo

Comment [KM50]: As recommended by staff in 2/10/2015 memo summarizing Planning Commission Recommendations

- 6.2.2.26.2.2.6 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river.
- 6.2.3 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 County Parks <u>Division</u>.

Comment [KM51]: Do we want to extend this? Homes extend beyond Greenwood Creek on river left, and this RMP predates BLM access construction. Note new home at end of turtle pond, plus Mike's house is also below Greenwood Creek.

Comment [KM52]: Note this provision supports subcontracting and may be eliminated, or made available only in emergencies, if the user day exchange element is authorized.

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."

6.2.6.1.1 In the event of lost or missing persons, or deaths from any cause on a river trip, Commercial Outfitters shall notify the River Manager within 24 houirs, and provide a written report detailing the incident within 3 days.

- 6.2.6.1.2 All Operating Reports must be <u>submitted electronically</u> postmarked (if mailed) or received by the County Parks office and user day fees remitted 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;
 - 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.

Comment [KM53]: Expensive and unnecessary with no identified benefit.

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Comment [KM54]: As recommended by staff in 2/10/2015 memo summarizing Planning Commission Recommendations

Comment [KM55]: Delete only if it is eliminated per ESP recommendation

El Dorado County River Management Plan

	Attachment 1 K. Mulvany	v 2016 Chapter 5 RM	P Redlined Com	ments
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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
 - At least one guide per trip, which need not be the trip leader, shall have completed a swiftwater rescue training course. 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. Courses shall teach at least the suite of skills found in an ACA swftwater rescue, Rescue III whitewater rescue technician, or equivalent course. In house courses taught by experienced outfitter employees meeting these requirements are adequate. Each year, permitted outfitters shall submit a list of guides that meet swiftwater rescue training standards to the River Manager by May 15 for the upcoming river season. 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;
- 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;
- Boating skills (guide for a minimum of 3 Class III trips, various flow levels, boating type);

Comment [KM56]: If private user management fees are authorized, this provision will not make sense.

Comment [KM57]: As recommended by staff in 2/10/2015 memo summarizing Planning Commission Recommendations

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.
- 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.

Comment [KM58]: Potentially add 8. failure to comply with swiftwater training element 6.2.7.1 per 2/10/2015 Noah Triplett Memo summarizing Planning Commission recommendations.

- 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 traveling in a boat from one point to another on the river. The Sheriffs Department will continue to enforce applicable state laws and County ordinances regarding life jackets.
- 6.3.3 For all boats outfitted to potentially suspend the boater upside down if the boat flips over, the boater shall wear a helmet.
- 6.3.26.3.4 No unmanned boats shall travel the rivercourse, including boats tethered to a manned boat.

6.3.36.3.5 Waste Requirements

6.3.3.16.3.5.1 All river users are directed to remove all their waste and refuse from the river corridor and dispose of it in a proper location.

6.3.3.26.3.5.2 Litter containers are required for all boats with more than two people on board.

6.3.46.3.6 Maximum Group Size

6.3.4.16.3.6.1 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

Comment [KM59]: Institutional groups were proposed for deletion by ESP; they may be reinstated or redefined as NFP Commercials

Comment [KM60]: Swimmers or waders in the slow moving pools of the river do not need to wear lifejackets.

Comment [KM61]: There are only isolated cases of hardshell boaters surfing without a helmet, but the regular one at Barking Dog is seen by hundreds if not thousands of inexperienced boaters.

Comment [KM62]: Tethered boats represent a snagging danger. These are most frequently seen with tubers, who tie another inner tube, usually loaded with a cooler, to their own tube. These frequently overturn and spill their contents.

El Dorado County River Management Plan

65-

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	is traveling togethe maintained so that, if	r, sufficient distance b needed, other individual b	etween groups oats may fit in.	should be	
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6.3.4.26.3.6.2 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river. 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. Institutional Group Requirements Parks. registration. Insurance requirements will be the same as those identified for commercial outfitters in Element 6.2.9.1. A trip leader will be designated and will provide proof of guide certification Large Group Requirements _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. 6.3.7.26.3.8.2 Large Groups are subject to pre-trip registration with County Parks. 6.3.7.36.3.8.3 Large Groups will be provided information on boat dispersion techniques and river etiquette from the County upon registration. Private Boater Requirements 6.3.8.16.3.9.1 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. Temporary Use Permit (TUP) Requirements The Planning Department will require TUPs for all river-related events, including

Comment [KM63]: See attachment 2 with proposed elements

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.

6.56.4 Special Use Permit Issuance, Guidelines, and Inspections

- 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.
 - 6.5.1.16.4.1.1 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.
 - 6.5.1.26.4.1.2 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.
 - 6.5.1.36.4.1.3 RMAC members will be encouraged to conduct site visits (with the approval of applicants) to review the site characteristics of each SUP application.
- All new or reissued SUPs will include landscape, signage, drainage, and erosion control plans.
 - 6.5.2.16.4.2.1 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.
 - 6.5.2.26.4.2.2 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.
 - 6.5.2.46.4.2.4 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.

Comment [KM64]: Part of RMAC's role is to provide a broader vision for environmental protection of the river, which is lost in typical county case-by-case review of SUP applications. RMAC is in the best position to assess cumulative impacts. This role is more important now, given that the new General Plan requires a cumulative impact analysis.

- 6.5.36.4.3 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.
 - 6.5.3.16.4.3.1 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.
 - 6.5.3.26.4.3.2 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.
 - 6.5.3.36.4.3.3 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:
 - 6.5.3.3.16.4.3.3.1 Photograph erosion/grading areas and transmit with a written report to County Environmental Management and Planning Departments for possible enforcement action.
 - 6.5.3.3.26.4.3.3.2 Conduct water quality sampling in the river downstream of the subject site and report results to County Environmental Management.
 - 6.5.3.3.3.6.4.3.3.3 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:
 - 6.5.3.3.3.16.4.3.3.3.1 Report the potential impact to the California Department of Fish and Game.
 - 6.5.3.3.3.26.4.3.3.3.2 Coordinate biological monitoring program protocol development with California State Parks and BLM recreation staff.
 - 6.5.3.3.3.3.6.4.3.3.3. Conduct focused monitoring of the impact site in conjunction with the following season's monitoring.
 - 6.5.3.3.3.4.6.4.3.3.3.4 Identify ownership of the subject property and report the impact to the County Planning Department if the impact occurs in an SUP area.
 - 6.5.3.3.3.5.6.4.3.3.3.5 Provide signage (or coordinate signage with California State Parks and BLM recreation staff) and other management disincentives to minimize human use of affected areas.
 - 6.5.3.3.3.66.4.3.3.3.6 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.

El Dorado County River Management Plan

65-

Comment [KM65]: All of these are important environmental protections. Several campgrounds with SUPs are building platforms right next to the river, constructing in the FEMA no-build area of the floodplain, which after a flood will leave dangerous debris in the river corridor. Compliance and reporting needs to be improved, not abandoned.

5.5.3.4 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 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

Comment [KM66]: This section must be retained as density counts frequently approach threshold levels, as can be seen in the annual reports.

- 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.
- 7.3.1.47.3.1.3 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 A website or hard copy advertisement that promotes to the public a whitewater boating service for any fee, shared or otherwise, shall be deemed to identify a commercial rafting enterprise that cannot legally float the SFA without a county permit. If membership is offered solely for the purpose of gaining access to such a trip, this shall not be sufficient to escape the public offering aspect of this definition. A party or parties, and/or an employer of such parties, captaining a boat associated with such a promoted service and that lacks a county permit shall be deemed a pirate boater engaged in a violation without a valid permit.

8.1.2 Boats belonging to captains or employers of captains found in repeat violation of the pirate boating ordinance may be immediately towed and later recovered by offenders at a location and via a process determined by the EDC Sheriff. Violation fees shall be set by . Such towed boats may be auctioned off by the EDC Sheriff to fund the owner's unpaid violation fees.

Comment [SP67]: 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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- 8.1.3 Private boater permit shall include a sworn statement, under penalty of perjury, to be signed by boater that boater is not participating in an unpermitted commercial trip.
- 8.1.4 The Sheriff shall have the option to deputize River Patrol staff, and the River Manager, for the limited purpose of enforcing river regulations on the SFA.
- 8.1.1 The County will pursue civil prosecution of pirate boaters under the Unfair or Fraudulent Business Practices (§17200) and False Advertising (§12500) codes. The use of civil, rather than criminal prosecution, allows the imposition of civil penalties of up to \$2,500 per instance; and conviction requires the use of preponderance of evidence, rather than the "beyond a reasonable doubt" standard of criminal proceedings.
- 8.1.2 The County office initiating the civil action (e.g., the Sheriff's Department or County Department of General Services) and the District Attorney's office will divide equally the fines received from civil action against pirate boaters.
- 8.1.3 A portion of these fines will be used to continue the investigation and prosecution of pirate boaters.
- 8.2 The County will amend Quiet Zone regulations and enforcement mechanisms to enable the issuance of citations to private rafters violating Quiet Zone requirements

Comment [KM68]: This proposed element takes a different approach, akin to a parking ticket or a moving vehicle violation.

Comment [KM69]: Attachment 2 proposes additional identification to better distinguish permitted commercial outfitters from pirate boaters.

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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.
- 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.
- 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.
- 9.7<u>9.5</u> Trails
 - 9.7.19.5.1 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 In

El Dorado County River Management Plan

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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.

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.

Comment [SP70]: This section will be revised in response to the updated CEQA analysis.

Comment [KM71]: There is never going to be any spare RTF \$ for capital improvement projects

Comment [KM72]: RMAC must remain

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	<u>Tri-</u> Annua
Landowner rights	1,4,9	0 6	Ø		Ø			
Boater's rights	1, 4, 9	Ø Ø	Ø		Ø			
Trespass	1, 4	Ø Ø	Ø		Ø	00	Ø Ø	
River activity calendar	1	Ø	Ø		Ø			
Safety and Orientation Materials	1, 2, 6		Ø		Ø	06	00	
River flow projections	1, 2, 6		Ø Ø	⊕ ⊕	Ø			
Recent use levels	1, 2, 6			⊕ ⊕	Ø			€069
Estimated High and Low Use Periods	1, 2, 6	Ø		€6	Ø			00
Parking/shuttle options	1, 2, 3		Ø Ø	⊕ ⊕	Ø	Ø	Ø	
General camping information	1		Ø		Ø		0 6	
Wildlife and Habitat Protection	1, 4, 5	Ø	Ø		Ø			
Quiet Zone requirements	1, 6		0 6		Ø		0 6	
Quiet Zone locations	1, 6		€6		Ø	00	Ø Ø	
Double Fine zones	1, 3				Ø	Ø		
Middle run boundaries/ lower reach hazards	1, 2		Ø	Ø Ø	Ø	Ø	00	
Trash disposal container locations	1, 5		Ø		Ø	Ø		
Approved river access/rest stop locations	1, 3, 4, 9		Ø Ø		0 3	Ø Ø	€069	
Boating education	1, 2, 5, 6, 7						Ø Ø	
River etiquette	1, 2, 6		Ø		Ø		Ø	
Emergency and Evacuation Procedures	1, 2, 5		Ø		Ø		00	
Environmental Monitoring and Water Quality Information	1, 2, 4, 6	Ø Ø			Ø			1 00
Volunteer opportunities	1, 2, 5	Ø Ø	Ø		Ø			

Comment [SP73]: No longer needed with the advent of the "Dream Flows" website.

Attachment 2: Proposed New Plan Elements

The first three proposed elements address those identified by ESP in the draft RMP as necessary but missing. The second three are proposed to address other areas not identified by ESP; these are not missing elements, but new content.

First, without a set of guidelines with which to make decisions about changes proposed to the plan, the update process can easily descend into chaos. The following is proposed for this purpose.

I. Proposed Guidelines for Plan Changes:

Any decision to change the plan should satisfy the following requirements:

- i. The change improves the ability to meet Plan Goals
 - Goals are crafted to endure over time, and are consequently broad and conceptual. These define the county's raison d'etre for the plan. They should change very little in an update, if at all.
 - Elements define how the county will take action to achieve plan goals. Elements are objective,
 measurable and may include timelines to achieve the stated actions. Plan updates are typically
 concentrated in elements and administration of elements. As conditions change, elements, but
 not goals, change.
 - El Dorado County's RMP goals are:
 - 1. Enhance Health and Safety of river users and riverfront residents
 - a. ...with the understanding that the county does not undertake the obligation to, nor can it legally, modify the natural river corridor outside of lands it owns.
 - b. ...with the understanding that river users bear ultimate responsibility for the decision to travel the river corridor.

2. Enhance access to river recreation

- a. This is the key role of commercial outfitters and institutions, which enable citizens not able to self-navigate down a river to enjoy river recreation
- b. Facilities projects can enhance river recreation access

3. Protect the river ecosystem

- a. CEQA analysis, monitoring and mitigation
- b. plus additional regulations as needed (for example, the glass ban)
- ii. The change improves administration of the plan
 - 1. The change provides additional or more reliable revenue to better finance the costs of plan administration
 - 2. The change will reduce the cost, staff time required, or complexity of plan implementation
 - 3. The change improves accuracy of the plan or data used in plan implementation without incurring undue county cost
 - 4. The change reduces County risk
 - a. The RMAC's role in managing conflict (noted in the Board Resolution) serves this goal
 - II. <u>Proposed New Elements for RMP addressing Identified but Missing Elements:</u>

Ideally the proposed elements below will be reviewed at a public meeting, with comments recorded and subsequently presented to RMAC, which will then provide a final recommendation to the Planning Commission and the BOS for approval in the RMP Update.

1. Enhanced Private Boater provisions to address middle section user compliance and pirate boating enforcement

- a. All private boaters traveling from one point to another on the SFA must have a valid private boater permit, which shall require a management fee
 - i. \$1 per day, or
 - ii. Annual pass of \$15 per user
 - iii. A per instance fine TBD by the EDC Sheriff shall be assessed for failure to possess a valid private boater permit while on the SFA.
- b. To address pirate boating enforcement:
 - Private boater permit will include a sworn statement, under penalty of perjury, to be signed by boater that boater is not participating in an unpermitted commercial trip
 - ii. A website that advertises to the public a whitewater boating service for any fee, shared or otherwise, shall be deemed to identify a commercial rafting enterprise that cannot legally float the SFA without a county permit. A party or parties, and/or an employer of such parties, captaining a boat associated with such a website and that lacks a county permit shall be deemed a pirate boater.
 - iii. Boats belonging to captains or employers of captains found in repeat violation of the pirate boating ordinance may be immediately "towed" and later recovered by offenders at a location and via a process determined by the EDC Sheriff. Said boat may be auctioned off to fund the owner's unpaid violation fees.
 - iv. The Sheriff shall have the option to deputize River Patrol staff, and the River Manager, for the limited purpose of enforcing river regulations on the SFA.
 - v. To better enable the public to distinguish permitted outfitters from pirate outfitters, all permitted commercial outfitters shall post unique identification on each boat, using a method TBD by the County:
 - 1. CA Dept of waterways registration through DMV, plus outfitter name
 - 2. County registration with readily identifiable outfitter name, permit number, and unique identifying boat number
- c. Valid government issued photo ID must be carried by all adults traveling downriver from a put in spot (including to play spots)
 - i. At the Sheriff's option, a uniquely numbered private permit shall suffice in place of a valid government photo ID
 - ii. The captain of private raft shall bear responsibility for ensuing ID compliance of all passengers and will bear fine responsibility for all noncompliant passengers

- iii. Minors not in the company of adults must have a uniquely numbered private permit while traveling the SFA
- d. Fine of \$60 per person per day for failure to carry ID;
 - i. First offence shall be citation only
 - ii. Serial offenders (2+ offenses) shall incur \$___(TBD) fine, and shall immediately exit the river
 - 1. Boats may be "towed" and recovered by offenders later at a location and via a process determined by the EDC Sheriff
 - iii. Photos may be taken of offenders without valid IDs and may be stored in facial recognition database

2. <u>User Day Exchange or Subcontacting Element for Permitted Commercial Rafters</u>

This is a charged issue that was discussed at numerous RMAC meetings in 2014. When assessing this element, the goals of the County must be evaluated first.

The current RMP prohibits commercial outfitters from transferring user days. However, the current plan includes several provisions to facilitate subcontracting between outfitters, for example, specifically condoning the borrowing and relabeling of outfitter rafts. In the subcontracting process, when one outfitter runs out of user days, the job of taking the customer down the river is transferred to another outfitter, vs. transferring a user day from one outfitter to another. The subcontracting process has been deemed by the county to comply with the plan and is in use today. Subcontracting is such a widespread practice in so many industries that, if the county were to pursue its elimination in the RMP, it may be difficult to justify.

Having said that, the current subcontracting method contains no provisions in the RMP to report such transactions to the county, and consequently, it creates confusion and monitoring difficulties for staff. Furthermore, in theory, this subcontracting practice could potentially allow a single outfitter to capture all the business on the SFA, which would conflict with the county's interest in preserving a diversity of outfitters to best serve the public recreational access goal. In light of those considerations, one option is to continue the subcontracting process while 1) enacting new reporting provisions to facilitate county monitoring and 2) imposing caps on the amount of subcontracting that can take place relative to the seasonal size of any outfitter's permit.

Option A: Proposed Subcontracting Element:

- a. All subcontracting activity between commercial outfitters must be reported to the River Manager as follows:
 - i. By the end of the day prior to use (or 6 am on the day of use)
 - ii. With the provision that both the prime contractor and subcontractor outfitter names are visible on the boat, to ensure group sizes remain under 7 boats

- iii. Quantifying the number of weekend user days consumed to date by the outfitter, plus subcontracted weekend user days managed by that outfitter, vs. that season's total available weekend user days for that outfitter to ensure outfitters do not exceed the level of business authorized by their permit
- iv. With the provision that outfitters shall cease to subcontract to other outfitters when the number of weekend user days consumed in that season by the outfitter, plus the number of subcontracted weekend user days managed by that outfitter in that season exceeds that outfitter's total weekend user days permitted in that season.
- v. With the provision that the SUP that allows the outfitters to launch or take out on the banks of the SFA is not violated by the subcontracting activity.
- vi. With penalties for failure to timely report subcontracting to the county: (TBD by River Manager)

Option B: Proposed User Day Exchange Element

Discussion:

Another option is to re-examine the current RMP prohibition against user day transfers, which in many ways offers a cleaner process, with the involvement of only one outfitter. In RMAC meetings where this was discussed, no one was entirely sure why this prohibition exists and what goal it is intended to serve. At those RMAC meetings, the following input was provided:

Summary of public input from 2014 RMAC meetings:

- a. Key benefits of the proposed user day transfer program:
 - i. Current subcontracting practice enables larger groupings and creates monitoring challenges which would be eliminated with user day transfer or trading
 - ii. Smaller outfitters would benefit by being able to address a few larger groups that make their season profitable
 - iii. User day transfers or trading is allowed in other rivers managed by state and federal entities and this would bring EDC into alignment
- b. Key objections to a user day transfer program:
 - i. Unlimited user day transfers could damage value of permits and give smaller outfitters an unfair advantage
 - ii. Unlimited user day transfers could result in loss of diversity of outfitters as larger outfitters could leverage economies of scale to wipe out smaller outfitters
 - Some outfitters serve particular populations, i.e. ETC serves disabled
 - iii. Commercial outfitters make money off the river and shouldn't be allowed to make more by selling user days, which are supposed to be zero value by county mandate
 - iv. If county managed the user day transfer process, staff would be overwhelmed with work

The prohibition against user day transfers is not a goal in and of itself, but is intended to serve a goal to protect outfitter diversity which improves public access to river recreation. Similarly, the county's prescription that user days have a zero value may be intended to serve administrative risk management goals, but it is a less than ideal method as it is not supported by GAAP. Focusing on the underlying goals of protecting outfitter diversity, and facilitating county compliance monitoring activities, there remains a good possibility that a user day exchange program, as opposed to an unreconciled borrowing and lending program originally proposed, would meet the goals of both the county and outfitters.

Other than to prescribe how records of those transactions are provided to staff for monitoring and enforcement purposes, there is no need for the county to directly manage exchange, donation or subcontracting of user days. Stock exchanges are not run by government entities, but the transactions are reported to the government.

Option B Proposed User Day Exchange Element:

- a. Permitted Commercial Outfitters may exchange user days subject to the following provisions:
 - Any outfitter that releases a user day to another outfitter must receive a user day in exchange from that outfitter, such that the number of weekend or weekday user days permitted for that outfitter in any given season does not change.
 - 1. A sole exception is that a permitted commercial outfitter may donate a user day to a permitted not-for-profit (NFP) commercial outfitter.
 - ii. Exchanged user days shall be electronically reported to EDC River Manager by close of business day prior to the day of use (or 6 am on the day of use)
 - 1. The format of the electronic report shall be determined by the River Manager and provided to the commercial outfitter at least two weeks prior to the first reporting date.
 - 2. A per user day processing fee TBD by the BOS will be incurred by each outfitter participating in the user day exchange.
 - 3. Late reports shall be subject to a penalty TBD by the River Manager.
 - iii. At least one of the exchanged days must be a future user day, which day shall serve as the deadline day of use for reporting purposes
 - iv. All exchanged user days shall be like-for-like i.e. weekend user day exchanged for weekend user day; weekday user day exchanged for weekday user day.
 - v. Outfitters shall have the right to pay an additional amount for an acquired user day deemed to be of greater value than the user day received in the exchange
 - vi. This provision shall lapse unless all commercial permit holders, including Not For Profit commercial permit holders, sign an indemnification agreement excusing the county from liability should county curtail or eliminate permitted commercial usage in accordance with state, federal or county law or regulation, including provisions of the River Management Plan.

vii. One year from inception of the program, these provisions will be reviewed by RMAC and the public for revision as necessary.

The above user day exchange program does not allow outfitters to grow larger than their current permit provides, preserving the administrative purpose of a permit size and protecting the diversity of outfitters on the SFA. It does provide additional flexibility for outfitters to address peaks and valleys in the demand for their business. It is a less complex solution than subcontracting as it involves only one outfitter in every trip going down the SFA. If adopted, it would obviate the need for the current provisions in the RMP that allow for borrowing and relabeling of rafts, and these provisions may then be eliminated, or allowed in emergencies only.

The provision allowing for trading of days with additional cash, and the donation of days to not-for-profit outfitters, are interrelated. The value of a user day can be established by this exchange, and the donation of a user day to a nonprofit may be tax deductible if appropriate. This provision would be of the most value should the county decide to offer its inventory of unused commercial user days to the institutions on the SFA.

3. Institutional Permit Options

At present there are 7-8 not for profit (NFP) institutions, ranging from charitable organizations to colleges, church and military groups.

There was a historical concern from commercial outfitters that some institutional fundraising efforts were essentially commercial activities. RMAC held numerous public meetings to draft a new institutional permit to address these concerns which would limit fundraising to 3 trips per year. It submitted these recommendations to the EDC Planning Commission in 2013, which directed staff to pursue a CEQA analysis and report back. This process was then terminated for reasons unknown to RMAC.

Subsequently, the county in 2014 proposed that spare commercial user days held by the county be offered to institutions for their commercial use.

The current ESP draft deletes the existing Institutional Element but offers no proposed elements.

Option A: 2013 RMAC Submission

The first option is to enact the provisions drafted by RMAC and submitted to the Planning Commission in 2013. See:

https://www.edcgov.us/government/planning/PCagendas/2013/03-28-2013 minutes.aspx and the RMAC Institutional Group Recommendation at

https://www.edcgov.us/Government/EMD/Rivers/2016 RMP Update.aspx

Staff has since recommended against this provision.

Option B: New Not-For-Profit (NFP) Commercial Option

The county holds the following permits and user days:

NFP Commercial Permit Option			
	permit #02	permit #36	Total available
wekkend day user day allocation	103	33	136
weekday user day allocation	75	25	100
weekend day guest allowance*	8	3	0
weekday guest alowance*	6	2	0

*ESP proposed deletion of commercial guest allowances

A total of 136 weekend user days and 100 weekday user days are available with these commercial permits. The NFP Institutions on the river do not currently operate with any individual or group maximums. Large group registration is required for any trip over 18 participants, as would be the case for any large private group. It is thus essential to determine if the institutional usage would fit within the permit size available.

In reviewing the 2015 and 2013 data, there were no days in 2015 when aggregate institutional usage exceeded these permit numbers, and only one day in 2013 when 146 users from four institutional groups, two of which were FOR, were on the river, exceeding the permit capacity by 10 users. It thus appears that the county's inventory of commercial permits would meet the institutional need, provided the county builds a program to distribute these permits as needed.

The following NFP Commercial Permit is proposed for consideration:

- a. EDC shall establish a subset of commercial outfitter regulations which any valid not-for-profit organization (verified with IRS issued notice) holding a commercial permit may at its option elect as its governing regulations, which shall be known as the NFP Commercial Permit:
 - Once elected, the NFP Commercial Permit is permanently attached to the permit holder's user days and permit and may not be removed. These user days will be added to the NFP Commercial Pool.
 - ii. Unused commercial permits held in escrow by EDC shall be converted to NFP commercial permits and the user days added to the NFP Commercial Pool.
 - iii. Registered 2015 Institutional permit holders shall be eligible to request and receive an NFP Commercial Permit and request and receive User Days from the NFP Commercial pool.

- 1. Subject to availability, NFP Commercial permit holders may request and receive issuance of weekend user days from the Pool, until aggregated requested user days reaches the permit holder's pro-rata share of the season's weekend user days. The pro-rata share shall be calculated by dividing the permit holder's weekend user day usage by the total number of weekend user days in the prior season. Additional user days will be released by the County upon request 30 days prior to the requested day, subject to availability.
- NFP Commercial user days may not be exchanged, transferred or traded. Unused NFP Option user days must be returned to the County for redistribution two days prior to the day of use, excepting a 2 person or 10% allowance, whichever is larger.
- 3. An NFP Commercial Permit Holder may receive a donation of user days from a Permitted Commercial Outfitter, and if appropriate, provide a notice of a donation
- 4. NFP Commercial permit holders shall pay management fees at 50% of the standard commercial fee rate, and shall comply with standard County reporting requirements for Commercial Outfitters.
- iv. The County shall maintain a continuously updated electronic calendarized inventory of unissued permits accessible for use by NFP Commercial permit holders.
- v. Fund raising trips must be solely conducted using NFP Commercial user days
 - 1. River trips which are only available to users when bundled with another fee-based activity shall be deemed fundraising trips
- vi. NFP Commercial permit holders may still conduct private trips if all private trip guidelines are met
- vii. Noncompliance with this section will result in loss of use of user days from the NFP Commercial pool for one month
- viii. The County may add to the NFP Commercial pool any commercial user days newly made available by retiring permitted outfitters.
- ix. One year from inception of the program, these provisions will be reviewed by RMAC and the public for revision as necessary.

III. Other Proposed Elements for Consideration

These proposed Elements were not previously identified for inclusion in the RMP Update and are not omissions by ESP.

4. Whitewater Capital Improvement Program Element

Discussion:

At present, annual RTF revenue from fees is insufficient to support operating expenses to implement the RMP. While the proposed elements for private and institutional fees will bridge the gap, there will be little if any funds remaining for capital improvement projects.

Whitewater projects, notably the proposed whitewater park RFP cited in the Henningsen Lotus Park Concept Plan at https://www.edcgov.us/Parks/Henningsen Lotus Park Concept Plan.aspx have not been funded by the Parks and Recreation Commission, despite overwhelming public support and an economic analysis that shows it is the only Parks project that is likely to deliver a meaningful economic benefit for the county. From p. 61 of the HLP Concept Plan:

"Specifically, as a whitewater recreation venue, HLP can dramatically contribute to the community visitor industry and provide wider economic impacts to area businesses who serve this outdoor recreation market. We anticipate that a purpose-designed and built in-stream whitewater venue will have a significant impact on the local community both in terms of direct visitor expenditures but also for community image, branding and marketing, local recreation amenities, business reinvestment, and for re-positioning Coloma-Lotus as a premier whitewater destination."

To overcome these barriers to implementation, this proposed element will require the RMAC to annually submit a prioritized list of proposed whitewater capital improvement projects to the BOS and the Parks and Recreation Commission. These projects may tap grants or special revenue funds such as the SMUD relicensing special revenue fund. Initially, the projects will request scoping RFPs that will ascertain the estimated cost to completion of a project. The element will also require the River Manager to pursue grant funding for such identified whitewater projects.

Proposed Whitewater Capital Improvement Element:

- a. Upon approval by RMAC, the River Manager shall annually submit to the Parks and Recreation Commission, the Planning Commission and the BOS a report on proposed SFA whitewater capital improvement projects (CIPs)
 - i. Proposed projects shall be identified and prioritized utilizing annual public input process, with proposed implementation timelines
 - ii. The report shall identify and quantify the cost of proposed scoping RFPs:
 - Scoping RFPs shall serve to outline whitewater project options with estimated costs, funding options, resources required, timelines, risks and benefits
 - ii. Initial funding of scoping RFPs will be requested as needed
 - iii. After scoping RFPs are completed:
 - RMAC shall request contingent approval for individual whitewater capital improvement projects subject to funding
 - ii. RMAC shall provide an update on funding progress for existing CIPs with approval contingent upon funding

- iii. RMAC shall request final CIP approval for identified projects where funding has been secured
- iv. The River Manager shall identify proposed action to complete CIP for approval as necessary

Below is an initial list of proposed whitewater projects, which should ideally be rank ordered utilizing a public comment process.

- a) Grant writing course for the River Supervisor
 - i) Coursework will identify prospects for grants for SFA projects
- b) RFP to identify any remaining improvements necessary at HLP Pavilion to hold RMAC meetings there year round
- RFP to evaluate potential and feasibility for SFA whitewater park with identification of key recreational, economic, cost and environmental considerations for either Middle section or Chili Bar location
- d) RFP to add WiFi service to HLP for safety information access
 - i) While 75% of US residents own a smartphone, only Verizon cellular service is widely available in Lotus Coloma Valley, making WiFi a more universal solution
 - ii) WiFi will allow public access to current county RMP website information, supplemental to signage
- e) RFP to create publicly accessible electronic record for each SUP within 200 feet of SFA
 - i) SUP survey map
 - ii) key conditions of SUP
 - iii) Identify and segregate original SUP from follow-on SUP records
- f) RFP for triple net lease proposals for management of the Chili Bar property
 - RMAC to hold public input meetings on key goals and restrictions to be attached to the RFP
- g) RFP to develop a whitewater safety video to be posted online at the river management website

5. Element Specifying River Management Plan Update Process

Discussion:

The current update process has been challenging due to highly differing expectations about how a plan update should be conducted and a draft plan update should include before it is submitted for public review.

In addition, the cost of RMP update has been difficult to manage. With a \$190,000 June 2015 RMT fund balance, fiscal 2015 revenue of \$158,000, and projected 2016 expenses of \$166,000, the RMAC was challenged to find a way to fund consulting expenses for an RMP update while still preserving a year's worth of operating expenses in the RMT. The initial consulting contract for \$65,000 plus the additional request for \$25,000 are small figures relative to the county's budget, but the total would have consumed over half of the RMT's annual revenue.

This element will identify a process for plan updates in the future that emphasizes public input, Brown Act best practices, and provides a framework for decisionmaking on the plan update.

Proposed River Management Plan Update Element

- 1. The River Manager will maintain a living list of proposed RMP updates.
 - a. Where it is likely no EIR would be required, the RMAC will annually propose RMP updates for immediate implementation, using the adaptive management protocol.
 - b. Where it is likely an EIR would be required, the RMAC will aggregate proposed RMP updates for recommendation in a 5 year update cycle.
- 2. The River Manager will post an announcement on the River Management website that an RMP update is underway, and create a public input section that indicates scheduled update meetings, plus email, mailing address and the next deadlines for public input.
- 3. If necessary, the county will issue an RFP for consulting for the plan update, and recommend a selection to RMAC for its approval. The RFP will reference this element and its plan update deliverables.
- 4. The plan update shall emphasize public, transparent input.
 - a. The first step in the plan update shall be to collect structured public input. Public input will be collected using a structured quantifiable method, so that desired objectives are rank ordered by the public for their perceived importance and desired timeframe for implementation.
 - b. The public input process will proactively request structured input on:
 - i. identified changes that have occurred since the last plan update, its impacts and the implication for RMP elements and mitigations
 - ii. Areas or elements for which there has been no identifiable associated change since the last plan (which are less likely to require change)
 - iii. Errors or omissions in the plan
 - iv. Ineffective mitigation measures or elements
 - v. Opportunities for more efficient, cost effective, or simple mechanisms for RMP implementation
 - vi. Newly needed elements and proposed mitigations
 - c. If collection of confidential input from selected individuals is deemed advisable, those individuals shall be selected through a disclosed process that ensures the selection is not biased. This shall be cited and summarized as private input, not public input. A series of private meetings with members of any county board, commission or committee, that could in aggregate be deemed a Brown Act violation, shall be avoided.
 - d. If input is collected from public employees acting in their official capacity, said input shall be publicly disclosed, and ideally, delivered in a public meeting.
 - e. New proposed elements and options for consideration, and proposed major revisions to elements, will be presented to the public in workshops, which will provide rich and detailed information to the public for its consideration and input.
- 5. Utilizing this input, a new redlined draft of the RMP shall be compiled and delivered to RMAC for review and approval. Recommend changes to the RMP shall use a decisionmaking framework that satisfies the following requirements:
 - a. The change improves the ability to meet Plan Goals

- Goals are crafted to endure over time, and are consequently broad and conceptual.
 These define the county's raison d'etre for the plan. They should change very little in an update, if at all.
- Elements, in contrast, define how the county will take action to achieve plan goals.
 Elements are objective, measurable and may include timelines to achieve the stated actions. Plan updates are typically concentrated in elements and administration of elements. As conditions change, elements, but not goals, change.
- El Dorado County's RMP goals are:
 - 1. Enhance **Health and Safety** of river users and riverfront residents
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 - c. ...with the understanding that river users bear ultimate responsibility for the decision to travel the river corridor.

2. Enhance access to river recreation

- d. This is the key role of commercial outfitters and institutions, which enable citizens not able to self-navigate down a river to gain access river recreation
- e. Facilities projects can enhance river recreation access

3. Protect the river ecosystem

- f. CEQA analysis, monitoring and mitigation
- g. plus additional regulations as needed (for example, the glass ban)
- b. The change improves administration of the plan
 - The change provides additional or more reliable revenue to better finance the costs of plan administration
 - The change will reduce the cost, staff time required, or complexity of plan implementation
 - The change improves accuracy of the plan or data used in plan implementation without incurring undue county cost
 - The change reduces County risk
- 6. A redlined draft plan will be created for review.
 - a. An initial redlined draft will be submitted to RMAC and other county personnel, as recommended by the Planning Commission and BOS, for review.
 - b. Proposed changes to the initial redline shall be submitted publicly, excepting those changes that are authorized for nonpublic inclusion by County Counsel, which shall be added without attribution.
 - c. The final redlined draft shall consolidate all recommended changes with comments identifying the reason for and source of the recommended change. It must be sufficiently complete that it is capable of authorization in its submitted form.
 - d. The redlined draft Plan Update will be posted for public comment.
- 7. Public comment shall be analyzed and proposed changes submitted to RMAC for approval and incorporation into the plan update.
 - a. RMAC shall then submit the updated RMP to the Planning Commission and the BOS for approval for CEQA analysis.

- 8. The revised plan shall undergo CEQA analysis, and a DEIR prepared if necessary, subject to Planning Commission and BOS approval.
 - a. Any DEIR shall be submitted for public comment and revised as necessary
 - b. Final DEIR shall be recommended for approval by RMAC to the Planning Commission and BOS
 - c. The draft RMP shall be finalized using the findings of the EIR
- 9. RMAC shall submit the final plan update for approval to the Planning Commission and BOS.

For the current RMP Update, the following is an initial list of changes and impacts that have occurred in the SFA area since the 2001 plan was finalized:

Changes in the South Fork American Since 2001

What has changed:	Impact	
FERC relicensing completed	SMUD funds and predictable flows; improved recreational access and	
	safety; possible revenue source for	
	whitewater projects	
2. New Salmon Falls upper parking lot	Less parking overflow onto Salmon Falls Road; improved safety	
Lower Salmon Falls parking lot now open in winter	Less parking overflow onto Salmon Falls Road; improved safety	
4. Institutions now required to take out below Skunk Hollow	Less parking overflow onto Salmon Falls Road	
5. Marshall Gold now allows put ins <u>and</u> take outs	Major improvement to river recreation	
	access	
6. Marshall Gold built boat drop off circle at North	Enhanced river recreation access	
Beach		
7. Marshall Gold built after hours parking lot exit	Enhanced river recreation access	
feature, mostly for boaters		
8. Greenwood creek parking lot and bathroom	Major improvement to river recreation	
built with trail to put in and take out	access	
9. Chili Bar put in property purchased by county,	Possible risk to only upper section	
now proposed for transfer or sale	public put-in	
10. Initiation and restart of the River Shuttle	Less parking congestion and traffic; improved health and safety	
11. Widespread availability of Verizon cellular	Ability to augment signage/safety with	
service in middle section	link to county website	
12. WiFi publicly available at Marshall Gold	Ability to augment signage/safety with	
	link to county website	
13. Website river flows information is available	Enhanced safety with more accurate	
online vs. prior flowphone: Dreamflows ; CDEC	and timely flow information	
14. Large Influx of tubers in middle section, which	Possible environmental impact from	
is growing; tubers often put in at state park and	growing middle section usage	
take out at 49 bridge and walk back to put in		
again at state park		

15. Tubers often tie on a second tube with a	Negative environmental impact; unsafe	
cooler placed inside; these frequently turn over	tethering practice	
and spill contents		
16. Influx of SUPs and surfboards since 2006;	Health and safety concern	
surfboard collisions from failure to yield to		
boaters coming downstream (Barking Dog)		
17. Reported tuber conflicts include aggressive	Health and safety concern,	
trespass for River access (River Road), theft,	environmental concern (fire risk)	
smoking on privately owned riverbank		
18. Growing streamed alteration by private	Environmental; health and safety	
boaters: Barking Dog, Gorrilla Rock beach,	concern	
sneak route at Satan's		
19. Isolated case of hard shell boater who surfs	Health and safety concern	
Barking Dog without a helmet - unfortunately		
seen by hundreds of inexperienced boaters		
20. New glass ban in place	Improved environmental protection;	
	health and safety	
21. New technology is emerging	Possible lower cost monitoring of boat	
	density and outfitter compliance data	

What will Change in the Future	Impact	
22. Additional shuttle van starts in 2016	Less parking congestion and traffic;	
	improved health and safety	
23. 49 bridge begins construction	Health and safety risk; need for	
	coordination with CalTrans	
24. Mount Murphy bridge possible	Health and safety risk; need for	
move/construction	coordination with DOT	
25. Greenwood creek inadequate parking being	Will enhance health and safety by	
addressed through proposed connector trail to	removing Hwy 49 parking	
Magnolia parking lot		

6. <u>In-County Outfitter Rental Element</u>

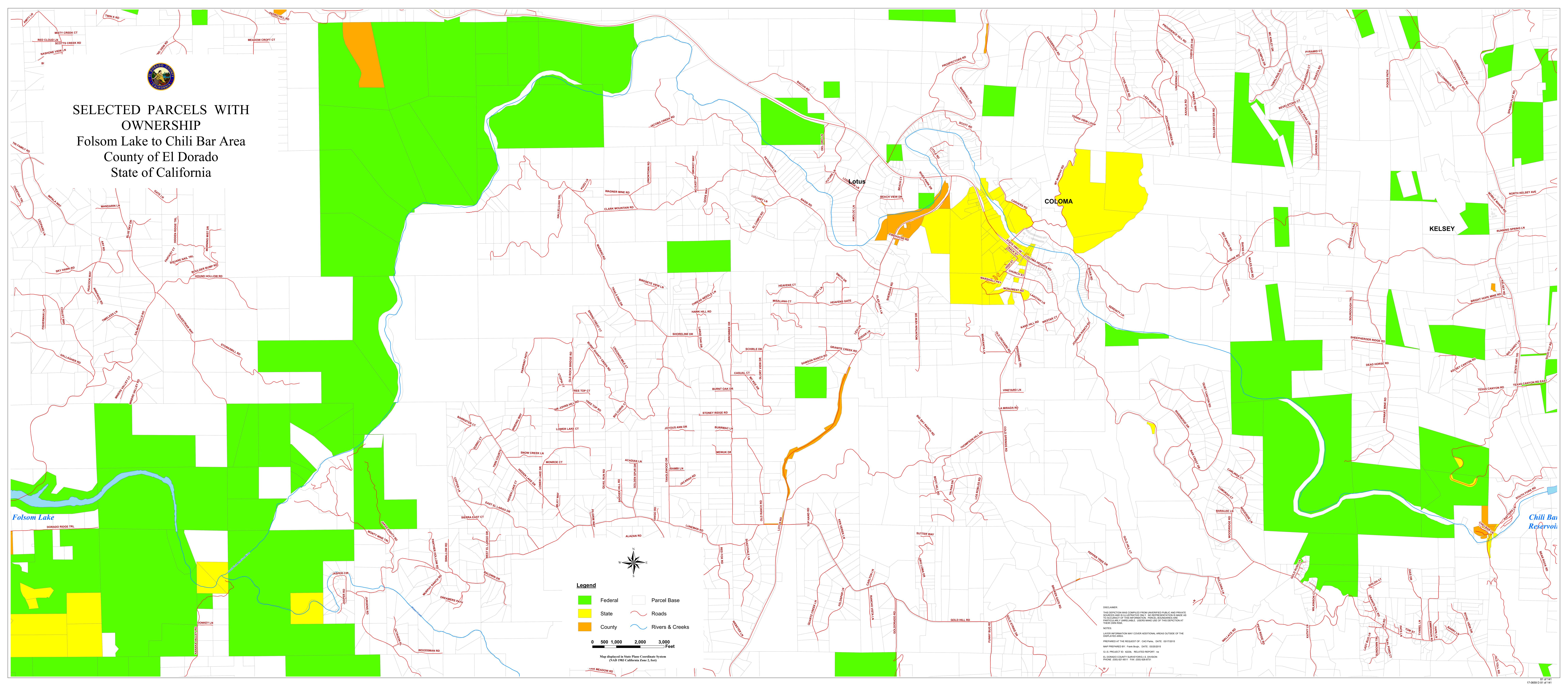
The Element below is to allow commercial outfitters to rent boats, which is currently prohibited. This still takes place, but by unpermitted out-of-county providers which pay no fees. This provision is economically damaging to the county and serves no useful purpose.

The proposed element would allow permitted outfitters to rent only when the use was accompanied by the consumption of an available user day from the outfitter. This element would increase the commercial fee revenues collected by the county. The county's outfitters would be required to take measures to ensure the users are qualified to travel the river, something that current out-of-county rental outfits are clearly not required to do. Not long ago, my husband and I assisted a couple that had

rented a double hardshell kayak, with no spray skirts and no boat floatation. Both were badly beaten up by their mishaps.

Proposed In-County Outfitter Rental Element:

- a. Commercial Outfitters, but not NFP Commercial Outfitters, shall have the right to rent boats on the SFA pursuant to the following provisions:
 - i. The outfitter shall obtain confirmation in writing that renter has appropriate whitewater experience and knowledge of SFA regulation
 - ii. Each boater on a rented boat shall consume one commercially permitted user day
 - iii. Boats demo'd for sale purposes shall not be considered rentals if rented for free





2016 0218 RMP Public Comment Meeting audio.m4a

Karen Mulvany (via Google Drive) < kmulvany@gmail.com> Reply-To: Karen Mulvany kmulvany@gmail.com

Wed, Apr 13, 2016 at 11:03 AM

To: noah.triplett@edcgov.us

Karen Mulvany has shared the following file:

2016 0218 RMP Public Comment Meeting audio.m4a



Hello Noah,

This file will comprise part of my RMP Update public comment. It is the audio file of the publicly held meeting on the river management plan update on February 18, 2016. More than 70 people attended, and there was zero public support for the proposed elimination of the RMAC.

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Comments - River Management Plan Update

1 message

Barb Lee <barblee530@gmail.com> To: Noah.Triplett@edcgov.us

Sat, Mar 5, 2016 at 1:12 PM

Thanks for forwarding the draft River Management Plan and hosting the public meeting on February 18, 2016. Below are comments in response to a few points or recommendations made in the plan update.

Regarding the recommendation for the County of El Dorado to reconsider its management of recreation on the South Fork, I am skeptical about one of the alternative agencies suggested, State Parks. It was not that long ago that we were hearing of State Park proposals to close about 70 parks, including Marshal Gold Discovery State Park. While we managed to weather that State Parks funding crisis, and while I think our local State Parks staff are great, placing river recreation management with State Parks would not, I believe, be in the County's or the river community's best interest. In terms of river management, I think we would see a reduction in accountability and essential communication and responsiveness.

The recommendation to disband the River Management Advisory Committee (RMAC) should not be implemented. My understanding is that this committee has worked to resolve issues, seek solutions and mitigate many problems before they escalate to a critical level. It seems ill advised to eliminate it.

We hear regularly that tourism is very important to El Dorado County's economy. The South Fork of the American River is a tourist destination and an important natural and recreational asset in this County. I don't get the sense that the river management plan shares that view.

Thanks for the opportunity to provide a few comments to the draft plan.

Barbara Lee P. O. Box 266 (515 Hwy 49) Coloma, CA 95613



RMP comments

Horn, Jeff <jhorn@blm.gov> To: Noah Triplett <noah.rucker-triplett@edcgov.us> Wed, Apr 13, 2016 at 11:41 AM

El Dorado County Parks and Recreation Dept. 330 Fair Lane, Building A Placerville CA 95667

To whom it may concern:

The Bureau of Land Management Mother Lode Field Office has reviewed the most recent update of the El Dorado County River Management Plan "Executive Summary" (RMP). Under E.S. 6, Recommendations, #9 "Address Management of Institutional Groups.

The BLM would recommend and support a that the county require that institutional user groups become commercially permitted operations, or cease to operate on the South Fork American River. This will make county regulations consistent with federal regulations (43 CFR 2930 et al), and end the confusion expressed by some of the institutional groups.

Thanks Jeff Horn Lead Outdoor Recreation Planner Mother Lode Field Office

Julia McIver

March 20, 2016

Supervisor Mikulaco, Chair Supervisors Frentzen, Veerkamp, Novasel, and Ranalli

Regarding: River Management Plan update item 16-0032 on March 22 agenda,

Dear El Dorado County Supervisors:

I'm writing to oppose Item 2, 16-0032, on the consent calendar for your March 22 meeting. The current draft plan fails to supply sufficient financial data and analysis to make such meetings productive, nor, in fact, to make it possible for you to make good decisions on this plan. Further, the Board's direction was for *staff* to meet with public agencies to explore ways to improve river management, not for a consultant to do so.

Spending \$25,000 of scarce River Trust Funds on further consultant services is premature, at minimum. The current draft version of the Plan update lacks very important information that is supposed to be there, as it is specifically described in the consultant's scope of work for their current contract. Task 1.2 of the scope calls for, among other things:

- a fiscal analysis of the operation and management of the River Trust Fund;
- an examination of possible additional new revenue streams, specifically including the "SMUD fund"; and
- identification of potential strategies to streamline and minimize the costs of operating the Plan.

The draft shows an appalling lack of financial analysis. Text in the draft says "lack of cost estimates for full implementation of the RMP make actual funding needs unclear". If there aren't cost estimates, how can those numbers be shown in Exhibit 1? The basis and assumptions for the "Full Program Level - estimated funding requirements from Trust" in Exhibit 1 of the draft plan should be detailed and made explicit. Subsequent analysis should be presented showing

6105 Clark Mountain Road Lotus, California 95651

which Plan expenses are required (for example, water quality testing) and which are discretionary. A management plan should lay out current conditions, County

goals, required actions, desired activities, funding sources and funding opportunities, and map out strategies for getting there. This draft makes a number of assertions about how the RMP has failed due to lack of funding, but completely fails to provide the analysis necessary to improve future decisions.

The Board's last discussion - that led to this item being proposed - focused heavily on the assertions made in the current draft that costs have risen while income has not kept pace. True or not, this draft fails utterly to make the case. The County's current scope of work for this project has not been fulfilled yet, and until a strong and detailed fiscal analysis is provided, the plan update process cannot move forward.

I say this for three reasons: 1) the County and the public should get what they're paying for; 2) it's impossible to make good, informed decisions about managing the river without this information; and 3) there's no point meeting with other public agencies about management without factual financial data. The first question they'll ask is - how much do these activities cost?

Further, such meetings *are* a staff function, and there's no need for consultant participation until and unless other public agencies are willing to become more involved. It would be inappropriate for the County to relegate negotiating river management responsibilities to a consultant.

I have worked for public land management agencies at both the local and state level, created a county parks department, and created and implemented a parks plan. I moved to El Dorado County for the river. The South Fork American is both an economic engine for the County, and an environmental and recreational resource of enormous value. Decisions about its management must be made with care and based on facts. This draft doesn't have the ones you need.

Please do not approve this item.	Thank you for your	consideration.
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Sincerely,

Julia McIver

Julia McIver

April 15, 2016

Supervisor Mikulaco, Chair Supervisors Frentzen, Veerkamp, Novasel, and Ranalli

Regarding: River Management Plan update comments

Dear El Dorado County Supervisors:

I'm writing to offer further comments on the current draft of the South Fork American River Management Plan (RMP). As indicated in my letter to you of March 20, which this letter hereby incorporates into these official comments, the current draft plan fails to meet the County's scope of work, and fails to address a number of the objectives stated in the update itself.

Table 3-1 in the draft lists "RMP Update Objectives". Although the draft fails to meet both the scope of work and its own objectives in an unbelievable number of ways, this letter will focus on these primary elements:

Objective 1: to promote on-going community and user participation in river management.

Objective 5: to achieve a balance between County-wide economic benefits, costs and impacts associated with river recreation. (Requires more detailed economic information to identify the costs and impacts versus economic benefits associated with river recreation.)

Objective 8: to establish the County's primary role in facilitating coordinated river management in cooperation with the Bureau of Land Management and other resources agencies and groups.

Response to Objective 1 - one of the few actual recommendations the draft RMP makes is to get rid of the River Management Advisory Committee (RMAC), chartered by you, the Board of Supervisors, and place the river under the management of the County Parks and Recreation Commission. This proposed action is in direct opposition to the stated objective. The RMAC has better knowledge and better relationships with those in the local community than a county wide commission. It also is composed of representatives of user groups specifically chosen because of their existing involvement in and relationship to the river. This cannot be called a cost saving measure, since the RMAC members are volunteers and the limited staff time required is funded by the River Trust Fund, which is completely supported by user fees.

Response to Objective 5 - in order to achieve a balance between County-wide costs and benefits, a financial and economic analysis is required. The draft RMP has no sign of any actual analysis, merely one unsupported graph supposedly showing income and expense levels, while text states that the "lack of cost estimates for the full implementation of the RMP make actual funding needs unclear". The County's scope of work for this update specifically includes:

- a fiscal analysis of the operation and management of the River Trust Fund;
- an examination of possible additional new revenue streams, specifically including the "SMUD fund"; and
- identification of potential strategies to streamline and minimize the costs of operating the Plan.

Thus not only is the County paying for services it did not get, but the result is again in direct opposition to the stated objective. There is no balance in this RMP update because the County can't know what the costs and benefits are absent an analysis of them.

Response to Objective 8 - establishing the County's primary role in facilitating coordinated river management implies that the County would take leadership in designing and implementing a river management plan. Yet the draft recommends that the County get out of the river recreation business altogether, and hand it off to the Bureau of Land Management and the state Department of Parks and Recreation. Divesting itself of the RMAC and seeking to hand off river management responsibilities is, once again, in direct opposition to the objective. Notably, the draft said nothing about abolishing the user fees the outfitters pay yet they are only paid pursuant to the needs of the RMP and management costs.

I have attended recent RMAC meetings and viewed video of recent BOS meetings where the RMP update was discussed, and the gist of the conversation seems to be that the plan 1) hasn't been fully implemented, 2) that costs have risen while income has not, and 3) that annual reporting protocols have been ignored. Yet instead of giving the Board of Supervisors an array of suggestions and strategies for you to consider, this draft says virtually nothing about how to make things better. It has no financial analysis so you can see where costs can be trimmed and benefits increased.

The draft states that the failure to meet the annual reporting protocols is caused by County departments' "delays in sharing information with the RMAC, interested and responsible public agencies, commercial outfitters, and the public at large." This is described as a County failure, yet the draft has no recommendations about improving these County functions.

A management plan should lay out current conditions, County goals, required actions, desired activities, funding sources and funding opportunities, and map

out strategies for achieving those goals. This document is woefully inadequate to that task and it doesn't give you what you asked for. The South Fork American is an economic engine for the County but that hasn't been quantified or even described. It's an environmental and recreational resource of enormous value and attracts visitors from a broad region, yet the resulting problems and benefits aren't described or quantified either. I respectfully request that you send this draft back to the drawing board, and get the information you need to make good decisions about the river's management.

Thank you for your consideration.

Sincerely,

Julia McIver

Encl: March 20 letter to the El Dorado County Board of Supervisors

6105 Clark Mountain Road Lotus, California 95651

Comments on the red lined version of the RMP Update

By Faith Cushman

Submitted 4/15/2016

ES.4.1 Much work has been done on **signage**; agreed that more work needs to be done.

Page E-3 River Ambassadors: Great idea, but nothing is mentioned on how this would be funded or who would do the training, develop the curriculum for trainers, and oversee the program. This could be a funding project for SMUD monies or grants. The Scope of Work asked for funding analysis, but it's not provided.

Page E-4 Education: If Private boater training should not be the County's responsibility then the consultant needs to say who should be responsible and how would it be funded.

Page E-4, County Park's staff Activities: County Parks Boat Patrol should be on the whole 21 mile stretch of river. We need more Sheriff Presence on the middle stretch. Sheriff has the ability to not only educate but to also enforce rules. Once again, how would this be funded?

Page E-8 ,ES.5 Element 10: Funding: "incomplete implementation of the RMP and the lack of cost estimates for full implementation of the RMP make actual funding needs unclear". Is this a reason to slash the program and advise the county to stop managing the river? I, for one, don't think so. The consultant should be telling us how to improve and implement cost estimates and how to supplement funding them with grants or SMUD monies. In non-drought years, we have up to 100,000 people on the 21 mile stretch of river between Chili Bar and Salmon Falls Bridge between May and September. This tourism brings in significant money to the county. These people spend the night and go to restaurants and businesses in the county when they are here.

Page E-8, ES.5 Element 3: Transportation Programs: "offsite River access parking continues to be identified as a goal of the RMP "despite no evidence that this measure is needed or wanted." The private boater take out at Salmon Falls Bridge is always full and people are parking vehicles along the winding part of Salmon Falls Rd a ways up the road throughout the summer. Parking is a serious problem at this take out. I don't understand how the consultant cannot know this. On page E-8 In element 3: transportation programs it states "Illegal parking continues to be reported by river area residents and creates unsafe conditions.", and yet he added the above in red.

Page E-8 ,ES.5. Element 4: monitoring and Reporting Programs: Why is the Sheriff's office crossed off here? With the great influx of people on this river in the summer we need more Sheriff Presence in my opinion.

ES.5 (Page E-9) Mentions using a GPS data gathering system under "The RMP has become a Static **Program"**. How would this work and what is the cost analysis as compared with current data gathering? The consultant should be providing this information.

Page E-9, ES.6 Recommendations 2: Delegate the Management of Commercial outfitters to state or BLM management. My suggestion, and others, would be to form an ad hoc committee of local resident volunteers, along with county park Staff, to explore the feasibility of this instead of paying this consultant \$25,000.00 to start the process. We don't even know if BLM or State Parks would be interested. We don't need to hire a consultant to start talking to these agencies.

Table 2-1 (page 2-4) Goal 9.2 It states that "the RMP would not secure adequate and stable funding for a countywide parks and recreation plan." Why should it? The River Management Plan should fund river activities, not parks in another part of the county.

Table 2-10bjective9.3.3 "actively encourage major recreational events". This is a goal of the county, so why not consider a white water kayak play park at Hennigsen-Lotus Park. This could bring in money for the county and for local businesses. A large number of people come to our Music Festival every year and it is a wonderful event that locals and tourists both enjoy. It brings dollars into the county as well.

Table 2-2 Statement of Vision deleted: Implementation of the RMP would result in the construction of new recreational facilities including trails, restrooms, and parking areas and could result in additional river access areas for boaters Why is this deleted? This county goal supports buying land for additional parking to support a white water park and to continue the music festivals at Henningston-Lotus Park.

(Page 2-10) Table 2-2 policy 10.1.2.2: This might be a place for me to add that private boater fees have not been discussed in the update. Why not? This could be a revenue source for the RMP.

(page4-2) 4.2 South Fork Carrying Capacity. Riparian habitat monitoring has been crossed out. Why? I think it is important for private land owners on the river as well as public property owners along the river to respect the need for riparian habitat to be protected. Is there some other county agency doing this?

5 RMP Elements 1.1.2 (page 5-1): a map of public and private lands throughout the river corridor. Yes!!! Great idea. Where would they be located and what would be the <u>cost?</u>

5 RMP Element 1.3: Camp Lotus is mentioned, but not any other private camp grounds in theLotus Coloma Valley. Why not have these proposed standard Kiosks at American River Resort, The Coloma Resort, and Ponderosa RV Park. I know that the Coloma Resort sells inner tubes, so they should have kiosks describing private lands along the river and safety issues as well as Camp Lotus.

5 RMP Element 1.6: "Increase is crossed off and "continue" is put in its place. The county will continue efforts to educate boaters...at Marshall Gold Discovery State Park and at Henningsen-Lotus of the requirements and sensitivities of the Quiet Zone. "I believe **that increased presence of Sheriff** or State Park employees needs to happen at the North Beach put in and at the 49 bridge access. In the summer weekend days there are many inner tubers putting in and taking out at these two points. Education on safety (wearing life jackets and water shoes) while inner tubing and not littering cans and bottles needs to be **increased** in this area of the river not just continued in my opinion. The consultant should explore ways to fund this man power for education in the middle section of the river and what would be the **cost** to implement this increased man power. Once again, the consultant needs to pursue using SMUD money or other grants to promote education and safety on the class 2 middle stretch of river on town.

5 RMP Element 1.8 provide mapping of access points to river has been added. ...Good Idea!

Element 4- Monitoring and Reporting Programs (page5-8) 4.1: What would be the cost savings of using remote sensing technology to monitor river use? How much difference would it make? The cost analysis isn't provided as per contract.

Element 6 Permits and requirements: 6.2.1.3.6: User day transfers have been discussed for several years. This consultant did not provide analysis or a proposed element for user day transfers. What does he recommend?

- **6.2.3.4.** "All commercial outfitters will be required to observe the Quiet Zone". If the Sheriff and county parks staff are crossed off as enforcers, then who will monitor noise levels on the river?
- **6.2.5.4.1** "Adequate identification of all commercial boats used on the South Fork of the American River will be enforced by"...once again, why can't a sheriff patrol enforce this? What is the reason to red line the Sheriff patrol in this enforcement?
- **6.3.1.1.** "private boaters having a signed and dated registration certificate/information tag...." Why hasn't the contractor addressed the fact that this has never been done (until last year sporadically) and/or enforced?
- **6.3.6 Institutional groups** just redlined out .The consultant has failed to address the issue of institutional groups or recognize the work of the ad hoc committee on this topic.
- **Element 8.1.1. Pirate Boater Ordinance:** Who will take the lead on coordinating county counsel, the D.A. office and the Sheriff's department to identify a more effective Strategy for addressing this issue?
- **Element 9.2 Facilities & land management:** Agree. This should be a priority There is also overflow parking onto HWY 49 at the Greenwood Creek access on weekends and parking should be enlarged at this site.

Element 10. Funding: Where will the Sheriff's Department River activities funding come from? River trust money should only be used for River Related needs. RMAC should be the gate keeper of the River

Trust Fund. RMAC should not be dissolved. Other funding sources should be addressed here, such as grants and SMUD money.



REDLINE EDIT COMMENTS

hilde schweitzer <hilde@amriver.us>
To: hilde schweitzer <hilde@amriver.us>
Cc: Noah Triplett <noah.triplett@edcgov.us>

Thu, Apr 14, 2016 at 7:49 PM

The PDF rendition of the comments didn't come out very clear so here they are in text:

Hilde Schweitzer April 10 2016

Please accept the following comments regarding the

River Management Plan Redline Edit Document

ES.6 RECOMMENDATIONS

1-2. I am not opposed to the BLM managing the South Fork American River, in fact, BLM currently owns and manages approximately 6368 acres of land adjacent to the river including 14 miles of river frontage. Some familiar areas close to Coloma are Dave Moore, Greenwood, Magnolia, and Cronan Ranch that many use and enjoy free of charge. BLM provides and maintains a minimum of 10 vault or composting toilets on these properties, used by river runners, both commercial and private, as well as hikers, bikers, and equestrians. They regularly patrol the river and service their facilities. They also have a comprehensive River Management Plan for the river corridor that was a collaborative process between many and varied user groups and stakeholders. They have a proven track record managing other rivers across the United States and have access to funding that the County does not. Allowing BLM to manage use of the river could decrease the current liability and litigation potential and cost of litigation defense that the County is exposed to through it's involvement in River Management. Given the cost, liability, and enforcement issues associated with managing the South Fork it might be in the best interest for the County to have an MOU with other Agencies to take over management on the South Fork.

If the County decides to continue to manage the river I would suggest several changes be made to the current management practices.

- 3. A real-time online calendar of all Outfitter bookings each week would streamline data collection and make it easy to check use levels of any given outfitter. Included information should be put-ins, take-outs, lunch stops and total user days for each day on the river. Reporting after the fact from self generated reports are in some cases unsubstantiated and provide no useable or accurate data for the Management Plan. Given that there is now guaranteed water year round for the next 50 years with the FERC relicense for the UARP, this opens up an opportunity for Outfitters to book outside the time that EDCo currently actively manages the river. Fees, reported use, and such should apply year round for Outfitters and an online calendar would be an easy way to streamline accounting. The current practice of self reporting a month after the use, spot checks by staff by reviewing photos shot on the river by a third party is not only inaccurate and incomplete, but it leaves open the real possibility of abuse. If management relies on numbers that are not accurate it has little basis in fact. The update to the Plan is now tasked with using these potentially incomplete and inaccurate numbers and counts to suggest management practices for the future and by doing so may make suggestions that are not appropriate. The most important aspect of the Plan is carrying capacity and to not have accurate data on which to base management decisions makes many of the suggestions for management contained in the edit suspect.
- 5. To suggest dissolving the only committee (RMAC) that deals directly with the County's management of the river shows a complete lack of understanding of how the river management process works. This committee has direct and current knowledge of all that is involved in managing the river and if given the proper respect could be a very effective tool for the County and for the management of the river.
- 6. Suggesting that annual reports be abolished and the entire RMP updated every three years is also not in the best interest of management. Reviews every three years is the equivalent to managing after the fact. Annual reports, if timely, can help fine tune the plan each year and should not be taken off the table. Carrying capacity miss-use, violation problems, conflicts, and the like could reach a tipping point before anyone in authority knew about them if the yearly reports were not made public and reviewed each year in a public RMAC meeting. If the plan is a good plan it should not need updating every three years. By using the annual reports, updates could be made in an ongoing process that targets the current problem in an efficient manner. Minor yearly updates to the Plan, if needed, should be presented before the Board of Supervisors and acted upon instead of letting simple things become big problems.
- 7. If justified, I agree that the River Supervisor could be given other Park tasks during the non essential river use months of the season.
- 8. I am in favor of keeping and actively enforcing the existing ban on the temporary transfer of user days between Outfitters that has been a part of every River Management Plan since 1983. Each outfitter has a given and specific allowed number capacity for use for many reasons, including infrastructure capacity, transportation capacity, guide capacity, and impact potential to landowners, other boaters, and the river environmental.

There is also an 8% "guest allowance" currently in place in addition to the Outfitter permit capacity numbers. Many Outfitters have interpreted the term "guest" to mean paying passengers and regularly add that 8% to their usage, further increasing their assigned

permit use numbers. Some pay fees for the use, some do not. To allow Outfitters to over book or book more than their stated permit capacity by ignoring the ban on temporary transfers and/or booking paying passengers as part of the 8% "guest" allowance contradicts the specific intent of the River Management Plan and effectively negates managing the river capacity numbers. The CEQA documents used to justify past River Management Plans were based solely on the capacity use numbers given each Outfitter (2750) and did not include the 8% guest allowance. Outfitters have been allowed to interpret the Plan to best insure their interests and this interpretation has never been challenged by the County. This has led to the disenfranchise of landowners, public boaters, and Agencies and has led to a lack of faith in the County's ability to manage the river. A more defensible alternative would be to use a percentage of all unused online bookings and make them available on a weekly basis for all Outfitters. Large and small Outfitters could be given a proportional share based on their use capacity (not to exceed 8% of their permitted use number up to a maximum total capacity number of 2750 each day).

The argument that there is a maximum daily capacity of the river so trading or sharing user days should be allowed as long as the maximum capacity number of 2750 is not exceeded is a flawed rationale.

The reason outfitters flocked to the South Fork in the late 70's was that the Stanislaus, a heavily used commercial river, was being flooded by the filling of the New Melones dam. In the late 70's there was no regulation of the South Fork by any Agency or Governmental Organization. 1981 was the first season that El Dorado County began to regulate the number of commercial outfitters and there were over 120 applications for permits.

The requirement for obtaining a permit was a self reported statement that the outfitter had operated on the South Fork the previous year.

By 1982 there were 71 permits, in 1983 there were 67 and by attrition and management in 1987 there were 47 commercial use permits issued for the river. While the original permits were issued to anyone who declared that they had operated the previous year, on May 5, 1987 the BOS established a user day capacity based on more accurate and current user data reported by outfitters, lowering the number to 47.

The original Interim River Management Plan called for a number of different management guidelines. It states: "One of the most important aspects of the RMP is the assignment of a capacity or quantity of user days.

At that time the original River Management Plan stated that "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

The latest RMP states exactly the same: "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." Each Outfitter was given a specific use number that was never meant to be combined with other Outfitters.

To allow Outfitters to trade, borrow, and cross-book also contradicts the fact that each user day has no monetary value. It allows the potential for one outfitter to not even run trips, but sell the user days to another. There is no accountability in terms of liability and tracking numbers would be extremely difficult.

Other local rivers that do allow the practice of borrowing user days are managed very differently than the South Fork and are much more limited and controlled than the South Fork in terms of capacity numbers, start dates, start times, etc. The argument that "other rivers allow this practice" is not entirely true when you look at those management practices. The Tuolumne allows 2 commercial trips of 20 people per day to use the river. The Middle Fork American allows 300 commercial passengers per day and the North Fork American allows 336. These rivers are managed by BLM, State Parks, or the USFS. The South Fork allows 2750 commercial users per day plus the 8% guest allowance bringing the potential total to 2970 commercial users on the river each day—a huge user pool if every outfitter had access to these numbers though trading. As stated above, this higher number was never included in the CEQA documents studying carrying capacity that supported the 2001 RMP.

Up until 1985 there was also a total seasonal maximum use number assigned to each outfitter from Memorial Day to Labor Day. In 1987 these seasonal limits were rescinded, effectively allowing up to 2970 (2950) users per day on the river every single day that there is water.

With the 2014 FERC issued relicense of the dams on the South Fork we now enjoy a minimum of guaranteed weekend water every single week of the year and weekday water on a regular and scheduled basis. The season for commercial use can now be yearround, something that was not considered in the current RMP, nor is it mentioned in the revision documents.

Another new group of users that has dramatically expanded since 2001 is the casual river user mainly in the middle section from the Mt Murphy or 49 bridge to Greenwood Creek. These users have a tremendous impact on the landowners that are concentrated in this section of the river. These users need to be acknowledged and addressed in any new Plan as their use has changed from the baseline of the 2001 Plan. Presence of River Patrol and the Sheriff would be more effective in this section to educate and deal with problems related to alcohol, drugs, litter, trespass, and noise. The campgrounds in the area should be required to educate their guests about river etiquette and possibly contribute to the management of the section that their guests use through the collection of TOT fees.

Any management plan for the South Fork should consider the impact of the FERC relicense on potential change in use numbers on the river due to the guaranteed water and the river should be managed accordingly; this has not been addressed in the proposed Update. There is no other river in the US that has guaranteed water year-round through a FERC mandate, making a permit on this river incredibly valuable. This relicense impact on flow, capacity and use will also have to be addressed through CEQA, something else which is not addressed in the Redline Edit.

This river has a capacity, physically, socially, and environmentally. To re-do a Management Plan without taking the current and projected future use scenarios is at best incomplete. To base a plan on past data that has questionable validity will not pass CEQA. This river and this County deserve better.

To summarize, I personally have not been given enough substantive information in the Redline Edit to make complete comments regarding an Update to the River Management Plan. To have spent this much money to date and have so little of substance is not encouraging.

Thank you for your consideration, Hilde Schweitzer

hilde schweitzer hilde@amriver.us April 15, 2016

MEMO TO: Noah Rucker-Triplett/Vickie Sanders

FROM: Nate Rangel - Outfitter Representative for the RMAC

RE: Outfitter's industry comments on the Draft RMP Revision document

This memo represents our comments on the current Draft RMP. To be clear these comments represent, to the best of my knowledge, a consensus point of view on these issues. I have not weighed in on issues which we do not generally agree upon, and individual companies may, and likely will, be making their own comments.

We basically agree with most of the elements which suggest eliminating duplicative and non-productive elements of the existing plan. That would include eliminating the water quality testing.

We would have preferred to have seen a much more extensive fiscal analysis. I'm not an expert in that field, but even we can see that the bare bones paragraph that is being passed off as an analysis is woefully inadequate. Also, we note that the contract with ESP calls for an analysis that identifies new revenue streams. Other than approaching BLM and State Parks we don't believe that any new revenue strategies were included. We would like to see this deficiency addressed in the final draft.

We believe that El Dorado County has an obligation to it's citizens to be the lead managing agency on this river. We don't oppose talking to BLM and State Parks to investigate possible ways to eliminate or reduce duplicative processes, but moving either of those agencies into a lead role would not be in our best interests. We are concerned that all river users, both commercial and private, would be financially impacted in a negative way if either of those agencies took up that mantle. We are also nervous that moving management to the federal or state level would reduce our ability to make choices that are best for this specific resource. In short we believe that this local resource of national importance should be managed by those folks who work, live and recreate along and nearby it's banks.

The suggestion to dissolve RMAC is very injurious to both our industry and to our community. RMAC has for decades been an incredibly useful tool that deals with issues of import for anyone with an interest in our river and it's environs. The suggestion that an ad hoc committee, much like the Rubicon Oversight Committee, would be a more effective management model is like comparing apples and watermelons. The Rubicon does not have anything close to the social, environmental and recreational issues that exists here on the American. When comparing the two resources the number of users alone puts the American in a class of it's own. Additionally we, as business owners, have a large investment in our own companies and having to expect an ad hoc committee to deal with our varied economic interests is unrealistic. This is the most popular whitewater river on the West Coast. Commercial outfitting is the largest pure tourism industry on the West Slope of El Dorado County. That unique status demands a Board appointed committee. If the County, and our community, wants a different or more

effective voice then we believe we should address that issue separately from this RMP revision process once the revision is finalized.

We see no need to revise the RMP every three years. We would, instead, suggest utilizing an "adaptive" management protocol that would look at issues in depth once every 5 years but would also be able, thru RMAC advising the BOS, to address specific concerns as they crop up vis-a-vis making specific changes to the RMP with timely ordinances as required.

Regarding the RMP manager we agree that utilizing the RMP position in ways that allows that individual to expand his or her duties during the off-season makes sense. If that means reducing the river manager position to half-time we support that as long as that individual is still a year round full-time employee of Parks and Rec.

Regarding the totality of the renting/trading/borrowing of commercial user-days we do not have a unified position on that issue. What we do believe is that whatever the County decides to enact should be something that is clear, unambiguous and enforceable.

Regarding the management of institutional groups - we believe the County should choose the simplest path towards a resolution of this issue. That path, from our perspective, is to enforce the current RMP's prohibition against commercial entities operating without a commercial permit. That may be harsh, but it is consistent with Federal and State managing agency actions on other resources. We don't need to reinvent the wheel. The County has, in good faith, attempted to do just that by accommodating those groups. It has suggested creative ways to allow them to continue their operations without sacrificing their core mission values. Those attempts have failed. It's time for El Dorado County to simply enforce their commercial boating regulations as regards non-permitted commercial groups.

Under section 6.2.1.3.4.2 which deals with River Use Permit Allocations there is no discussion or rationale given to eliminate the current 8% guest allocation. That allocation has been part of every river use permit issued since the inception of the permit system back in 1982. The majority of the current river permit holders came into this system after that initial offering and, as such, we bought businesses that had that allocation in place. To summarily dissolve that use without a compelling reason or compensation is not an equitable nor fair choice to make. Those outfitters who have utilized that guest allowance have almost unanimously paid the County's \$2/user-day fees even though that was not a requirement. We would suggest that the County has no compelling reason to remove that allowance, but that it would make sense to compel any such use be subject to the user-day fees.

One very large concern we have about this draft is it's complete avoidance of any discussion or solutions regarding the largest issue we believe we now face on this river - the extraordinary growth of tubers in the middle section. That is a glaring void in this document. We'd like to see it addressed in a final draft.

In summary our comments on this draft reflect a statement made by another individual at a public meeting in Coloma a few months back. To paraphrase - this draft, for the most part, whilst not fixing what is broken attempts to do away with what isn't.

We thank you for your consideration of our comments.



Comments On The Red Line Draft Of The River Management Plan

Bill Weinberg < bill@icorafting.org>

Fri, Apr 15, 2016 at 8:56 AM

To: jim.mitrisin@edcgov.us, Noah Triplett <noah.rucker-triplett@edcgov.us>

Cc: Kate Starr <kate@icorafting.org>, Margery Lazarus <margery@icorafting.org>, Melanie MacInnis <melanie@icorafting.org>, Marilyn Tahl <mtahl@lookative.com>

Dear Mr. Mitrisin and Mr. Triplett,

I'm writing as a 29 year volunteer with the Sierra Club's Inspiring Connections Outdoors Rafting program, formerly Inner City Outings (ICO) to express my thoughts on the red line draft of the River Management Plan.

First, I'd like to express gratitude to everyone involved in this process for their time and attention. Thanks also to the RMAC for their continued partnership, outreach and willingness to listen.

ICO has been honored to participate in the 2012 discussions to clarify the regulations for Institutional boaters. As an organization that's been sharing the South Fork of the American River with underrepresented and underserved youth for 37 years, we treasure the resource and try to be outstanding river citizens. Without the South Fork, ICO Rafting wouldn't exist, and all the lives we've touched would have remained unchanged. The river is our partner and we want to help sustain it.

We connect with our target population - people who would otherwise not experience the natural world - through a continuous process of outreach to organized community groups such as inner city schools, youth development groups and recovery organizations. They include Benicia Day School, Spanish Speaking Citizens, AYPAL, Environmental Science Academy Oakland High, Bill Wilson Center, Seven Tepees, Richmond Sol Cobras and other programs that support youth at risk.

That being said, we run our trips differently than other groups. We get <u>no</u> financial support from the Sierra Club; all of our money is raised by our volunteers, either through direct donations or bake sales. Really. In addition to our time, we give our own money to keep the program float, and we stand at REI to collect donations for our home made baked goods. Those funds go towards boat rentals, financial grants to the participant groups, training and equipment. No one in ICO Rafting is paid.

Thus our existence is fragile and based on running the lowest cost trips we can. That's how we manage to take roughly 300 people rafting every year; people who've often never slept outdoors at night, and certainly never paddled through rapids. As you know, rafting is contagious; a way to challenge ourselves, face our fears and come out victorious. We've taken disadvantaged kids from the roughest neighborhoods and shown them another future. Our success stories include many participants who caught fire on one of our trips, fell in love with the natural world, were trained by us to become guides and then went on to be fire captains, teachers, nurse educators, entrepreneurs and heads of households. ICO Rafting is fulfilling it's mission of making the natural world accessible to people who'd otherwise not get there. We change lives.

If ICO Rafting were to be grouped with commercial outfitters and forced to follow the rules of for-profit organizations, our mission would become much more difficult, if not impossible. The financial requirements alone would probably sink us. For example, requiring us to pay user day fees would increase our expenses by almost 25 percent. Added to that, a river use permit requires yearly payments to the county, the BLM and the State. Currently we do not pay for user days or yearly permit renewal.

In addition, commercial outfitters have to supply transportation for their guests. They charge for that service. If we were banned from running our own shuttles, we'd have to pay even more to hire a bus.

Of further concern are the possible restrictions in the number of people we can take rafting each day. While most of the groups we take down the river are under twenty five people, some of out most established partners can bring up to thirty people on a trip. For example, a few years back we partnered with BLM and Sequioa High School to raft, camp at Big Beach and remove invasive plnts on Sunday morning, There were more than thirty

1/2

of us there working. I understand that the proposed regulations could limit us on the number of participants we could take every day. So even if our total number of yearly participants is only 300, we would be prohibited from bringing our most loyal groups. Ideally we'd get a pool of user days that we could allocate according to the group's size, perhaps with an upper limit of 30 participants per day.

There are other regulations that would kick in. Not all of our volunteer trip leaders are current in swift water rescue. They'd be banned from leading trips.

One way we keep the cost of our trips low is by having the group supply and serve the food. I don't believe that would be possible if we had to become certified food handlers.

If the regulations are to be changed, I request that you incorporate the following items:

- Eliminate or significantly reduce the fees for user days and yearly permits. Unless this is done, we will face closing down our program.
- Allow us to transport our participants, guides and equipment in private vehicles.
- Give us a total number of user days per season and allow us to allocate them by trip size up to a certain maximum per day.
- Allow us to require that one person currently certified in swift water rescue be on each trip.
- Allow us to have the participant group supply and serve the food on the river.

It is my judgement, as a long time ICO Rafting volunteer, that if the Institutional designation were abandoned, our program would be devastated.

ICO supplies an important service to the most underserved people who raft the South Fork of the American River. I can't believe that, in the name of regularizing the regulations, El Dorado would choose to eliminate our program.

As you know, institutional users represent the smallest group of users on the river - about 3% of user days... Please consider the alternative Institutional regulations that we all spent over a year formulating. They represent the hard work and compromises of many people and they will allow ICO Rafting to continue providing opportunities for disadvantaged kids to escape the destiny that otherwise awaits them.

Thank you for your time.

Sincerely,



River Management Plan Update Comments (RMAC)

1 message

Jeff Lee <jeffleeoldawg@gmail.com>
To: Noah.Triplett@edcgov.us

Sat, Feb 27, 2016 at 9:45 AM

First of all thank you for hosting the informative community meeting in Coloma earlier this month.

My opinion is that the River Management Plan up-date failed to address a few items and aspects that need attention. Any reduction of staff or elimination of RMAC should not be considered.

1. Chili Bar should be put out via RFP to develop, maintain and operate a year round camping facility. This alone should

provide enough income to fund the position now held by Noah.

2. Lotus Park needs to have a much longer period for the Gate Attendant to be employed. As a daily user, I see the weekends with the parking lots full of park goers without paying or displaying an annual pass.

Lotus Park's annual pass fee, ball field rental rates are very low as compared to other surrounding Counties, State and Cities.

- 3. The river corridor should be its own Park District. The formation of a Special District through LAFCO should be explored.
- 4. The River Management position should be expanded in Scope not reduced, RMAC should be given expanded parameters.

Funding should be provided from the FERC/SMUD Settlement funds as well a portion of the Red Hawk annual payments, increased user fees at Lotus Park. Combined with Outfitter's and future Chili Bar revenues these will ensure future funding of the position.

Being that our Counties income is basically derived from recreation, be it from wineries and ag tourism, whitewater activities, fishing, off road, camping, hiking, equestrian, gambling and sightseeing, we need to provide those amenities and maintain them.

Jeff Lee

513 Hwy. 49

Placerville, CA 95667

On the RMP Redline Strikeout Version

- ➤ The county should continue to manage the South Fork of the American River, from Chili Bar to Salmon Falls. Our local community should find the ways necessary to take care of this important resource.
- ➤ Organization with the other governmental agencies should continue in the same fashion as it has. That is, in the spirit of co-operation but not in a change of responsibilities.
- Revenues to the River Trust Fund have decreased. Cost of management has increased. Seek alternate forms of funding if necessary, such as use fees for private river users or SMUD money.
- ➤ The RMP needs to be streamlined. There are many outdated procedures in the document. Reduction of the river manager's responsibilities should reduce the cost of management.
- ➤ The River Manager position is integral to the health of the river corridor. Maintain the position in whatever form it takes to achieve comprehensive attention to the job.
- Do not create a User-day marketplace. Re-write the RMP to allow borrowing of user days. The whitewater industry has been diminishing for 15 years. Costs have risen, revenues have fallen. Allow the free marketplace to avoid further decrease. Every user day is still paid for. The more user days sold the more revenue for the River Trust Fund.
- ➤ Create an Institutional User Groups permit. Each user should pay into the system just as commercial customers do. This is another way to increase revenue to the River Trust Fund.
- ➤ End RMP water quality sampling. End all superfluous activities that unnecessarily leach funds from the River Trust Fund.
- ➤ Discontinue the use of a consulting firm for the auditing of river management. Use the community and the river manager to seek the best and most current forms of managing the resource.

As a local resident, a river user, and a Commercial outfitter, I humbly ask that you take my thoughts and suggestions into consideration.

John Kosakowsky

04/15/2016



Comments: River management plan 2016

Joe and Margrit Petrofsky < JoeandMargrit@earthlink.net> To: noah.triplett@edcgov.us, jim.mitrisin@edcgov.us

Mon, Mar 21, 2016 at 2:54 PM

To Noah and the BOS of EDC:

My name is Margrit Petrofsky. I am a resident of Lotus, a riverfront land owner, and have been a passionate whitewater boater and advocate since my first trip on the South Fork American River back in in 1991.

I attended the special meeting last month in Coloma to hear from the consultant about the updated River management plan. By far, the most distressing thing I learned of was the notion that the management of the river would be handed over to the BLM, thereby dismantling the River Management Advisory Committee (RMAC), our county committee with representation from all the diverse interested parties.

This recommendation tells me that the consultant does not know the history of why the RMAC was formed, nor did he "consult" with anyone in Coloma, Lotus or the greater river community. For, if he did, he would know why RMAC was formed (post People ex rel. Younger v. County of El Dorado, 1979).

Since that time, RMAC has been the voice and the advocates of the greater river community: River runners (both commercial outfitters and private boaters), visitors, land owners, local businesses, etc.. To dissolve this entity would be to take away the voices and opinions of this diverse population. Since there are so many points of view to consider when managing the river, to dissolve RMAC is to risk going back to a time of all voices not being heard, and all the attendant problems that scenario can bring. And, for the record, I don't trust the powers that be-BOS, Parks & Rec., and BLM to always act in the best interest of the river community.

With RMAC, I am informed in a timely manner of issues affecting the river and surrounding environment; I can go to them with any problems I am having (or to tell them when problems have been resolved). If I don't understand an issue, they explain it so I do understand. These things are done in a timely manner, without delay. I get no "thank you for your call" & no real response; nor do I get a form letter stating the same. They keep the peace of this very special place I call home. This was also true before I became a full-time resident in 2006.

In short, I am strongly against this recommendation of dissolving the RMAC. I hope you actually hear, as I did at the recent meeting in Coloma, that the community is strongly against this, too.

And, I think it would be imprudent and downright wasteful to pay the consultant an additional \$25k to talk to BLM & other entities. Isn't that the job of the parks & rec dept.? Isn't there a better use for scarce funds that would provide more benefit to the river community?

Margrit Petrofsky

P.S. One last point: I think it was a hostile move to take the RMAC meetings out of Coloma, where more of the river community could attend, and move it to the BOS chambers in Placerville. I strongly advocate moving it back to Coloma, where it belongs./MP



River Management

Matt <skatermatt76@yahoo.com>
To: Noah Triplett <noah.triplett@edcgov.us>

Fri, Apr 8, 2016 at 3:09 PM

To whom this may concern:

I find the EI Dorado County River Patrol to be a very important and critical resource for the South Fork American River and the surrounding community I am a lifelong resident of EI Dorado County and live in Coloma. I frequently kayak down the sections of river between Chili Bar and Folsom Lake. I have noticed the new bathrooms on BLM land on the "Gorge". I believe this is a good idea due to the high volume of people using this section. I would like to see the Chili Bar section of river to remain the same with no further development, bathrooms, and no added access points to the public as this seriously hinders the nature aspect of this beautiful section of river. I would like to see a whitewater play park constructed at the previously proposed H.L.P. location. I believe that this would be a great attraction for river enthusiasts, and would inevitably lead to economic stimulation for the county. The River Patrol overall does a very good job, and I am in full support of this department as it currently operates through the county. I have done a few river clean ups and other volunteer work with the River Patrol over the years, and cannot say enough good things about the staff and the good work they do.

Thank you,

Matthew E. Phillips

My Comments For The River Management Plan Redline

- 1. I firmly believe that county should give up management of the South Fork American River (SFA) to BLM. County has shown an inability to enforce necessary measures on and around the river, and an unwillingness to address the most relevant issues such as carrying capacity.
- 2. Whether the county decides to ever give up management of the SFA or not, the county needs to address the pressing river issues. Possibly the most important current issue is the proliferation of inner tubers and small rafts (think Kmart) in recent years. The growth of this segment of users has been recent and very large between Coloma and Greenwood Creek. The county needs to address this segment of users.

As an illustration, about a week ago I kayaked the Chili Bar section of the river down to my property in Lotus. My beach was initially blocked by a couple of small rafts, and one of its occupants was using my property to go to the bathroom. I asked him if he knew that public toilets were available at the state and county parks, and he did not. It was a cold and rainy day, and he was dressed in nylon shorts, tee shirt and a thin nylon jacket. Hypothermia could be one bad move away.

At a minimum, county should have information available at all potential put-ins for this type of user. The information could be as simple as a sign, or even a single page handout that addresses private vs. public land, bathrooms, safety and any other relevant issues.

3. The Executive Summary of the redline version with edits of the RMP states:

The most significant change that we propose is to dissolve the RMAC. This committee has done some very good and dedicated work since its inception in 1984, but has evolved into more of a community-focused, rather than River-focused organization. Because of the lack of substantive issues that require deliberation and the wide-ranging interests of the RMAC, we recommend that this committee be dissolved and that the County encourage interested participants to form an ad-hoc committee.

I am incredibly surprised by this paragraph. It pretty much says RMAC is no longer useful, it just talks about community rather than river issues, so just disband and go home. And oh, if you want to, form an ad-hoc committee instead, so county won't have to bother with you.

By any measure, RMACis a very good vehicle to deal with the issues of the SFA. Of the most historically used rivers in the US (my data goes back some years, and may be out of date) – the Ocoee in Tennessee, the Lower Youghiogheny in Pennsylvania, the Browns Canyon section of the Arkansas in Colorado, and the SFA – only the SFA has anything like RMAC, unless there has been a recent development. RMAC is

unique in that it attempts to represents all users, and does so on all issues affecting the river corridor, and meets on a continuous basis. Other rivers should be so fortunate to have a body that represents all users and addresses all relevant issues. This would include issues such as private users showing up at a put-in and finding new rules in place, such as time restricted daily put-ins for privates (Lower Yough in the late 70's).

An ad-hoc committee for the SFA seems very unrealistic. One reason is that a representative body probably does not exist for tubers and small rafters.

- 4. Annual reports should not be abolished, and reports should be issued annually. County has stated that tourism is a high priority, and rafting on the SFA is a huge part of that. Management of the river should not just be turned over to the outfitters. Good management can be a positive for all involved.
- 5. County should enforce the current regulations for commercial user-days. The existing number is already very high, especially including the extra 8%. Carrying capacity should be addressed by the county before any marketplace for user days is even considered.

Sincerely,

Mike Fentress PO Box 852 Lotus, CA 95651

P.O. Box 598 Coloma, CA 95613

April 11, 2016

To: EDC Board of Supervisors, Districts 1, 2, 3, 4 & 5

Jim Mitrisin, Clerk to the Board

CC: Vickie Sanders, Parks & Recreation

Noah Rucker

RE: River Management Plan

I have been an active participant in River Management Advisory Committee (RMAC) meetings for well over 15 years. During that time our community has experienced a breakdown of communication and accountability of RMAC appointees and county agencies whose purpose is to mitigate the River Management Plan (RMP) in conjunction with California State Parks, BLM and other non-government organizations (NGOs) such as the American River Conservancy. For this reason I spearheaded a watchdog group in 2009 to ensure transparency and accountability to EDC citizens. (See Exhibit A)

Despite numerous meetings with CA State Parks personnel, Supervisors, consultant Steve Peterson, Sheriff D'Agostini, County Counsel and other county officials it became clear there was an agenda with a predetermined outcome to circumvent the original intent of the River Management Plan (RMP). Specific issues were addressed in our audio recorded meetings with Vickie Sanders and Steve Peterson. *During one such meeting Vickie Sanders openly acknowledged the bully tactics and stated the county's intent to eliminate RMAC entirely and to transfer control to government representatives.* (See Exhibit B)

The growing problems associated with the River Management Plan became most apparent during the September 14, 2015 RMAC meeting. However the meeting did not go as we discussed with Vickie Sanders, nor were CA State Parks or EDSO delegates to RMAC present as required for this important meeting which constituted an abuse of the public trust, Brown Act violations and falsification of public records. In addition to state law, federal anticorruption law broadly guarantees the public "honest services" from public officials. Depriving the public of honest services is a federal crime. (See Exhibit C)

It is important to note that Public Record Act requests for information reveal Vickie Sanders, Roger Trout and Noah Rucker-Triplett do not have valid oaths of office as required as conditions of their employment, a vitally important element in navigating the River Management Plan. Time and again, they have shown in word and deed that their priorities lay elsewhere, that they care nothing about our plight, that they owe us no allegiance, that they are motivated by power and money rather than principle, that they are deaf to our entreaties, and that their oaths to uphold the Constitution mean nothing. (See Exhibit D)

Page 1 of 11

The Board of Supervisors is reminded of their fiduciary obligations to EDC taxpayers. Pandering to special interest groups represents a conflict of interest. It is a ludicrous expenditure of another \$25,000 to consultant Steve Peterson to do what he has already been doing as required under the RMP, namely to mediate with CA State Parks and BLM.

Furthermore the BOS needs to direct Pamela Knorr to address the personnel issues associated with the RMP and violation of the public trust. Ultimately these issues result in expensive litigation which could be avoided had the Laws, Ordinances, Regulations and Statutes (LORS) been observed in the first place. Just one such example is *Wade v. EDC and American River Conservancy*, case file #PC20120264 which references harassment and eminent domain. (See Exhibit E)

Whoever controls the water controls the people. It is our recommendation that the BOS seriously reconsider their options before taking further action on the River Management Plan:

- 1. Big Government control (CA State Parks & BLM)
- 2. Removal of the out-of-control River Management Advisory Committee
- 3. Return to Constitutional principles and citizen authority (i.e. "do the right thing")

Sincerely,

Melody Lane

 $Founder-{\it Compass2Truth}$

Attachments:

Exhibit A – COMPAS News Release

Exhibit B - 8/3/15 Agenda w/Vickie Sanders

Exhibit C - 9/14/15 RMAC issues

Exhibit D – 3/8/16 BOS Open Forum

Exhibit E - 5/5/15 Wade v. EDC & ARC



NEWS RELEASE

Contact • Melody Lane • 530-642-1670 • melodylane@calis.com

Coloma, CA November 12, 2009 - *COMPAS*, a new citizens association has been formed in El Dorado County to do just what the name says - Citizens Organized to Monitor, Protect and Serve. This very compelling mandate is the cornerstone of the newly formed group which dovetails perfectly with the Preamble of the CA Brown Act:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

COMPAS is comprised of concerned citizens, residents and dedicated volunteers. We believe that this statement and the hundreds of other legal requisites of the Ralph M. Brown Act and The Bagley-Keene Open Meeting Act pertain to the River Management Advisory Committee (RMAC), the State Department of Parks & Recreation, Marshall Gold Discovery Historic State Park, and other affiliated organizations in El Dorado County that work closely with government agencies.

The mission of *COMPAS* is to sustain the high quality of life in El Dorado County, to educate residents and visitors while providing focused direction and assuring protection from the effects of unmonitored management and a general degradation of the wonders and benefits of this historic county.

The goal of *COMPAS* is to preserve the environmental and historic heritage of El Dorado County for present and future generations. Included in this goal is the method of accountability of funds used to maintain the historic environment that makes the western slope of El Dorado County a safe and desirable area for residents and tourists alike. This objective includes citing informed suggestions for more desirable methods of operation in addition to accountability for historic artifacts, natural resources and designated funds.

Long standing controversies associated with the El Dorado County River Management Plan and the Marshall Gold Discovery Park have captured the attention of Governor Schwarzenegger and other legislators in

Sacramento. However few citizens fully comprehend the complexity of the controlling powers or how to effectively navigate these shark infested political waters. In a CA non-profit benefits corporation the anonymity of group members is protected from intimidation or retaliation for exposing illegal operations and/or abusive manipulation by all agencies and their affiliates.

A serious crisis of public safety and fiscal accountability lurks at the "world wide renowned Marshall Gold Discovery Park." The El Dorado County Board of Supervisors and CA State Parks Director Ruth Coleman have continually turned blind eyes & deaf ears to concerned residents calls for action. *COMPAS* is calling for **investigation and action into these violations**, for which there are both Civil Remedies and Criminal Sanctions. We pledge to get this information properly disseminated to the general public, State & National government offices, watchdog organizations and the media. Consultants view this as significant breakthrough in undetected and/or underreported accounts of dreadfully serious malfeasance at the site where the 1849 California Gold Rush had it's beginning.

COMPAS now has the tools and first-hand knowledge to expose many of the problems that for years have plagued this historic American River region. They may be partially summed up as: mislaid records, thousands of missing \$\$\$, lost artifacts, lack of code & law enforcement, private property encroachments, 5 recent arson fires, unethical business conduct, censorship and many serious public safety issues that have been swept under the rug of government bureaucracy. COMPAS provides the concerned citizens of El Dorado County a powerful venue to navigate conflicts and ensure that local and State government officials will no longer ignore those citizens in favor of special interest groups.

Since 1998 *COMPAS* President, Melody Lane has resided adjacent to the 500-acre Marshall Gold Discovery Historic State Park. She is Past President of the Bay Area Chapter of Executive Women International, has worked for El Dorado County Human Services as well as for the Executive Staff at Sacramento City Hall, and served as the 2001 President of the Gold Discovery Park Association. Her judicious record-keeping and deep concern for the area assures validity in forthcoming reports and materials *COMPAS* will bring forward. Additionally her wide experience involves several art organizations, an essential financial support to the area. She is currently the Public Relations/Membership Director for the International Association of Pastel Artists. Her home is ideally situated upon the historic Mt. Murphy overlooking the South Fork of the American River where the panoramic views have provided inspiration to artists of all mediums from throughout the world.

Melody is available for interviews of all kinds. **530-642-1670 • melodylane@calis.com** Photo included. Exhibit A

Page 4 of 11

8/3/15 RMAC Meeting Parks & Recreation – Vickie Sanders

I. Personnel Issues

- A. Noah Rucker
- B. RMAC minutes/Brown Act violations/Audio recordings
- C. Conspiracy/harassment/discrimination
- D. Remedial action

II. Next RMAC Meeting

- A. Rescheduled Date?
- B. May 2010 Brown Act Ciccozzi/Briggs/Mtn. Demo
- C. Wording of agenda > Bullying
- D. EDSO

9-14-15 RMAC Meeting

John Desario replaced Jim Wassner/Code Enforcement upon his retirement at the beginning of 2015

ELEMENT 1 - EDUCATIONAL PROGRAMS

- 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.
- 1.2.3.3 The County will increase and continue to provide on-river signage at the start, end, and within the <u>Quiet Zone</u>, as a reminder to rafters when they are within the Quiet Zone.
- 1.10 Commercial Guide Educational Programs
- 1.10.1 <u>The Sheriff's Office and County Parks</u> will continue to provide boating education, river etiquette, <u>emergency procedures</u>, <u>and evacuation instruction</u> for commercial outfitters and their guides.
- 1.10.1.1 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.
- 1.10.1.1.1 This workshop will be coordinated by the County 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.
- 1.10.1.1.2 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 <u>mutual respect and a sense of community</u>.
- 1.10.2 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.

ELEMENT 2 - SAFETY PROGRAMS

- 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.
- 2.5.2 Sheriff's Department efforts will focus on <u>riverside enforcement activities during weekends</u>, with weekday periods devoted to the investigation and prosecution of pirate boaters.
- 2.4.2 During weekend days, on-river staff will provide patrol and respond to <u>safety, trespass, and noise issues</u>. Boat counts and <u>coordination with the Sheriff related to trespass and illegal parking incidents</u> will be conducted by onshore staff.

Exhibit C

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

ELEMENT 3 - TRANSPORTATION PROGRAMS

- 3.3 The County will undertake the following actions to respond to illegal parking:
- 3.3.1 <u>Illegal parking areas identified by citizen and merchant complaints will be designated as double fine zones.</u>
- 3.3.2 Double fine zone designations will be displayed by <u>signage to notify motorists</u> 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 <u>Bayne Road</u>, 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 <u>traffic studies and adhere to performance standards</u> 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, <u>community satisfaction</u>, water quality, and <u>other environmental conditions</u> 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.
- 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).

4.3 Public Comments/Complaints

4.3.1 Landowners, residents, and river users will be provided with standardized <u>comment/complaint forms</u>. 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 <u>descriptions of follow-up action(s)</u>.

- 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 <u>Public comments/complaints will be distributed by the County Department of General Services to the County Planning Department (Planning Department) and Sheriff's Department.</u> 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.
- 4.8 Noise Monitoring The County will develop and implement a system for conducting noise monitoring and reporting for noise-sensitive areas <u>near project area campgrounds and at other sensitive locations</u> 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 <u>conflicts between non-whitewater recreation</u>, 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 <u>limitation of recreational opportunities</u> resulting from whitewater recreation use.

To echo words recently spoken by Glenn Beck, "To remain silent in the face of evil, is evil itself." "We the people" have been utterly and completely betrayed. The politicians "we the people" most trusted to look out for our best interests, protect our rights, and ensure that El Dorado County doesn't slip into tyranny have cheated on us, lied to us, swindled us, deceived us, double-crossed us, and sold us to the highest bidder.

Time and again, they have shown in word and deed that their priorities lay elsewhere, that they care nothing about our plight, that they owe us no allegiance, that they are motivated by power and money rather than principle, that they are deaf to our entreaties, and that their <u>oaths of office to uphold the Constitution mean nothing</u>.

Incredibly, even in the face of their treachery and lies, the great majority of citizens persist in believing that politicians have the people's best interests at heart. Despite the fact that we've been burned before, most citizens continue to allow themselves to be bamboozled into casting their votes for one candidate or another, believing that *this time* they mean what they say, *this time* they really care about the citizenry, *this time* will be different. Of course, they rarely ever mean what they say; they care about their constituents only to the extent that it advances their political careers.

This Board has proven we are as easily discarded the day after the elections as we were wooed in the months leading up to the big day. Those same politicians who were once so eager to glad-hand us for our votes will, upon being elected, retreat behind a massive, impenetrable wall that ensures we are not seen or heard from again—at least, until the next election. County Counsel and the mainstream media are largely to blame. Larry Weitzman nailed it in this article entitled "Below the Law - EDC Legal Counsel Giving Bad Advice."

Exhibit D

Citizens have a right to know when government agencies and government officials have engaged in wrongdoing. Whether those individuals occupy a public office or are employed by a law enforcement agency is immaterial. If a government employee has been charged with <u>misconduct</u>, it is the right of the taxpayer to know both the <u>name</u> of the individual and <u>the charge against them</u>. A few examples:

- 1. During the 2/23 BOS you heard about Sheriff D'Agostini's retaliation, obstruction of justice, refusal to meet or respond to constituent concerns about public safety issues within his jurisdiction referred to the Dept. of Justice & CSPOA.
- 2. Community Services Director Roger Trout has no oath of office on file, refuses to provide honest services, or respond to correspondence.
- 3. Vickie Sanders also has no oath of office on file. Vickie betrayed the public's trust during the 9/14/15 RMAC meeting attended by Mike Ranalli and Roger Trout, a deliberate set-up under the direction of Counsel Mike Ciccozzi and consultant Steve Peterson. The legal implications are enormous.
- 4. Following Ron Briggs' poor track record, Mike Ranalli refuses to correspond or answer community concerns about public safety in a "Come to Jesus" meeting with Sheriff D'Agostini, Roger Trout and CA State Parks personnel.
- 5. County Counsel's inability to appropriately track and respond to CPRAs as required by law.

Efforts to circumvent greater government transparency which, in the process, potentially shields government wrongdoing will only weaken that which makes our system of government strong: a system of checks and balances, public accountability, and government agencies and employees that are fully cognizant of the fact that they serve the taxpayers.

Madam Clerk: Please enter these documents into the public record:

- 1. This transcript (4 minutes)
- 2. Weitzman article "Below the Law EDC Legal Counsel Giving Bad Advice"
- 3. 11/12/14 agenda w/Robyn Drivon & Paula Franz (Larry Weitzman present)
- 4. 12/15/15 CPRA due 12/31/15 Joe Harn incomplete reply

J. Sweeney Open Form BOS 5/5/15

Statement to Board of Supervisors at Open Forum by James R. "Jack "Sweeney Date May 5,2015

Subject:: County Property at Chili Bar

On March 12, 2015 the American River Conservancy (ARC) advertised that they were seeking a Park Aide to work at Chili Bar. This raised my curiosity and prompted the following remarks. It also raises the question as to whether the ARC disregards the authority of the County and if they will continue to get away with such disregard?

When the American River Conservancy sold the property to the County all previous reserved rights merged and no rights were reserved upon that sale. Hence, the ARC retained absolutely no authority nor authorization to remain on the property. Since that sale, the ARC has been squatting on the Public Property owned by the County. ARC refused agreements for occupancy offered by the County.

Unless there has been an agreement made between the County and ARC since January 2013, they are still squatters and should not be offering employment on County Property. I have not seen any such agreement on the open public agenda! The County should immediately stop ARC from using Chili Bar or reach an appropriate agreement that is considered through the public agenda process.

While this matter was rising to the filing of a lawsuit, the County DOT Staff had reached a solution that would have been amicable to all parties; the Board was not given that solution!

The County is already involved in one lawsuit over the ARC misuse of Chili Bar and has countersued for use of an easement to which the County has absolutely no rights.

The County should withdraw the countersuit for the easement; I consider that action to be inappropriate and/or illegal!

The County should settle the original suit out of court.

I would be willing to work with the County to seek these solutions!

James R Sweeney

The case is Wade v. County of El Dorado and American River Conservancy PC20120264

Exhibit E

Comments on the Redline Draft River Management Plan Update

I respectfully submit these comments on the RMP update as both Public Comment and also as a full review of the document in my role as a Member-at-Large of the RMAC.

Context

Over the past 24+ months, the RMAC had a number of initiatives and discussion items upon which it wished to act, but was told by staff that she did not want us to make recommendations/take action on a case-by-case basis because these items and initiatives would better addressed in concert by an RMP update. Items such as

- The proposed update to the Institutional User regulations
- Additions or modifications that would address the new multi-use patterns in the middle section of the river
- How to better address the problem of Pirate Boating
- User day trading or subcontracting among outfitters
- And more

Although the current plan specifies RMAC involvement at inception, the RMP update was contracted out by the County without RMAC input or oversight, losing the benefit of the expertise RMAC members would provide in framing up the project.

Based on the above expectations set by the Parks and Rec Manager and also conversations with the Consultant, I expected the RMP update would substantively address the pending issues as well as provide a set of more clearly stated, more functional and where possible, streamlined guidelines and regulations that would enable the County to manage the river more effectively now and into the future.

The Redlined Plan update doesn't meet those expectations. It doesn't fully meet the requirements in the SOW, most egregiously missing an adequate financial analysis. It doesn't adequately address some of the pending concerns and has so many functional deletions that it no longer addresses what is needed to manage all necessary aspects of the system.

One thing the Update does well: the Update streamlines the document in a way that makes it more readable and usable.

General Comments

What is most lacking throughout the RMP Update is the "Why."

There should be clearly stated reasons for recommendations and changes. The "why" to go with the "what" of each recommendation

- Why does it made sense functionally?
- Why does it make sense financially and what is the financial impact or benefit?
- How it addressed what was found lacking in the old plan (the lack based on all the received input)
- How does the recommendation strengthen an element, make it more functional, safer, more cost-effective or easier to administrate or enforce.

Why are emerging needs not addressed and current elements that are clearly necessary or wanted (based on the input) weakened or deleted from the plan altogether? Are the reasons fiscal? Lack of some department's support? What are the root-cause rationales that inform those choices and recommendation?

The SOW included a financial analysis, yet there is no evidence of that analysis other than a very broad summary. The financial analysis should be completed and expressed in context with the recommendations in order for this document to be considered complete. Why has the document been accepted without it? Or if it was there at one time, why is it now missing or omitted?

It is hard to evaluate recommendations without knowing their rationale.

Review

Page	Section or Element	Paragraph	Bullet number
9	ES.6	1. Reconsider the County's Management of	
		Whitewater Recreation	
		2. Delegate the Management of Commercial	
		Outfitter to a State or Federal Agency	

The summary of elements that have not being completely or effectively implemented plus the identification of protocols that have been ignored (PAGE 8) is alarming, yet there are few remedies recommended for meeting these requirements other than to omit them – and some of these are critical to a well-managed system.

This, arguably, might be the rationale behind these first and second recommendations, but with out the analysis to go with the recommendations, there is no way to tell.

Additionally, given that the South Fork American River is a prime County resource and an economic engine, doesn't it make more sense to fix the management system rather than to farm it out?

Weakness

Where is the analysis that informs these recommendations?

Recommendation

Provide the analysis and factors and enumerate which poorly- or un-implemented elements require focus to enable to County to effectively manage the river.

Page	Section or Element	Paragraph	Bullet number
10	ES.6	5. Dissolve the RMAC	

There are many reasons to keep the RMAC constituted. Among them:

- RMAC has a history of resolving multi-stakeholder differences before they become
 pissing wars. When the RMAC makes recommendations to the BOS, the BOS knows the
 recommendation has broad support.
- The stakeholder constituencies (outfitters, riverine landowners and businesses, private boaters) count on having a place where they not only are heard and considered, but play a major role in the decision process.
- The RMAC fosters mutual respect in those constituencies. The value of this, although somewhat intangible, is part of what has heretofore filled some regulation gaps to keep the river reasonably managed.
- And more...

To focus on what may be the least obvious reason: RMAC and its position in the Special Use Permit and riverside land use process, serves to provide domain expertise to the Planning Commission. The RMAC thinks through a myriad of river-related factors from the points of view of multiple stakeholders when providing the Planning Commission with a recommendation.

These are factors of which most land planners may have limited knowledge or interest. Given the importance of the River as County resource, the RMAC should be kept as a formal Committee with responsibility to make recommendations to the Planning committee.

Recommendation

If the RMAC is perceived to be broken, then fix it, but don't replace it with a committee that has no teeth. That won't serve the County or the public.

Page	Section or Element	Paragraph	
10	ES.6	6. Update the RMP every 3 years	

Three years isn't enough time to assess efficacy or gain an understanding of HOW and WHY what isn't working isn't working or how it can be improved.

Recommendation

Update the plan every 5 years in response to the 5th year Summary Report suggested as a remedy for Element 6.2

Page	Section or Element	Paragraph	
10	ES.6	8.	
		Create a User-Day Marketplace for Commercial User Days	
		or Enforce Current Regulations	

Weakness

No analysis of the risk or benefit of the options

Recommendation

Provide the analysis and factors and suggest an option based on said analysis or suggest criteria for decision

A user day market place will encourage overbooking more than it is practiced now. I would not want to see that put in place.

Page	Section or Element	Paragraph	
10	ES.6	9.	
		Address the Management of Institutional User Groups	

The RMAC effort to construct new regulations was inclusive of both the Outfitter and Institutional communities. It will result in unambiguously stated, unified regulations and reporting, will lessen guide antipathy between the two user groups, and the fee structure will result in a boost to the River Trust Fund. It will also ensure that Institutional Users won't see their user days/permits as an asset to be bought and sold.

Recommendation

Adopt the RMAC's recommended regulation. See comments for Element 6.3.1 (page 9 of this document) for recommended actions to determine which management model to choose.

Page	Section or Element	Paragraph	Bullet number
54	5.3 Carrying Capacity Management	2 and footnote 1	
	Actions Overview		

Citation of non-commercial use includes this footnote, but does not provide any analysis or suggest any criteria with which to make a decision between the two options.

1 This analysis suggests that the County consider either invoking new Institutional Group management methods, as identified by the RMAC (Proposal *Draft Institutional Permit Update to the River Management Plan*, El Dorado County River Management Advisory Committee, March 2013), or transition Institutional Groups into the Commercial Outfitter management protocols (see RMP Section 6.2).

Recommendation

Provide the analysis and factors and suggest an option based on said analysis or suggest criteria for decision

Page	Section or Element	Paragraph	Bullet number
56	Element 1- Educational Programs	Strikeouts	
		1.2.3.1 – 1.2.3.3	

Weakness

County redlining removed recommendations that address and help mitigate specific management and impact problems in the Middle Run

Recommendation

- Restore 1.2.3.1 1.2.3.3
- Suggest more than one funding source

ĺ	Page	Section or Element	Paragraph	Bullet number
	59	Element 1- Educational Programs	1.9.1.1 strike outs	

Weakness

Since the County Sheriff's Boating Safety Unit has the lead role in Safety Programs (Element 2), there is good reason for them to participate in the Pre-season Outfitter Manager's workshop in order to communicate whatever is appropriate for that specific season and establish incident coordination models

Recommendation

Restore obligated participation of the Sheriff's Unit. If it isn't restored, provide analysis and justification as to why.

P	age	Section or Element	Paragraph	Bullet number
6	0	Element 2- Safety Programs	2.3.1	

The plan no longer addresses any sort of incident management coordination.

Recommendation

Remedy this gap. Suggestions for doing so:

- Specify a steering committee to be coordinated by either Parks or the Sheriff's Boating Unit that establishes and maintains Emergency operations protocols for river incidents to be approved by the Sheriff's Department and California Office of Emergency Services.
- Create a new sub element in the Education Element (Element 1) to communicate these
 protocols so outfitters, local paddlers and other interested parties will all have shared
 knowledge of those protocols in the event of an incident. This information should be
 covered
 - As part of the pre-season Education Program for Outfitters and organizations
 - On the County's River website.

Page	Section or Element	Paragraph	Bullet number
62	Element 4- Monitoring and Reporting Programs	4.1	

Weakness

No monitoring called for in the Middle Section

Recommendation

Include a monitoring location that will catch the traffic between Coloma and Lotus. Possible locations are the Highway 49 Bridge or the upstream reach of Hennigsen Lotus Park

Page	Section or Element	Paragraph	Bullet number		
63	Element 4- Monitoring and Reporting Programs	4.2.1			

Weakness

Nothing provided to help someone with a complaint understand how to take an urgent action

Recommendation

Stipulate that the County should provide a directory of contact numbers for urgent complaints in conjunction with the standardized form. This directory should include descriptions of the sorts of complaints that should be directed to each agency.

Page	Section or Element	Paragraph	Bullet number
64	Element 4- Monitoring and Reporting Programs	4.7, 4.8 and 4.9	

Why are noise monitoring, reporting of Quiet Zone violations and overall recreational impact monitoring being struck? How do these omission serve the County and community?

Recommendation

Provide the analysis and factors (footnote or appendix) for this omission Create realistic monitoring levels and suggest appropriate monitoring methods here so County and community interest are served.

Page	Section or Element	Paragraph	Bullet number
64	Element 5- Agency and Community Coordination	Para 1,	
	Programs	5.1 and 5.1.1	

Weakness

Removing the RMAC and eliminating the role it plays as stated in the plan

- Weakens the ability of the planning commission. Without a body that provides
 recommendations coming from specific domain knowledge and experience, the
 Planning commission cannot make well-informed decisions affecting the river corridor
 lands. The will be more likely to make decisions out of inadvertent ignorance that they
 would otherwise have decided differently.
- Creates a disconnect between riverine landowners, businesses that bear the brunt of recreational and other impacts
- Makes County staff the sole agents of action and oversight. This limits or eliminates
 public input from specific actions, removes the public interest from the equation, and
 tangentially creates an opaque curtain between citizens and County policies and actions.
- Eliminates oversight of the River Trust Fund

Recommendation

Restore the struck paragraphs, simplifying the language for clarity where needed. Provide the analysis and factors (footnote or appendix) that lead to the choice to strike this paragraph

Page	Section or Element	Paragraph	Bullet number
64	Element 5- Agency and Community Coordination	5.3	
	Programs		

This sub-element serves the interest of the resource, the community and builds bridges/trust of County government. Why is this paragraph being struck?

Recommendation

Restore the struck sub-element

Provide the analysis and factors (footnote or appendix) that lead to the choice to strike this paragraph

Page	Section or Element	Paragraph	Bullet number
66	Element 6- Permits and Requirements	1	

Please see the following comment for why "Institutional" should not be struck

Page	Section or Element	Paragraph	Bullet number
68	Element 6- Permits and Requirements	6.1.2	

Weakness

Striking this section implies that the Institutional Groups should be folded into the Outfitter population (an option presented by County Staff in 2015), even though the footnote in Section 5.3: Carrying Capacity recommends choosing that recommendation OR the Institutional Guidelines developed by the RMAC in 2013. This assumption is not consistent with that previous statement of choice.

Recommendation

Provide the analysis and factors (footnote or appendix) and make a recommendation for the handling of Institutional Groups. If suggesting a choice between options, state the pros and cons of each option.

Page	Section or Element	Paragraph	Bullet number
69	Element 6- Permits and Requirements	6.2.1.3.4.2	

This sub-element has been the subject of many discussions on the RMAC and how the system might be modified to avoid abuse. Although I personally agree with removing the sub-element altogether, I don't believe it should be removed without understanding the rationale for that recommendation.

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6.2.1.3.6 User days cannot be transferred, loaned, or borrowed. User days, as assigned to each outfitter, are not a commodity or an element of their permit that can be traded or purchased or sold among different outfitters. The capacity assigned under each permit is assigned strictly to the permit holder named on the River Use Permit

Comment [SP1]: The County should either modify the RMP to create a marketplace for the temporary transfer of user days between outfitters or enforce current prohibition on these practices. The practice of the River Manager allowing this clear violation of the existing RMP management framework undermines its implementation.

Recommendation

Provide the analysis and factors (footnote or appendix) for omitting this sub-element

Page	Section or Element	Paragraph	Bullet number
70	Element 6- Permits and Requirements	6.2.1.3.6	

This sub-element has been the subject of many discussions on the RMAC and how the system might be modified or eliminated to avoid abuse.

Recommendation

Provide the analysis and factors (footnote or appendix) and state the pros and cons of the recommended element statement.

Page	Section or Element	Paragraph	Bullet number
79	Element 6- Permits and Requirements	6.2.1.7.2	

Weakness

Strikeouts: The RMAC, or whatever it becomes serves a vital purpose here and its function and scope should not be omitted.

Recommendation

Provide the analysis and factors (footnote or appendix) for eliminating the RMAC Restore the paragraph

Page	Section or Element	Paragraph	Bullet number
81	Element 6- Permits and Requirements	6.3.1	

Strike Out on Institutional Group Requirements

Recommendation

Provide the analysis and factors (footnote or appendix) and state the pros and cons of the recommended approach to Institutional Groups and insert the Institutional Group Requirements per the RMAC's 2013 recommendations or language that clearly states that Institutional Groups are governed by the same requirements as Outfitters.

Page	Section or Element	Paragraph	Bullet number
83	Element 6- Permits and Requirements	6.5.1.1	

Strikeouts: Just because this wasn't done in the past, doesn't mean it isn't good, proper and necessary.

Recommendation

Include an element that provides guidelines to the RMAC, thereby providing value to Special Use Permit holders and the riverine community that sometimes takes issue with those permit holders. Suggest actions and text:

The Planning Commission will develop a checklist of environmental and RMP consistency items, standards, and a discussion of the RMAC's role in the County's Technical Advisory Committee and Planning Commission processes that the RMAC will use for review of SUPs.

The RMAC will define a standard process with which to consider new or modified SUP applications.

Page	Section or Element	Paragraph	Bullet number
83	Element 6- Permits and Requirements	6.5.2	

Strikeouts: 6.5.2 addresses environmental needs. Where are these requirements captured other than this plan?

Recommendation

County Staff to provide evidence that these riverine SUP requirements exist elsewhere. If they do not, restore 6.5.2 in its entirety.

Page	Section or Element	Paragraph	Bullet number
87	Element 7- Carrying Capacity Excedance	7.4.1.1	

Statement is not consistent with eliminating 8% guest allocation (page 69, Element 6.2.1.3.4.2

Page	Section or Element	Paragraph	Bullet number
87	Element 7- Carrying Capacity Excedance	7.4.2.3	

Statement is not consistent with either option for Institutional Group use.

Page	Section or Element	Paragraph	Bullet number
90	Element 10- Funding		

No mention of other possible funding sources, such as SMUD mitigation funds, Boating and Waterways grants, etc.

Recommendation

Add a 10.2.1 sub-element that refers to other funding sources and briefly states any constraints those sources imply.

Example (non-factual):

California Boating and Waterway: Grants may be obtained for improvements to put-ins and take outs.

Page	Section or Element	Paragraph	Bullet number
92	6.2 Annual Report	all	

Weakness

Strikeout/Modification: Making the Annual Report a Tri-annual report substantively lessens its usefulness as a reporting and planning tool. There is no way to take quick action on year-over-year changes.

Recommendation

Instead of making this a tri-annual, identify the critical elements that provide useful annual information and make the Annual an abbreviated, but highly useful document, with a more extensive summary document produced every 5 years.

Change the language throughout this element to restore the Annual time frame.

I would volunteer to help determine the abbreviated information set.

Page	Section or Element	Paragraph	Bullet number
93	6.2	2	

Strikeout:

The annual summary and year end meeting with the Public connect the riverine community with the County and intangibly, but importantly, reinforces that the County is taking care of its resource, listening to its constituency and taking care of the people's business. There are citizens that would not attend a BOS meeting or provide written comments that come to that meeting to give their input on the season. Without some of these oral statements, the County

wouldn't necessarily know whether there is less or more trespassing, less or more littering, or be alerted to an emerging problem that bears watching.

Not only does the riverine community and interested parties have a place to be heard or act as an early warning system for potential areas of concern; they have their perception of the County as a responsive steward reinforced.

Recommendation

Provide the analysis and factors (footnote or appendix) for eliminating this useful meeting. Restore the paragraph and meeting, modifying the date of the meeting if it will better serve as an information collection or dissemination venue.

Page	Section or Element	Paragraph	Bullet number
93	6.2.2 Periodic Review		

Recommendation

Restore reporting timing (an Annual Report with 5-year Summary report) using a modified annual report and a more extensive summary every 5 years as requested on 6.2

Thank you for your time and attention. Please do not hesitate to contact me if you have questions or would like clarification.

Marilyn Tahl RMAC Member-at-Large

To: El Dorado County RMAC

As a paddler, a school teacher, and a member of the community here along the South Fork of the American River, I fee it would be beneficial for our community if El Dorado County could include some youth programs in its river management plan. I believe the county should explore opportunity's to provide infrastructure and/or support (facilitate or provide) for county schools and youth to use the South Fork as an extension of the classroom.

The river has the potential to keep kids out of trouble by learning to guide, kayak, fish and learn about all the other academic studies (geomorphology, fisheries, watershed management, fire ecology, outdoor recreation, leadership, interpretation, teaching, human behavior, wildlife management, botany, forestry, etc.). The County already owns Chili Bar so we're already that much closer to being able to use that land to build a classroom/lab or campground to support these goals.

I have met many people who have spent most of their live here and have never even been down the river. This is shocking to me since the river is one of the major industries in the area. Is there a way that we can provide at least an introduction to the river for the youth in the county? What if every child got to go on a rafting trip as a school field trip at the end of 6th grade? High school students could take kayaking as a PE elective. Some of the schools even have pools. The local schools could have kayak or raft teams. Students could learn river rescue or even just basic safety for school credit as well which may lead to them making smarter choices around the river later in life and perhaps fewer incidents.

Slalom Kayaking is an Olympic Sport. Having public access to a permanent course and even a school supported program for kids to learn about the sport - train - compete seems like a reasonable goal. One of the Olympic Coaches came out to the S. Fork to teach last fall - wow! How many other County's have the resources to provide this kind of infrastructure/opportunity?

A whitewater playpark for all the above reasons as well. Building these white water features has become more common in the past decade or so. Towns in Colorado, and Idaho, as well as Reno NV, and many others have seen the benefit of these parks. They offer recreational activities for the local community as well as an attractive home training spot for some of the top paddle sports athletes in the world. They make great venues for festivals, which bring economic benefits as well.

Also developing a trail system from Chili Bar to Salmon falls would provide additional opportunities for members of the community to use and enjoy the river corridor. There are high school mountain bike teams, which could use these trails. They would also provide opportunities for young people and grown folks alike to get outside, get some exercise, and stay out of trouble.

These are just a few ideas. The possibilities are endless. I know that there are folks out there, myself among them, who are ready and willing to volunteer their time and skills to help facilitate some youth programs on and around the river. We just need support and organization. We have an amazing opportunity here to pass on our love of the outdoors to the next generation.

Sincerely

Pete DeLosa



Noah Triplett <noah.triplett@edcgov.us>

RMAC Comments

1 message

Sara SK <skpriority@earthlink.net>

Mon, Apr 18, 2016 at 9:18 AM

To: Jim Mitrisin <jim.mitrisin@edcgov.us>, Noah Triplett <noah.triplett@edcgov.us>

Supervisors and staff,

Please accept my comments this Monday morning. We had no power all day Friday in Coloma and I was unable to send this out by that deadline.

I work and volunteer for various businesses, organizations, and events in Coloma-Lotus and on the water. I have done so for sixteen years, much of which time I have also lived on the river.

With regard to the RMP red-line version, I provide the following comments. I agree with some of the public comments summarized and I disagree with others. I focus my comments here on the report statements and recommendations. Most important, I believe the County should do more, not less, to manage the river, both in terms of funds and practical support to the department to keep it stable and productive. RMAC should remain in place, and control of the use of the river should remain local with the County.

ES.5

"The RMP was originally prepared in response to trespassing land use conflicts, environmental impact concerns, and potential health and safety issues. While trespassing continues to occur on an infrequent basis, most of the other reasons for the creation of the RMP are no longer concerns."

I strenuously disagree that health and safety issues are not a concern on the river. We have drownings. We have injuries. We have people thinking they can swim in, and float on, this river without any knowledge or training. This is incorrect. Also, environmental impacts are always a concern and require continual attention to the use of the river by all to keep environmental harm in check.

Element 10 Funding: "The RMP implementation has been driven by the funds available from the River Trust Fund: no other funding sources have been proposed..."

I do not know why river activities are only funded by fees collected by river use. It is a huge activity in the county and brings a great number of tourists here. The County should fund river management.

Graph quote: "The cost to deliver river management services by the County has increased, as the value of dollars collected from commercial guests has diminished..."

The County should promote rafting as it promotes other tourist activities to help get rafting visitors back. We are the only river with guaranteed flows and are a gold mine for fun-seeking tourists.

Element 4: "Zoning and Special-Use Permits are the responsibility of the Community Development Agency and their monitoring and management should be removed from the RMP." – I do not know exactly what these permits refer to, but

if they are river-specific then they seem to be under the purview of the RMP. Clarification is needed here.

Element 5: "The Flow Phone has been made obsolete by Dreamflows.com."

I strenuously disagree. As I mentioned, I was unable to communicate at all online Friday, a bright sunny day, because of a power outage. There are many people who have no cellular coverage at all in the river area. We need to have important information that affects public safety available in a couple of different formats. In fact, this resource should be promoted widely.

"the shifting of the RMP to four different elements of County government (i.e., the Department of Airports, Parks, and Grounds; the Department of General Services; the Department of Environmental Management; and the County Administrator's Office) has continually eroded the RMP's adaptive management system."

This is an example of how the County can be more supportive of river management – by keeping it in a consistent department. Who can do above-and-beyond work when they are being moved around all the time?

"The lack of adaptive management updates to the RMP has led to a static program that has not evaluated or embraced new technologies, such as boater count and global positioning system (GPS) data gathering, and current regulatory standards, such as stormwater monitoring protocols."

I believe that with better funding and a more stable organizational base, this would be able to be achieved.

"The RMP has not evolved to address key issues, such as the large number of inner tube and other "flatwater" craft that now use the central Class-1 segment of the River more than once in one day."

It is time for this to be addressed, as this is a change that has occurred in very recent years.

ES.6

"1. Our primary recommendation is for the County to seriously reconsider its role as the manager of recreation on the South Fork of the American River."

This statement does not say whether the recommendation is more or less involvement by the County. I believe the County needs to do much more.

"2. Delegate the Management of Commercial Outfitters to a State or Federal Agency."

I strongly disagree. This is a local issue that needs local control.

"Both State Parks and the BLM also manage commercial outfitters on the South Fork of the American River. Because of this overlapping, duplicative system"...

The state park coordinates one small section of the river in the town of Coloma, and the parking lot at Salmon Falls. I do not see how their managing some picnic tables and parking, can be seen as "duplicative" to BLM that manages lands.

"we believe that the County should decide if it wants to continue to serve as River Manager, or to negotiate a costsharing agreement with the BLM and/or State Parks to accept the responsibility for managing commercial outfitters and other elements of South Fork River recreation."

Again, I disagree – it is a County resource and the tourists are county revenue resources.

"The "redline-strikeout" changes that we recommend are presented in Chapter 4."

I do not see a Chapter 4 in this document.

"5 Dissolve the RMAC"

I absolutely disagree that the RMAC should be dissolved. It is the voice of the community and must stay in place. On the contrary, I believe we should create a **second** regional advisory committee focused on land issues farther from the river than RMAC's purview.

"7. Reduce the RMP Position to a Seasonal or Half-Year Assignment."

Absolutely not. Anyone who would even think this has no idea that the South Fork American River is a large geography and its management is a year-round program. Just a few examples are that there are outfitter meetings in winter, safety trainings in spring and fall, and communication year-round – as well as boaters year-round.

"9. Address the Management of Institutional User Groups."

I do believe there is a place on the river for non-profits who take at no or nominal cost people on the river who could not go on it otherwise. I have personally seen the life-changing glow that a day on the river can give to kids who live with adversity, and to people with life-threatening illnesses or brain injuries. Helping non-profits like ICO, Project GO, Healing Waters, ETC (which is not in the institutional market, but does this great work) should be able to continue doing this work. They operate on shoestring budgets and it is a great public service.

"10. End RMP Water Quality Sampling Programs."

From what I know, this sounds like a good idea and can free up River Patrol and river staff to do other, more river-userrelated tasks that are so greatly needed.

Thank you for your consideration of my comments,

Sara Schwartz Kendall

Sara Schwartz Kendall Mail: PO Box 172, Coloma CA 95613 Date: 4/12/2016

To: El Dorado County, Clerk of the Board, El Do. Co. Parks and RMAC

From: Sarah Vardaro, Vice President, River Runners Inc.

Regarding: Redline Draft Update to the River Management Plan

General Comments:

I believe that the on river experience on the South Fork of the American is currently well managed.

The South Fork of the American River is indeed a busy place with as much commercial boating as private boating, it is a social and sometimes crowded experience to boat on the river. Whether one sees this as a problem or an asset is largely subjective.

It is true that there is sometimes conflict between private and commercial boaters and fault can be found on both sides depending on the situation. Yet as a considerate and patient person I have found my interactions between myself, land owners and other boaters, whether commercial, private or institutional to be mostly cordial.

Companies that regularly exhibit a lack of river etiquette and show disregard for government regulations are the exception to the rule in an otherwise compliant industry.

The Draft Update to the RMP over inflates perceived problems in the management of the river and makes it seem a hopeless task for the County to manage the river into the future. The changes to the plan are not so much in response to the actual river experience but seem to be a reaction to the administrative inefficiencies in the RMP. These inefficiencies could be addressed whilst retaining RMAC and the County's role in managing the river.

The Draft Update to the RMP represents a lack of will to protect, maintain and promote the South Fork of the American River as not only a valuable resource but also as a beautiful public space that enriches the lives of many people in this county.

This lack of will is at odds with the 2012 Parks and Trails Master Plan in which "Objective 9.1.4 directs the County to conserve and promote County rivers and waterways, particularly the South Fork of the American River, as recreational and economic assets."

Specific Comments Regarding the Draft Update to the RMP:

Executive Summary:

ES.5 Summary of the RMP Implementation Analysis

I agree that the context of the RMP has dramatically changed and that the RMP should be altered to reflect those changes so that the RMP can be better implemented.

Element 1. Educational Programs

Signage is not a great contribution to the river. Signage ought to be limited to put-ins and already exists at most. I would not like to see any more signage that is directed toward people on-river.

Private boaters generally use other existing websites for trip planning. This should be considered before funds are spent to update the RMP website.

Element 10. Funding

It seems that elements 1 through 9 could be implemented by addressing the funding of the RMP.

Funding should be derived from other sources in order to protect, maintain and promote the South Fork of the American River as a public park. I do not feel there is a need to increase regulation of private or commercial boating except in the Lotus-Coloma sections where tubers have been identified as a problem by local residents.

The RMP has become a static program

Using GPS to count boats seems unnecessary since there is no evidence to show that the current system of counting boats is not working. If boat density and carrying capacity is not being reached, boat counting could cease.

Many commercial outfitters operate a user day market outside of the RMP

The original permitting of this industry created a very constrained environment to do business in today and this is one way outfitters deal with that problem. The current usage on the river does not exceed the total amount of user days available and most outfitters who use the user days of other companies do so sporadically to deal with the fluctuations in the market. Occasionally a company seems to create a business model based on the borrowing of user days but it is has proven to be a short lived and unsustainable phenomena.

ES.6 Recommendation

- 1. The argument that the County should reconsider its involvement in managing the river because it has a small property footprint is not a strong argument. The section of river is 21 miles long and it is a valuable resource to the County. If the County wants to reconsider its management of the river its reasons for doing so should be more clearly stated.
- 2. The County should continue to manage the river. If it does not continue to manage the river, it should relinquish all involvement in management including the fees paid to the River Trust Fund by commercial outfitters.
- 4. I agree that changes could be made to the RMP to streamline the program and the River Manager's duties.
- 5. If County staff feel that RMAC is losing relevance to the RMP because it is becoming a community forum for issues not pertaining to the management of the river, alternative venues for those issues could be located rather than dissolving RMAC.
- 6. The RMP does not need to be updated every three years and is working in its current form.
- 7. The River Manager should not be a half year position. A half year River Manager would not help to adequately manage the river. The River Manager could use the winter months to work on projects that improve the actual on-river experience.
- 8. The recommendation to formalize the renting of user days is an overreaction. Only a few companies engage in this behavior to a bothersome extent and it is likely to be short lived until they find the capital to acquire the permits of other businesses.
- 9. Institutional groups should stay.
- 10. I agree that water testing is not necessary if SMUD also carries out these tests.

3 - Physical Setting of RMP Project Area

The Draft proposes to delete all information relevant to the environmental context of the RMP. I do not agree with the deletion of this information which is useful in educating those interested in being involved in the political process pertaining to the river. I also think it is important to create policies that make sense in the environmental context of the river. The river is not only a resource used by people it is also an ecosystem that must be protected to maintain its value as a resource.

I would like to see this section remain in the RMP as I believe it is imperative to the successful management of the river as a natural resource.

4 – South Fork Carrying Capacity

Element 1 – Educational Programs

Signs may be a necessary safety measure at put-ins. Funding for kiosks and signage aimed at private boaters should be derived from sources outside the River Trust Fund. The river is a park and funding for local and general private use ought to also come from sources outside of the River Trust Fund. I have rafted in many places around the US and California and this sort of signage exists in areas where there is little to no commercial boating activity.

I am in favor of little signage on the actual river. It makes sense to have the sign at Greenwood that advises boaters to take out there if they do not have the skills necessary to run the Gorge.

- 1.6 Should remain for the same reasons that the physical setting should remain.
- 1.10.2.1 The scope of this element could be reduced to on river etiquette as I feel that this is one area where some companies fail to train their guides. I have experienced great success in terms of on river behavior when guides work together to make the river a polite place irrespective of the company that they work for. I don't think this element should be removed completely.
- 1.10.2.1.2 I agree with the removal of this element
- 1.10.3 This requirement to create a script for guides to read to commercial rafting guests should be removed from the RMP. Most guides and companies already do a good job preparing their guests for safety and quiet zone expectations. By far the biggest complaint that I have heard from residents of the quiet zone areas are about tubers as they move slower through the area and thus make noise for a longer time. Such a script would be demeaning to our clientele most of whom are respectable and successful people that don't engage in the behavior outlined.

Element 2- Safety Programs

I support the removal of elements 2.1-2.2 as most river guides and private boaters seek rescue and safety instruction from other sources.

I support the continuation of 2.4 (to become 2.1) – County Parks Staff Activities with the removal the elements that have been redlined by the consultant.

Element 5 – Agency and Community Coordination Programs

I can not support the removal of RMAC from the RMP. I think changes can be made to make it more relevant without completely striking it out.

5.6 Regular river clean ups should remain in the RMP and whilst the wording could be changed to reflect realistic goals the striking out of this from the RMP would create unsatisfactory on-river results.

Element 6 – Permits and Requirements

- 6.1.2 Institutional Groups should remain. Some of these groups do a good job and provide a great service to the community. Further investigation into how to manage institutional groups could be done by the River Manager if it is felt that there are issues with managing institutional groups.
- 6.2.1.3.4.2 The 8% guest allowance should remain with the caveat that companies be required to pay \$2 per head paid in fees to the county for guests. Very little of this guest quota is actually used and in reality helps some companies avoid having to "rent" user days due to over booking which has been identified by the consultant as a problem.
- 6.2.1.3.6 The borrowing of user days should not be formalized in the RMP. The borrowing of user days should not be made an offence by the RMP. This is not a widespread practice. The problems currently caused by this behavior are probably going to be short lived. Regulating this now may cause this element of the RMP to be irrelevant in the near future.
- 6.5 (6.4) and 6.5.2 SUPs should remain in the RMP unless a viable alternative can be given. I would be concerned with the results of a system that allows commercial activity to go un-regulated. I understand that some aspects of this element may be superfluous but I think it is unwise to discontinue holding businesses with SUPs accountable for their impact on the river environment. I think this element ought to be retained but amended to maintain relevance.

Element 7 – Carrying Capacity

If boat density and carrying capacity is not being reached, it makes sense for the River Manager and Staff to discontinue counting boats.

Element 8 – Regulations and Ordinances

8.1 The Pirate Boater ordinance should remain in the RMP even though actually enforcing this ordinance is unlikely. The existence of the ordinance may deter some from engaging in this behavior. I have not personally witnessed actual negative consequences of pirate boaters, it is clear to me however that there are some pirate boaters who practice this unofficial business regularly.

8.3 I support the removal of the element that requires the County to police trespassing. This should be managed by law enforcement.

Element 10 - Funding

For the RMP to be adequately implemented alternate sources of funding need to be found. Many people come to use the river in ways other than boating from both within and outside the County. The river is very much like a park/trail and funding ought to also be derived from sources outside of the commercial use of the river.

10.2 - I think it is unrealistic to fund the entire river management program from funds collected solely from commercial rafting guests.

This draft strikes out most of the activities that improve the on-river experience for commercial rafters such as river trash clean ups and environmental protection. The Chili-Bar put-in is still an unattractive place to take commercial clients consequently causing most outfitters to use the more attractive adjacent private put-in.

Final Comments

If the County continues to manage the river it must be done with a positive outlook. The scope of the RMP does not necessarily need to grow and the existing regulations of the commercial rafting industry work well. The RMP should continue to include in its scope ways to mitigate the environmental impact of both on and off river use by private and commercial users.

The South Fork of the American River is a beautiful place. I am looking at the river from my window as I write; it is a centerpiece in my life. Commercial rafting guests come from far away and spend a lot of money to experience the beauty and excitement of a place that I am fortunate enough to live in. Yes this makes the river a busy place but it also brings people and money into the County and it creates a greater pool of people like myself, who are vested in the river and want to see it thrive. I hope that the RMP continues to reflect those sentiments into the future.