

March 1, 2026

From: Leuz Miller

To: El Dorado County Parks and Recreation Commission
c/o El Dorado County Parks and Trails Division
330 Fair Lane
Placerville, CA 95667
By Email: river.management@edcgov.us or parks@edcgov.us

Subject: 2025 River Management Plan Update and Administration Comments

El Dorado County Parks and Recreation Commission,

The Parks and Recreation Commission should provide active input and oversight as the advisory body for the staff at the El Dorado County (County) Parks and Trails Division, which handles the official record for the River Management Plan (RMP), as well as for advising the Planning Commission and ultimately the Board of Supervisors on these important matters. The following background and technical comments are intended to provide additional perspective to help address some ongoing issues related to the RMP and County administration of it. In particular, comments offer some background to help guide the discussion in the process of updating the RMP in calling for a full review and restart of the planning process for river management by the County.

General Background and Discussion

The official position of the El Dorado County Parks and Trails Division (County) toward the obvious flaws in the administration of the River Management Plan (RMP) was stated simply to the Planning Commission as, "That is how we have been doing it since 1984." For a public official, that sort of comment to the Planning Commission seems too dismissive and disrespectful of roles and responsibilities of partner agencies. Elsewhere, in the periodic reports, County staff have shown that the current RMP system is less useful or appropriate under the changed circumstances of diminished visitation. That position may be expanded to fully recognize the scope of the revisions that remain appropriate to the recreational setting via the updates to the RMP. As of 2026, the County should begin to officially recognize that the federal lands at Folsom Lake have had pre-existing jurisdiction since 1954, and as the U.S. Bureau of Land Management has stated for its Public Domain parcels, since the 1848 Treaty of Guadalupe Hidalgo was signed in Mexico City and ratified in Congress. Federal lands are not under County zoning or planning jurisdiction, but agencies generally try to be responsive and cooperative when contacted.

The current RMP situation reminds us of Miner Bud, a former squatter on the Middle Fork American River for about 30 years who built several cabins on the federal lands and could not be evicted. Miner Bud put up federal "No Trespassing" signs and confronted visitors with a shotgun. State Parks and the County Sheriff were ineffective in protecting the public lands. He eventually passed away in 2019. The cleanup

of 30 years of junk on remote federal lands had cost more than an average house, and the junk trucks generated traffic on dirt roads with asbestos from serpentine soils plus narrow Sliger Mine Road.

The RMP is now fraudulent for treatment of federal lands and the principles of government. A fraudulent JPA is actually just a subcontract for County operations on state and federal lands, recently approved for update by the County, but apparently not yet signed by State Parks, which did not have authority anyway without written federal approval of the contract.

There are a number of other such actions ongoing in some of the autonomous regions of California, but it is not really necessary to undermine federal jurisdiction to conduct local planning functions on private lands or coordination among other cooperative agencies for land uses and resource management. Water contracts are given away at subsidized rates, and federal legislation allowed extra water to El Dorado County and gave away Sly Park Dam and reservoir in 2003. Federal cooperation and approval are not unreasonably withheld, but in this case, the County has not even contacted one of the federal agencies about the RMP since 1984, and also ignored comments and concerns expressed by BLM letters on the planning approach.

Making any of the proposed changes to the RMP would still be 'waiving our arms' at the basic principles of public administration, amounting to further consolidation and abuses of authority. The proposed changed wording would do the opposite of the stated justifications and should not be approved as such.

As the RMP stands, any federal officer such as a designated Park Rangers or Special Agents can cite each concession operator into the Magistrate court to enforce 42 and 43 CFR on the lands involved in the County RMP.

We have seen governmental overreach at various levels, and practices have often got off track, but the Parks and Recreation Committee should help the County get back on track with cooperative planning for the navigable river corridor. Send the Parks and Trails Division back to the drawing board to implement County ordinances without violating other laws. In this vein, some maps are added here for reference. Inaugurate principles of public administration that are fair and equitable to all river users, not to unfairly target commercial rafting companies, and now proposed for nonprofit organizations, for unnecessary restrictions including capricious limits on numbers of participants while the inherent market setting causes the numbers to level off or decline.

Meanwhile, the County keeps digging a deeper hole for increasingly unjustified regulation that does not make practical sense in the reality of the data collected over the decades. The Parks and Recreation Committee can help the County staff clarify the respective agency jurisdictions and catch up with changes since 1984 with an updated EIR for CEQA compliance of the RMP program as amended. Today, the County RMP still fighting against recreation rafting makes less sense than continuing the protests of the New Melones Dam after it filled in 1983.

Additional Comments for River Management Plan and Update:

- El Dorado County recognizes that it has no jurisdictional control over water releases; those are dictated by SMUD and EID or (formerly) PG&E and under their Federal Energy Regulatory Commission (FERC) licenses. Notably, PG&E sold its Project 184 to EID in 1999 for \$1 and other considerations, then later PG&E transferred its other hydropower facilities to SMUD. These complex transactions that involved the revisions of flow regimes in the South Fork American River watershed and changed conditions since the 1984 RMP but not reflected in periodic updates.
- Because it is not a Federally or State designated "Wild and Scenic" river, it does not require such stringent, cost-intensive management. Nor is a local agency geared and suited to substitute for the state and federal management provisions inherent in the respective WSR planning.
- California's Article X of the Constitution and Public Trust Doctrine do not require management of navigable waters, regardless of federal designation, to ensure public use does not damage the waterway. Navigable rivers such as the South Fork American River are confirmed as 'public highways and forever free' so they do not call for excessive regulation, and any designations of special areas for restrictions should be thoroughly justified by any proponents.
- Recreationists are often victims of a sort of 'Stockholm syndrome' of supporting any additional regulations that purport to benefit the environment or the activity in the community, regardless of whether the regulations might potentially accomplish the presumed purposes. Accordingly, the regulated boaters have been relatively silent or passive in accepting oddly impractical regulations based on misconceptions, such as the RMP presuming that numerical limits on the number of boats would reduce the bacteria levels from grazing, septic tanks, and wildlife in the river corridor.
- Commercial rafting outfitters are particularly sensitive to public perceptions of potential environmental impacts or user conflicts, however misplaced or misrepresented by regulators. They are essentially unable to make meaningful protests, for fear of agency retaliation and the appearance of resistance or lack of cooperation.
- In actuality, the origins of regulations on commercial boating were not just protecting property owners along the river from unwanted users of the confirmed navigable river. The key purpose of the US Bureau of Reclamation and other agencies was to 'tamp down' recreation as a potential source of protests for the Auburn Dam. State Parks followed along with Reclamation in partisan support for the Congressman who made Auburn Dam a keynote of his campaign every two years. El Dorado County supported the proposed dams of the SOFAR Project and upstream diversions.
- A few outfitters had been influential in proposals for Auburn Dam and the SOFAR project from the early 1980s into the 1990s, such as by offering paper and pens to customers on the river for letters to Congress, and supporting organizations such as Friends of the River with funding. However, no dam projects are currently likely to be influenced by public involvement. Understandably, most newer outfitter businessmen are now typically less interested and unaffiliated with environmental concerns, while others recognize the changing circumstances with no major new water projects under legislative consideration, and all outfitters are unlikely to be involved in such controversies

for the foreseeable future. Compared to prior levels of major support for outfitters and river issues, the decreased funding and involvement of environmental nonprofit organizations has also been quite apparent in recent years.

- The excessive costs associated with the RMP program are largely funded by fees on commercial outfitters. The plan updates over the years failed to remove unnecessary or duplicative tasks, suggesting better efforts are needed to limit excessive expenses.
- The RMP "adaptive management plan" that is reviewed annually, was intended to allow the county to adjust rules based on usage, environmental conditions, and safety reports. This means that if specific regulations are deemed excessive, they can be amended for the 2025 update, as occurred with the 2018 update. However, the obvious conclusion of ongoing monitoring and decades of study is that the RMP is not effective in addressing the stated concerns that were used to justify the RMP. Other potential benefits that have been stated for the RMP, such as protecting stream banks from erosion or damage to riparian vegetation, are simply ludicrous in having no meaningful relationship with commercial rafting activities on the river.
- Although the RMP is repeatedly 'updated' with 5-years additional incremental regulations, the lack of effectiveness has been apparent for decades, that continue disservice to the recreational users, the community, and the environment. In effect, the RMP has suffered from 'mission creep' to accomplish different fictional purposes that do not relate to the originally stated intent of the program. Managers and staff propose regulations that serve mainly to consolidate administrative powers, while outfitters have ventured to complain of staff individuals potentially becoming 'judge, jury and executioner' for the outfitters with internal reviews.
- Any proposed update to the RMP should fully correct the erroneous land ownership and jurisdictional references to necessarily recognize the various public ownerships of the river channel bed and banks by the State Lands Commission, including all the public lands mapped as 'unassigned' by the El Dorado County Assessor. Combined with BLM, Reclamation, and State Parks lands dispersed favorably along the river corridor, there is adequate public access and stopping places along the river without necessarily impacting private property by commercial or noncommercial boating, as partly addressed in the following:

Lands Necessary for Inclusion in the RMP

For its basic validity, the RMP must more fully address the actual land ownership and responsibilities along the corridor of the South Fork American River. Unfortunately, the planning process so far has neglected to check available sources of information, or to contact all of the responsible agencies. Brief checks of the El Dorado County Assessor maps show the vast proportions of public lands along the river channel, contrary to attributions of primarily private ownerships in the same reaches, such that County protections are required under the police powers of zoning and the Special Area designation allowed under the Harbors and Navigation Code for public health and safety. At least four major agencies besides El Dorado County own and manage lands along the river, including California Department of Parks and Recreation (State Parks), the U.S. Bureau of Land Management, the U.S. Bureau of Reclamation, and the California State Lands Commission. Each of these agency roles needs to be

corrected in the revisions of the planning approach and regulations of the RMP. Some references and information are provided for convenient reference below.

State Lands Commission (mapped by El Dorado County Assessor as ‘unassigned’ separately from adjacent upland parcels):

1. Coloma, MGDSP, APN UN0394026: About 2,870 feet and 13.3 acres of the channel of the South Fork American River is mapped as unassigned and presumably State Lands Commission.
2. Greenwood Creek, APN UN0376048: About 859 linear feet of the river channel with about 8 acres extending downriver from near Greenwood Creek confluence and BLM river access trail.
3. Hastings Creek, Magnolia Ranch, APN UN0376048: About 6,040 linear feet of the river channel in 29 acres are mapped separately from adjacent BLM lands as owned in fee title in unassigned. BLM lands have river and trail access.
4. Norton Ravine, Bark Shanty Creek, APN 0921038: About 5,917 linear feet and 35 acres of river channel.

Table 1. Summary Unassigned Channel Parcels in Lower South Fork American River Channel
Coloma to Folsom Lake, presumed to be State Lands Commission ownership in fee title

Location / Reach	EDC APN	Linear Feet	Acreage	Notes
1. Coloma (MGDSHP)	UN0394026	~2,870 ft	13.3	Located within state lands of Marshall Gold Discovery SHP.
2. Greenwood Creek (BLM)	UN0376048	~859 ft	8.0	Extends downriver from Greenwood Creek and BLM access.
3. Hastings Creek (BLM Magnolia Ranch)	UN0376048	~6,040 ft	29.0	Adjacent to BLM trail access to right bank of river.
4. Norton Ravine / Bark Shanty Creek (BLM)	UN0921038	~5,917 ft	35.0	Significant linear reach of the river channel.
Totals		15,686 ft	85.3	About 3 total miles of SLC river channel

Ownership Calculation for Unassigned Parcels, Coloma to Folsom Lake:

The river reach from Coloma (near the Marshall Gold Discovery State Historic Park) to Salmon Falls Road (Folsom Lake) is approximately 12.5 river miles.

SLC-Owned Reach: ~3.0 miles

Total Reach Distance: ~12.5 miles

Percentage Calculation: 24 percent of the reach is owned by the State Lands Commission

Major U.S. Bureau of Land Management (BLM) land reaches near Coloma and Lotus include:

1. North and upriver of Hwy. 49 bridge, above Old Scary Rapid: BLM land extends about **1,320 feet** of river-left bank. Acreage in two parcels is on shore at gravel bar on the inside of a wide bend.
2. Highway 49 to BLM parcels downriver from HLCP: **4,455 feet**, both sides of river, except about 292 feet in a private parcel extending across the river channel at APN 006550053.

The RMP has apparently mis-labeled some land ownerships as BLM where it is not federal, and neglected to distinguish among types or status of federal ownership where it occurs in the river corridor. Some withdrawn federal 'BLM' lands have been misreported in the RMP as still under the management of the U.S. Bureau of Land Management. See also relevant portions of the [Federal Register](#) for the definitive descriptions of withdrawals, relinquishments, and revocations (of past withdrawals of lands) for various project purposes. In general, any remaining withdrawn lands are still reserved from the Public Domain for management and operation by the withdrawing agency, with limited BLM jurisdiction. Some land withdrawals for past projects such as Sly Park Dam and Reservoir Unit of the American River Division (or Upper American River Division) of the Central Valley Project, which transferred facilities and fee-title lands (but not withdrawn lands) to El Dorado Irrigation District in 2003 by the U.S. Department of Interior, pursuant to specific federal legislation. Unfortunately, the ongoing internal delays, errors and omissions in the BLM role for mapping of all federal lands may be a barrier for proper interpretation of respective roles and responsibilities for direct or cooperative management along the river corridor. Additional references include the BLM *Master Title Plats* and related records readily available online at the Government Land Office website. So far, BLM written comments on the RMP have tried to correct some of the mis-statements and offered assistance and cooperation toward correcting the errors such as in the baseline RMP and the 2001 EIR, but no such coordination has apparently been undertaken with El Dorado County management so far.

In sum, request that the Parks and Recreation Commission take full charge of advising the County staff and other bodies in the updates and ongoing administration of the River Management Plan for the South Fork American River. All proposals for 2025 updates to the 2018 RMP should be referred back to the County staff for further analysis for reasons clarified and in other public comments over the recent decades. Removals of most of the current and proposed regulations would only benefit the river environment, the local communities, and the recreational users that the County should serve in fulfilling its responsibilities for planning. Meanwhile, purposes would be better fulfilled under vigorous enforcement of existing laws such as against trespass, pollution, etc. for issues covered in the RMP that are not currently related to whitewater river rafting.

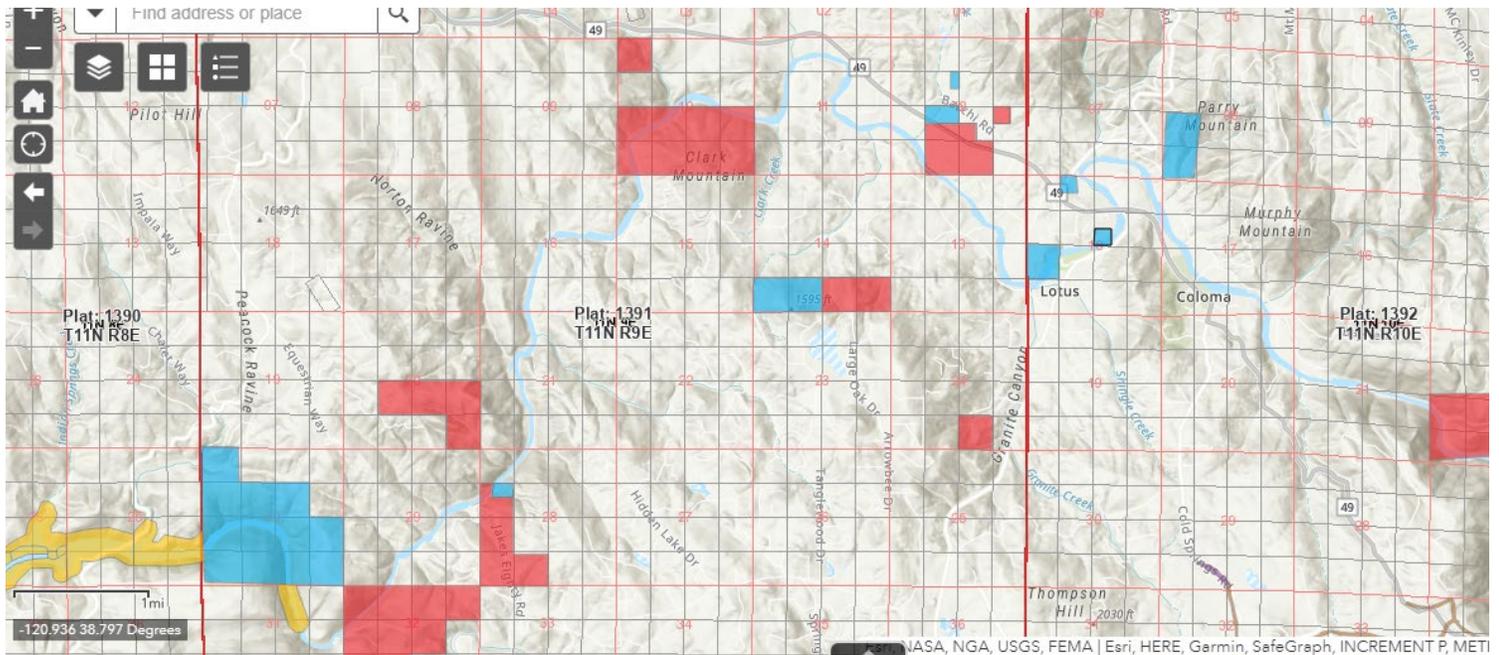
Thank you for the opportunity to comment on these matters.

Sincerely,

Leuz Miller

Attachment 1. Sample Maps of Federal Lands in the River Corridor

Figure 1. Lotus Lands Withdrawn for Reclamation Purposes and Management

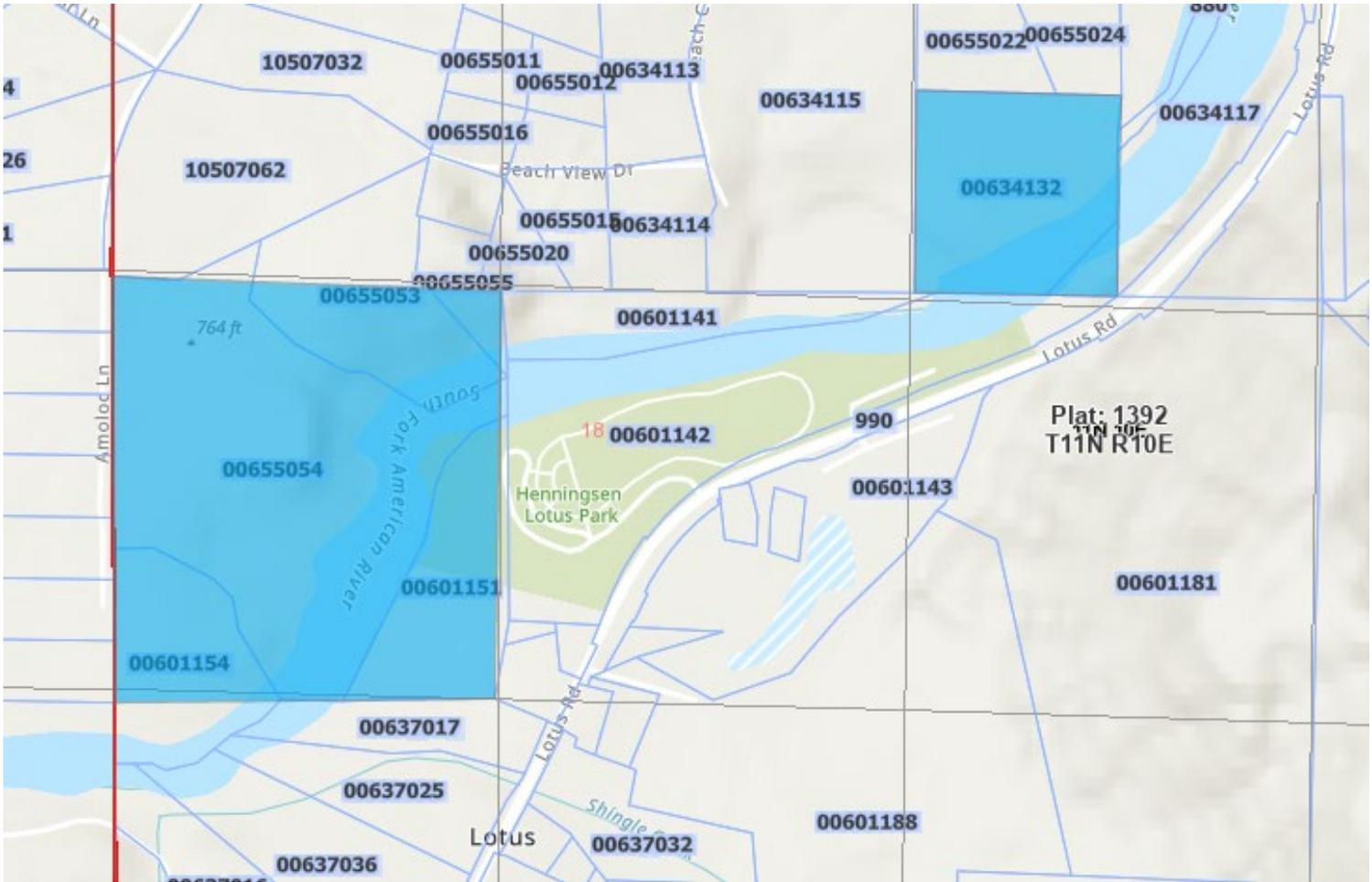


Sample mapping of original 'public domain' and acquired federal lands near the South Fork American River near Coloma, Lotus and Salmon Falls by township, range and section in T. 11 N., R. 9 E., MDBM

The map shading indicates:

- Yellow for acquired lands for Reclamation project purposes
- blue for withdrawn lands for Reclamation management for project purposes
- red for relinquished/revoked withdrawals of public domain, reverted to BLM

Figure 2. Sample of Lotus Lands Withdrawn for Reclamation Purposes and Management



Withdrawn BLM lands in blue shading.

Parcel numbers reference a Reclamation lands inventory system.

Attachment 2. Sample Inventory of Unassigned Assessor Parcels on South Fork American River, Coloma to Salmon Falls Parking Lot

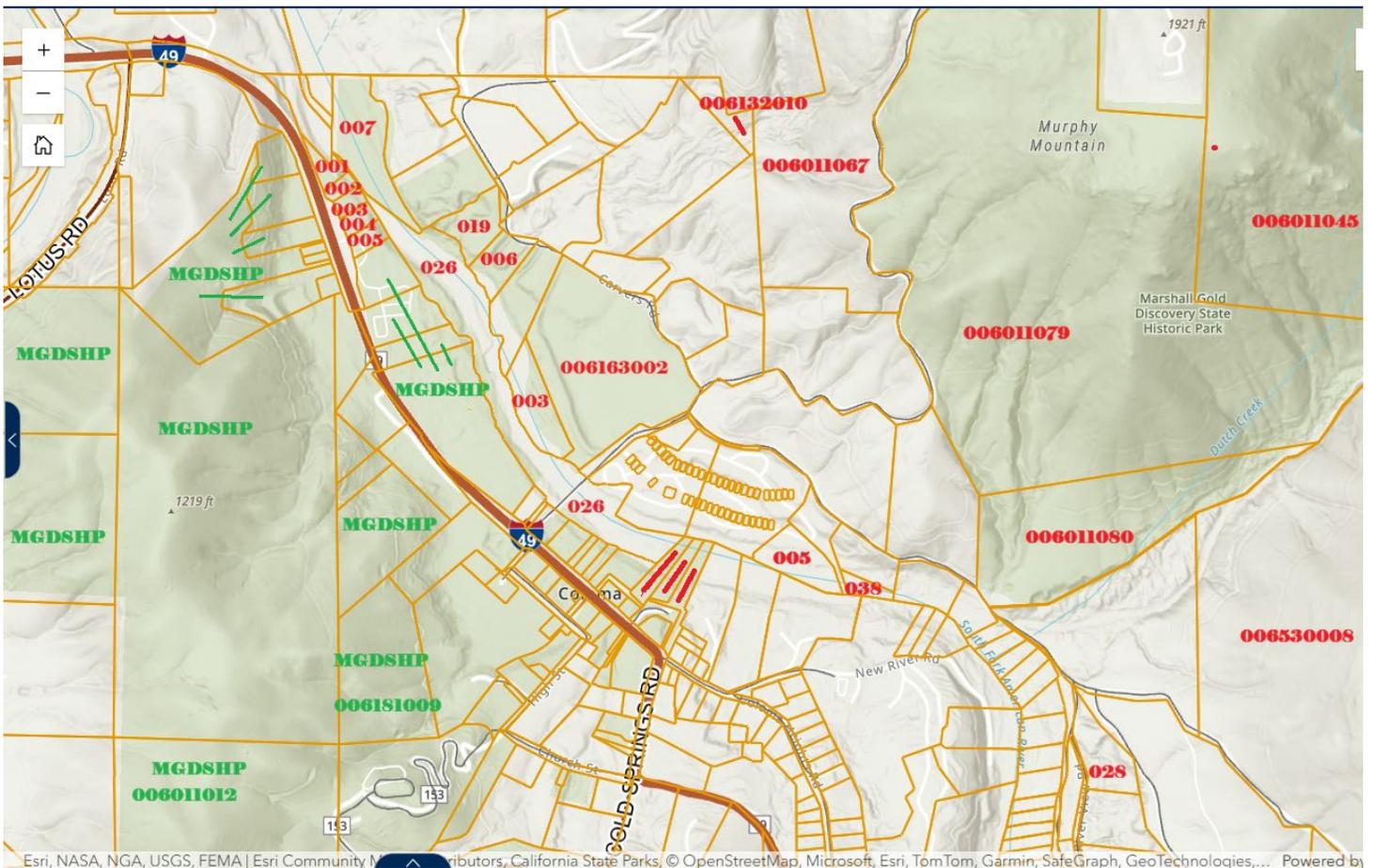
'Unassigned' El Dorado County Assessor parcels are presumably not taxed as private property, although agency of ownership is not identified by Assessor maps.

Source: El Dorado County Online Mapping Tool

[Office of Wildfire Preparedness and Resilience App](#)

[Online Mapping Tool - El Dorado County](#)

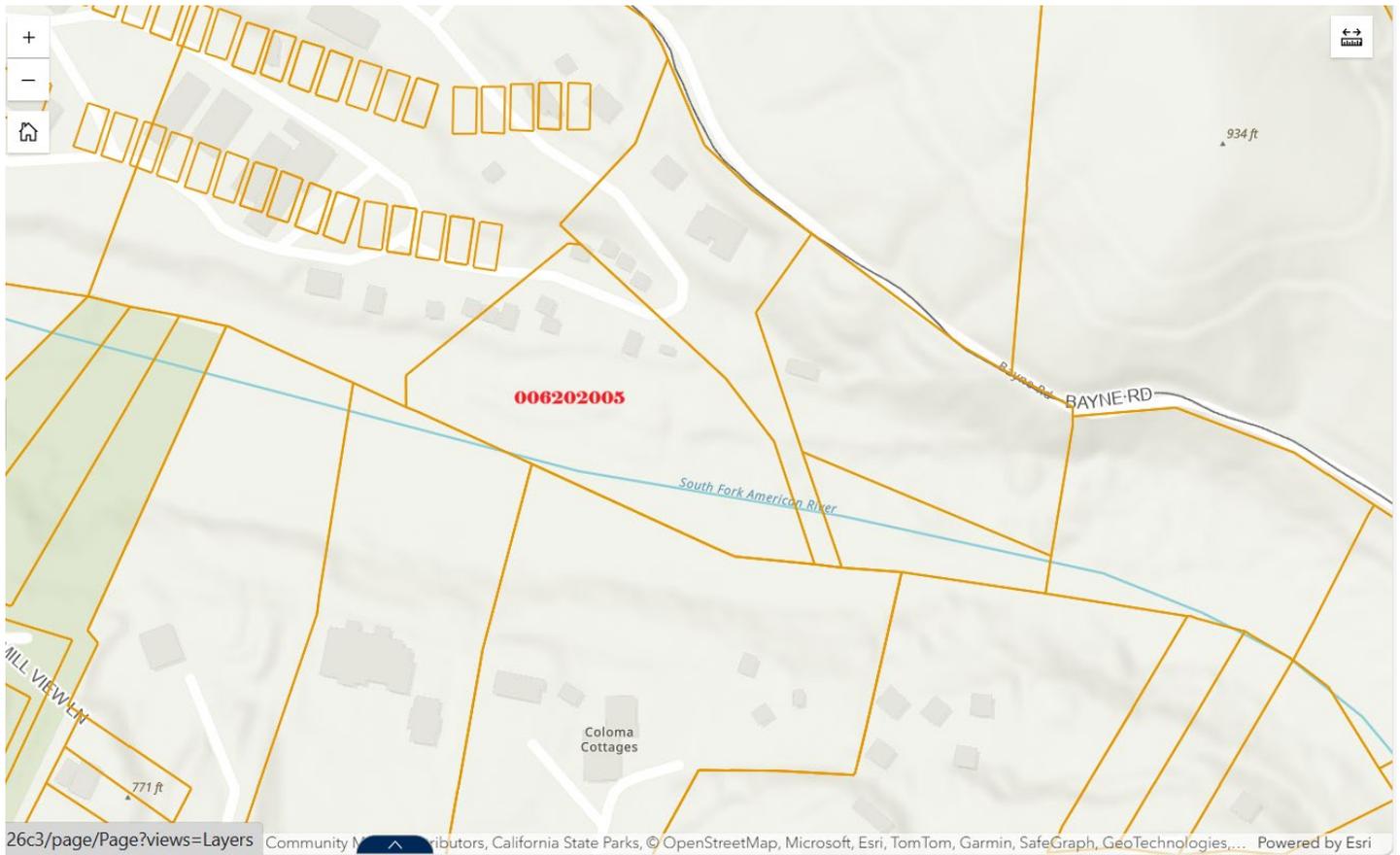
[Coloma Topo Map CA, El Dorado County \(Coloma Area\)](#)



Coloma and Marshall Gold Discovery State Historical Park (MGDSHP)

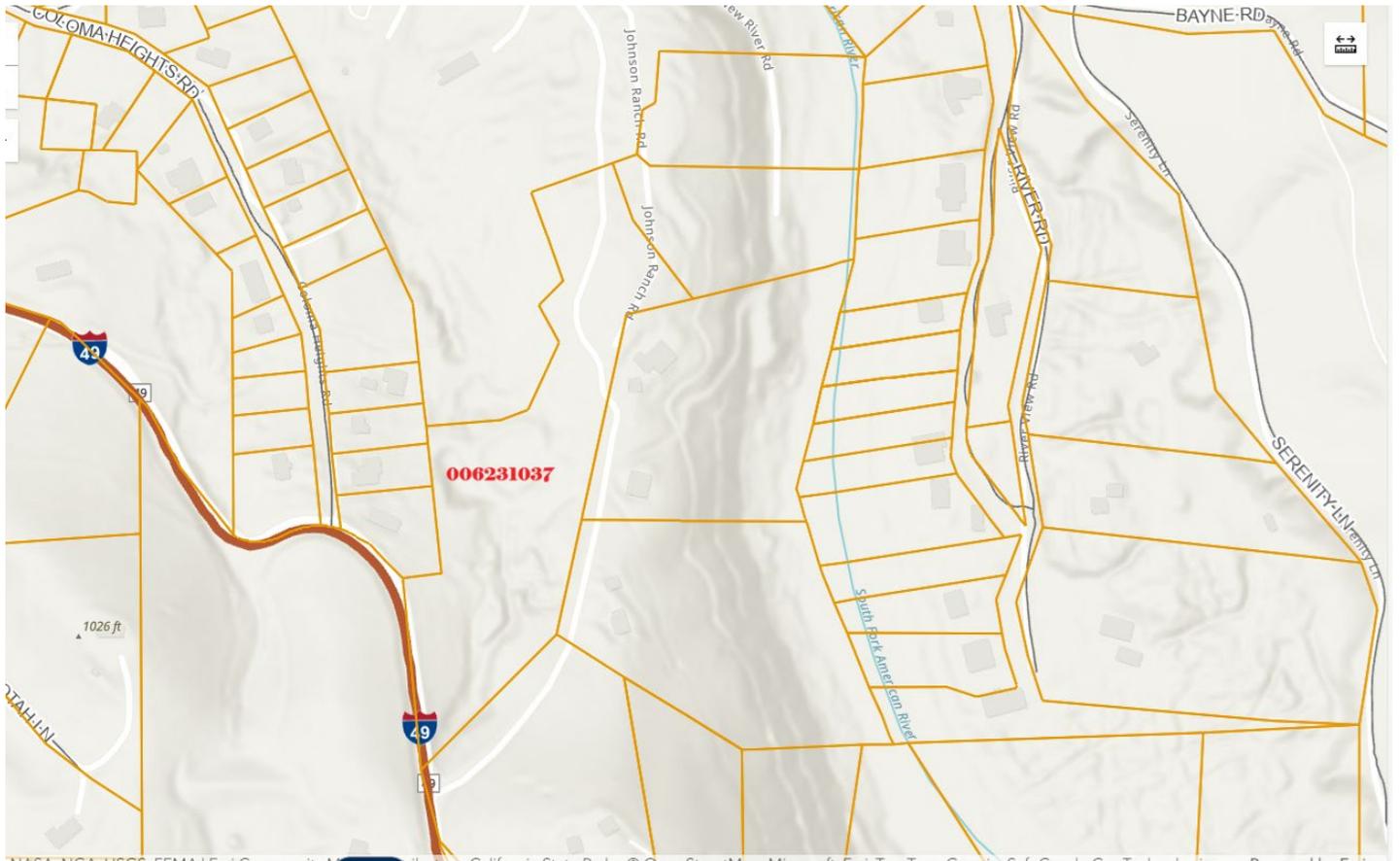
Red and green fonts indicate apparent 'unassigned' public lands, uncertain in this area, but mostly State Parks fee title ownership. Some smaller parcels mapped as unassigned for Assessor purposes are presumably BLM public domain or former mining claims.

Some State Lands Commission fee title ownership may have been recognized in the channel.



Detail at Camp Coloma, downriver from Troublemaker Rapid

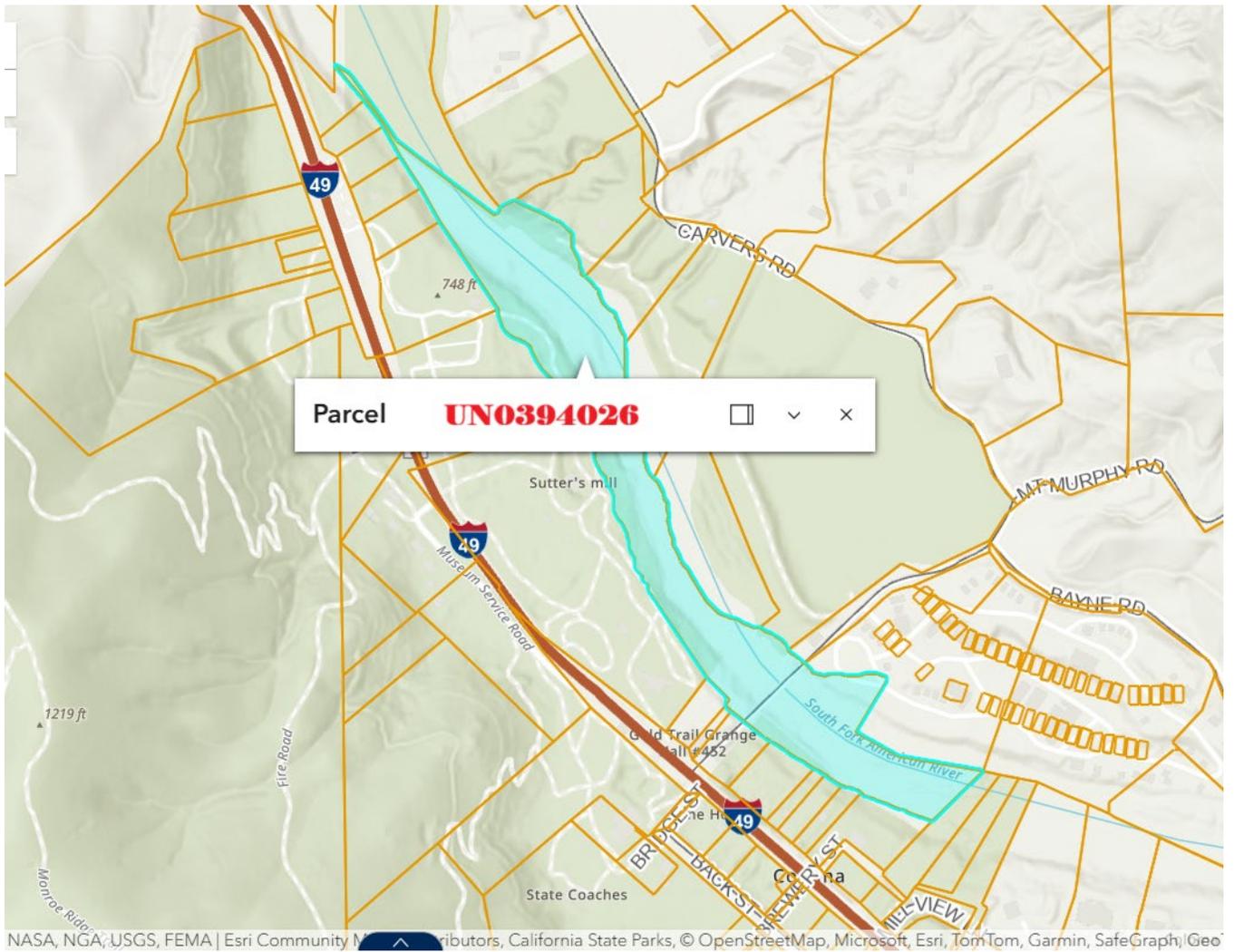
Apparent unassigned BLM parcel includes structures and road north of South Fork American River



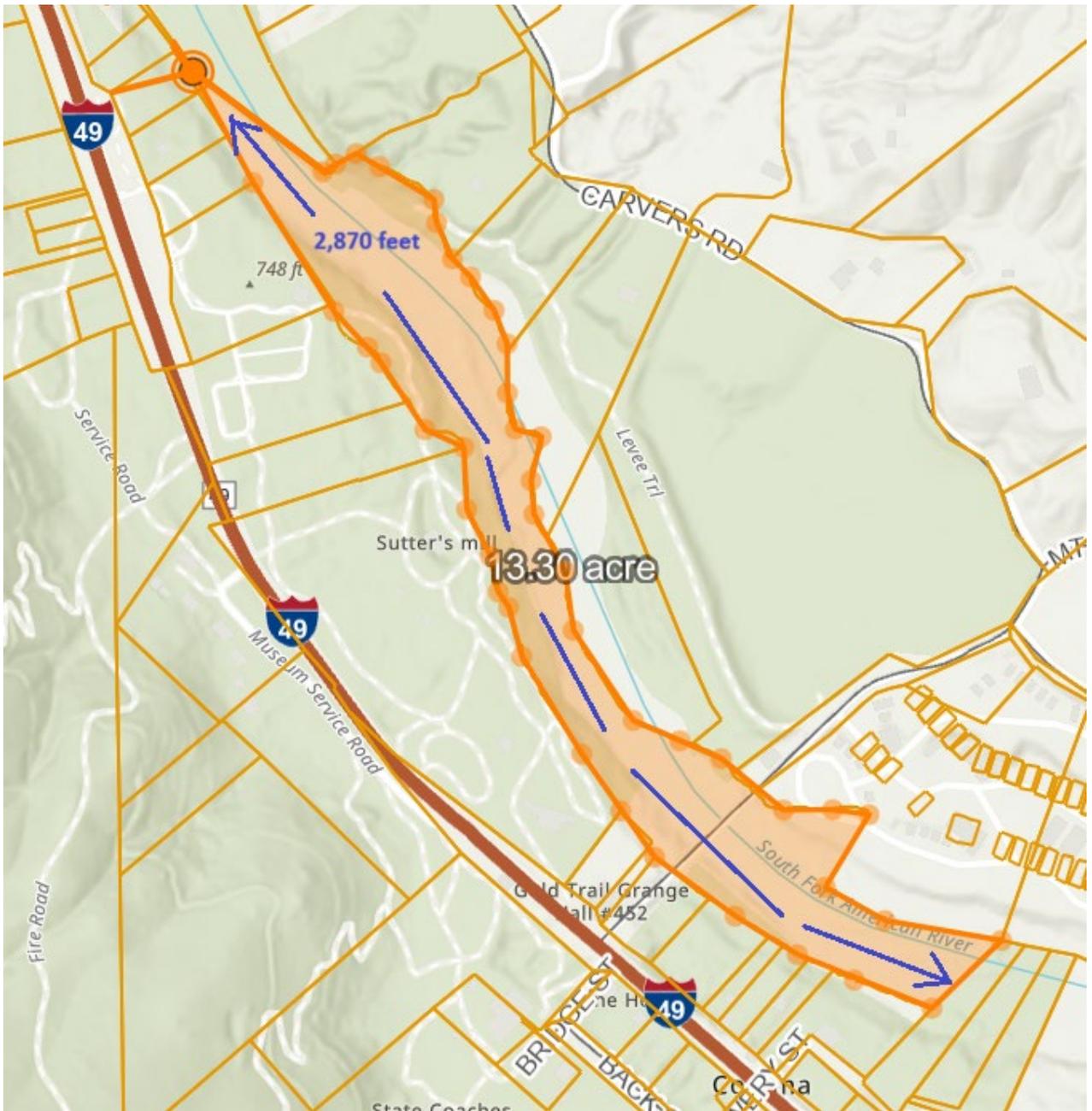
Detail of 'unassigned' (apparent BLM) land on uplands away from river, Johnson Ranch Rd. to Hwy. 49

Legend: *Red font APN indicates that no county parcel tax is identified in the Assessor maps*

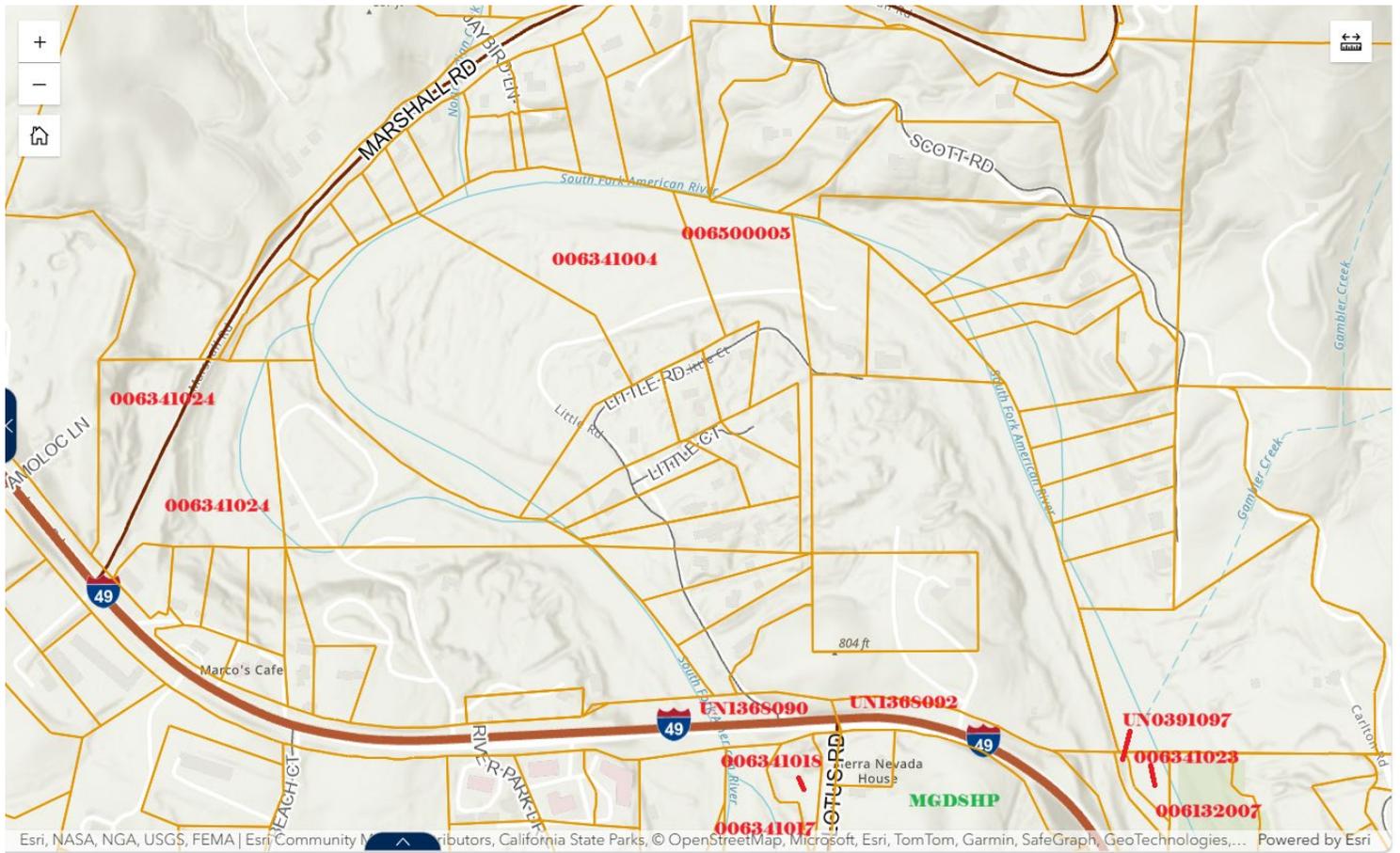
Unlabeled parcels are presumably in private ownership.



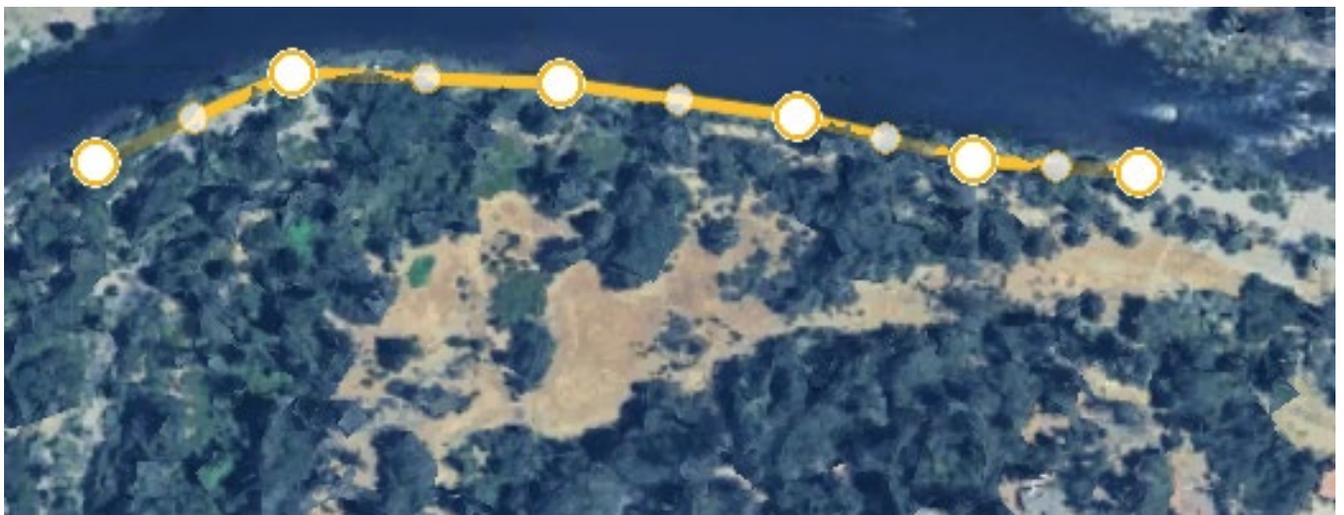
Coloma detail: About 2,870 feet and 13.3 acres of the channel of the South Fork American River is mapped as unassigned APN UN0394026 separate from adjacent upland State Parks parcels.



Coloma and MGD SHP reach, detail of APN UN0394026



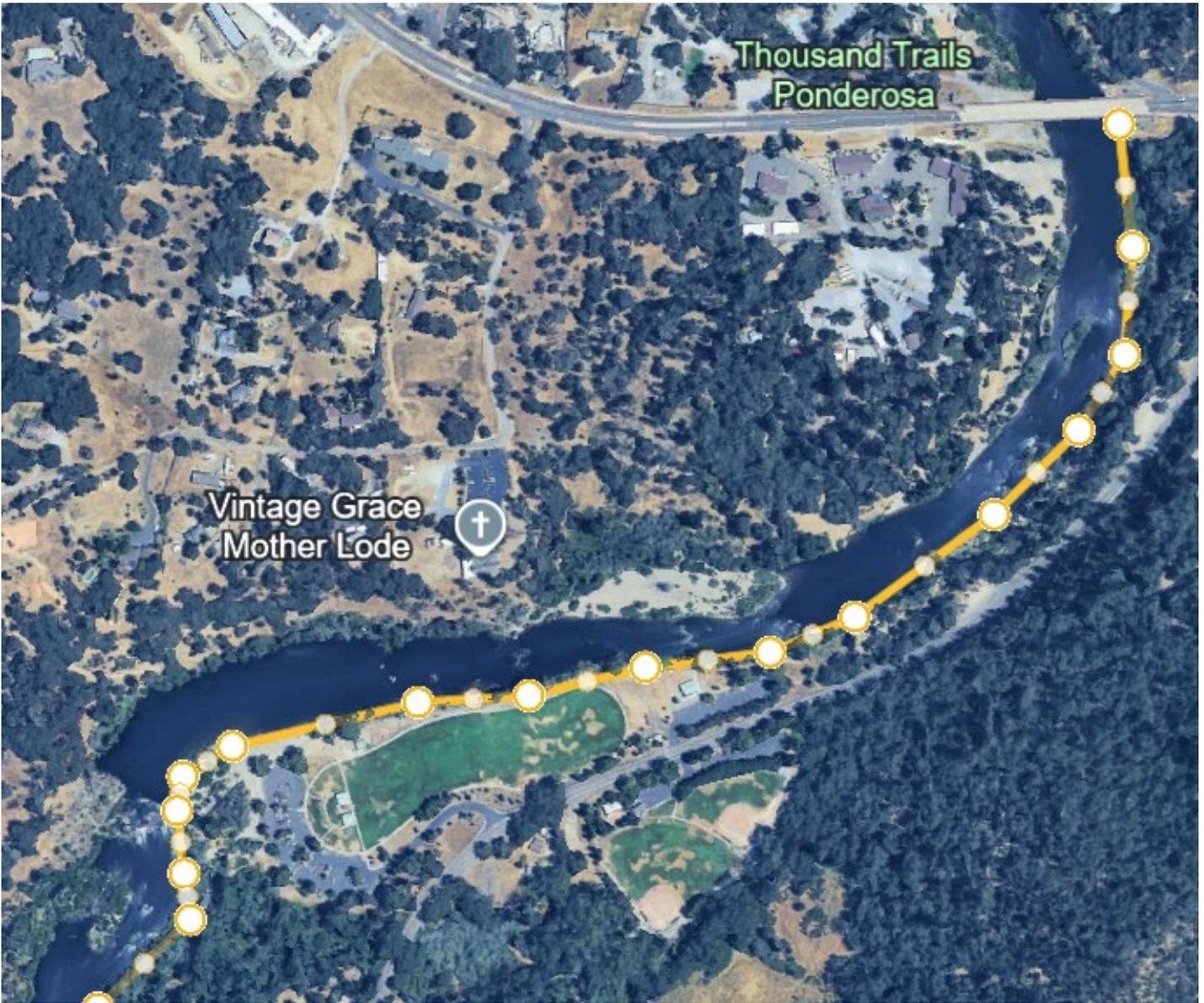
North and upriver of Hwy. 49 bridge, above Old Scary Rapid: about 1,320 feet of river-left bank.



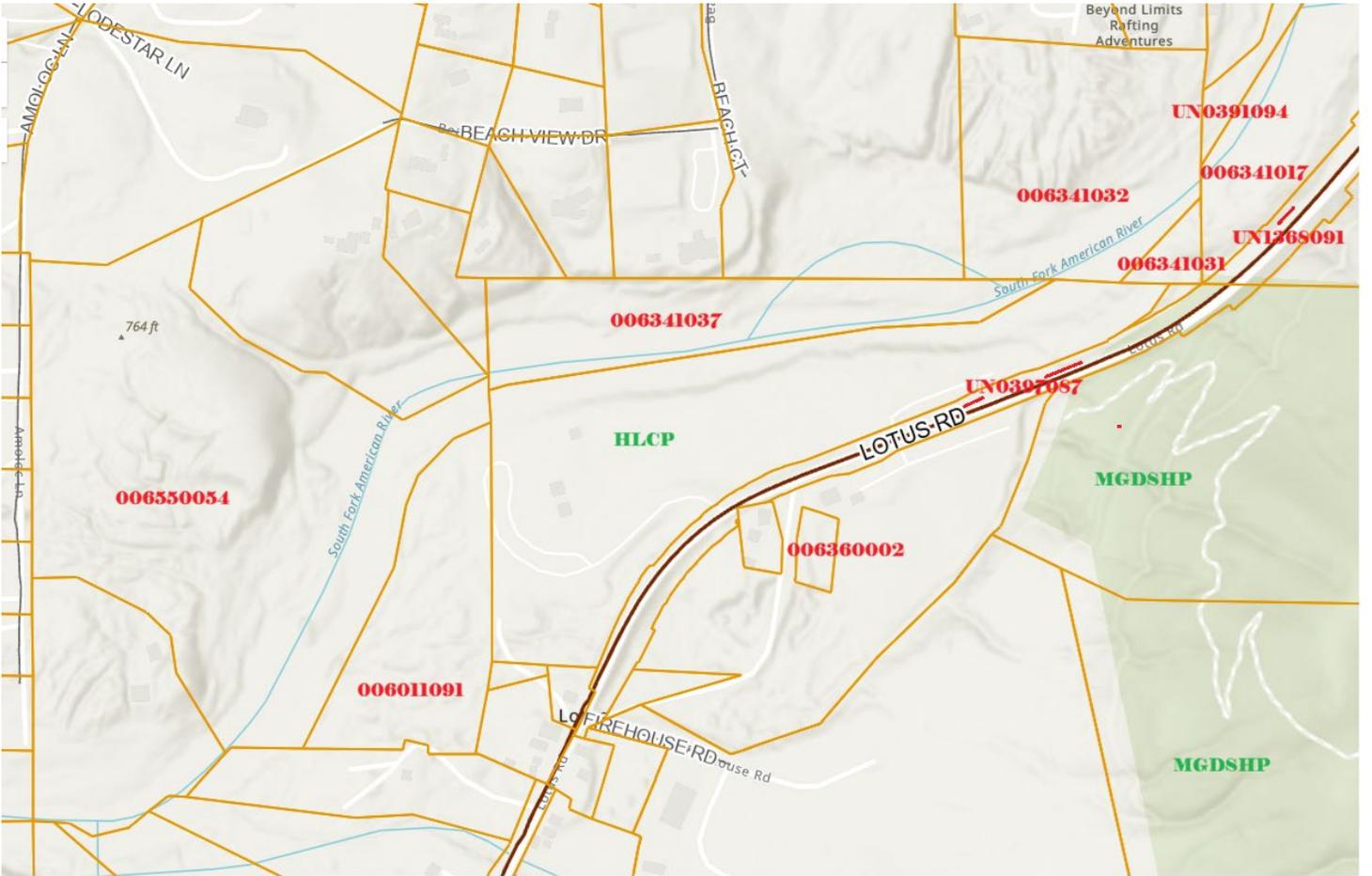
Google Earth aerial view of shoreline at public parcels north of Hwy. 49 bridge on South Fork American River, away from any residential property or private uses



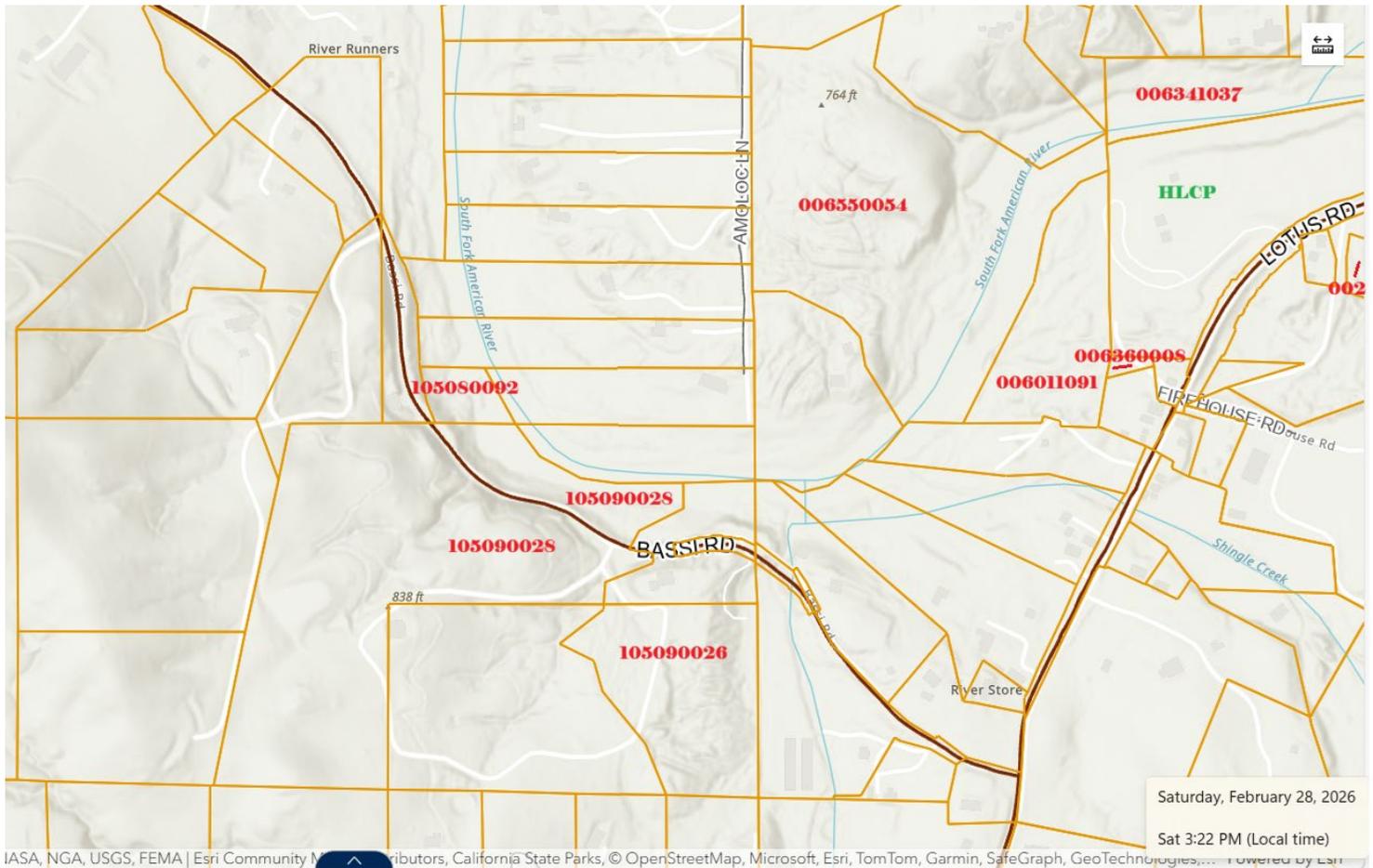
Lotus Road, Hwy. 49, MGDShP



Highway 49 to BLM parcels downriver from HLCP: 4,455 feet, both sides of river, except about 292 feet private parcel extending across the river channel at APN 006550053.

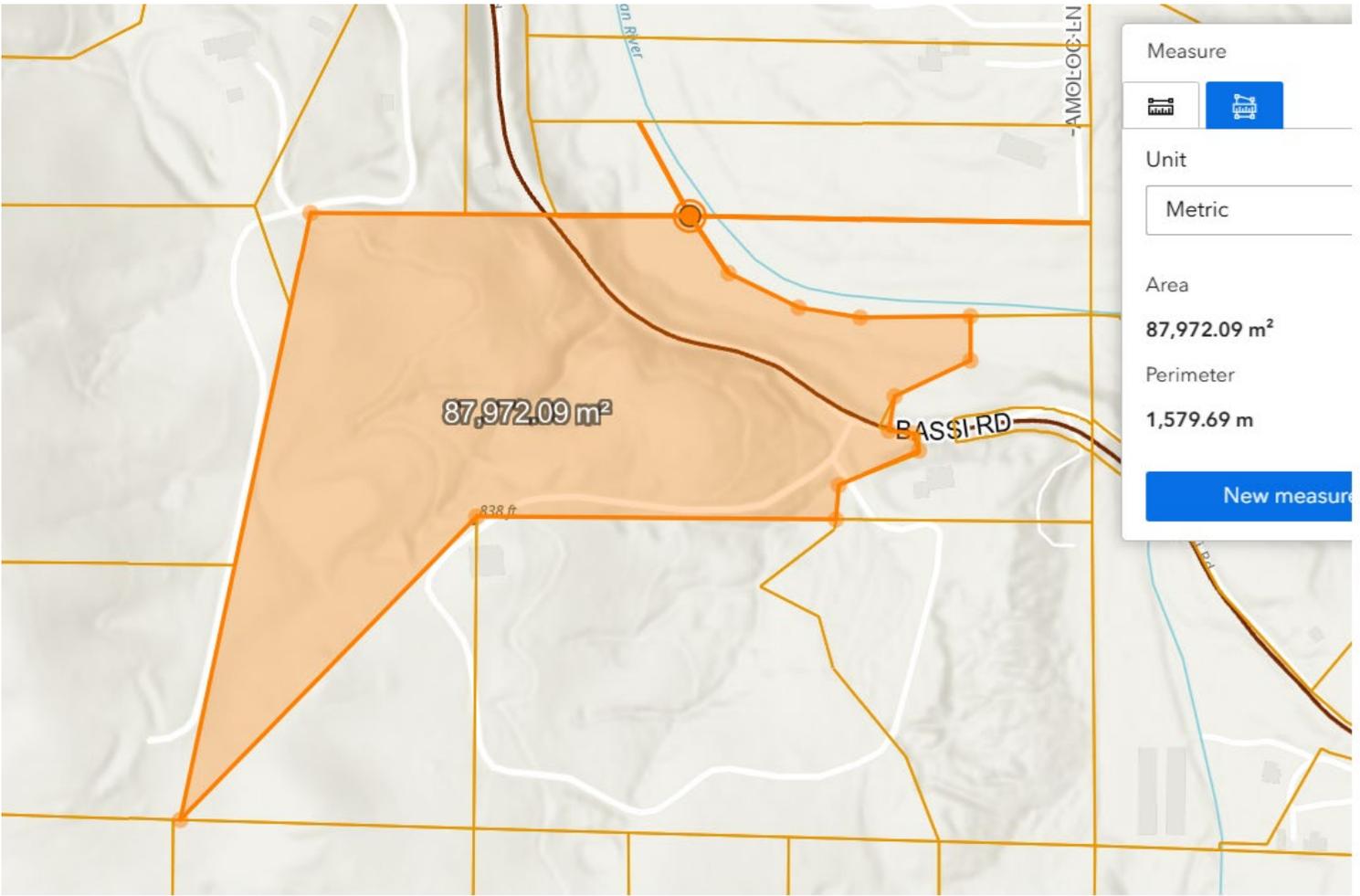


HLCP in Lotus and vicinity detail

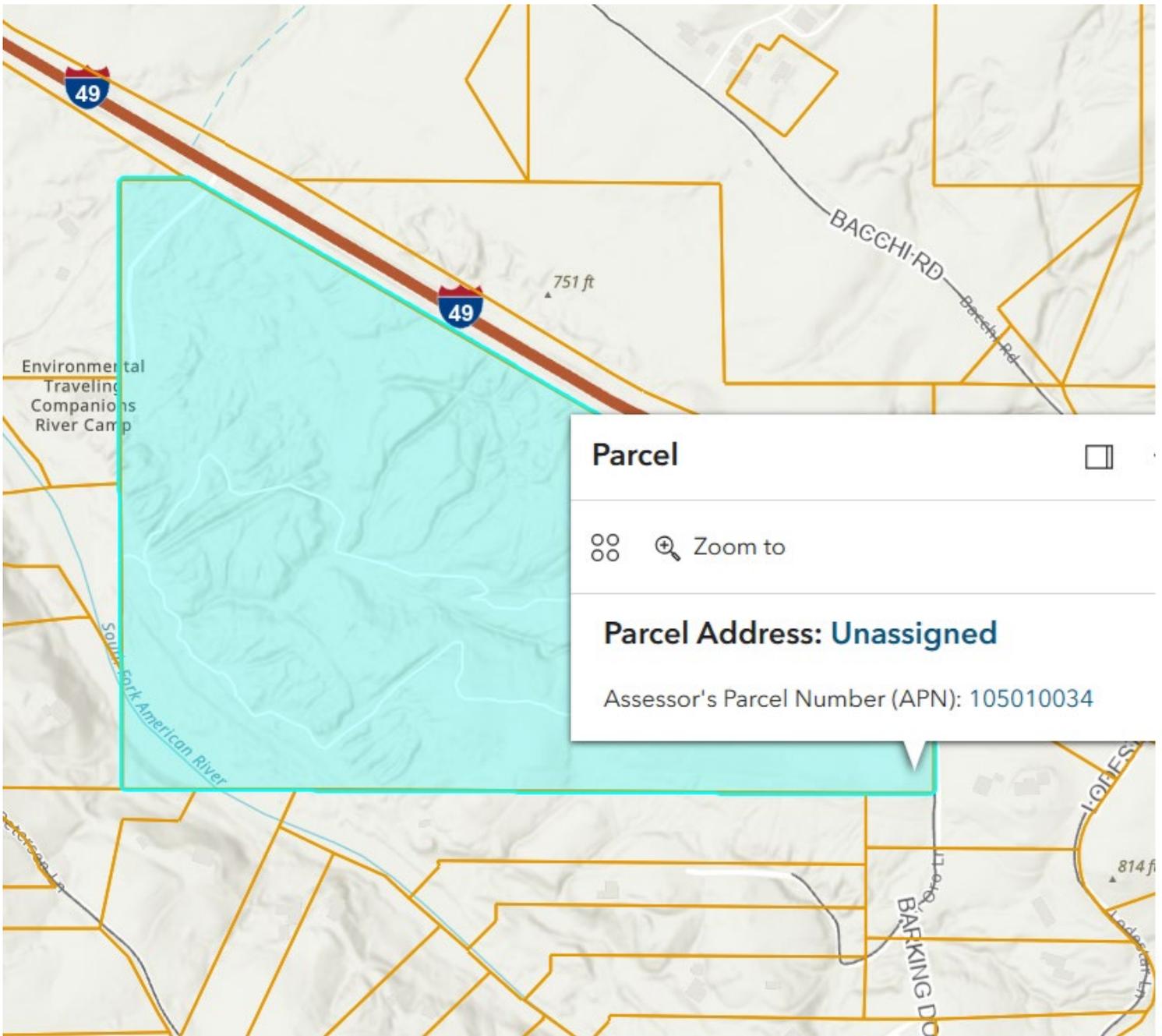


HLCP to Bassie Road

Scattered parcels of BLM land near and across Bassie Rd. south of river, some river shorelines have steep banks with generally inconvenient or otherwise poor access opportunities from currents of rapids, and heavy riparian vegetation along the river banks in reaches with slower currents.

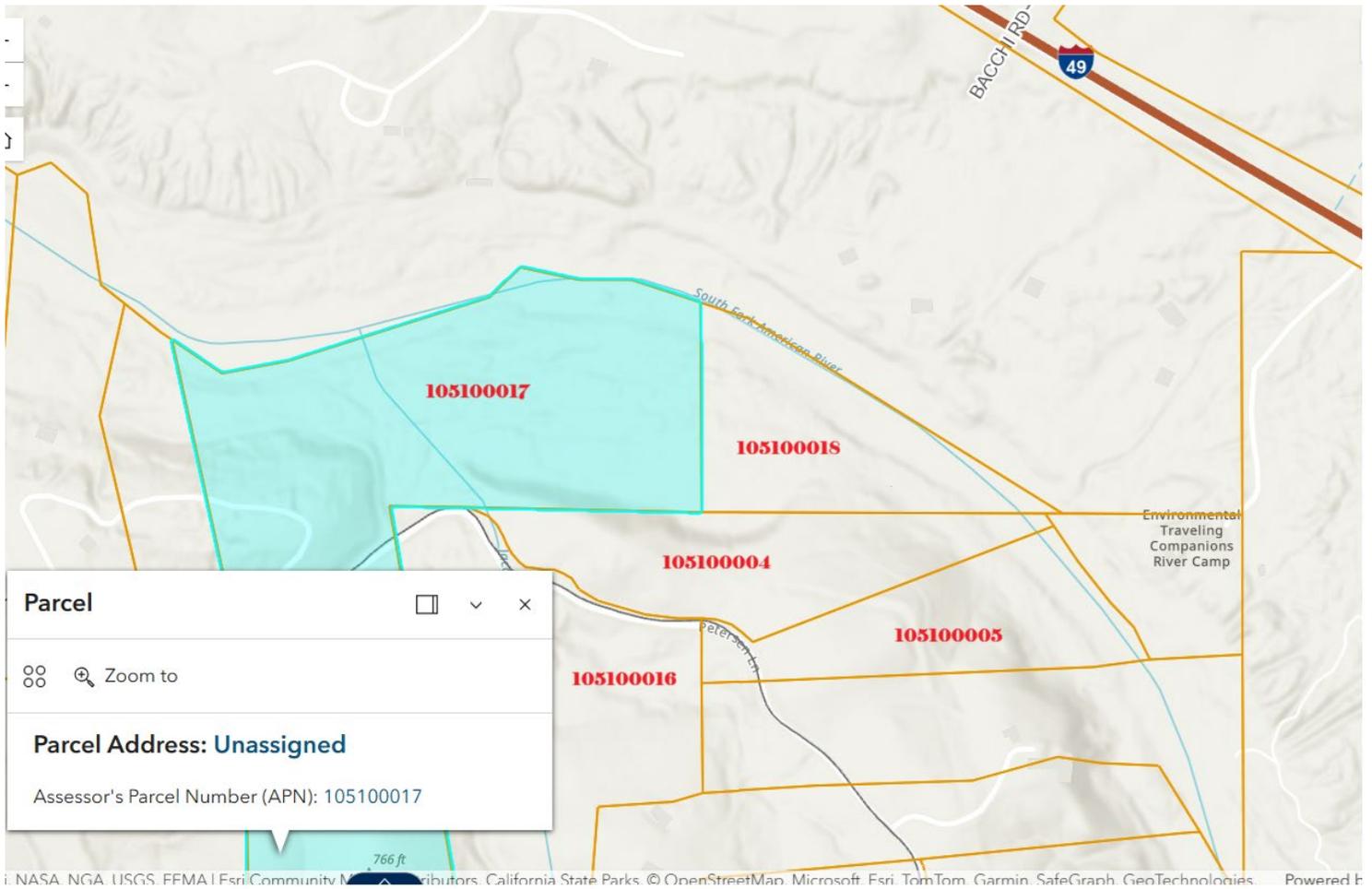


Bassi Rd., APN 105090028 detail, approx. 22 acres extending across the county road.



Dave Moore BLM, Highway 49 detail

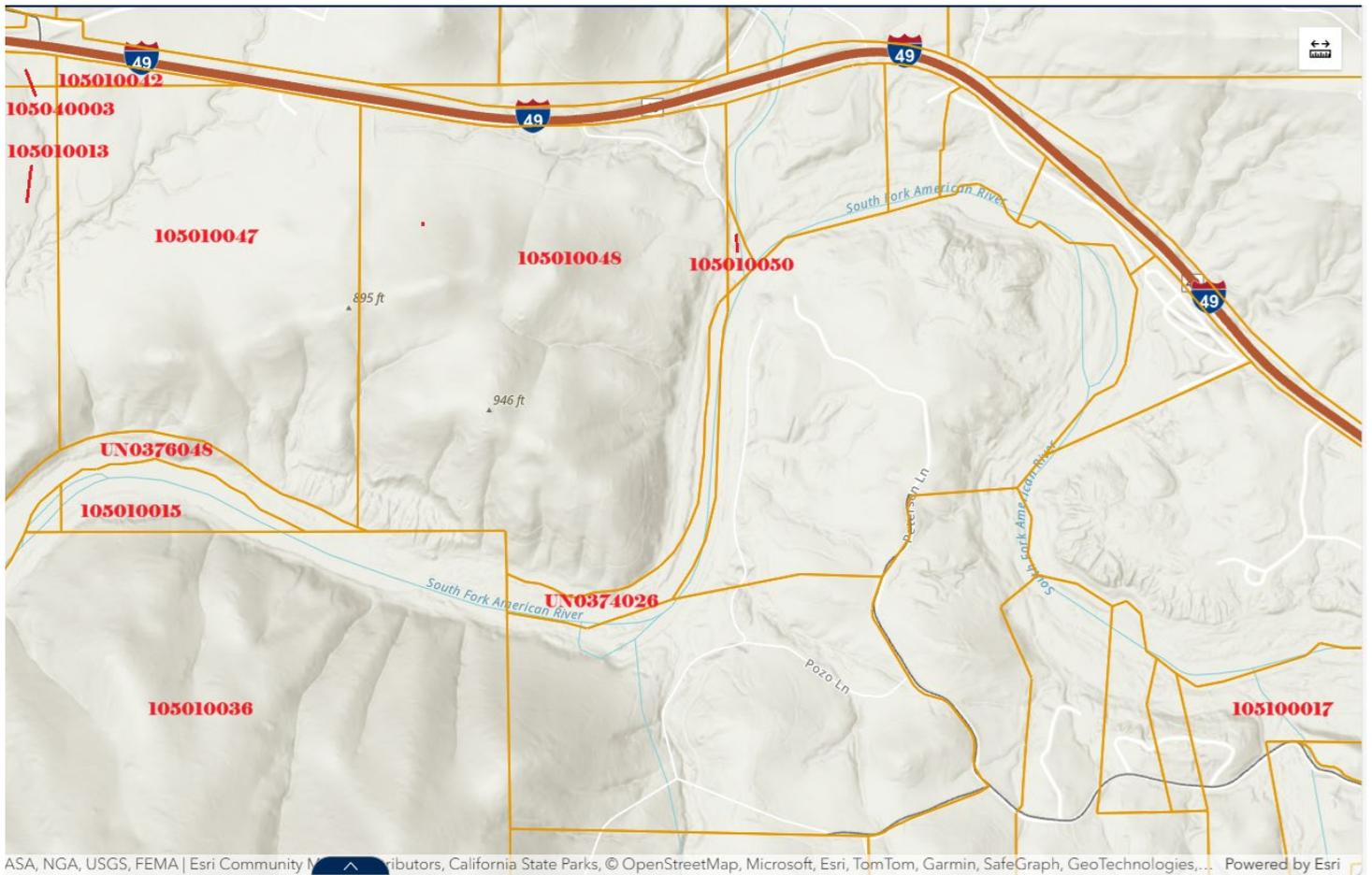
Limited shoreline along river for public access with trails from parking area.



Petersen Ln., Jacob Cr., Brush Creek

Limited road access to BLM parcels south of river.

3,142 feet on south bank, limited access from roads, few beaches

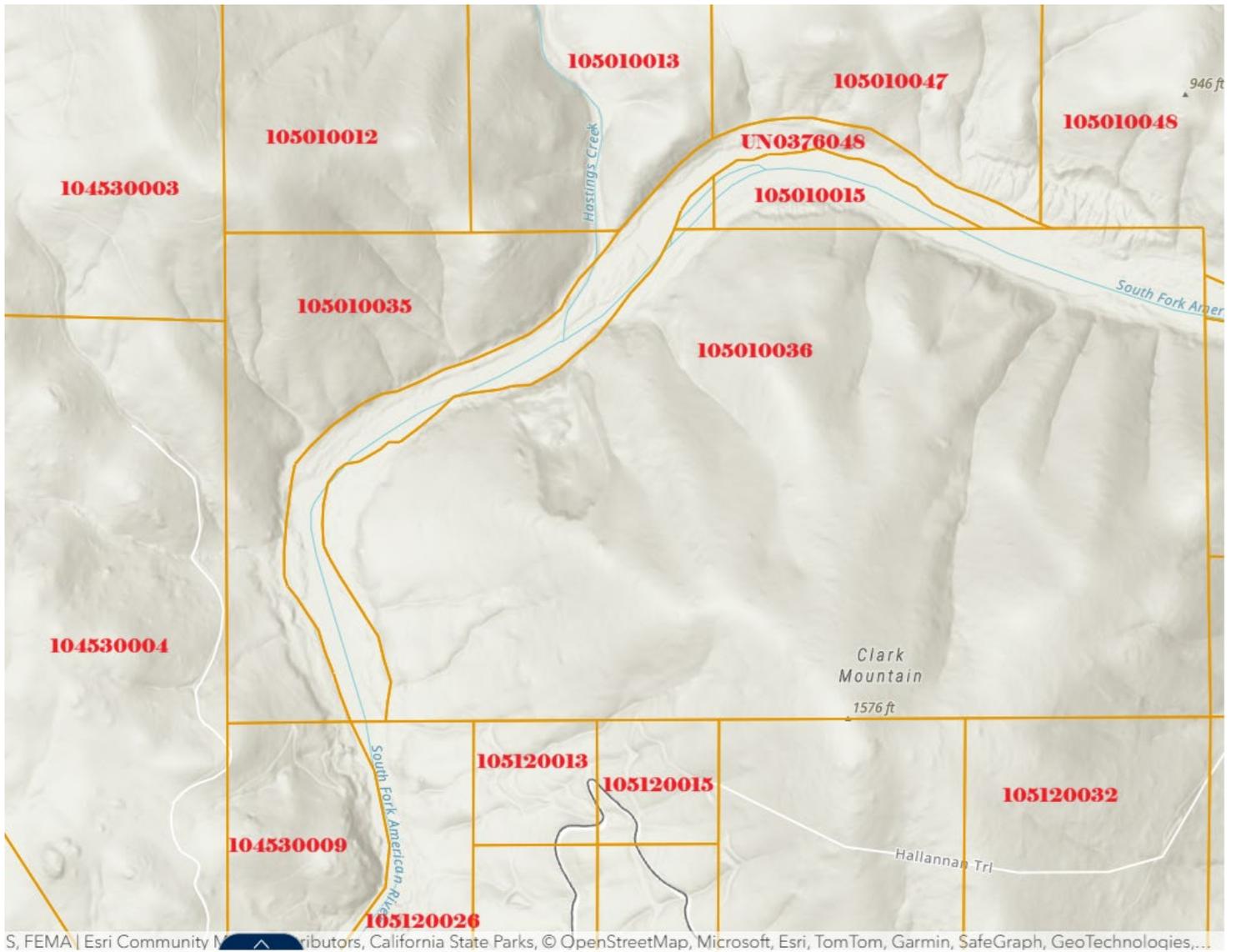


BLM parcels at Greenwood Creek and Magnolia Ranch access sites south of Hwy. 49 west of Coloma. Trail access extends downriver from Greenwood Creek, requiring a walk and boat carry for about 600 feet between the parking area and the river. Other walk-in access from separate trailheads with parking.

Public lands continue downriver for miles, largely acquired by land trusts for BLM management. Some reaches of the river channel may be recognized as owned in fee title by State Lands Commission in APN UN0376048. About 859 feet of the river channel, with about 8 acres, immediately downriver from the Greenwood Creek confluence in APN UN0374026, may also be owned in fee title by the State Lands Commission. Numerous beaches have convenient public access from the river in this Class II reach on public lands.

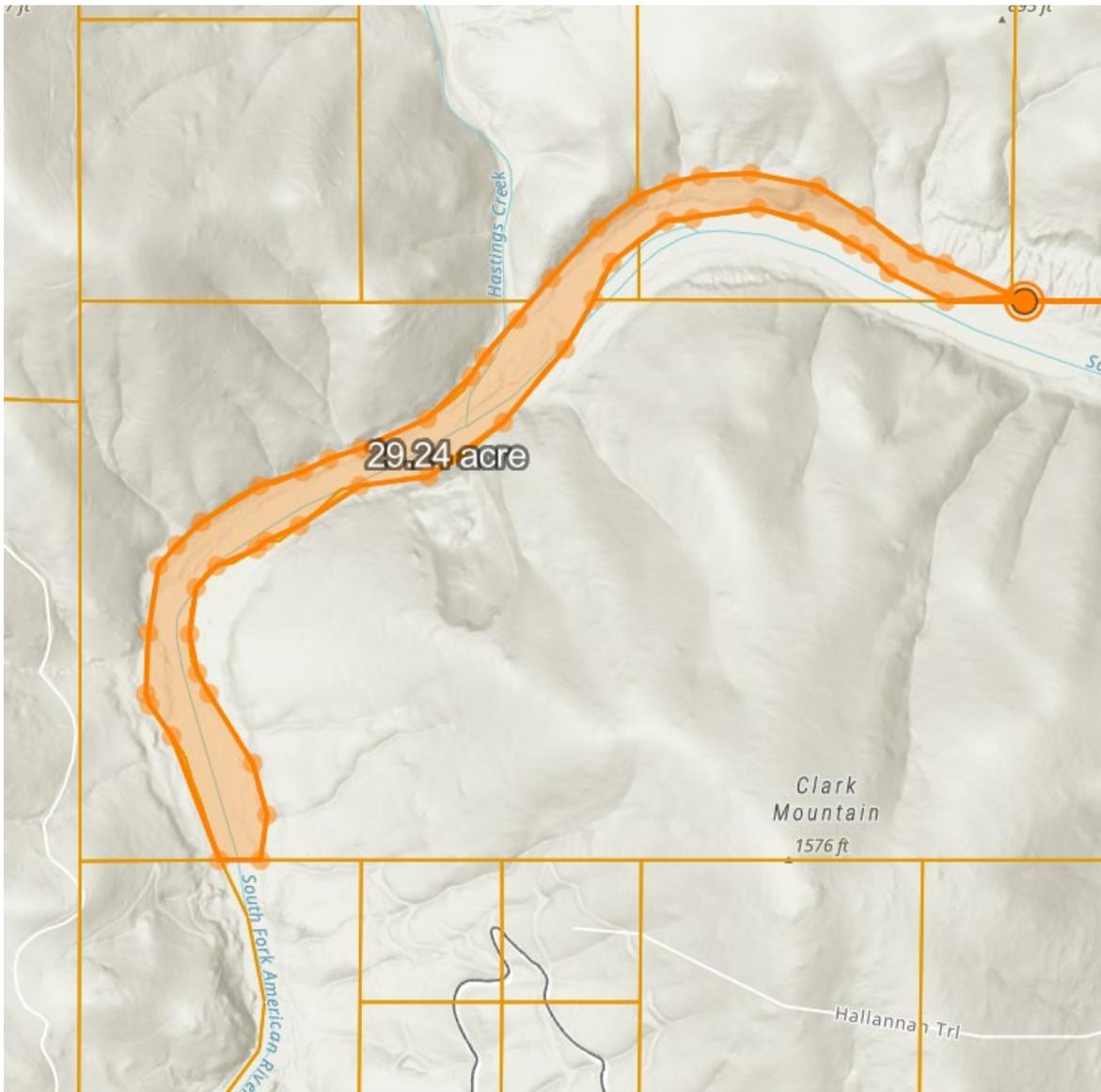


Detail of APN UN0376048: About 859 linear feet of the river channel with about 8 acres downriver from Greenwood Creek.

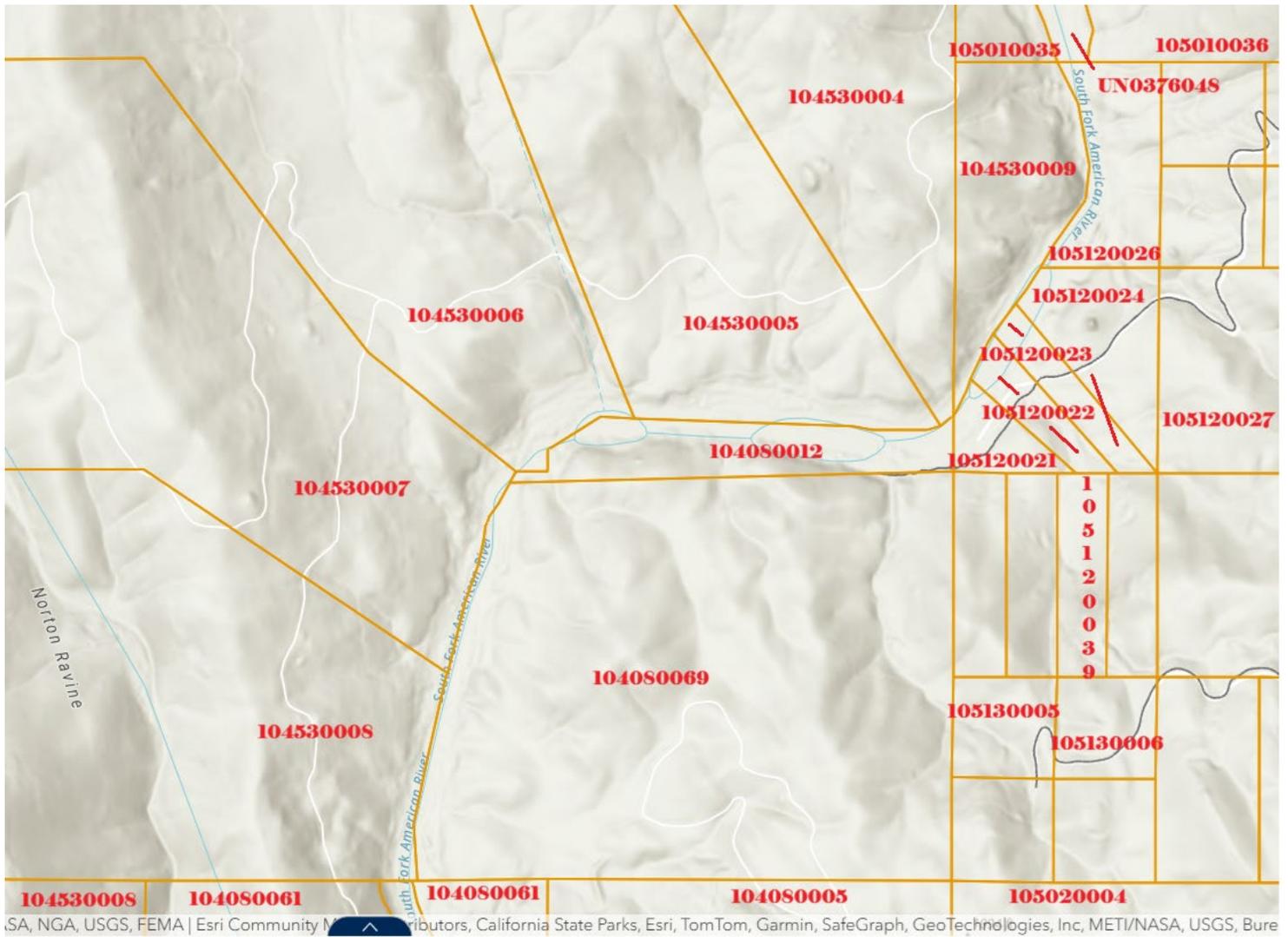


BLM Clark Mt., Cronan Ranch, Hastings Creek, Clark Mt. detail.

About 6,040 feet of the river channel in 29 acres are mapped as owned in fee title in unassigned APN UN0376048 separately from adjacent BLM lands, which may be recognized as State Lands Commission lands.

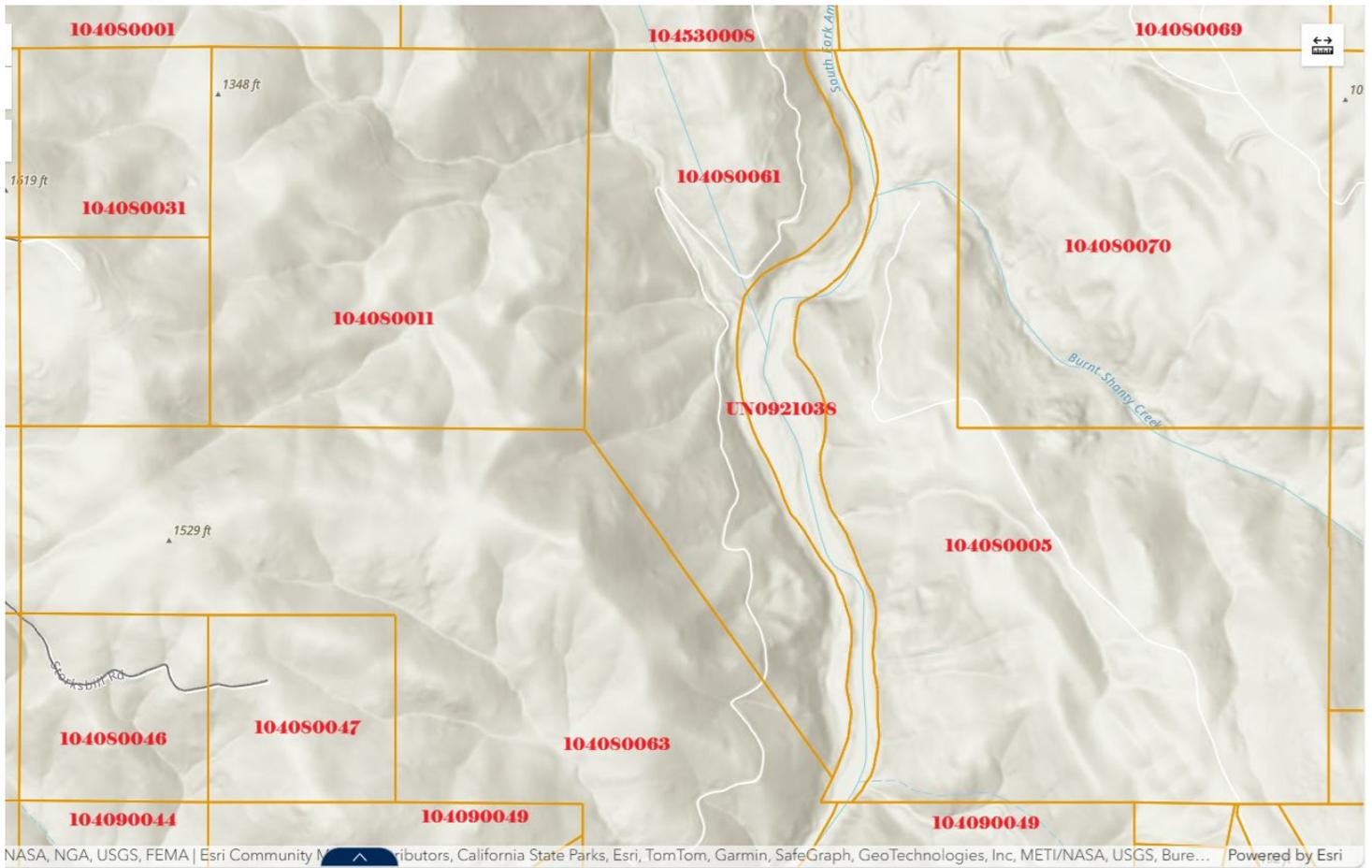


Detail of Hastings Creek reach at Magnolia Ranch BLM with river and trail access. About 6,040 feet of the river channel in 29 acres are mapped separately from adjacent BLM lands as owned in fee title in unassigned APN UN0376048, which may be recognized by El Dorado County Assessor as State Lands Commission lands.



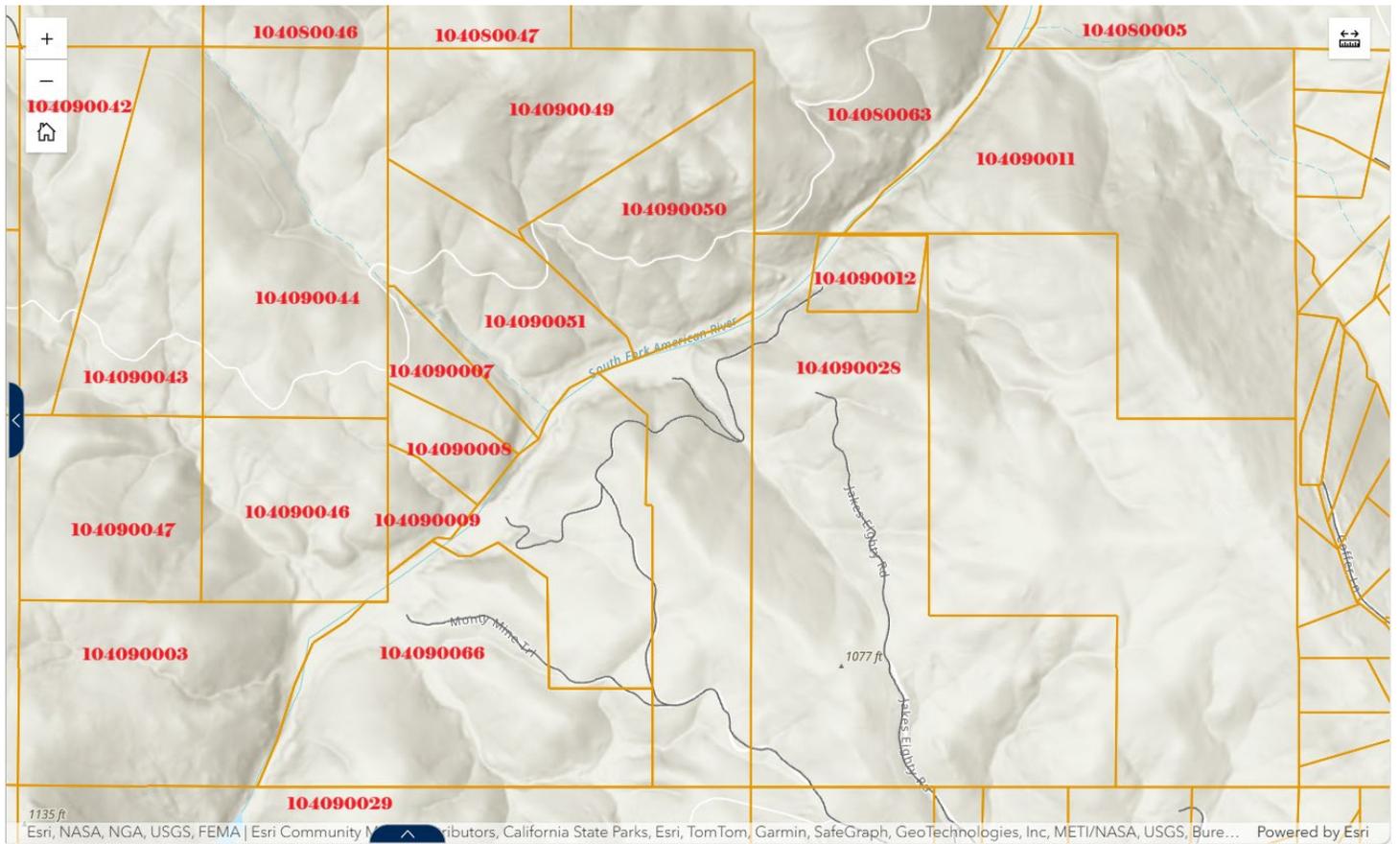
BLM parcels include donated lands: Clark Mt. east of river, Cronan Ranch to west of river.

Some parcels south/east of the river appear to have road access.

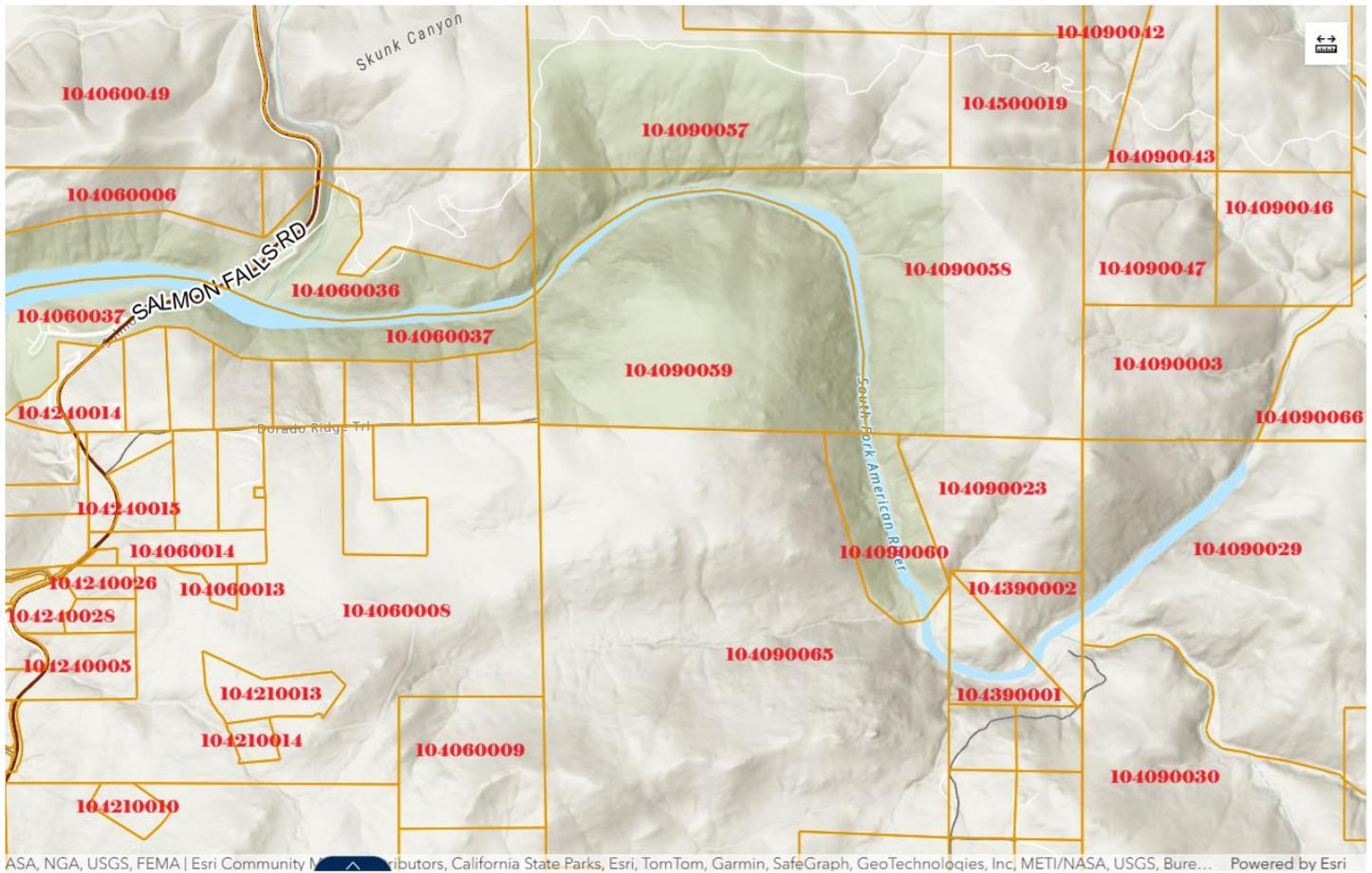


Norton Ravine, Bark Shanty Creek.

About 5,917 linear feet and 35 acres of river channel is mapped as a separate parcel from BLM uplands, presumably as owned in fee title by State Lands Commission as a navigable river on statehood in 1850.



Monte Mine Trail, lower gorge



Weber Creek to Folsom Lake SRA, Salmon Falls Road

BLM and Reclamation land, State Parks recreation management in FLSRA only