

pc 8-10-17
Item # 5
(13 pages)



Debra Ercolini <debra.ercolini@edcgov.us>

Fwd: August 10, 2017 Meeting - Agenda Item # 5

1 message

Char Tim <charlene.tim@edcgov.us>

Thu, Aug 3, 2017 at 7:35 AM

To: Debra Ercolini <debra.ercolini@edcgov.us>

Cc: Noah Triplett <noah.triplett@edcgov.us>, Vickie Sanders <vickie.sanders@edcgov.us>, Laura Schwartz

<laura.schwartz@edcgov.us>

Debbie,

Please post this public comment today. Thank you.

----- Forwarded message -----

From: **Nathan Rangel** <nate@raftcalifornia.com>

Date: Wed, Aug 2, 2017 at 4:14 PM

Subject: August 10, 2017 Meeting - Agenda Item # 5

To: jvegna@edcgov.us, gary.miller@edcgov.us, jeff.hansen@edcgov.us, james.williams@edcgov.us, brian.shinault@edcgov.us

Cc: charlene.tim@edcgov.us

Dear Commissioners:

Please accept this attached letter, a copy of which was sent to you last month, and the attached Board of Supervisors Resolution from 2002, as part of the testimony that I am providing your Commission as a representative of the professional outfitting community regarding your August 10, 2017 Agenda Item # 5 - review of the 2017 Draft RMP. Also please accept my second attached letter, dated today, which gives further testimony and directly comments on the July 17, 2017 Staff Memo to your Commission regarding this draft. These letters, along with the unanimous choices made by the Board appointed River Management Advisory Committee at a special meeting held on July 25, 2017 and being submitted to your Commission for review, represent our official position on the current draft document before you.

Thank you in advance for your service and consideration.

Regards,

Nathan Rangel

President

California Outdoors

Outfitter Representative

El Dorado County River Management Advisory Committee

(530) 320-7384


--

Char Tim
Clerk of the Planning Commission

Assistant to Roger Trout, Director

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5351 / FAX (530) 642-0508
charlene.tim@edcgov.us

3 attachments

 **July 10-2018 BOS Letter045.pdf**
311K

 **RMAC BOS Resolution.pdf**
2250K

 **August 2, 2017 Planning Commission Letter.pdf**
14K

July 10, 2017

Chairwoman Shiva Frentzen and Board Members
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Dear Chairwoman Frentzen:

I am writing to you as the currently appointed Outfitter Representative on the River Management Advisory Committee (RMAC), as well as President of California Outdoors, our professional outfitter state trade association. I apologize in advance for the length of this letter, but I believe it's important for my industry, my community and our river that I share with you the full perspective that I've gained over the 36 years that I've been working on, and around, the South Fork of the American River.

I have been a permitted outfitter in El Dorado County since 1984. Prior to that time I worked for three years with a number of outfitters as a guide and booking agent. I represented my colleagues on the RMAC in the late '80's thru the mid '90's and was Chair of our committee when Mr. Bernard Carlson sued both the outfitters, and El Dorado County, back in 1994. As such I attended closed meetings with our outfitter attorney, two of your Board members, County Counsel and Mr. Carlson and his attorney as we negotiated a settlement to that lawsuit. The results of that settlement included a revised River Management Plan (RMP - the current plan) and accompanying EIR.

In 1998, in response to El Dorado County's promotion of Measure W - a blatantly raw attempt at political payback - I was the spokesperson for, and led a coalition of outfitters, local business owners, local residents and the El Dorado County Chamber of Commerce in defeating that measure. I then represented my colleagues in negotiations with SMUD and other stakeholders from 2000 thru 2007 as we crafted their current 50 year FERC license. I still represent my industry in the ongoing monthly implementation meetings for that license.

I share all of this with you only because it is my hope that you'll consider my testimony, my concerns, and those of my colleagues as the measured result of decades of interactions with all of the stakeholders that comprise this river valley. And we have grave concerns over both the direction and intent of the current RMP revision process.

The RMAC has, in one form or another, been in place since the implementation of the very first RMP back in the early 80's. It is made up of individuals who represent the varied interests and stakeholders on the South Fork of the American. It has been a sounding board and important resource for both the County and local residents to resolve issues of concern. And it has specific duties and responsibilities as spelled out in the attached Board resolution which established the current RMAC - duties and

Page 1

responsibilities that are being usurped with choices made by both staff and the consultant that will dampen and lessen our collective voices and the effectiveness of our committee. These choices have the potential to cause significant damage to my industry and the river community that we operate in.

I base this opinion on numerous actions that have taken place over the past four years. For example, for decades we held RMAC meetings in the Coloma-Lotus Valley - meetings that were close to those residents and business owners most affected by the choices that RMAC would make. Back in late 2014 we received a directive that indicated we could no longer hold meetings in Coloma or Lotus. We were told this was due to inadequate parking and lighting at the available facilities and that this came directly from both the CAO and County Counsel's offices. When I became Chair of the RMAC in February of 2015 I reached out to both the then CAO and County Counsel. I never received a reply from the CAO, but I did get a call back from an attorney in the County Counsel's office, and he indicated that their office had given no direction on that change of venue. This directive has caused significantly lower attendance and participation at regularly scheduled RMAC meetings. And while this directive is still maintained by staff as something they have no control over, how is it that the County could, in direct contradiction of that same directive, schedule a community meeting in our valley back in June of 2015 to unveil and receive comments on the current draft RMP? The conclusion reached by members of my industry, as well as local residents, is that Parks is attempting to quell our collective voice. That's a dangerous choice to make.

Another example are choices that Parks made back in 2013 regarding an issue of import that RMAC put significant energy and resources into. This involved an RMP amendment focusing on institutional permitting. RMAC held multiple public meetings to gain input on this specific issue, and sent their suggested revisions off to the Planning Commission. On March 28, 2013 the Planning Commission directed Parks to proceed with the submitted revisions. Parks chose not to proceed and instead hired a consultant to update the RMP. Parks did not issue an RFP for this contract, nor did it advise RMAC that the funding for this consultant would come from the River Trust Fund - a source of funding that is clearly set out in the 2002 Board Resolution as an RMAC advisory responsibility. This is just one more example of Parks not being responsive to the Board appointed committee responsible for issues revolving around the RMP and the County's management of this resource.

And perhaps less obvious, but just as concerning, are other choices made by Parks over the past few years that effectively disenfranchise our Committee. For example Parks recently went to the Parks and Recreation Commission (PRC) with a request to divest the County from ownership of its Cronin Ranch and Chili Bar properties. Whilst I won't debate the wisdom of that request, it seems obvious to me that Parks could, and should, have approached our Committee to discuss this action. Our marching orders are

the attached BOS resolution of 2002 which spells out that RMAC shall be advisory to the Planning Commission for "Special Use Permits for campgrounds, river accesses, and similar recreation facilities adjacent to the South Fork of the American River". Given that directive I think that any reasonable individual would consider divestiture of either of those properties as something that RMAC should have had some say in.

Our concerns with the current draft RMP are fairly simple. Whilst I and my colleagues support most of the choices made within the body of this revision it is clear to us that both Parks and the Consultant have made choices which will lead to the disenfranchisement of the RMAC. This extends to the history of the planning process as contained in the Draft RMP which somehow neglects to mention that the existing RMP was the result of the then BOS choosing an alternative put forward by RMAC over numerous other alternatives. Reading the draft RMP one would never even know there was a functioning RMAC over the past 38 years. It's almost as if it never existed.

Parks came to the Planning Commission on June 22, 2017 to present a workshop on the current Draft RMP. Of significance is that despite numerous references to relevant materials for the draft RMP there was no mention of the BOS resolution which puts forward the duties and responsibilities of RMAC. As part of that workshop Parks included the attached memo.

Under "Section 5. Dissolve the RMAC" of that memo the consultant urged dissolution of our Committee. Parks has modified that proposal in the memo by suggesting that removing RMAC from the Draft does not dissolve RMAC, but simply leaves it up to the BOS to determine it's proper role. The statement in the update memo that "RMAC is not a directive of the plan" is, at best, disingenuous. RMAC has, in the current RMP, responsibility as an advisory committee to both the Board of Supervisors and the Planning Commission for various ministerial and discretionary actions. Parks and the Consultant have substituted the Parks and Recreation Commission "to oversee the plan implementation and minor modifications using adaptive management protocol." The PRC has absolutely no experience dealing with the issues that we have been surrounded by for the past 40+ years. The PRC has none of the history that surrounds those events. In a recent meeting with both Parks and CAO staff I was told this suggested course of action would provide a more effective way of dealing with our issues and my interests. With all due respect the suggestion that one appointed Parks Commissioner could somehow effectively do the job that currently seven experts in their fields do is, at best, sorely lacking.

Another current responsibility of RMAC is advisory to the BOS regarding use of the River Trust Fund. Under the draft RMP that entirely disappears and Parks staff becomes the ultimate administrator of that fund with no input required from anyone. Just another example of our disenfranchisement.

My colleagues and I have one final concern regarding the draft RMP. In addition to the process concerns that I earlier raised we also believe there is a CEQA issue. Specifically we believe that removing RMAC from the various functions it now has under the existing RMP, and replacing it with either Parks staff or the PRC, is a potentially significant impact - one which is easily avoidable.

What we request is simple. First, there has been much discussion within and without our community as to what RMAC might become in an effort to make it a more effective tool for your Board and our community. We would like to suggest conducting one or two meetings in our valley this Fall to discuss just that question. We would suggest utilizing a professional facilitator and allowing our community to make the important choices as to whether or not we'd like to remain a standing committee, become an ad-hoc committee, expand or diminish our current responsibilities - the full menu of options. Given that input your Board could then decide what role you'd ultimately like us to play.

Unfortunately moving forward with this draft RMP usurps any such possible outcome. Therefore we respectfully suggest one of two alternative courses of action. Our preferred course of action would be for Parks, the Planning Commission and your Board to reinsert RMAC in the upcoming project alternative into the existing roles it now holds in the current RMP. Absent that we'd request a delay in moving forward with this flawed document so that our community, and your Board, can fully resolve the issues that we have raised prior to the it's adoption.

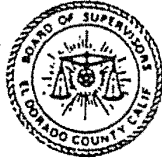
El Dorado County has a long and rich history with all things involving the South Fork of the American River. My colleagues and I have forged valuable and important relationships with all of the stakeholders on this resource. Moving forward with this draft RMP would be an unwise and destructive choice, not only for us but for our larger community and your Board. Our community already strongly agrees with us on this point. We respectfully ask for your concurrence in our collective assessment.

Sincerely,



Nathan Rangel
Outfitter Representative - River Management Advisory Committee
President - California Outdoors
P.O. Box 401
Coloma, CA 95613 - (530) 320-7384

CC: El Dorado County Board of Supervisors
El Dorado County Planning Commission
Don Ashton, El Dorado County CAO
Vickie Sanders, El Dorado County Parks
Noah Rucker-Triplett, El Dorado County Parks
River Management Advisory Committee Members



RESOLUTION NO. 065-2002

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**A RESOLUTION OF THE EL DORADO COUNTY BOARD OF SUPERVISORS
AMENDING RESOLUTION NO. 170-2001 RELATING TO THE
RIVER MANAGEMENT ADVISORY COMMITTEE**

WHEREAS, the County of El Dorado has in 2001 adopted an updated River Management Plan; which is a plan for the management of whitewater recreation activities and supporting land uses on the South Fork of the American River; and

WHEREAS, said plan calls for the establishment of a standing committee to advise the County on appropriate measures for the Plan's implementation and to make recommendations on amendments to the Plan and related matters; and

WHEREAS, it is desirable for said committee to be formally established and to be representative of a broad base of interests concerning the river; and

WHEREAS, those interests should include representatives from the Coloma-Lotus communities, the overall County of El Dorado, and agencies that share management responsibilities over whitewater recreation on the South Fork of the American River; and

WHEREAS, the federal Bureau of Land Management has declined the County's invitation to participate in the standing advisory committee;

NOW, THEREFORE, BE IT RESOLVED BY THE EL DORADO COUNTY BOARD OF SUPERVISORS that there is established a River Management Advisory Committee whose membership, role, conduct and by-laws shall be reconstituted in accordance with the following:

I. EXISTING COMPOSITON OF RMAC REPRESENTATIVES AMENDED

The composition of RMAC as established by Resolution No. 170-2001 is hereby rescinded and abolished.

II. COMPOSITION OF REPRESENTATIVES

There shall be established a RMAC that shall consist of seven members or representatives to be appointed by majority vote of the Board of Supervisors upon nomination in the manner specified in Section III. below.

- A. Business Representative. There shall be one business representative who shall be an owner or operator of a business in the Coloma-Lotus area. The business representative shall not be a permitted outfitter on the South Fork of the American River.
- B. Outfitter Representative. There shall be one outfitter representative who shall be an owner or operator of a business possessing a valid River Use Permit for the South Fork of the American River.
- C. Non-commercial boater Representative. There shall be one non-commercial boater representative who has an appropriate background to represent non-commercial interests and regularly uses the river for whitewater recreation. The non-commercial representative shall not have a financial interest in any outfitting business nor derive their primary income from any aspect of commercial outfitting.
- D. Landowner/Resident Representative. There shall be a landowner/resident representative who shall be an owner of residential property or a resident on property that is within the project area of the River Management Plan. This representative shall not have a financial interest in any outfitting business nor derive their primary income from any aspect of commercial outfitting.
- E. California Department of Parks and Recreation Representative. There shall be a representative from the Gold River District who has responsibilities for the management of recreation on state park lands along the South Fork of the American River.
- F. Members-at-Large. There shall be two public members-at-large who shall not own or reside on any property within 1000 feet of the South Fork American River and who shall be free from any material financial relationship to tourist-recreation businesses along the river corridor.
- G. The Airports, Parks and Grounds Manager or his/her designee shall serve ex officio as secretary to the RMAC. The responsibilities of the secretary include posting the meeting notices as required by law, and preparing the agenda and minutes for the committee's meetings.

III. NOMINATION AND APPOINTMENT

- A. Candidates for outfitter, non-commercial boater, business, member-at-large and landowner/resident vacancies shall be solicited by the Clerk of the Board of Supervisors who shall post a notice of vacancy in the County Administrative Center and in at least one conspicuous public location in the Coloma-Lotus area. The notice shall state the type of vacancy, and nominations shall be accepted for not less than 20 days after posting.

- B. Nominations for the State Parks representatives shall be forwarded to the District IV Supervisor from the agency manager.
- C. The Board of Supervisors shall make appointments at any regularly scheduled Board meeting. In the event that there are insufficient nominations for membership, the Board of Supervisors may make any appointment it deems in the interest of the public.

IV. APPOINTMENT TERM AND CONDITIONS

Representatives, or members, shall serve for four-year terms.

A member shall be removed from the committee for cause if the Board of Supervisors finds he or she no longer meets the qualifications for the position to which he or she was appointed.

The General Services Director shall report to the Board of Supervisors if the outfitter representative is in violation of any ordinance, regulation or condition related to his or her River Use Permit.

The General Services Director shall notify the Board of Supervisors if any member fails to attend four consecutive regular committee meetings. The Board of Supervisors shall thereupon declare the membership vacant for cause. Vacancies shall be filled in the manner specified in Section III.

A member may be removed from the committee without cause by an order declaring the membership vacant. The order must be approved by a four-fifths vote of the Board of Supervisors.

V. POWERS AND DUTIES

The RMAC provides a forum for the discussion of river use issues, ideas or conflicts among persons or groups with an interest in the South Fork of the American River. The committee may make recommendations to both the County Planning Commission and the Board of Supervisors on matters related to whitewater recreation and campground development along the river.

A. RMAC SHALL BE ADVISORY TO THE BOARD OF SUPERVISORS ON THE FOLLOWING MATTERS:

1. Administration of the River Management Plan and Plan Update by the County.
2. Implementation of the River Management Plan Update.
3. Amendments to the River Management Plan and Plan Update.
4. Ordinances or regulations relating to private or commercial activities on the South Fork American River.
5. Use of the River Trust Fund.

6. Other matters referred by the Board of Supervisors.
7. Nothing in this resolution shall require that comments or recommendations from RMAC be a prerequisite for a decision by the Board of Supervisors on any matter.

B. RMAC SHALL BE ADVISORY TO THE PLANNING COMMISSION ON THE FOLLOWING MATTERS:

1. Amendments to the River Management Plan and Plan Update.
2. River Use Permits
3. Special Use Permits for campgrounds, river accesses, and similar recreation facilities adjacent to the South Fork of the American River.
4. All discretionary applications within 1/4 mile of the center of the South Fork of the American River between Chili Bar reservoir and Folsom Lake.
5. Nothing in this resolution shall require that comments or recommendations from RMAC be a prerequisite for a decision by the Planning Commission on any matter.

VI. CONDUCT OF MEETINGS

The RMAC shall establish a schedule for regular meetings and may schedule special meetings at its discretion. All meetings shall be conducted in accordance with standard parliamentary procedure. Notice shall be provided and in all other way meetings shall be conducted in compliance with the Ralph Brown Act, as amended. The attendance of four members is required for a quorum. A quorum is required for the official transaction of business.

VII. ORGANIZATION

- A. Officers. At the first committee meeting each calendar year, RMAC shall elect a chair and vice-chair, who shall hold office for a term of one year or until the election of their successors. No officer shall serve more than two consecutive terms in the respective office.
- B. By-laws. RMAC may develop by-laws for the committee, provided the by-laws do not conflict with this resolution and are approved by the Board of Supervisors.

VIII. FISCAL SUPPORT

Members of RMAC shall not be considered as agents of the County and shall serve without compensation. RMAC shall be eligible for clerical support necessary for preparation, reproduction and distribution of meeting agendas and minutes. These support costs shall be paid by the River Trust Fund to the extent such funds are available. The Director of General Services or his/her designee shall be considered the fiscal officer for RMAC and shall approve all charges and requests for funds.

IX. COMMUNICATIONS

RMAC shall forward all official communications and recommendations in written form to the Planning Commission or Board of Supervisors. Recommendations and communications shall include the date of the meeting, the number of representatives in attendance and the roll call vote of the committee. The Planning Commission or Board of Supervisors may waive the requirement for written communication at its sole discretion.

Passed and adopted by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 12th day of March, 2002, by the following vote of said Board:

Ayes: DUBBAY, BAUMANN, BORELLI, HUMPHREYS,
SOLARO

ATTEST
Dixie L. Foote
Clerk of the Board of Supervisors

By: Margaret E. Moody
Deputy Clerk

Noes: NONE
Absent: NONE

David A. Solaro
Chairman, David A. Solaro
Board of Supervisors

I certify that the foregoing instrument is correct copy of the original on file in this office.
Date: _____
Attest: Dixie L. Foote, Clerk of the Board of Supervisors of the County of El Dorado, State of California
By: _____
Deputy Clerk

August 2, 2017

El Dorado County Planning Commission

RE: August 10, 2017 Agenda Item # 5 - Draft RMP

Dear Commissioners:

Upon reading the Staff memo to your Commission dated 7-17-2017 I felt a few additional comments were necessary.

I strongly disagree with Staff's comments regarding the RMAC. Specifically they continue to suggest that the RMAC is not a directive of the RMP. Indeed, given that they have removed all mention of it from the RMP, it wouldn't be if this draft were adopted. That statement is akin to suggesting that Congress wouldn't be a directive of the US Constitution if you put forward an amendment that removed it from all mention in that document. And, yes, RMAC is a Board appointed committee and, yes...the Board may choose to amend or suspend or do anything it decides is correct for our community...but that's a decision for the Board to make, and removing all mention of RMAC and all duties and responsibilities that it currently holds under the existing RMP is inappropriate and not a proper choice nor function for Staff to make.

Adding insult to injury is the following statement made in the concluding paragraphs of Staff's memo: "Staff has incorporated recommendations from ESP, the public and RMAC into the attached draft Summer 2017 updated RMP." Whilst Staff has certainly carefully listened to ESP, that comment is nothing short of a slap in the face to the 70 + residents who, during the one public meeting held in the Coloma-Lotus Valley to unveil the initial draft RMP months ago, vociferously objected to this portion of the document. It's also a slap in the face to the RMAC which has, on numerous occasions, let staff know that it objects to it's exclusion from this document. In my 35 + years of both sitting on, and dealing with, public boards, commissions and committees at the federal, state and local levels I have rarely seen such a brazen attempt to both claim sensitivity to and then ignore public comment. This entire process has lacked transparency. Indeed, it flies in the face of common sense and good governance.

At a Planning Commission meeting I attended back in June your Chair, during a hearing on another matter, asked the question, "Are we trying to fix a problem that doesn't exist?" I thought that was great query, and it's one I would propose to your Commission now. The RMAC has been part and parcel of El Dorado County's river management experience since the County got into that realm. It is as much a part of the RMP as any board, commission, body or individual could possibly be. Ripping it out of this draft RMP is a senseless act, and it does nothing to improve the river, our community and the County's management of that resource. I respectfully urge your Commission to accept the suggested amendments that are being provided to you by the RMAC.

Respectfully,

Nathan Rangel
President
California Outdoors

Outfitter Representative
El Dorado County River Management Committee