



The County of El Dorado

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Date: September 13, 2017
TO: Board of Supervisors
FROM: Laura Schwartz, Deputy Chief Administrative Officer
Subject: River Management Plan Final Draft and Project Description

PURPOSE

Staff requests that the Board of Supervisors review and tentatively approve the final draft of the Summer 2017 updated River Management Plan (RMP) which will serve as the Project Description for the preparation of a California Environmental Quality Act (CEQA) Initial Study document.

The draft updated River Management Plan was presented to the Planning Commission on August 10, 2017. The Planning Commission unanimously approved the draft update with the following change to Element 5; add language stating “The County may utilize any River Community/Ad-Hoc/Advisory Committee, the County Parks and Recreation Commission, the Planning Commission and the Board of Supervisors on the management of the South Fork of the American River and the implementation of the County River Management Plan.” This language has been added and is included in the final draft of the Summer 2017 River Management Plan.

The Planning Commission also made a second motion recommending that the Board of Supervisors consider changes to any additional elements to the River Management Plan consistent with the change approved in the first motion. Staff is not recommending this language be added to any additional elements.

PROJECT DESCRIPTION

The project consists of the update of the El Dorado County River Management Plan (RMP), which focuses on whitewater recreation on the 20.7-mile segment of the South Fork of the American River between the Chili Bar Dam, near State Highway 193, and the confluence of the Folsom Lake State Recreation Area. Since the early 1980's the County has managed commercial and non-commercial white water recreation in this area to enhance the public health, safety, and welfare and to preserve environmental values.

PROJECT OBJECTIVES

The objective of this RMP update is based on the County's understanding of what management actions have been found to be logical, supportive of safe river use, effective in minimizing conflicts between river users and consistent with the County's environmental protection commitments. The management plan

addresses current conditions by recognizing that some past RMP tasks and monitoring elements are now unnecessary, unresponsive to the County's stated river management goals or duplicative of work being done by other County departments, governmental agencies or private organizations.

BACKGROUND AND HISTORY

In response to landowner complaints about noise, trespassing, litter, and inadequate sanitation, the County banned whitewater recreation by ordinance in 1976. This ordinance was later struck down by the State Court of Appeal in the case of *People ex rel. Younger v. County of El Dorado* (1979) (96 CalApp.3rd 403). Following the Younger decision, the County adopted a Stream and River Rafting ordinance in 1980. In 1981, the County began active management of commercial outfitters on the South Fork.

The Board of Supervisors first designated the section of South Fork of the American River between the Chili Bar Dam and the confluence of the Folsom Lake State Recreation Area as a special use area pursuant to the California Harbors and Navigation Code section 660 in 1984 with the adoption of ordinance 3463 and again most recently in 2002 with the adoption of ordinance 4596.

The County then embarked on the development of survey and factual information to formulate a river management program. This effort consisted of property owner surveys, river user surveys, and coordination with representatives of responsible and interested agencies (County of El Dorado, 1984). An El Dorado County RMP and accompanying Environmental Impact Report (EIR) were prepared in 1984. This plan was adopted by the County in 1984 as a chapter of the General Plan's Recreational Element (*ibid.*). The project EIR also was certified in 1984, and the County began the active management of whitewater recreation in and along the South Fork of the American River in that year.

The RMP was amended in March 1988 (Sections III, IV, and V— County Resolution 99-88) and again in May 1992 (Sections 3A, 4A, and 4B—County Resolution 135-92). Many of the 1988 RMP's (Section IV, Land Use and Facilities) goals have been met, including:

- Special Use Permitting for all river access and camps;
- Acquisition and development of Henningsen Lotus Park;
- Public agency (Bureau of Land Management) acquisition of river area rea lands; and
- Development of a radio communications system by the El Dorado County Sheriff's Office.

In 1995, Mr. Bernard Carlson sued the County on the grounds that the commercial permitting process in the RMP was a discretionary, rather than a ministerial process, under the California Environmental Quality Act (CEQA). Mr. Carlson prevailed in this litigation and, as a term of settlement, the County agreed to contract with independent consultants to update the existing RMP and prepare the 2001 RMP.

The County has implemented the current RMP, since its adoption in 2001, with no revisions. Five-year summary reports, required by RMP Section 7.2.2, for the 2002 to 2006 time period, and the time period 2007 to 2011 were prepared. The 5 year summary reports provided a "List of Minor Modifications to the El Dorado County River Management Plan." Some of these modifications have been implemented, but the RMP was not revised to reflect these changes.

El Dorado County entered into a contract with Environmental Stewardship and Planning (ESP) on July 28, 2014 to prepare a redlined revision to the RMP. After the consultant completed the redlined revision to the RMP a public comment period was opened until March 18, 2016. On February 18,

2016 a public meeting was held at the Coloma Grange with the consultant present to answer any questions. The public comment period was extended to March 18, 2016. The River Management Advisory Committee (RMAC) requested a separate deadline as they wanted to review public comments and provide their own comments. RMAC's comment period was extended to April 15, 2016. RMAC requested a third extension which was granted until May 26, 2016. RMAC was still unable to meet the comment deadline and a fourth and final extension was granted until June 14, 2016. RMAC reviewed the redlined version at their June 13, 2016 meeting and provided comments. (Attachment C)

Comments were received during the busy river season and staff did not review the comments until the river season was complete. Staff compiled the draft plan after reviewing all public and RMAC comments and sent to County departments for review on January 13, 2017. Staff received comments from the Development Services and Sheriff's department in April, 2017.

Department comments were incorporated into the final draft and staff presented a workshop to the Planning Commission on June 22, 2017. Public comment focused on the recommendation to dissolve RMAC and the removal of references to RMAC in the updated Summer 2017 RMP. There was one additional request for clarification from a representative from Friends of the River (FOR) in regards to the changes related to Institutional groups. There were no public comments on any other changes to the RMP.

RMAC is an advisory committee for the Board of Supervisors and the Planning Commission. In 2002, the Board of Supervisors adopted Board Resolution 065-2002 established the RMAC in its current form (Attachment D). The resolution provided the following powers and duties of RMAC:

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.

Staff is recommending the removal of all references to RMAC in the RMP as RMAC is a Board appointed advisory committee, not a directive of the River Management Plan. The updated plan includes the recommendation for the Parks and Recreation Commission to oversee the plan implementation. The Planning Commission will continue to oversee permit approvals and transfers.

Approval of the updated RMP does not eliminate RMAC. If the updated RMP is adopted, the Board will need to revise or rescind BOS Resolution 065-2002 relating to the River Management Advisory Committee.

CHANGES TO THE PLAN

The revised RMP is a streamlined document that removes processes that are no longer relevant, removes regulations that are unenforceable by the Parks Division or are currently being regulated by another department and more clearly defines expectations. The result is a plan that the Parks Division can implement with success and provide the same level of service to the river community and the environment.

The following recommendations were made by the consultant. Staff's responses to the recommendations are below in italics.

1. Reconsider the County's Management of Whitewater Recreation.

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. The County's property holdings and River-related facilities are currently limited to Henningsen-Lotus Park. Given this small "footprint," as compared to the active management of the lands of the Bureau of Land Management (BLM) and Department of Parks and Recreation (State Parks), the County's primary responsibilities are generally limited to the management of commercial outfitters and on-river patrols.

In addition to the public meetings County staff met with staff of the Bureau of Land Management (BLM) and CA State Parks to discuss the County's role in managing the South Fork of the American River.

The feedback on this subject from most of the public was for the County to not step back from its role of management of river use on the South Fork or the American. Meetings with State Parks and BLM did not identify considerable duplication of efforts and although both State Parks and BLM do touch on water river management their main focus is on management of their lands and facilities. There are a number of County Ordinances in addition to the local interests of County residents and businesses that could be impacted if the County decided to step back from its current role of river management. Staff agrees that the County should continue to play a role in the management of the river and the updated RMP reflects this.

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

Both State Parks and the BLM also manage commercial outfitters on the South Fork of the American River. Because of this overlapping, duplicative system and the County's ongoing RMP expenditures, we believe that the County should decide if it wants to continue to serve as River Manager, or to negotiate a cost-sharing agreement with the BLM and/or State Parks to accept the responsibility for managing commercial outfitters and other elements of South Fork River recreation.

Both State Parks and BLM permit commercial outfitters on the South Fork of the American River for use of State and BLM lands. There are some outfitters who do not have BLM permits (do not use BLM lands) and in the past there were outfitters who have not had State Parks permits (did not use State lands). Currently all outfitters have State Parks permits. State Parks and BLM could not delegate management of outfitters to another agency. The BLM could require permits from all outfitters but has chosen not too. There is some duplication in the permitting process. The reporting process is specific to each agency but all outfitters use one universal form to report use. There are County Ordinances and outfitter regulations that would need to be adopted by another agency if a transition was to occur. The meetings with BLM and State Parks did not reflect a strong desire to take over the County's role in permitting the outfitters. What did come out of the agency meetings was improved coordination of agency operations which is reflected in the updated RMP.

3. Use the County's Geographic Information System (GIS) as the Clearinghouse for Outfitter Data.

In the event that the County continues to manage commercial outfitters, the County GIS should be used as a gateway to and repository for all outfitter data. This transition into a web-based accounting program will obviate the need for the River Manager to waste time updating spreadsheets.

There have been ongoing discussions with County GIS on integrating river use data into the County GIS system. Use of an online reporting portal would allow for outfitters river use data to be captured into the County GIS system monthly.

4. The RMP Needs to Be Streamlined.

If the County decides to continue to actively manage the South Fork, we recommend the County streamline the River Manager's duties and responsibilities. The "redline-strikeout" changes that we recommend are presented in Chapter 4.

The updated RMP is a more streamlined plan that focuses more on the purview of the Parks River Program. Much of what was removed from the RMP is being accomplished by other departments or organizations.

5. Dissolve the RMAC.

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. This committee could be supported by the County in same manner as the Rubicon Oversight Committee that has successfully conducted ad-hoc meetings for over 10 years.

The updated plan does not reference RMAC. All references to RMAC have been removed from the RMP since RMAC is a BOS appointed committee. RMAC is not a directive of the plan.

The updated plan makes the recommendation for the Parks and Recreation Commission (PRC) to oversee the plan implementation and minor modifications using adaptive management protocol. The Parks and Recreation Commission was established for the expressed purpose of overseeing the development and maintenance of recreational opportunities within El Dorado County. The Parks and Recreation Commission has authority to appoint citizen's committees to assist in making recommendations to the commission concerning all matters set forth in Section 2.20.730 of El Dorado County Code of Ordinances. (Attachment E)

The Planning Commission will continue to oversee the permit approvals and transfers in addition to receiving a periodic five year review and any major updates to the River Management Plan.

The Board will need to provide direction to staff on RMAC. Upon direction staff will return to the Board with changes to the RMAC resolution.

6. Update the RMP Every 3 Years.

We recommend that annual reporting be ceased, unless an emergency situation warrants immediate intervention into the County's river management activities. Instead, the RMP would be updated every 3 years and direct monitoring and incident data would be transferred to the County's GIS and made available to the public on the County website.

The updated plan has an annual reporting requirement along with an adaptive management element for changes. A more formal review and updated process is based on

a 5 year review which would include proposed changes from the previous five years which may require a more thorough EIR or CEQA analysis. Five year summary reports will be compiled and brought forward to the Planning Commission.

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

This potential reduction in River Management staff responsibilities proposed by these recommendations would allow the County to make the River Manager a half time position, with the winter season devoted to other parks, trails, or recreation facility assignments.

This will be analyzed after the CEQA evaluation is complete and the updated plan adopted.

8. Create a User-Day Marketplace for Commercial User Days or Enforce Current Regulations.

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.

The updated RMP does not propose a market place for outfitters. The challenges of the enforcement of businesses working together to serve the public is not that simple. The updated RMP attempts to formalize the process of subcontracting by outfitters. These additional requirements along with added trip spacing requirements should help address some of the concerns voiced.

9. Address the Management of Institutional User Groups.

The County should either implement the RMAC recommendations for managing Institutional User Groups or use a 3-year transition period to require that institutional user groups become commercially permitted operations or cease operations on the South Fork of the American River.

The updated RMP does continue the Institutional User Group registration but changes eligibility requirements. Only accredited educational courses would be able to register as an Institutional User Group. A goal in the updated RMP is to create parity with the other managing agencies which require most of the current Institutional User Groups to have River Use Permits. The County will work with these groups over the next three years to accomplish this transition.

10. End RMP Water Quality Sampling Programs.

Because of changed water quality regulations, the RMP water quality sampling protocol is outdated, and unnecessary because of Sacramento Municipal Utility District's robust water quality monitoring program.

The water sampling by PG&E and SMUD has begun as part of their new FERC licenses on the South Fork of the American River. The Updated RMP has removed water quality monitoring but the County will continue to monitor on the South Fork of the American River per the Regional Water Quality Control Boards State Basin Plan.

CONCLUSION

Staff has incorporated recommendations from ESP, the public and RMAC into the attached draft Summer 2017 updated RMP. The result is a streamlined plan, enforceable by the Parks Division, consistent with other governmental agencies and supportive of safe river use and protection of the environment. Staff is recommending that the Board tentatively approve the draft plan and direct staff to move forward with the CEQA process. Staff will return to the Board with the results of the CEQA analysis.

Once the CEQA analysis is complete and a final RMP adopted, staff will request direction from the Board to move forward with a fee study to determine any updates to river fees. Ideally, this fee update would be implemented before the next river season begins in 2018.

Staff is also seeking Board direction related to the River Management Advisory Committee. Currently this committee is advisory to the Board of Supervisors and the Planning Commission. Over the years, this Committee has evolved into more of a community-focused committee. Staff does see value in providing a forum for the river community to provide input and feedback on river related issues. One alternative would be to look at more of an ad-hoc committee that could provide feedback to the Parks and Recreation and Planning Commission as issues arise. Staff is recommending that the Board provide direction for staff to return at a later date for a discussion specific to the role of the River Management Advisory Committee.