

February 22, 2016

Memo to: RMAC members

From: Nate Rangel, Outfitter Representative

RE: Outfitter concerns over loss of 8% guests allowance in RMP revision draft

My colleagues and I would like to share our concerns over removal of the current 8% guests allowance in the draft RMP revision. That 8% allowance has been part and parcel of each commercial river permit since the very first permits were issued by EDCO in 1981. This allowance has survived every minor tweaking of the RMP as well as the major revision and EIR that was finalized in 2001. The majority of outfitters who currently hold commercial permits did so by buying out existing companies, and as such they negotiated a sale price for those businesses that had both a set allocation number of weekend user days *plus* that 8% allowance. Additionally, back in the mid 1980's our industry became concerned about growing overall weekend numbers. We sat down amongst ourselves and came up with a plan that voluntarily reduced our overall weekend allocation use. We also participated in negotiations for the 2001 RMP that included target numbers which could potentially negatively affect our future allocations. The point being that whether we're a company that has been here from the beginning, or one that later bought into the system, we have negotiated with the County in good faith since day one, and since day one that 8% guest allowance has been a real part of each permit. To summarily remove that use is both unreasonable and inequitable.

Some of the quaint realities of river management are the fictions that surround the issuance of our permits. Perhaps most amusing is the stipulation that our permits can have no financial value attached to them, whilst at the same time El Dorado County levies a possessory interest tax based upon its estimate of what each permit is worth. Another is that as part of our regular operations there are "free trips". Aside from the occasional charitable events that we – both individually and as a group – run, there are no free trips. By the very definition of commercial use each and every person in one of our rafts that has a paid guide, and is shuttled in a commercial vehicle with a paid driver, is a commercial customer. And we think it isn't reasonable, nor equitable, for us to continue with the free trip allowance absent paying the same fees we pay for our "paying" guests. But even if we suggested payment of fees as a solution, that still doesn't address the fact that those guest allowance numbers were never included in the 2001 EIR and CEQA documentation for the RMP. Having said all that, we have a solution.

In 2014 the County "retired" two river permits that had fallen out of use: Permit #2 with 103 weekend user days and Permit #36 with 33 weekend user days. Our solution is simple – as part of the RMP revision we would ask that the weekend allocations of those two retired permits be reinstated. That total – 136 user days – represents 4.9% of the total CEQA certified use of 2750 weekend user days. We'd simply reallocate those 136 user days by applying the 4.9% number to each individual commercial permit. So, for example, if I had a permit that

included 100 weekend user days then I would lose the ability to take 8 additional “guests” down the river but I would gain 5 folks (4.9 rounded up) who would be fully covered by the current 2001 CEQA documentation and who would also have all fees paid for them and increase the County’s possessory interest tax base.

Utilizing this solution is both an equitable and reasonable action to take. We won’t go over the 2750 number and we will, in fact, reduce by 3% the potential overall numbers that commercial outfitters can put into their rafts. We respectfully request that the River Management Advisory Committee include this solution as part of its recommendations to both the Planning Commission and the Board of Supervisors.