

February 18, 2026
El Dorado County Parks and Recreation Commission

Re: ***February 20, Agenda Item 4***
River Management Plan and Ordinance Updates

Parks and Recreation Commission:

This comment letter relates to Agenda item 4 before the Commission on February 20, 2026 relating to the draft updates to the River Management Plan (“Draft RMP”) and the draft updates to the RMP Ordinance (“Draft RMP Ordinance”) contained El Dorado County Code Chapter 5.48.

As background, I have experience as a commercial raft guide, a private rafter and kayaker, I own property on the South Fork of the American River, and in a professional capacity I have extensive experience with local land use and environmental laws. As such I believe I have a unique perspective on the Draft RMP and the Draft RMP Ordinance. My main concern with the Draft RMP and the Draft RMP Ordinance is that it gives too much discretion to the El Dorado County Department of Parks and Trails (“EDCPT”) and fails to properly punish and deter outfitters who violate the applicable legal authorities.

This concern is driven mainly by an incident that occurred last year, in which an outfitter spent hours on my property conducting a swift water rescue course in violation of the RMP and the RMP Ordinance. Even though there was a clear violation, EDCPT took no action to issue a violation, despite numerous requests from me, and despite a clear mandate from the RMP Ordinance to do so. There is no dispute that the action that took place was a violation of the RMP and RMP Ordinance. Ultimately, I had to correspond with County Counsel to advocate for my private property rights, and ultimately County Counsel opted to take no action on the violation that occurred on my property, with the position that the County has discretion when and where to enforce its own ordinances, including the RMP Ordinance. I dispute the legal basis for this course of action.

This incident, and subsequent inaction from the County, demonstrated the fact that without a clear mandate to do so, the County will not enforce its own RMP Ordinance. Based on these interactions, I made an effort to become involved in the process of providing comments to EDCPT regarding the Draft RMP and RMP Ordinance. The Coloma Lotus Advisory Committee (“CLAC”) formed an ad hoc committee to provide comments and recommendation on the RMP and RMP Ordinance. Many of these comments and recommendations were adopted, others were not.

I have many concerns with the Draft RMP and the Draft RMP update. In general, I believe that the Draft RMP and the Draft RMP Ordinance fail to adequately protect private property owners. This system places the onus on property owners to pursue violations, which in my experience is a large investment of time that will not result in any adequate response.

For ease of review, below is Table 1. Table 1 outlines the limited recommended changes from the Draft RMP Ordinance.

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Table 1

Draft RMP Ordinance Language	Recommended Change	Notes
<p>5.48.140</p> <p>Should an outfitter receive three (3) violations in any one Class I category or five (5) 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 or revocation of the permit may be considered.</p>	<p>5.48.140</p> <p>Should an outfitter receive three (3) violations in any one Class I category or five (5) 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 or revocation of the permit may be considered.</p>	<p>My recommendation is that there should be no discretion for issuing suspensions. This should be mandatory after the accrual of several violations, as the outfitter would have adequate notice in advance of the suspension.</p>
<p>Sec. 5.48.150. Violation schedule.</p> <p>A. Class I violations include:</p> <ol style="list-style-type: none"> 1. Violations of Quiet Zone requirements. 2. Violations of the maximum group size limit (63). 3. Operating after sunset. 4. Violations of the boat marking requirements. 5. 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. 6. Exceeding approved permit capacities. 7. As determined by the river management program, violations of any requirements set forth in the River Management Plan or the 	<p>Sec. 5.48.150. Violation schedule.</p> <p>A. Class I violations include:</p> <ol style="list-style-type: none"> 1. Violations of Quiet Zone requirements. 2. Violations of the maximum group size limit (63). 3. Operating after sunset. 4. Violations of the boat marking requirements. 5. 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. 6. Exceeding approved permit capacities. 7. As determined by the river management program, violations of any requirements set forth in the River Management Plan or the 	<p>I would recommend moving the “violation of land use requirements” to a Class II violation. Outside of emergencies, there is no reason for outfitters to stop on private property, and such a trespass should be adequately punished and deterred.</p>

<p>County Ordinance Code that are not specified as Class II violations.</p> <p>B. Class II violations include:</p> <ol style="list-style-type: none"> 1. Improper sale, loaning, borrowing, or transfer of user days. 2. Violations of the Operating Report and Fees monthly submission requirements. 3. Violations of consolidation, transfer, and adjustment requirements for River Use Permits. 4. Violations of insurance requirements. 5. Fraudulent reporting of user days usage or non-payment of User Day Fees. 6. Falsification of any documentation. 	<p>County Ordinance Code that are not specified as Class II violations.</p> <p>B. Class II violations include:</p> <ol style="list-style-type: none"> 1. Improper sale, loaning, borrowing, or transfer of user days. 2. Violations of the Operating Report and Fees monthly submission requirements. 3. Violations of consolidation, transfer, and adjustment requirements for River Use Permits. 4. Violations of insurance requirements. 5. Fraudulent reporting of user days usage or non-payment of User Day Fees. 6. Falsification of any documentation. 7. 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. 	
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I thank the Commission for its time and consideration of this communication.

Sincerely,

James Anderson