



The County of El Dorado

Chief Administrative Office

Don Ashton, Chief Administrative Officer

330 Fair Lane

Placerville, CA 95667-4197

Phone (530) 621-5530

Fax (530) 626-5730

Date: July 17, 2017
TO: El Dorado County Planning Commission
FROM: Laura Schwartz, Deputy Chief Administrative Officer
Subject: River Management Plan Final Draft and Project Description

PURPOSE

Staff requests that the Planning Commission review the final draft of the Summer 2017 updated River Management Plan (RMP) and provide recommendations regarding staff's proposed updates to the RMP.

Staff will forward the Planning Commission's recommendations to the Board of Supervisors (BOS) including the content of the final draft of the River Management Plan update, which will serve as the Project Description for the preparation of a California Environmental Quality Act (CEQA) Initial Study document.

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 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 April 15, 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 May 26, 2016. RMAC requested a second extension which was granted until June 14, 2016. RMAC reviewed the redlined version at their June 13, 2016 meeting and provided comments.

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 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 A). 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.

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 requests that the Planning Commission review the final draft of the Summer 2017 updated River Management Plan (RMP) and provide recommendations regarding staff's updates to the RMP.

Staff will forward the recommendations received from the Planning Commission to the Board of Supervisors (BOS) and recommend tentative approval of the final draft of the River Management Plan update, which will serve as the Project Description for the preparation of a California Environmental Quality Act (CEQA) Initial Study document.



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: DURRAY, 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