



Legislation Text

File #: 20-1319, **Version:** 1

Chief Administrative Office, Parks Division, recommending the Board adopt and authorize the Chair to sign a Joint Powers Agreement with California State Parks for Whitewater Concessionaire Contracts on the South Fork of the American River.

FUNDING: State Park User Fees.

DISCUSSION / BACKGROUND

In 1981, the County began active management of commercial outfitters on the South Fork of the American River. El Dorado County implements the River Management Plan (RMP) and issues Commercial Whitewater Rafting permits in order to regulate overall numbers and concentration of commercial use, time-of-day restrictions, pollution and sanitation control. Lands managed under jurisdiction of the County comprise unincorporated land either owned by the County (such as parks) or held privately (privately owned lands contain commercial, residential, and undeveloped parcels).

Other governmental agencies with jurisdiction in the South Fork corridor include the Bureau of Land Management and the State of California Department of Parks and Recreation (California State Parks). California State Parks manages Marshall Gold Discovery State Historic Park and the Folsom Lake State Recreation Area. State Parks issues permits to commercial outfitters for put-in and take-out at State Parks properties.

The County maintains the lead role in managing whitewater recreation activities on lands adjacent to the river. County staff currently administers user reporting for Commercial Outfitters. Outfitters complete the form, calculate the amount owed to each agency, and then must remit funds to each agency separately. Each Agency reviews these reports.

State Parks recently evaluated their process for concessionaire permits, and approached the Parks Division with the idea of consolidating services to coordinate the management of commercial outfitters' river access and activities. As detailed in the Joint Powers Agreement, the County will continue to administer outfitter count reports, but will also begin to:

- Issue permits to commercial outfitters, on behalf of the State, to administer and collect user fees from commercial outfitters for their put in and take out at State Park lands;
- Review the reporting forms on behalf of the State; and
- Collect fees on behalf of state Parks rather than requiring outfitters to send separate payment directly.

Currently the County charges \$2.00 per person and the State charges \$3.00 per person at put-in or take-out. In exchange the County will retain a portion of the State Park fees. The County will keep \$0.50 per person of the State Park fees and issue a check to the state for \$2.50 per person on a quarterly basis. This is anticipated to bring an additional \$25,000 to the County each year. The agreement also authorizes the County to provide raft towing services to the public and commercial whitewater outfitters from the State park lands. The raft towing service will be provided for a fee to

ensure adequate cost recovery to the County.

Under the Joint Exercise of Powers Act, two or more public agencies may enter into an agreement to jointly exercise a power they have in common (Gov. Code 6500 et seq.). While it is typical for a Joint Powers Agreement to establish a separate joint powers agency/authority that is governed by its own board, under the Joint Exercise of Powers Act, one or more of the parties to the Joint Powers Agreement may administer and provide all or a portion of the services to the other parties in the manner provided in the agreement. (Gov. Code 6506). In this case, the Joint Powers Agreement expressly states that the parties do not intend to create an agency or entity separate from themselves.

Approval of this agreement is exempt under CEQA Guideline 15268 as a ministerial activity and CEQA Guideline 15301 as an operation and permitting of existing public facilities with negligible or no expansion of the existing use.

ALTERNATIVES

The alternative if the Board did not approve would put this back on the State to resolve with the commercial outfitters.

PRIOR BOARD ACTION

16-0032 - 5/16/2016

18-0182 - 2/13/2018

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

Approval of this item is anticipated to bring in approximately \$25,000 each year. With this proposal workload was evaluated and whether or not the revenue received would be sufficient. Because staff already administers reporting, the increase to workload is minimal and the revenue received will help to fund the river program.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Obtain the Chair's signature and return to the Parks Division to obtain final signatures.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Vickie Sanders, Parks Manager