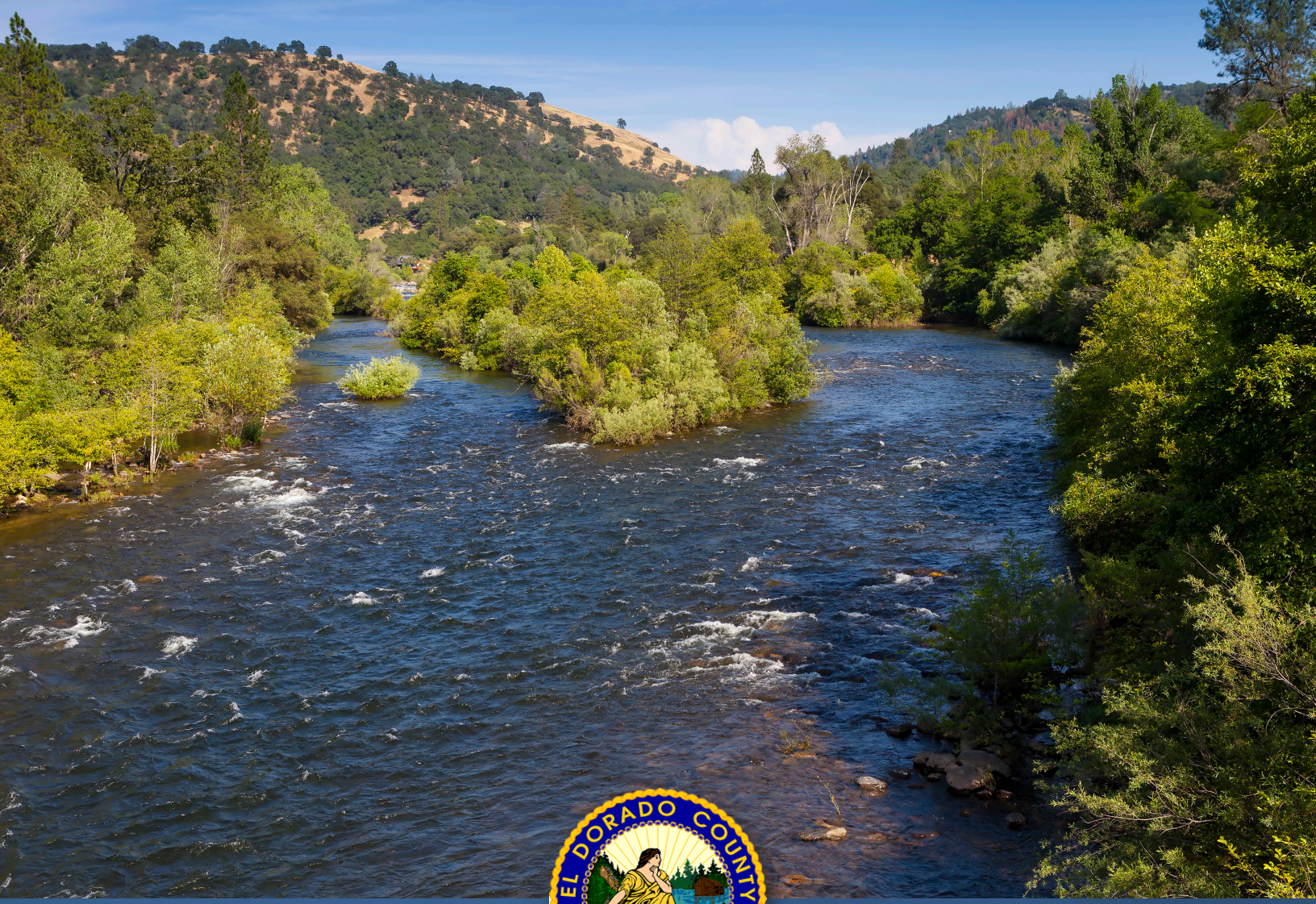

El Dorado County

RIVER MANAGEMENT PLAN

2018

25-1351 C 1 of 100

EL DORADO COUNTY
RIVER MANAGEMENT PLAN

El Dorado County Chief Administrative Office
Parks and Trails Division
330 Fair Lane, Building A
Placerville, CA 95667

2018

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Chapter I - INTRODUCTION

Purpose of the El Dorado County River Management Plan

The El Dorado County River Management Plan (RMP) 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 (see *Figure 1*). This document reflects an update process authorized by the El Dorado County Board of Supervisors (Board) directed for the whitewater recreation plan update process and the ultimate implementation of the policies and procedures described herein.

Since 2002 the County has continued implementation of the RMP without changes. While the annual reports and 5 year summary reports of 2002-2006 and 2007-2011 did not result in significant modifications of the RMP, the County decided to conduct a more comprehensive review and update of the RMP to address changes to the content and context of the river management program over the past 33 years.

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 following management plan addresses these 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.

History of the RMP Planning Process

In response to landowner complaints about noise, trespassing, litter, and inadequate sanitation, the County banned whitewater recreation by ordinance in 1976 (RMI, 1997). 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.

Since the early 1980's, the County of El Dorado has managed commercial and non-commercial whitewater recreation to enhance public health, safety, and welfare and preserve environmental values. The RMP establishes a set of operational rules for commercial and private boaters navigating the South Fork of the American River between the Chili Bar Dam and Salmon Falls Road in El Dorado County. These rules define and update the County's river management and reporting activities.

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.

Figure 1

El Dorado County River Management Plan

RATTLESNAKE BAR RD
SALMON FALLS RD
49
Greenwood Cr. Day Use Area
End Quiet Zone
Dave Moore Nature Area
MARSHALL RD
193
GARDEN VALLEY RD
COLOMA
Barking Dog Class II
BASSI RD
Troublemaker Class III+
Henningsen Lotus County Park
Begin Quiet Zone
Marshall Gold Discovery State Historic Park
Fowler's Rock Class III beginning of The Gorge
LOTUS RD
COLD SPRINGS RD
49
Folsom Lake State Recreation Area
Skunk Hollow
South Fork American River
Satan's Cesspool Class III+
Salmon Falls
Meat Grinder Class III
Chili Bar
193
GOLD HILL RD
49

2

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NOTES:

LAYER INFORMATION MAY COVER ADDITIONAL AREAS OUTSIDE OF THE DISPLAYED AREA.

PREPARED AT THE REQUEST OF: CAO, DATE: 04/19/2017

MAP PREPARED BY: Frank Bruijn, DATE: 05/08/2017

G.I.S. PROJECT ID: 72936, RELATED REPORT: na

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2018 RIVER MANAGEMENT PLAN AREA MAP
South Fork American River
County of El Dorado
State of California

N
W
E
S

Legend

- Upper Run Chili Bar to Coloma
- Middle Run Coloma to Greenwood CR
- Lower Run Greenwood CR to Salmon Falls
- Rapids
- Access/Parking Facility
- Federal Land
- State Land
- County Land
- Private Special Use Permit
- Major Roads

0 0.25 0.5 1 1.5 Miles

Map displayed in State Plane Coordinate System
(NAD 1983 California Zone 2, feet)

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.

Planning Process

In adherence to the terms of Carlson vs. County of El Dorado (as defined by County Ordinance 4365), the 2001 RMP and the 2001 RMP EIR were prepared by independent consultants reporting to the Planning Commission and the Board of Supervisors, through coordination with the County.

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, were not done for the 2002 to 2006 time period. The County prepared Five-Year reports for the 2002 to 2006 time period, retrospectively, at the time of the preparation of the 2007 to 2011 report. The RMP report provided a "List of Minor Modifications to the El Dorado County River Management Plan (From the 2002-2006 and 2007-2011 Five Year Summary Reports)." Some of these modifications have been implemented, but the RMP has not been revised to reflect these changes.

The County will consider any proposed modifications to the RMP and evaluate the need for specific CEQA compliance activities.

Physical Setting of RMP Project Area

The RMP project area is located within the South Fork of the American River, in the Sierra Nevada foothills. The physical setting of the RMP project area is described in terms of its watershed, historical water development and river flows.

American River Watershed Character

The American River watershed is about 55 miles long, with elevations ranging from less than 500 feet near Folsom Reservoir to approximately 10,000 feet at several locations along or near the Sierra Crest, which forms the eastern boundary and head of the watershed. The mean elevation of the South Fork watershed above Folsom Reservoir is about 4,400 feet.

The major tributaries of the South Fork American River are Silver Fork, Alder Creek, Silver Creek, Rock Creek, and Weber Creek. The upper reaches of the South Fork drainage basin are typical of the high Sierra Nevada with a thin soil mantle, rocky barrens, and sparse vegetation. Intermediate elevations are characterized by dense stands of pine, fir, and cedar. The canyons and lower foothill areas are steep and covered with oak, brush and grasslands and are generally unoccupied, with the exception of

recreational cabins and small, dispersed highway commercial developments. Agricultural and residential developments have occurred primarily within the lower portion of the intermediate elevation zone and in the foothill areas.

RMP Boundaries

The RMP is located within the portion of the South Fork of the American River between Chili Bar Dam and Salmon Falls Road. The length of this segment of the South Fork is approximately 20 miles. Channel slopes are relatively flat for the foothill region. Elevations within the RMP area range from about 940 feet below Chili Bar Dam to about 460 feet at Folsom Reservoir, giving this reach an average slope of 24 feet per mile. However, about 190 feet of this drop is in the 6.3-mile reach from Chili Bar Dam to Coloma, giving that reach an average slope of about 30 feet per mile. This slope compares with an average slope of about 80 feet per mile in the reach upstream of the project area, between Slab Creek Dam and Chili Bar Reservoir.

The RMP-area portion of the South Fork of the American River watershed encompasses approximately 804 square miles of the 1,861-square-mile American River watershed, which is tributary to Folsom Dam. The South Fork reach subject to the RMP is emphasized on the map to show its relationship to the rest of the South Fork watershed and hydrologic system

River Reaches

The segment of the South Fork that is managed by the RMP can be divided into three distinct reaches: Upper, Middle, and Lower. These distinctly different geologic and topographic areas, combined with river flow, create a unique mosaic of rapids that make this area a world-renown whitewater recreation area.

Upper Reach

The stretch between Chili Bar and the town of Coloma contains the narrowest and steepest section of the project area. Canyon sides rise almost from the river's edge to heights of 600 to 800 feet above the river, within a horizontal distance of only four to six tenths of a mile; average slope of the canyon sides are greater than 35 percent. Rapids are numerous, and a lengthy swim in the upper stretch can be dangerous because of their length and the abrasive sedimentary and volcanic rock.

Middle Reach

About 1 mile above Coloma, the canyon walls open up and the wall slope decreases to between 10 and 15 percent. Alluvial terraces border the river throughout most of this reach. With the exception of a few rapids created by quartz-laden granite ledges, this stretch contains relatively easy Class I and II rapids.

Lower Reach

Between Clark Mountain and Folsom Lake, the topography of the river corridor begins to resemble that of the first segment. It differs mainly in that the canyon is not as narrow and canyon sides are somewhat lower than the upper reach, rising some 400 to 600 feet above the river. Slope of the canyon sides average between 20 and 25 percent. The bedrock underlying this stretch is by far the hardest of the river, comprised mainly of chart, gabbro, and amphibolite.

General Description of the RMP Watershed

Precipitation

The South Fork of the American River experiences its heaviest precipitation from November through April. Moisture moving east from weather fronts originating in the Pacific Ocean is blocked by the Sierra Nevada Mountains, which act as a meteorological barrier, resulting in relatively heavy precipitation on the west slope. Annual precipitation in the South Fork basin averages about 55 inches, varying from a low of about 20 inches near Folsom Reservoir to highs estimated in the range of 65 to 70 inches in some of the more remote mountain areas near the easterly boundary of the basin.

Precipitation in this central Sierra Nevada region is seasonally variable and variable between years. Variability between years tends to be somewhat less at the higher elevations near the Sierra Nevada crest.

Snowpack Accumulation and Melt

Approximately 40 percent of the full length of the South Fork above Folsom Reservoir is located above 5,000 feet in elevation. About 96 percent of the area above Kyburz lies above 5,000 feet. A large percentage of the precipitation that falls at these higher elevations during winter occurs as snow. Snowpack accumulates from about November through March, with the maximum accumulation generally occurring about April 1. The average April 1 snow line is below 5,000 feet, with snowpack covering about 45 percent of the watershed. The snowpack in most of the American River basin generally begins to melt during March, but the period of major snowmelt activity is typically April through July.

Winter snowpack is the source of about 50 percent of annual South Fork runoff above Folsom Reservoir. At higher elevations, almost the entire runoff is from snowmelt. Runoff varies widely from different locations in the watershed. Flows in the South Fork vary widely from season to season. The minimum annual observed runoff near Kyburz (USGS Station 11439501 SF American R Nr Kyburz Total Flow) was 75,400 acre-feet in water year 1977 (i.e., October 1, 1976 to September 30, 1977) while maximum annual runoff within recent years was 709,200 acre-feet in water year 1983. These are respectively 25 percent and 238 percent of average annual runoff at Kyburz, which is about 297,500 acre-feet.

Historical Water Development

The South Fork has long been subject to water resources development. Major diversions from the South Fork began in the early 1850s, primarily for mining. Much of the water from these early diversions was used only during winter and spring, when rainfall and snowmelt flows were adequate. However, agricultural demands and other consumptive uses developed in the basin. There has been a long history of water diversion, regulation, and import to the watershed. The South Fork American River has therefore not been in a true “unimpaired” or “natural flow” condition for about 150 years. The flow regime now, particularly during the summer and fall recreational season, is much more reliable and thus conducive to recreation than it would have been without development of water imports and regulated flows.

Three major water systems in the South Fork drainage substantially affect the magnitude and regulation of flow. Two are hydro-electric projects licensed under the Federal Energy Regulatory Commission (FERC). Pacific Gas and Electric Corporation (PG&E) and El Dorado Irrigation District (EID) have operated a hydroelectric project (the El Dorado Project, FERC Project 184) with a small import and substantial regulation of flows tributary to the South Fork American River near Kyburz. Another water system operated by EID diverts flows from the PG&E system for consumptive use along the Placerville Ridge area. The Sacramento Municipal Utility District (SMUD) operates the Upper American River

Project (the UARP, FERC Project 2101), a major hydroelectric project, on Silver Creek, which is a tributary to the South Fork American River near Pollock Pines. The SMUD system imports large quantities of water from the Rubicon River basin and substantially re-regulates flows for power generation. Finally, the Chili Bar Project (FERC Project 2155) regulates the outflow from the SMUD system and generates hydroelectricity.

PG&E System

Substantial re-regulation of flows began before 1900. Imports from Echo Lake in the Lake Tahoe basin began in 1876. By the early 1920s, Western States Gas and Electric Company (WSG&E) had acquired reservoirs and ditches from predecessor companies, increased reservoir storage, and installed power generation facilities in the South Fork drainage. The WSG&E system, later acquired by PG&E and known as the El Dorado Project, has been operating in a manner somewhat similar to that presently observed since about 1935. It was acquired by EID in 1999. This El Dorado Project (FERC Project 184), consisting of storage, conveyance, and the El Dorado Powerhouse, provides for hydroelectric power generation and water supply for EID use on the Placerville Ridge service area.

PG&E imports up to about 1,900 acre-feet annually from the Echo Lake watershed, which is a tributary to the Lake Tahoe basin. Imports generally begin in late season (after the recreational season) and continue through the fall months. This water enters the South Fork watershed through a tunnel near Echo Summit.

A dam on Lake Aloha (Medley Lakes) in the Pyramid Creek drainage tributary to South Fork has created a small reservoir with usable storage capacity of about 5,000 acre-feet. The reservoir generally fills during the snowmelt period. Water is released during late summer to augment the natural flows of the South Fork for re-diversion and hydroelectric power generation. The reservoir is located in one of the most productive areas for fish within the South Fork drainage.

Two reservoirs are located on tributaries of the Silver Fork. Silver Lake, with a drainage area of 15.1 square miles, has an average annual runoff of about 28,300 acre-feet. Useable storage capacity at the spillway water surface level is about 3,840 acre-feet, which can be increased to 8,590 acre-feet by adding elevation through the use of gates and flashboards. Caples Lake (Twin Lakes) has a drainage area of 13.5 square miles and an average annual runoff of about 26,840 acre-feet at the gaging station. Storage capacity is about 21,580 acre-feet. Releases from Silver and Caples Lakes are made to augment the flow of Silver Fork in late summer and fall after snowmelt has ceased. Releases from Silver Lake begin after Labor Day and continue through the following winter until natural stream flow is adequate to meet downstream needs for hydroelectric power generation and consumptive use.

The Silver Fork joins the South Fork American near Kyburz. Just below the confluence, EID diverts flow up to approximately 156 cubic feet per second (cfs) into the El Dorado Canal. The diverted water travels about 22 miles by canal to the El Dorado Forebay at Pollock Pines. There, consumptive waters are diverted into EID's delivery system. The majority of the water then drops 1,900 feet to the PG&E El Dorado Powerhouse where it is returned to the South Fork above SMUD's Slab Creek Reservoir. There is some interception and diversion along to the canal, including a diversion at Alder Creek.

Before construction of the SMUD project, PG&E operated the American River Powerhouse near the confluence of South Fork and Rock Creek. This powerhouse was eliminated during construction of the SMUD project. It was replaced by the Chili Bar Dam and Powerhouse, which is operated by PG&E (FERC Project 2155). The purpose of Chili Bar Reservoir is to re-regulate power releases from the SMUD system in order to maintain a desired flow regime in the South Fork American River below Chili Bar during peaking operation of SMUD's White Rock Powerhouse.

The owners and operators have the necessary water rights (through pre-1914 water rights, state applications, permits, and licenses; and FERC licenses) to operate both the El Dorado Project (FERC

Project 184) and the Chili Bar Project (FERC Project 2155). On October 18, 2006, FERC issued a new 40-year license for Project 184. On August 20, 2014, FERC issued a new 50-year license for The Chili Bar Project.

EID System

For over 100 years, water has been diverted from the South Fork American River at the present El Dorado Project diversion point at Kyburz and delivered for use on Placerville Ridge. Since 1919, EID and its predecessor received water from the project to serve the Placerville Ridge. The diversion represents an annual entitlement of approximately 15,080 acre-feet taken from the El Dorado Canal at El Dorado Forebay near Pollock Pines. The EID entitlement results from a 1919 Agreement between the predecessors of PG&E and EID. However, the diversion to the Placerville Ridge area was made along about the same route since the 1860s—prior to construction of the PG&E system.

In 1955, the U.S. Bureau of Reclamation (USBR) developed a water supply for EID that imports water to the Placerville Ridge from the Cosumnes River basin. This project is the Sly Park Unit of the Central Valley Project (USBR). Sly Park Reservoir, with a storage capacity of 41,000 acre-feet, was constructed on Park Creek, a tributary of Camp Creek and the North Fork of the Cosumnes River. Water is diverted from Camp Creek, also a tributary of the North Fork, into Sly Park Reservoir. Sly Park water is conveyed through the Camino Conduit to the Placerville Ridge area in the vicinity of Camino and released into the EID conveyance and distribution system. Releases are made along this conduit to meet demands at certain locations within the EID service area.

In addition, EID has a contract with USBR for water delivered at Folsom Reservoir to the far western portion of the service area. EID and El Dorado County Water Agency have had applications approved by the State Water Resources Control Board for additional water, made available by Project 184 from the upper South Fork American River watershed, to be re-diverted at Folsom Reservoir. That water continues to flow through the RMP reach.

SMUD System

In the late 1950s, SMUD began development of the Upper American River Hydroelectric Project (the UARP, FERC Project 2101). The majority of the UARP facilities were constructed in the 1960s; however, the Loon Lake, Slab Creek, and Jones Fork power plants were not completed until 1971, 1983, and 1985, respectively. The UARP represents the major source of storage, regulation, and import for the South Fork watershed. Imports from the Rubicon River through Robbs Tunnel and Powerhouse increase South Fork flows about 20 percent annually. SMUD reservoirs provide over 400,000 acre-feet of useable storage to regulate flows and distribute winter and spring snowmelt runoff to meet hydroelectric generation needs. The SMUD system became fully operational in the early 1970s. It is the primary factor in increasing and re-regulating South Fork flows to provide the relatively high and consistent flows currently enjoyed in the South Fork drainage.

SMUD's UARP is located on the Middle and South Forks of the American River watershed. The UARP was designed as a single-purpose power project. Principal storage development is in the Silver Creek drainage basin, which totals about 180 square miles. Diversions into Silver Creek are made from approximately 85 square miles of the Rubicon River, a tributary to the Middle Fork of the American River. The average annual diversion from the Rubicon River to the South Fork American River has been about 180,000 acre-feet since the project has been in full operation.

Flows are diverted from the Rubicon River into Loon Lake Reservoir, which has a total capacity of 76,200 acre-feet. Flow is released from Loon Lake Reservoir to Gerle Creek Reservoir located on a tributary of South Fork Rubicon and through the Loon Lake Powerhouse. From the South Fork of the Rubicon River, flow is diverted through the Robbs Peak Tunnel to Robbs Peak Powerhouse, which is located on Union

Valley Reservoir in the Silver Creek drainage. This diversion from the Middle Fork American River to the South Fork American River and represents a substantial portion of South Fork American River flow.

From Robbs Peak Powerhouse, flows enter Union Valley Reservoir, which has a total capacity (with spill gates down) of 277,300 acre-feet and is located on Silver Creek, a tributary of the South Fork American River. Icehouse Reservoir in the Silver Creek drainage, with a total capacity of 46,000 acre-feet, regulates flows down the South Fork of Silver Creek to Junction Reservoir. Most of the release from Icehouse Reservoir is through the 11.5-megawatt (MW) Jones Fork Powerhouse into Union Valley Reservoir.

Flows from Union Valley Reservoir are released through the Union Valley Powerhouse into a forebay at Junction Reservoir. Re-diversion is then made from Junction Reservoir through Jaybird Tunnel and Powerhouse back into Silver Creek at the Camino Powerhouse Diversion, and then re-diverted into the Camino Tunnel. Flows then pass through Camino Powerhouse into Slab Creek Reservoir on the South Fork American River.

Slab Creek inflow includes the Camino Powerhouse release and release from the El Dorado Powerhouse. It also includes spills and the flows from the South Fork American River watershed above the confluence with Silver Creek. Flows are released from Slab Creek Reservoir through the White Rock Tunnel and Powerhouse, returning to the South Fork at Chili Bar Reservoir. All UARP powerhouses, and especially White Rock Powerhouse, are used to meet hydroelectric load-following needs. This often requires releases of up to about 3,600 cfs at White Rock for limited daily and weekly time periods. Chili Bar Reservoir is used as an afterbay to re-regulate power releases from White Rock. SMUD holds the necessary FERC licenses for operating the UARP. When SMUD filed applications for storage and diversion for UARP, filing was made for both non-consumptive and consumptive use rights. SMUD has retained the non-consumptive use rights for power but assigned the consumptive use permits to the City of Sacramento for essentially the same storage and diversion that SMUD has constructed. On July 23, 2014, FERC issued a new 50-year license for UARP.

South Fork American River Flow Regime

The flow regime of the South Fork American River between Chili Bar Dam and Folsom Reservoir is highly regulated. During summer and fall (the primary recreation season), flows are the product of river system regulation by SMUD's UARP. The sustained high monthly and mean daily flows during August, September, and October result primarily from reservoir regulation and import to the South Fork basin by the UARP. Although the EID Project 184 system positively affects these recreation season flows, the impact is minor when compared to the impact of the UARP.

Although releases from PG&E's power plant at Chili Bar regulate flows in the RMP reach, it is SMUD's UARP that controls the volume of flow available to Chili Bar Reservoir and PG&E's Chili Bar Powerhouse. The RMP is based on the analysis of historic river operations (i.e., over 25 years of hydroelectric power operations during the County administration of whitewater recreation by implementation of the RMP) and the presence of informal agreements between river outfitters and SMUD. This historic record, including drought and flood periods, serves as the "baseline" for the RMP. Significant changes in the amounts and timing of hydroelectric water releases would be incompatible with the RMP's river management strategies and impact mitigation measures.

The following sections describe various aspects of the river flow regime related to the high degree of regulation.

Average Monthly Distribution of Flow

Streamflow in the RMP reach has not been in a natural or unimpaired state since the 1850s. In the early 1900s, prior to SMUD's UARP but after development of facilities to divert water to the Placerville Ridge area, mean daily flows on the order of 50 cfs or less were not uncommon in the RMP reach. Mean daily flows of less than 20 cfs were recorded at Coloma in the early 1930s. As described by various U.S. Geological Survey (USGS) water supply papers and other USGS publications, mean monthly flow rates less than 30 cfs were recorded in August 1931, considered a critically dry year. In 1977, also a critically dry year, flow dropped as low as 15 cfs and were less than 50 cfs for most of the summer

The UARP has substantially affected the RMP reach flow regime. The relatively large differences in summer and fall flows result from regulation (storage and release) and import. Most of that diverted water is returned to the South Fork at El Dorado Powerhouse so it is available to the RMP reach. By comparing the impact of total impairment (including SMUD) against the impact of the EID system, it is apparent that, in the August through October period, the EID system represents only about 12 percent of the total impairment impact on the entire system.

Construction of the UARP began in about 1959, with its major features mostly completed before 1970. Increases in mean monthly flows for 1965 and later reflect most of the total impact of the UARP. The UARP impacts on summer and fall flows within the RMP reach are very apparent when the pre-1965 and post-1965 flows are compared.

It is important to recognize the relative impact of SMUD's UARP as compared to all other impairments in the basin. The UARP provides the major portion of the summer and fall (and often during the following winter, especially in dry years) import and release volumes from reservoirs through the SMUD power plants. These flow volumes may be concentrated within specific intervals during the day and week. Flow volume variations significantly affect river levels and flow durations, often causing significantly changed river conditions with rapid flow ramping. Short- duration releases concentrate flows into a short time period, often causing congestion at whitewater rapids and potentially unsafe conditions.

Water from the SMUD system reaches Chili Bar Reservoir from White Rock Powerhouse. It is then primarily PG&E's responsibility to re-regulate the volume of flow into the flow regime currently enjoyed in the South Fork/RMP area.

Operation of SMUD's UARP and PG&E Operation of Chili Bar

The UARP and Chili Bar FERC license requirements and 401 water quality certification require minimum flows below Chili Bar for fisheries and recreational releases for river users based on a water year type designation as determined by the CA Department of Water Resources. Minimum streamflow requirements and recreational flow requirements can be found in *Table 1 and Table 2* on the following page.

Wet	greater than or equal to 3.5 Million Acre-Feet (MAF)
Above Normal	greater than or equal to 2.6 MAF but less than 3.5 MAF
Below Normal	greater than or equal to 1.7 MAF but less than 2.6 MAF
Dry	greater than or equal to 0.9 MAF but less than 1.7 MAF
Critically Dry (CD)	less than 0.9 MAF
Super Dry	any CD year that is immediately preceded by a Dry or CD year or any Dry year that is immediately preceded by any combination of two Dry or CD years

Table 1
South Fork of the American River Below Chili Bar Reservoir Dam Minimum Streamflow by Water Year Type
(cubic feet per second)

	Super Dry	Critically Dry	Dry	Below Normal	Above Normal	Wet
October	150	185	200	250	250	250
November	150	185	200	200	200	250
December	150	185	200	200	200	250
January	150	185	200	200	200	250
February	150	185	200	200	200	250
March	150	185	200	200	200	250
April	150	200	250	250	300	350
May	150	200	250	250	350	500
June	200	200	250	250	350	500
July	150	185	200	250	300	350
August	150	185	200	250	300	300
September	150	185	200	250	250	250

Source – American River Water Year Forecast Year Type, SWRCB Order WQ 2013-0018, FERC Project No. 2155-024

Table 2

South Fork American River Below Chili Bar Reservoir Dam Minimum Recreational Flow by Water Year (cfs)

WATER YEAR TYPE	PERIOD	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Super Dry	April - Memorial Day	3 Hrs @ 1300					3 Hrs @ 1300	3 Hrs @ 1300
	Memorial Day - Labor Day	3 Hrs @ 1300			3 Hrs @ 1300	3 Hrs @ 1300	5 Hrs @ 1300	5 Hrs @ 1300
	Labor Day - September						3 Hrs @ 1300	3 Hrs @ 1300
	October - March						3 Hrs @ 1300	
Critically Dry	March - Memorial Day	3 Hrs @ 1300					3 Hrs @ 1300	3 Hrs @ 1300
	Memorial Day - Labor Day	3 Hrs @ 1300			3 Hrs @ 1300	3 Hrs @ 1300	5 Hrs @ 1500	5 Hrs @ 1500
	Labor Day - September					3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1300
	October - February						3 Hrs @ 1300	
Dry	March - Memorial Day	3 Hrs @ 1300	3 Hrs @ 1300			3 Hrs @ 1300	3 Hrs @ 1500	3 Hrs @ 1500
	Memorial Day - Labor Day	3 Hrs @ 1300	3 Hrs @ 1300		3 Hrs @ 1300	3 Hrs @ 1300	5 Hrs @ 1500	5 Hrs @ 1500
	Labor Day - September					3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1300
	October - February						3 Hrs @ 1300	3 Hrs @ 1300
Below Normal	March - Memorial Day	3 Hrs @ 1300	3 Hrs @ 1300		3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1500	3 Hrs @ 1500
	Memorial Day - Labor Day	3 Hrs @ 1300	3 Hrs @ 1300		3 Hrs @ 1300	3 Hrs @ 1300	6 Hrs @ 1500	6 Hrs @ 1500
	Labor Day - September				3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1500	3 Hrs @ 1500
	October	3 Hrs @ 1300				3 Hrs @ 1300	3 Hrs @ 1500	3 Hrs @ 1500
	November - February						3 Hrs @ 1300	3 Hrs @ 1300
Above Normal	March - Memorial Day	3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1300	3 Hrs @ 1300	4 Hrs @ 1750	4 Hrs @ 1750
	Memorial Day - Labor Day	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	6 Hrs @ 1750	6 Hrs @ 1750
	Labor Day - September				3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500
	October	3 Hrs @ 1300				3 Hrs @ 1300	3 Hrs @ 1500	3 Hrs @ 1500
	November - February						3 Hrs @ 1500	3 Hrs @ 1500
Wet	March - Memorial Day	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	6 Hrs @ 1750	6 Hrs @ 1750
	Memorial Day - Labor Day	4 Hrs @ 1500	4 Hrs @ 1500	4 Hrs @ 1500	4 Hrs @ 1500	4 Hrs @ 1500	6 Hrs @ 1750	6 Hrs @ 1750
	Labor Day - September				3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500	3 Hrs @ 1500
	October	3 Hrs @ 1300				3 Hrs @ 1300	3 Hrs @ 1500	3 Hrs @ 1500
	November - February						3 Hrs @ 1500	3 Hrs @ 1500

Source – Recreational Release Schedule Based on Water Year Type, SWRCB Order WQ 2013-0018, FERC Project No. 2155-024

Water Quality

All water quality requirements for the South Fork are contained in the Central Valley Regional Water Quality Control Board (RWQCB) *Water Quality Control Plan for the Central Valley Region* (Basin Plan). The Central Valley Basin Plan serves as the basis of the State of California's formal adoption of water quality criteria for the Sacramento and San Joaquin River basins, including the South Fork of the American River. As such, the Central Valley Basin Plan provides detailed guidance on acceptable standards for surface and groundwater quality.

RMP Goals and Objectives

The RMP embodies the County's intent to manage and support whitewater recreation while protecting the natural and social resources of the South Fork of the American River. Past and current river management goals and objectives form the guiding principles of these management actions, as described below.

RMP Goals and Objectives

Table 3 lists the project goals and objectives, and provides a reference to the primary RMP elements that serve as the implementation strategies for the achievement of each objective. Detailed descriptions of the requirements of each element are provided in Chapter III of this plan.

Table - 3

RMP Update Goals and Objectives and Respondent RMP Elements

RMP Goals and Objectives	Respondent RMP Elements
Objective 1: To promote on-going community and user participation in river management.	Element 2 – Safety Programs Element 5 – Agency and Community Coordination Programs
Objective 2: To provide adequate facilities and suitable services to support river-related activities, where there is a documented need to support such activities; protect the natural, cultural and human resource values of the river; and preserve the quality of life in the area and experience.	Element 1 – Educational Programs Element 4 – Monitoring and Reporting Programs Element 6 – River Use Permits and Boater Requirements Element 8 – Regulations and Ordinances Element 9 – Facilities and Lands Management
Objective 3: To preserve and enhance the unique range of experiences and historic character of the river.	Element 1 – Educational Programs Element 4 – Monitoring and Reporting Programs Element 6 – Permits and Requirements Element 8 – Regulations and Ordinances Element 9 – Facilities and Lands Management
Objective 4: To employ equity as a guiding principle when defining rights, responsibilities and obligations of ALL river users.	Element 5 – Agency and Community Coordination Programs Element 7 – Carrying Capacity Exceedance Actions Element 8 – Regulations and Ordinances
Objective 5: To achieve a balance between County- wide economic benefits, costs and impacts associated with river recreation. (Requires more detailed economic information to identify the costs and impact versus economic	Element 9 – Facilities and Lands Management Element 10 – Funding

Table - 3

RMP Update Goals and Objectives and Respondent RMP Elements

RMP Goals and Objectives	Respondent RMP Elements
benefits associated with river recreation.)	
Objective 6: To preserve and protect environmental and cultural resources.	Element 1 – Educational Programs Element 4 – Monitoring and Reporting Programs Element 6 – Permits and Requirements Element 8 – Regulations and Ordinances
Objective 7: To enhance educational programs on river safety and etiquette, respect for private and public lands, natural and historical resources, and river rules and regulations.	Element 1 – Educational Programs
Objective 8: To establish the County's primary role in facilitating coordinated river management, in cooperation with the Bureau of Land Management and other resource agencies and groups.	Element 5 – Agency and Community Coordination Programs
Objective 9: To enhance safety through education, enforcement, facilities, and coordinated rescue response.	Element 1 – Educational Programs Element 2 – Safety Programs Element 5 – Agency and Community Coordination Programs
Objective 10: To promote adequate law and (rational) code enforcement to protect public health, safety, and welfare; property; and natural resources.	Element 4 – Monitoring and Reporting Programs Element 6 – Permits and Requirements Element 7 – Carrying Capacity Exceedance Actions Element 8 – Regulations and Ordinances

South Fork Carrying Capacity

The following discussion summarizes the RMP carrying capacity process, the intent of the adopted carrying capacity measures, and the resulting management actions thresholds and actions that are embodied in RMP elements presented Element 7.

Definition

The following definition of carrying capacity is used as the operative concept of this plan.

Carrying Capacity: A prescribed number and type of people (demand) that an area will accommodate (supply), given the desired biophysical/cultural resources, visitor experiences, and management program.

Where:

- "A prescribed number" acknowledges the reasoned decision by a person of authority rather than some absolute or formula-based decision;
- "Type of people" is inclusive beyond recreation use and considers all human uses and values for an area, and must also clearly and comprehensively define what people are demanding (i.e., activities, settings, and experiences);
- "Demand" recognizes the importance of consumer preference in public resource decisions;

- "That an area will accommodate" implies that only a portion of the demand will be provided for, and also implies that use of public resources is a privilege and not a right;
- "Supply" recognizes that agencies produce or provide services, products, and values to the public;
- "Given" acknowledges the existence of conditions and/or constraints by which public demand will be supplied in a given area; and
- "Biophysical/cultural resources, visitor experiences, and management program" recognizes the need to be comprehensive, integrative, concurrent, and holistic in decision making (Haas, 1999).

Carrying Capacity Management Actions Overview

The framework of carrying-capacity management actions contained in this RMP consists of a process that includes the identification and monitoring of objective and measurable performance standards, and specific response mechanisms to be implemented in the event that performance standards are not met.

Element 4 of this RMP describes the County's monitoring requirements associated with determining boat densities and daily boater totals to identify density and river use carrying capacity threshold exceedance. Element 6 provides definitions and requirements associated with permitted commercial use and private / non-commercial use, as well as insurance and reporting requirements for permitted outfitters and institutional groups, as required pursuant to the mitigation measure identified above. This RMP also addresses the potential contributions of private/non-commercial large groups to boater density and numbers. Finally, Element 7 contains specific management actions to be implemented by the County in the event that the carrying capacity thresholds are exceeded.

Management actions contained in Element 7 invoke increasingly rigorous levels of management actions that will be implemented in the event of observed exceedances of thresholds associated with boat densities and total daily numbers of boaters. This "tiered" approach will, in the event of threshold exceedance, initially result in the implementation of management actions and river user requirements that focus on providing incentives and disincentives through methods such as increased outfitter river use fees and new river use fees for institutional groups. In the event that such actions are implemented and threshold exceedance is repeated, more rigorous management actions will be implemented, including trip time scheduling and/or a reduction in outfitter allocations and the development of an allocation system for institutional groups. Finally, in the event that all available management actions to reduce cumulative impacts to less-than-significant levels are implemented and total boater thresholds are still met or exceeded, the County will institute a permit system for all river users. As with all management actions, the project's goals of equitability will be a primary consideration during the development of such a permit system.

Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the management actions developed pursuant to the previous exceedance occurrence.

Monitoring of the 2001 RMP did not identify any daily boater totals that exceeded the identified limits. Boater density counts have also not shown any exceedances. County Parks and Trails Division will continue to monitor boater thresholds but will focus on the weekends that have shown the highest use trends based on the past 15 years of monitoring data.

Refinement of the Institutional User Group Designation

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 possess Commercial River Use Permits. Accordingly, Institutional User Group registrations, which have been managed by the RMP in prior years, will only

be available to accredited educational organizations conducting on-River courses. The Institutional User Group management elements of the RMP will be phased out in the third year after the adoption of this RMP. All non-accredited organizations that currently possess Institutional Group status are encouraged by the County to obtain Commercial River Use Permits, if they wish to continue to use the RMP area of the South Fork of the American River for their activities.

Chapter II – PLANNING AREA AND LEGAL AUTHORITIES

Planning Area

In accordance with the Board of Supervisors direction, this RMP is limited to the South Fork of the American River corridor from Chili Bar (at and adjacent to the Highway 193 bridge) to the Salmon Falls parking area (adjacent to the Salmon Falls Road Bridge) within El Dorado County, California. The vicinity and boundary of the RMP area are identified in *Figure 1*. The RMP is also applicable to all properties required to have a Special Use Permit pursuant to the County's Stream and River Rafting ordinance.

Land use within this area is comprised of a mix of commercial, residential, industrial, agricultural, and recreational uses. Commercial rafting outfitters own operate and use campgrounds, and parking and staging areas along portions of the river. In addition, a number of recreation-related and other small businesses are located in the area, predominantly near the communities of Coloma and Lotus.

A number of private residences are located adjacent to the river and are dispersed throughout the area. Many residents living in this area enjoy the peaceful solitude associated with remote, low-density locations. Industrial land uses in the area involve relatively small mining and rock harvesting operations. Agricultural lands within the river corridor include scattered small farms and cattle grazing. Recreational uses of the river corridor include whitewater rafting and kayaking, as well as fishing, gold mining, and a number of other water and shoreline activities.

Legal Authorities

This RMP provides regulatory, plan, and policy guidance for El Dorado County's (the County's) management of whitewater recreation and related activities in and adjacent to the South Fork of the American River. This RMP updates prior plans in accordance with El Dorado County Ordinance No. 4365 (El Dorado County Board of Supervisors, 1995) and County Ordinance 299-2001 (El Dorado County Board of Supervisors, 2001).

The RMP is responsive to Objective 9.1 in the El Dorado County General Plan (General Plan) Parks and Recreation Element (El Dorado County Board of Supervisors, 2004):

> Conserve and promote the waterways of El Dorado County, particularly the South Fork of the American River, as recreational and economic assets.

and to Policy 9.1.4.1:

> The River Management Plan, South Fork of the American River, (River Management Plan) is considered the implementation plan for the river management policies of this chapter.

RMP Relationship to El Dorado County General Plan Elements

The El Dorado County General Plan is the primary land use document governing the project area. The General Plan identifies a comprehensive set of goals, objectives, policies, and programs designed to direct the County's growth, protect natural resources, and provide opportunities for economic growth and community development. The RMP is an implementing tool of the Parks and Recreation Element of the 2004 General Plan, and is responsive to goals and policies identified in other General Plan elements.

Table 4 presents the specific County goals, objectives, policies, and programs in the General Plan Parks and Recreation Element that relate to the RMP.

Table 5 identifies the RMP's compatibility with the goals, objectives, policies, and programs of other General Plan elements. These general assessments of RMP compatibility assumes that the County will take reasonable measures to ensure compatibility of the RMP with the General Plan, including land use designations of the General Plan map, when implementing specific elements of the RMP.

Table 4

Comparison of RMP Elements and El Dorado County General Plan,

Parks and Recreation Element

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
Parks and Recreation Element	
Goal 9.1. Provide adequate recreation opportunities and facilities including developed regional and community parks, trails, and resource-based recreation areas for the health and welfare of all residents and visitors of El Dorado County.	The RMP contributes to this goal. The RMP would increase recreational opportunities through extension of the middle run and would result in the development of parking areas, restroom facilities, and trails to accommodate recreationists.
Objective 9.1.4. Conserve and promote the waterways of El Dorado County, particularly the South Fork of the American River, as recreational and economic assets.	The RMP contributes to this objective. The RMP would promote the recreational value of the South Fork of the American River, thereby contributing to its value as a recreational and economic asset.
Policy 9.1.4.1. The RMP, South Fork of the American River, (RMP) is considered the implementation plan for the river management policies of this chapter.	The RMP is consistent with this policy. The RMP provides necessary elements for the implementation of the Parks and Recreation Facilities Chapter of the General Plan Parks and Recreation Element; however, the RMP does not contribute to all of the goals and policies of the Parks and Recreation Facilities Chapter (see Policy 9.1.4.2, below).
Policy 9.1.4.2. Support the acquisition of a public river access adjacent to the Marshall Gold Discovery State Historic Park.	The RMP does not contribute to this policy. The RMP does not contain provisions for the acquisition of a public river access adjacent to the Park.
Objective 9.1.5. Coordinate future park and trail planning and development with Federal, State, cities, community service districts, school districts, and other recreation agencies and districts to provide increased recreation opportunities through shared use of facilities, continuity and efficiency of operation, and a more coordinated and balanced park system.	The RMP is consistent with this objective. The RMP contains elements to promote and encourage coordination of future park and trail planning with federal, state, and other agencies.
Funding	
Goal 9.2. Secure an adequate and stable source of funding to implement a comprehensive Countywide parks and recreation plan.	The RMP does not contribute to this goal. The RMP would provide some funding for County activities related to river activities, but it would not secure adequate and stable funding for a Countywide parks and recreation plan.
Objective 9.2.1. Secure adequate funds to implement the Interim Master Plan, the Trails Master Plan, the Bikeway Master Plan, and the RMP to provide for the acquisition, development, maintenance, and management of parks and recreation facilities.	The RMP is consistent with this objective. Funding for implementation of the RMP is, and would continue to be, provided through user fees.

Table 4

Comparison of RMP Elements and El Dorado County General Plan,

Parks and Recreation Element

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
Objective 9.2.3. Other types of funding including Federal, State, and private grants, user-fees, concession agreements, and private contributions to fund the construction of facilities such as trails along abandoned railroad lines (Rails-to-Trails) along rivers and creeks and to acquire historical or archaeologically significant land for parks.	The RMP is generally consistent with this objective. The RMP provides funding collection methods such as river- user and parking fees, as well as campground and outfitter surcharges that could be applied to the construction of facilities.
Policy 9.2.3.1. Institute a system whereby user fees and concessions of various sorts (e.g., food and beverage vendors, gift shops, and boat rental facilities), wherever possible, contribute to the operation and maintenance costs of a facility.	The RMP is consistent with this policy. Outfitters would continue to pay a boater surcharge fee to the County.
Policy 9.2.3.2. The River Management program for the South Fork of the American River shall continue to be funded primarily through commercial permits and user fees.	The RMP is consistent with this policy. The RMP would receive primary funding through river use permits and user fees.
Policy 9.2.3.3. Actively encourage private sector donations of land and/or conservation easements through the use of various land use mechanisms (such as density transfers).	The RMP does not contribute to this policy. The RMP does not actively encourage private sector donations; however, the plan does not discourage or affect the potential for such donations to occur.
Policy 9.2.3.4. Actively encourage private sector donations of structures, materials, funds, and/or labor to reduce acquisition, development, and maintenance costs.	The RMP is consistent with this policy. The RMP would encourage volunteer activities related to river use.
Policy 9.2.3.5. The County will encourage private sector development, operation, and maintenance of recreation facilities.	The RMP is consistent with this policy. The RMP would allow special use permit modifications for the operation of a privately operated put-in/take-out facility near Highway Rapid.
Tourism and Recreation Uses	
Goal 9.3. Greater opportunities to capitalize on the recreational resources of the County through tourism and recreational based businesses and industries.	The RMP contributes to this goal. The RMP supports and contributes to the protection of the recreational and tourism value of the South Fork of the American River.
Objective 9.3.1. Protect and maintain existing recreational and tourist based assets such as Apple Hill, State historic parks, the Lake Tahoe Basin, wineries, South Fork of the American River and other water sport areas and resorts, and encourage the development of additional recreation/tourism businesses and industries.	The RMP contributes to this objective. The RMP supports and contributes to the protection of the recreational and tourism value of the South Fork of the American River.
Objective 9.3.2. Protect and preserve those resources that attract tourism.	The RMP contributes to this objective. The RMP supports and contributes to the protection of the recreational and tourism value of the South Fork of the American River.
Objective 9.3.3. Actively encourage major recreational events (e.g., professional	The RMP would be consistent with this objective.

Table 4

Comparison of RMP Elements and El Dorado County General Plan,

Parks and Recreation Element

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
bicycle races, running events, white water kayaking, equestrian shows, rodeos, and athletic events) to showcase El Dorado County and increase tourism.	The RMP supports recreational events

Table 5

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
Introduction	
Statement of Vision	
1. Maintain and protect the County's natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values, and maintain the rural character and lifestyle while ensuring the economic viability critical to promoting and sustaining community identity.	The RMP is generally consistent with this goal. The RMP would result in relatively few adverse impacts on the natural beauty and environmental quality of the area. The RMP's adverse impacts would be localized and predominantly temporary or short-term, and would be offset in most cases by beneficial economic effects.
7. Improve and expand local park and recreational facilities throughout the County.	The RMP generally contributes to this goal.
Plan Objectives	
3. To sustain a quality environment.	The RMP is generally consistent with this objective. The RMP would result in relatively few adverse impacts on the environmental quality of the area. The RMP's adverse impacts would be localized and predominantly temporary or short-term, and would be offset in most cases by significant beneficial effects that would be realized immediately and continue into the future.
Land Use Element	
Policy 2.2.5.15. Any imposition of National Recreational Area or Wild and Scenic River designations on lands within El Dorado County shall be deemed inconsistent with this General Plan.	The RMP is consistent with this policy. The RMP does not recommend, support, or directly encourage a National Recreation Area or Wild and Scenic River designation on the South Fork.
Transportation and Circulation Element	
Goal TC-X: To coordinate planning and implementation of roadway improvements with new development to maintain adequate levels of service on County roads.	The RMP is consistent with this goal and its policies. In assessing any necessary traffic impact fees, the County would ensure that such fees are sufficient to meet the requirements of the Transportation and Circulation Element.. The RMP would not result in the addition of any roads, including additional segments of Highway 50, to the County's list of roads that are allowed to operate at level of service "F."
Public Health, Safety, and Noise Element	

Table 5

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
Fire Hazards	
Goal 6.2. Minimize fire hazards in both wildland and developed areas.	The RMP does not affect this goal. The RMP does not significantly increase the possibility of wildland or developed area fire hazards.
Objective 6.2.2. Regulate development in areas of high and very high fire hazard as designated by the California Department of Forestry and Fire Prevention Fire Hazard Severity Zone Maps.	The RMP is consistent with this objective. Prior to construction of any facilities related to the RMP, Fire Hazard Severity Zone Maps would be consulted to determine site-specific fire hazards. All appropriate standards and mitigation measures would be applied, depending on ultimate site selection.
Flood Hazards	
Objective 6.4.1. Minimize loss of life and property by regulating development in areas subject to flooding in accordance with Federal Emergency Management Agency (FEMA) guidelines, California law, and the El Dorado County Flood Damage Prevention Ordinance.	The RMP is consistent with this objective. The RMP would not require or encourage human-occupied development in areas located within the 100-year flood plain. Facilities that would be developed would be located outside the 100-year flood plain.
Noise	
Objective 6.5.1. Protect existing noise-sensitive developments (e.g., hospitals, schools, churches and residential) from new uses that would generate noise levels incompatible with those uses and, conversely, discourage noise-sensitive uses from locating near sources of high noise levels.	The RMP is generally consistent with this objective. The RMP would not create an additional noise source near noise-sensitive development nor would it encourage noise- sensitive uses to locate near existing noise sources. The RMP could, however, result in short- and/or long-term increased noise levels in some areas as a result of potential increased use of the middle reach.
Policy 6.5.1.7. Noise created by new proposed non- transportation sources shall be mitigated so as not to exceed the noise level standards of Table [10-1] for noise sensitive uses.	The RMP is generally consistent with this policy. The RMP would not introduce a new non-motorized noise source. However, it would allow increased river use, which could result in increased potential for exceedance of County noise standards.
Conservation and Open Space Element	
Conservation and Protection of Water Resources	
Objective 7.3.1. Preserve and protect the supply and quality of the County's water resources including the protection of critical watersheds, riparian zones, and aquifers.	The RMP is generally consistent with this objective. The RMP includes elements and mitigation to avoid significant degradation of the water quality of the South Fork of the American River.
Objective 7.3.2. Maintenance of and, where possible, improvement of the quality of underground and surface water quality.	The RMP is generally consistent with this objective. The RMP includes elements and mitigation to avoid significant degradation of the water quality of the South Fork of the American River.
Policy 7.3.2.1. Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.	The RMP is consistent with this policy. The RMP would result in increased enforcement of special use permit requirements related to erosion control.
Policy 7.3.2.5. As a means to improve the water quality affecting the County's recreational waters, enhanced and	The RMP is generally consistent with this policy. The RMP requires continued water quality monitoring of the South Fork of

Table 5

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
increased detailed analytical water quality studies and monitoring should be implemented to identify and reduce point and non- point pollutants and contaminants. Where such studies or monitoring reports have identified sources of pollution, the County shall propose means to prevent, control, or treat identified pollutants and contaminants.	the American River. The RMP contains elements to reduce both point and non-point source pollution by enforcement of special use permit requirements related to underground septic systems and through the construction of restroom facilities to reduce direct introduction of human waste to the river and the river's shoreline.
Objective 7.3.3. Wetlands protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.	The RMP is consistent with this objective. The RMP would not affect wetlands within the river corridor.
Conservation of Biological Resources	
Goal 7.4. Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.	The RMP is consistent with this goal. The RMP is not expected to affect biological resources of significant value.
Objective 7.4.2. Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; steam and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.	The RMP would further this objective. RMP elements (including any adopted California Environmental Quality Act mitigation measures) require pre-construction surveys or monitoring to identify additional wildlife or aquatic resources within the river corridor where facilities may be constructed.
Preservation of Open Space	
Goal 7.6. Conserve open space land for the continuation of the County's rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.	The RMP is generally compatible with this goal. The RMP would result in the construction of parking areas, restroom facilities, and trails that could be located in open space. In addition, the RMP does not dedicate, recommend, or preserve the maintenance of open space.
Objective 7.6.1. Consideration of open space is an important factor in the County's quality of life.	The RMP is generally compatible with this goal. The RMP would result in the construction of parking areas, restroom facilities, and trails that could be located in open space. In addition, the RMP does not dedicate, recommend, or preserve the maintenance of open space.
Policy 7.6.1.1. The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and objectives of the Land Use and the Conservation and Open Space Elements	The RMP is generally compatible with this policy. The RMP contains elements that would enhance the County's geographic information system (GIS) with updated information collected related to river recreation. This information would be provided to County and other agencies for utilization in meeting the elements of Policy 7.6.1.1.

Table 5

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
by serving one or more of the purposes stated below: A. Conserving natural resource areas required for the conservation of plant and animal life including habitat for fish and wildlife species; areas required for ecological and other scientific study purposes; rivers, streams banks of rivers and streams and watershed lands. Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes including those providing access to lake shores, beaches and rivers and streams; and areas which serve as links between major recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors. Delineating open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soils areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.	
Economic Development Element	
Policy Section	
Program 10.1.1.3.1. Support County business and local government efforts to develop regional, State, National, and international markets for our County's products, services, and attractions.	The RMP is consistent with this program. The RMP supports the maintenance of commercial outfitters' business and the attractions and services within the South Fork corridor.
Policy 10.1.2.2. Improve, streamline, and monitor permit processing procedures.	The RMP is consistent with this policy. The RMP would provide for improvements or streamlining permit processing procedures.
Program 10.1.2.2.1. Assess the impact on large and small businesses of regulatory issues and recommend cost saving changes to permit processing procedures.	The RMP does not further this program.
Program 10.1.2.2.4. Review existing	The RMP is consistent with this program.

Table 5

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
County regulations and procedures to eliminate unneeded, inconsistent, and redundant legal requirements.	The RMP has resulted in a review of existing river-related regulation and procedures.
Policy 10.1.2.3. All County regulations and procedures shall be written in a concise and easy to understand manner.	The RMP is consistent with this policy. The RMP is written in a manner that is concise and easy to understand.
Policy 10.1.2.4. When adopting new regulations or procedures, both regulatory and business needs shall be reflected.	The RMP is consistent with this policy. The RMP recommends certain new regulations and procedures related to river management that consider both regulatory and business needs.
Program 10.1.2.4.1. Regulations shall include a means to accomplish regulatory needs with the least interference and/or barriers to business. Interested parties should be invited to participate in the development and review of new regulations.	The RMP is consistent with this program. The RMP recommends new regulations and procedures related to river management that consider both regulatory and business needs, attempt to accomplish these needs with the least interference to business. Interested parties have been and will continue to be involved in the development and review process.
Program 10.1.2.4.2. The County shall prepare an overview statement for proposed laws or administrative regulations including: (a) the purpose of the law and/or regulation; and (b) the relationship between stated purposes and other adopted laws and/or regulations of the County.	The RMP is consistent with this program. Prior to proposing regulations, County Parks and Trails Division would prepare an overview statement.
Program 10.1.2.4.3. All proposed development regulations or ordinances shall demonstrate a public benefit where proposed regulations or ordinances will result in private or public costs. This requirement shall not be construed to create a cause of action against the County for its alleged failure to prepare a formal cost/benefit analysis or its alleged failure to prepare a legally adequate or sufficient cost/benefit analysis.	The RMP is consistent with this program. Prior to proposing regulations, the public benefit would be demonstrated whenever there would be an associated cost.
Policy 10.1.2.5. County agencies and/or department, when developing ordinances, rules, regulations, and procedures to implement the General Plan, will analyze and present to the appropriate reviewing and/or regulating bodies the economic effects and taking implications of the proposed ordinances, rules, regulations, procedures on private property and private property rights. This requirement shall not be construed to create a cause of action against the County for its alleged failure to prepare a formal cost/benefit analysis or its	The RMP is consistent with this policy. Prior to proposing regulations, County Parks and Trails Division or another appropriate County agency would determine and present the economic effects.

Table 5

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
alleged failure to prepare a legally adequate or sufficient cost/benefit analysis.	
Objective 10.1.5. Assist in the retention and expansion of existing businesses through focused outreach and public and private incentive programs and target new industries which diversify and strengthen our export base.	The RMP is generally consistent with this objective. The RMP retains existing businesses related to river recreation, but does not target or expand new river recreation-related industries.
Policy 10.1.5.1. Assist industries to remain, expand, or to locate in El Dorado County.	The RMP is generally consistent with this objective. The RMP provides provisions for existing businesses to remain in El Dorado County but does not expand or encourage new river recreation-related industries.
Program 10.1.5.1.1. Identify and attract selected targeted industries that are consistent with the County's goal of balancing economic vitality and environmental protection.	The RMP does not contribute to this program.
Objective 10.1.6. Capture a greater share of retail and tourist dollars within the County by providing opportunities to establish new tourist-related commercial operations while promoting and maintaining existing tourist commercial operations.	The RMP is consistent with this objective.
Policy 10.1.6.5. The County shall designate areas Tourist Recreation to promote the development of tourist-related business. Such areas may be located along the U.S. Highway 50 Corridor, other State highways, the American River Canyons, and other appropriate areas suitable for such uses. A new zone district shall be established to differentiate between the low intensity recreational uses and high intensity recreational uses such as RV parks. The placement of this designation shall not be used as a precedent for additional high intensity land use designations in nearby areas.	The RMP does not contribute to this policy. The RMP does not assign land use designations to any portions of the South Fork of the American River.
Program 10.2.2.1.1. Review other County impact fees and consider adopting fees necessary to assure that new development pays its fair share of public facility and services costs.	The RMP is consistent with this program. The RMP has considered and provides for review of necessary impact fees, in an attempt to fairly distribute development costs.
Program 10.2.2.2.1. When a project directly or indirectly impacts existing public services and/or infrastructure, it shall provide for and finance	The RMP is consistent with this program. The RMP would require increased public services and infrastructure that would be funded through existing mechanisms, including the River Trust

Table 5

Comparison of RMP and Related El Dorado County General Plan Elements

General Plan Goal, Objective, Policy, or Program	RMP Compatibility with Goal, Objective, Policy, or Program
improvements consistent with the degree of impact to public services and/or infrastructure directly or indirectly attributed to the project. Cost to be borne by the project proponent shall be determined on the basis of the above described nexus and other pre-existing legally binding agreements such as development agreements.	Fund and the California Department of Boating and Waterways. Currently, the River Trust Fund is supported through a commercial use surcharge. The RMP requires that adequate funding is secured prior to the implementation of management actions that require increased expenditures.
Policy 10.2.2.3. Fees and assessments collected shall be applied to the geographic zone from which they are originated.	The RMP is consistent with this policy. Fees collected from river users and river corridor permit holders and applicants would continue to be applied to river- related services.

Other Agency Jurisdictions in the Project Area

Other governmental agencies with jurisdiction in the South Fork corridor, in addition to El Dorado County, include the BLM and the State of California Department of Parks and Recreation (California State Parks). Lands managed under jurisdiction of the County are comprised of unincorporated land either owned by the County (such as parks) or held privately (privately owned lands contain commercial, residential, and undeveloped parcels). *Figure 1*, provides mapping of these different ownership interests.

California State Parks manages Marshall Gold Discovery State Historic Park and the Folsom Lake State Recreation Area. There are approximately 6,368 acres of BLM lands adjacent to the river, with 14 miles of river frontage. Public toilets also are available on BLM lands. The County participates in river management planning programs developed and conducted by the BLM.

Public rights-of-way for river access are available at the Highway 49 and Highway 193 river crossings. Although agencies other than the County have jurisdiction over lands adjacent to the river, the County maintains the lead role in managing whitewater recreation activities and is deferred to by other agencies with regard to most South Fork management planning.

Commercial outfitter vehicles (e.g., client shuttle busses and vans) are subject to the requirements of the California Public Utilities Commission. Outfitter camps and housing facilities are subject to regulation by the California Department of Housing and Community Development.

Other Legal Authorities

The County's authority to regulate boating and associated activities within the South Fork of the American River arises from several sources. The primary source of legal authority is the County's police powers under Article XI, Section 7 of the state constitution. Specifically:

> A county or city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

The state and federal constitutions, and preemptive state and federal law limit these powers. In particular, Article X, section 4 of the California Constitution safeguards the public's access to navigable waters, the public trust doctrine protects a broad range of public rights in navigable waters, and

California's common law also includes a public right to access and use navigable waters for various activities. It is uncertain whether, or to what extent, some of these legal principles apply to the South Fork of the American River. The case of People ex rel. Younger v. County of El Dorado, however, makes it clear that the public's rights impose limits on the County's regulatory powers.

The Harbors and Navigation Code defines what exercises of police power by the County will be deemed acceptable in the context of the public's right to access and use the river, specifically stating that regulations must pertain only to "time-of-day restrictions, speed zones, special use areas, and sanitation and pollution control" (Section 660 [a]) (RMI, 1997).

CEQA also creates statutory duties that affirm the County's power to regulate and carry out those duties (Public Resources Code, Section 21000, et sec). The RMP update process complies with CEQA by adopting alternatives and mitigation measures that will substantially lessen environmental effects and by imposing a monitoring program that will ensure compliance with the mitigation measures during project implementation.

As noted above, the County has regulated commercial boating since 1981 (El Dorado County Planning Department, 1984). This regulatory program includes taxing power over commercial outfitters' possessory interest in the river, regulation of overall numbers and concentration of commercial use, time-of-day restrictions, pollution and sanitation control, and other management activities. This RMP will continue these management actions with modification and calibration as described in Chapter III.

In total, the river management regulations presented herein are within the County's recognized authority to enact, implement, and enforce reasonable limits on river use.

Chapter III - RIVER MANAGEMENT PLAN ELEMENTS

Introduction

This chapter provides the County's actions associated with management of the South Fork of the American River below Chili Bar Dam. In addition to the County's responsibilities, the chapter discusses requirements placed on commercial outfitters operating on the South Fork, and use permit requirements for landowners and managers, as well as private and other groups of boaters who utilize the river. Due to the County's ongoing management of the South Fork, many of the management actions and requirements contained herein are currently being implemented or are in place.

This chapter has been divided into the following 11 general element classifications; each general classification is subdivided into specific elements:

- Element 1 – Educational Programs
- Element 2 – Safety Programs
- Element 3 – Transportation Programs
- Element 4 – Monitoring and Reporting Programs
- Element 5 – Agency and Community Coordination Programs
- Element 6 – Permits and Requirements
- Element 7 – Carrying Capacity Exceedance Actions and Implementation
- Element 8 – Regulations and Ordinances
- Element 9 – Facilities and Lands Management
- Element 10 – Funding
- Element 11 – River Data Availability

ELEMENT 1 - EDUCATIONAL PROGRAMS

Educational programs contained within this RMP serve to provide information to river users and landowners with a goal of improved safety and social conditions through increased knowledge of various aspects of river use, requirements, and rights. Educational programs serve as the primary tool for management efforts directed towards private boaters. Such efforts include information dissemination (including information provided in association with private boater registration tags, as described in Element 6) and County staff presence at put-in locations.

1.1 The County will provide landowners, residents and visitors with the following information.

1.1.1 A summary of landowner rights and boater rights and limitations, and a discussion of trespass issues in a unified manner

1.1.2 A map of public and private lands throughout the river corridor.

1.1.3 A directory of services and contact numbers to report emergencies, problems and annoyances

1.1.4 A calendar of river-related activities.

1.2 Signs will be developed under the supervision of the County Parks and Trails Division.

1.2.1 A limited amount of on-river signage will be maintained on the river corridor to

support management activities and goals. A unified signage system, designed in an unobtrusive yet effective manner, will identify legal put-ins and take-outs, resting areas (i.e., public land boundaries), toilets, and Quiet Zone entrance and exit.

1.3 Standardized informational kiosks, using the sign design guidelines developed above, will be placed along the river as necessary to provide river safety and orientation materials.

1.4 The County Parks and Trails Division website will be used to publicize the California Data Exchange Center (CDEC) website (http://cdec.water.ca.gov/) and the Dreamflows website (http://www.dreamflows.com/) to provide river flow conditions and projections.

1.5 The County will continue efforts to educate boaters (especially those putting in at Marshall Gold Discovery State Historic Park and at Henningsen Lotus Park) of the requirements and sensitivities of the Quiet Zone. (See Element 6 for a discussion of Quiet Zone requirements.)

1.6 As a part of the river education program, the County will continue to provide information on the location of trash disposal containers and toilets.

1.7 The County will continue to provide mapping, available for printing or download from the County Parks and Trails Division website that provides information on the approved river put-in and takeout areas, campgrounds, and lunch stops.

1.8 Guide Educational Programs

1.8.1 The County will continue to provide boating education, river etiquette, emergency procedures, and evacuation instruction for outfitters and their guides.

1.8.2 River guides serve as the managers of commercial guests on the South Fork of the American River. It is important that all guides understand the importance of river safety, etiquette, and sensitivity to residents and local merchants. Toward these ends, a day-long, pre-season guide orientation workshop will be held each year.

1.8.2.1 This workshop will be coordinated by the County Parks and Trails Division with the participation of representatives of the CA State Parks and the BLM. Participation of local residents will also be encouraged to facilitate mutual respect and understanding.

1.8.2.2 In addition to required safety talks at all put-ins, guides will brief guests on El Dorado County river etiquette guidelines. This talk will focus on behavior in and around the Quiet Zone, water fights, and the use of vulgar or abusive language.

ELEMENT 2 - SAFETY PROGRAMS

Safety is the primary goal of many of the elements contained throughout this RMP. The County Sheriff's Office maintains the lead role in law enforcement functions.

2.1 County Parks and Trails Division Staff Activities

2.1.1 County Parks and Trails Division will maintain a presence at the Chili Bar and Henningsen Lotus Park put-ins, or other locations as determined necessary. County Parks and Trails Division will use seasonal river recreation aides to assist with efforts at these put-ins.

2.1.2 County Parks and Trails Division on-river staff will provide education on river safety, trespass, and noise issues, provide safety equipment checks and boat counts as needed.

2.2 The Sheriff's Office will remain the lead agency for river emergency response and law enforcement functions

2.3 The County will use boater density carrying-capacity thresholds and additional management actions as described in Element 7 to address safety issues associated with high boater density and use levels.

ELEMENT 3 - TRANSPORTATION

The County conducts traffic studies and adheres to performance standards when undertaking actions that could have an effect on traffic patterns. The County continues to encourage and seek opportunities for the development of one or more boater shuttles and supports methods to avert illegal parking. The County strongly supports, and CA State Parks requires, the use of buses and vans by outfitters to reduce traffic volumes and parking demand.

ELEMENT 4 - MONITORING AND REPORTING

The Monitoring and Reporting element outlines the information the County will collect regarding river use and community satisfaction to compile into an annual report.

Carrying Capacity Monitoring - To determine use levels and boat densities in order to identify carrying-capacity threshold exceedance associated with Element 7, County Parks and Trails Division will perform periodic boater and boat counts at Troublemaker, Meatgrinder, Fowler's, Satan's Cesspool rapids and in the middle section between Marshall Gold Discovery State Historic Park and the Highway 49 Bridge in Coloma at a specific location to be selected by the Parks Division.

4.1 Public Comments/Complaints - Standardized complaint forms will be made available to landowners, residents, and river users on the County's website.

4.2 Annual Report – The annual report will include a summary of river use patterns and totals, incident reports, revenue stream, and County river management expenditures.

4.3 The County will continue to require that all river-related land uses have the proper zoning and SUPs for proposed or existing uses.

4.4 Water Quality Sampling and Analysis - The County shall sample for coliform bacteria (as a key indicator of water quality impacts and management action needs) during the months of peak river

recreational use, May-September. The County will report results to the County Environmental Management Department to identify if there is an exceedance of any water quality standard defined by the Basin Plan.

ELEMENT 5 - AGENCY AND COMMUNITY COORDINATION

The Agency and Community Coordination Programs element defines protocols for sharing of information and recommendations through public meetings, coordination of community involvement activities including meeting participation and volunteer opportunities, and coordination with federal and state agencies concerning river management issues. The public and community have served as an important asset to the County as it pertains to river management. The County may utilize any River Community/Ad-Hoc/Advisory Committee, the County Parks and Recreation Commission, the Planning Commission and Board of Supervisors on the management of the South Fork of the American River and the implementation of the County River Management Plan.

5.1 Any CEQA evaluation of a proposed RMP modification will be noticed and considered in accordance with CEQA.

5.2 Litter Control – County efforts to collect river trash will include working with river organizations and interested individuals to conduct periodic river clean-ups.

5.3 Agency Coordination - The County Parks and Trails Division currently enjoys a high level of coordination and cooperation with other County Departments, as well as with state and federal agencies. As the lead river management agency, the County may enter into memoranda of understanding with any agencies with jurisdiction over the river (e.g., the California State Parks and the BLM) to delineate physical and functional areas of responsibility and coordination. These memoranda of understanding will include data-sharing and collection protocols, coordination of on-river patrols, and emergency management procedures.

ELEMENT 6 - PERMITS AND REQUIREMENTS

The Permits and Requirements element specifies requirements associated with permitted outfitter activities (note that permitted outfitter application regulations are specified in the El Dorado County Stream and River Rafting Ordinance included in Appendix B), and non-commercial/private boating (with distinction between Institutional, Large Group, and private boater requirements).

A River Use Permit is required for any person, outfitter, organization, club, school or institution that sponsors or organizes river use activity on the South Fork of the American River that falls within the definition of commercial use. The recreation programs of schools, universities and colleges must comply with the requirement for a River Use Permit if the program meets the commercial use definition.

The County may consider the approval of a new River Use Permit application by an outfitter who offers a truly new and unique service. The service should not duplicate the services of an existing outfitter.

6.1 User and Group Definitions – Outfitter, Non-Commercial/Private Boater, Large Group and Institutional Group.

6.1.1 Outfitter:

6.1.1.1 Recreational use of the river for business or financial gain. The activity, service, or use is considered commercial if any of these conditions is present:

6.1.1.2 (1) Any person, group, or organization makes or attempts to make a profit,

receives money, amortizes equipment, or obtains goods or services as compensation from participants in recreation activities occurring on the river and led, sponsored by, or organized by that person, group, or organization. Compensation for recreation services may come from participants and/or other sources.

6.1.1.3 (2) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use. (See Glossary definition of Actual Expenses.)

6.1.1.4 (3) There is public advertising to seek participants.

6.1.1.5 (4) Participants pay for a duty of care, i.e., an expectation of safety.

6.1.1.6 As noted, public advertising qualifies a use as commercial. Public advertising includes, for example, newspaper ads, Internet banners, radio, television air time, newsletters, bulletin board announcements, web site or online social postings, flyers, posters or e-mails.

6.1.1.7 Use by nonprofit organizations is commercial and subject to a permit requirement when any of the preceding criteria is present. The nonprofit status of any group or organization, alone, does not determine that an event is noncommercial. By contrast, profitmaking organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profitmaking.

6.1.1.8 Commercial use can be either public or nonpublic. Public commercial use is characterized by efforts to promote the activity as available for general public participation. Nonpublic commercial uses are those that are available only to a limited group of participants (e.g., members of a club). Examples of commercial activity include, but are not limited to, fundraising, outfitter/guide services, courses with a recreation component, and outdoor skills workshops.

6.1.1.9 An activity may be deemed noncommercial where no compensation is received for the activity, the activity leaders' positions are not established to organize and/or conduct recreation activities, no fees other than cost sharing of actual expenses are paid by participants, the activity is not publicly advertised, and the organizers share trip expenses equally with participants.

6.1.2 Non-Commercial/Private Boater:

6.1.2.1 Members of the general public who float the river for recreational purposes where actual expenses are shared among all members or participants and no financial or business gain will be derived from the proposed use. Fundraising, for any purpose, renders an activity a commercial use.

6.1.3 Large Group:

6.1.3.1 A non-commercial/private group of four or more boats having three or more

occupants, or a total of 18 or more people on the river without a River Use Permit.

6.1.4 Institutional Group:

6.1.4.1 A non-commercial group participating in a river trip through an accredited academic program as part of the educational curriculum of a school, college, or university. Fees or charges may only be collected to cover the actual costs of the trip.

6.2 Outfitter Requirements

6.2.1 Annual River Use Permits - The Stream and Rivers Commercial Boating Ordinance Chapter 5.48 governs River Use Permit application procedures and standards. The ordinance requires any entity conducting commercial trips on the South Fork to obtain a River Use Permit and requires that such entity meet and follow applicable insurance requirements; provides authority to the Planning Commission to approve River Use Permits for a three-year term; establishes standards for a River Use Permit application, termed the "river use plan"; and establishes a procedure to appeal the decision of the Planning Commission to the County Board of Supervisors.

6.2.1.1 The term for a River Use Permit issued to an existing, permitted outfitter shall be three years with an annual review of said permit. The provisional term for a permit issued to an outfitter who has been operating for less than one year on the South Fork shall be one year. Transfer of a River Use Permit from an existing outfitter to an outfitter who is not currently operating on the South Fork shall cause the term of the transferred permit to change, if necessary, so it expires as of the next March 31st. Permits shall be issued by April 1st of each year.

6.2.1.2 The granting of a River Use Permit will not establish any vested rights to an extension or renewal beyond the permit period.

6.2.1.3 River Use Permit Allocations

6.2.1.3.1 The County's River Use Permit system contains an allocation system that regulates the number of user days available to each outfitter. The basic purpose of the allocation system is to protect and prevent the river's environmental quality, public services, roads and social values from being overburdened or damaged from excessive river use.

6.2.1.3.2 Current River Use Permit holders and guest allocations are presented in Appendix C.

6.2.1.3.3 The total weekday, weekend and guest allocations will not be increased above the capacities provided in Appendix C, and may be reduced per future management actions as identified in Element 7.

6.2.1.3.4 The current allocation system includes a separate weekend day allocation and weekday allocation for each permit. On weekend days, the total number of user days available to an outfitter each

weekend day is specified by their permit's weekend day allocation. Outfitters may utilize their weekend day allocation on any weekend day throughout the permit term.

6.2.1.3.4.1 The maximum number of weekday user days available is up to two times the permit's weekday allocation. However, a commercial outfitter's combined weekday user day levels during any one week may not exceed five times the weekday allocation.

6.2.1.3.4.2 In addition to the user day allocation, outfitters are allowed guests on trips. A specific guest allowance of 8 percent has been established. The total number of guests shall not exceed 8 percent, rounded up to the nearest whole number, of an outfitter's daily allocation. Commercial outfitters shall pay user day fees for all guests.

6.2.1.3.4.3 Outfitters are allowed one guide per boat that is not counted towards the permit's user day allocation. Extra guides or assistant boatmen are also permitted. The use of extra guides is limited, and extra guides cannot be used if the outfitter's river use is at the permit's allocation capacity. If an outfitter exceeds permit capacity through the use of extra guides, a Class I violation for exceeding capacity shall apply. An exception to the extra guide limitation will be granted to 1) outfitters primarily serving "special needs" passengers, and 2) whitewater kayak instruction. Approval of this exception must be specified in an outfitter's River Use Permit.

6.2.1.3.5 Outfitters with a weekend day allocation of less than 30 user days may "flex" their allocation. The intent of the flex is to allow the smaller outfitters to run somewhat larger and more profitable trips during the peak summer season. These outfitters must stay within their season- long weekend day allocation, defined as 30 (the number of weekend days between Memorial Day and Labor Day) times their base allocation. Current flex allocations are specified in Appendix C.

6.2.1.3.6 User days cannot be transferred, loaned, or borrowed. User days, as assigned to each outfitter, are not a commodity or an element of their permit that can be traded or purchased or sold among different outfitters. The capacity assigned under each permit is assigned strictly to the permit holder named on the River Use Permit.

6.2.1.3.7 It shall be permissible for an outfitter to subcontract with a second outfitter, if all of the following criteria are met:

6.2.1.3.7.1 The second outfitter uses their own equipment, properly marked with the second outfitter's name;

6.2.1.3.7.2 The raft is guided by the second outfitter's employee;

6.2.1.3.7.3 The raft is covered by the second outfitter's insurance;

6.2.1.3.7.4 The second outfitter is responsible for all fees;

6.2.1.3.7.5 The customer signs a liability release with the second outfitter.

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6.2.1.4 River Use Permit Transfers - Where an outfitter wishes to transfer a River Use Permit, the following guidelines and procedures shall be used.

6.2.1.4.1 For any proposed transfer of a River Use Permit, a written application must be submitted to the Planning Commission for its review and approval prior to a transfer being completed. Said application letter is to be submitted through the County Parks and Trails Division. The following guidelines are to be used to facilitate the application for transfer.

6.2.1.4.1.1 The buyer and seller negotiate and settle privately on the selling price of that commercial outfitter's business and inventory, excluding the South Fork River Use Permit. The River Use Permit shall have no value assigned to it in the transaction.

6.2.1.4.1.2 The seller and buyer submit a Letter of Intent stating that the seller wishes to sell his business and transfer the River Use Permit to the buyer. The letter shall include the River Use Permit numbers and names of outfitters involved. This letter shall be delivered to County Parks and Trails Division. With the Letter of Intent, when requested by the County, the buyer and seller shall include an inventory of equipment and other assets that shall be transferred along with the River Use Permit.

6.2.1.4.1.3 County Parks and Trails Division shall review the proposed transfer and forward a staff recommendation along with conditions to the Planning Commission. A transfer fee, set by the Board of Supervisors, will be paid to the County by the new permit holder.

6.2.1.4.1.4 Permit holders with outstanding violations may not be allowed to transfer a permit until the violations are resolved.

6.2.1.4.2 Transfer of a Portion of a River Use Permit - In some instances where an outfitter would like to sell a portion, but not all of his business, or an existing partnership is proposed to be dissolved; the Planning Commission may consider the transfer of a portion of that River Use Permit. The guidelines outlined in the preceding

Elements shall apply as well as the following.

6.2.1.4.2.1 The transfer of a portion of a River Use Permit can only be authorized between two commercial outfitters that each holds a valid County River Use Permit.

6.2.1.4.2.2 The transfer of a portion of a River Use Permit must specifically state what portion of the weekday and weekend capacity is to be transferred.

6.2.1.4.2.3 Two outfitters may form a partnership and merge their individual permits. The Planning Commission must approve mergers, and transfer fees shall apply. Partnerships or merged permits may be dissolved through approval of the Planning Commission. Transfer fees shall apply for applications to dissolve merged permits.

6.2.1.4.2.4 The permittees' past history of river use, violations, complaints, and other operating characteristics will be carefully considered prior to approving any transfer of permit capacity. In general, the County wishes to allow partial transfers only to those outfitters who have exhibited the highest level of expertise and commercial management and have operated without violations or infractions.

6.2.1.4.3 Consolidation of River Use Permits – The County strongly desires that outfitters who hold more than one County River Use Permit combine those Permits into a single Permit. This will greatly simplify the County's accounting procedures. In some situations, it is a business advantage to an outfitter to hold more than one Permit. The County will not, in general, require that multiple permits be combined unless problems with reporting, accounting, exceeding permit capacity, and other problems occur. Multiple permits may be required to be combined in the following instances.

6.2.1.4.3.1 When there is a history of reporting and accounting problems by either the County or the outfitter.

6.2.1.4.3.2 When the capacity limits as described in the permit(s) are exceeded.

6.2.1.4.3.3 When a transfer of a permit is proposed.

6.2.1.4.3.4 When the outfitter does not properly mark equipment and boats with the company name (if there is more than one company name on each permit and each permit is accounted for separately and distinctly.)

6.2.1.4.3.5 If the company names on the permits are the same,

the overall multiple permit capacity shall be the sum total of the individual permits' weekend day and weekday allocations.

6.2.1.4.4 River Use Permits, Inactive Status - A commercial outfitter who does not wish to operate in any year may request that the River Use Permit be placed in an inactive status. The following requirements apply to inactive River Use Permits.

6.2.1.4.4.1 River Use Permits cannot remain in an inactive status more than one year or be inactive for more than two years within a 5 year timeframe. If this element is violated, the permit and its user days will be immediately returned to the County for redistribution or dissolution

6.2.1.4.4.2 A permit maintenance fee shall be the same as the annual permit renewal fee.

6.2.1.4.4.3 A letter requesting that the River Use Permit be placed in an inactive status must be submitted to the County Parks and Trails Division prior to May 1st.

6.2.1.4.4.4 The "normal" requirements for River Use Permits (insurance, Operating Plans, fees, etc.) are not required for inactive permits.

6.2.1.4.4.5 A River Use Permit in an inactive status has no use capacity allocation assigned to it; the inactive designation merely reserves that use/capacity potential until the permit is activated.

6.2.1.4.4.6 An inactive River Use Permit in no way allows commercial river use.

6.2.2 Maximum Group Size

6.2.2.1 With the exception of Element 6.2.2.6, the number of boats in each group on the South Fork will be limited to 7 and will not exceed 56 people (passengers, guests, guides) per group. If more than one group is traveling together, each group must have a five minute period between launches from Chili Bar to below Hospital Bar rapid and when launching trips from other put in's and lunch stops in between. On the river each group will then stay out of sight of each other (lead boat cannot see last boat from other group).

6.2.2.2 Rafts in a group shall remain in reasonably close proximity between Chili Bar and Trouble Maker Rapids and between Fowler's Rock and Hospital Bar Rapids (class III sections) to give assistance, whenever needed, without unnecessary delay.

6.2.2.3 Rafts in a river trip shall not purposefully integrate into another's group trip in class III whitewater.

6.2.2.4 If flows are above 6,000 cfs at Chili Bar, trip sizes shall be a minimum of 2 rafts. Permit holders on a trip shall recommend to guests that they wear wetsuits to reduce the risk of hypothermia.

6.2.2.5 A ratio of one guide per 8 guests shall be required on every permitted trip. Guides shall meet the requirements of Element 6.2.7.

6.2.2.6 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river.

6.2.2.7 Groups shall maintain a distance apart from each other of 4 boat lengths, except when overtaking another group.

6.2.3 Quiet Zone – The Quiet Zone in the Coloma-Lotus area is designated as follows:

6.2.3.1 The Quiet Zone begins at Indian Creek above Coloma, and ends at Greenwood Creek below Rivers Bend.

6.2.3.2 All outfitters are required to counsel their passengers to refrain from loud noises, screaming, and yelling in the Quiet Zone, with the exception of the immediate vicinity of Troublemaker Rapid.

6.2.3.3 A Class I violation in the Quiet Zone may be issued for any non-emergency yelling or screaming by passengers that is not being actively discouraged by the guide, except for normal noise associated with downriver travel in rapids.

6.2.3.4 All outfitters will be required to observe the Quiet Zone.

6.2.4 To protect public health and safety and to respect the rights and reasonable expectations of adjoining landowners, no outfitter will organize a river trip with the intent to be on the South Fork after sunset.

6.2.5 All outfitter boats used on the South Fork of the American River shall be identified by name or logo.

6.2.5.1 All inflatable and hard-shell craft operated by outfitters shall be subject to identification requirements.

6.2.5.2 The required boat identification standard is letters at least 6 inches high that can be easily read from either bank of the river at its widest point. Where boat space is limited, letter size may be reduced, provided the name or logo must be readable from either bank of the river at its widest point.

6.2.5.3 Identification requirements also apply to boats that are borrowed from another outfitter. In such instances, the boat(s) borrowed will be marked and identified with the name or logo only of the company under whose permit it is operating. Identification will be to the same standard as specified above.

6.2.5.4 The identification of other items used by outfitters, such as jackets and paddles, is also strongly recommended. This will assist not only in lost and found situations but also when County staff are on the river taking

commercial and non-commercial user day counts.

6.2.5.4.1 Adequate identification of all commercial boats used on the South Fork of the American River will be enforced by the County Parks and Trails Division.

6.2.5.4.2 Boat identification materials and methods shall be sufficient to withstand river conditions and shall remain firmly affixed and legible throughout the duration of the trip.

6.2.5.4.3 Safety kayaks do not require logos, but must stay with the trip while traveling downstream.

6.2.5.5 Boats being used for non-commercial trips (i.e. "private trips") must:

1) Have company logos completely covered or removed, or

2) Have 3 (three) "flags" attached to the raft. Flags must each be at least an 8" x 8" square of red, pink or orange durable material. Flags must be attached to the bow, and on each side near the logos.

6.2.6 County Operating Reports and Fees

6.2.6.1 To enforce the permit allocation system and to track outfitter's operational characteristics, the County requires that each outfitter provide the County an Operating Report for every month in which operations are conducted.

6.2.6.1.1 Operating Reports are mandatory for the months of March through October whether or not there are operations. If no river use was conducted for a specific month, outfitters are to submit a report marked, "No River Use This Month."

6.2.6.1.2 All Operating Reports must be submitted electronically no later than the 15th day of the month following the month of operations.

6.2.6.1.3 Where user day fees are received after the deadlines stipulated above, a late penalty charge will be added to the amount due. The current late penalty amount is provided in Appendix C. The late penalty charge cannot be appealed.

6.2.6.1.4 It is a Class I violation to fail to deliver an Operating Report for any month of operation by the required deadline. Each 30 days thereafter the Operating Report is not received constitutes an additional Class I violation.

6.2.6.2 The following information is to be contained on each Operating Report:

1. Name of outfitter;

2. River Use Permit number month of report;

3. Designate day of each river trip, put-in, lunch, camping, and takeout areas;

4. List numbers of passengers and guests for each trip, number of crafts used.

6.2.6.3 Outfitter Fees Required

6.2.6.3.1 Application Fees – There shall be a fee associated with each full permit application. These fees or other fees will be sufficient to reimburse the County for administrative staffing and materials costs. Current permit application fees are provided in Appendix C.

6.2.6.3.2 River Management Fees – Each outfitter is required to submit a surcharge per passenger per user day, for each commercial passenger and guest that is transported on the river. The river use fees will be submitted each month, along with the monthly Operating Reports electronically. The current River Management Fee, as adopted by Board Resolution, is provided in Appendix C.

6.2.6.3.2.1 The County will assess the amount of the River Management Fee surcharge based on the cost of administration of management activities associated with the management of outfitters. The surcharge will be adequate to generate sufficient revenue to pay for County administrative costs associated with outfitters as well as administrative costs associated with activities that have shared or incidental benefits to private boaters. (See also, Element 10, Funding.)

6.2.7 Guide Requirements

6.2.7.1 At least one guide per trip, which needs not be the trip leader, shall have completed a swift water rescue training course. Approved courses shall include the American Canoe Association Level 4 Swiftwater Rescue course, Rescue 3 International Swiftwater and Flood Rescue Technician course, or an equivalent course containing the elements of these courses, as approved by the County Parks and Trails Division. Courses taught by outfitters' in-house staff that meets these requirements may be deemed acceptable by the County Parks and Trails Division. Such in-house courses must be proposed in writing by outfitter to the County and conducted after the receipt of written approval from the County Parks and Trails Division. Each year, permitted outfitters shall submit a list of guides that meet swiftwater rescue training standards to County Parks and Trails Division by May 15 for the upcoming river season.

6.2.7.2 All guides will be required to review and sign a statement agreeing to comply with County River Safety and Etiquette standards. These will be made available upon request from the County.

6.2.7.3 El Dorado County will work with outfitters, landowners, Federal, State, and County staff to develop river guide operational standards, knowledge, and skill levels if problems caused by an obvious disregard or lack of knowledge are observed. These guidelines will be adopted as mandatory requirements by

the County for all outfitters, area managers, and guides.

Recommended knowledge and skills include:

a. Emergency procedures, access, and evacuation;

b. Boat wrap/flip emergency procedures;

c. Communications;

d. Location of private property boundaries, approved rest areas, lunch stops, camping, put-in and take-out areas;

e. Governmental agencies, involvement and jurisdiction;

f. Boating skills (guide for a minimum of 3 Class III trips, various flow levels, boating type); and

g. Standard first aid and C.P.R. All guides shall be certified in standard first aid and C.P.R. Records of certification shall be maintained by the employer and shall be available for inspection by the County.

As a condition placed on the issuance of each outfitter's River Use Permit, guides are required to be fully knowledgeable and competent for items a., b., f., and g.

6.2.8 Outfitters will be required to carry a sweep kit, a repair kit, a first-aid kit and one extra personal floatation device for each group or trip.

6.2.9 Insurance, Business License, and Water Notice Requirements

6.2.9.1 Each outfitter shall have and maintain in force, bodily injury and liability insurance.

6.2.9.1.1 Each insurance certificate must name the County of El Dorado, its officers and employees and the riparian owners along the South Fork of the American River as additional insureds, and comply with standard insurance requirements prescribed by the County Department of Risk Management.

6.2.9.1.2 The amounts and scope of required insurance coverages will be periodically reviewed by the County Department of Risk Management, and may be amended by resolution of the Board. Current minimum insurance requirements are provided in Appendix C.

6.2.9.2 Each outfitter is required by County ordinance and State and Federal law to have a valid El Dorado County Business License that must be renewed each year, and meet the requirements of Federal and State labor laws.

6.2.9.3 Water Notice – El Dorado County requires that each outfitter provide a water flow notice to their passengers who book trips on the South Fork.

6.2.9.3.1 The water notice shall read as follows: “Water flows in the South Fork American River result from releases from hydroelectric facilities located upstream. Such water releases are not subject to the control of El Dorado County or rafting companies operating under Permits from the County of El Dorado.”

6.2.9.3.2 Outfitters shall determine the most appropriate means to notify their passengers; however, El Dorado County requires proof of this notice in the form of a brochure, booking confirmation notice, or other document.

6.2.10 Violations, Penalties, and Appeals

Outfitter violations are classified as Class I or Class II violations which result in varying degrees of penalty severity as prescribed below.

6.2.10.1 Violation Terminology

6.2.10.1.1 Class I violations include:

1. Violations of Quiet Zone requirements
2. Violations of the maximum group size limit
3. Operating after sunset
4. Violations of the boat marking requirements
5. Violations of the Operating Report submission requirements.
6. 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.
7. Exceeding approved permit capacities. (NOTE: In addition to the normal penalty fine for this violation, an additional penalty fee per passenger per user day may be assessed. The current additional penalty fee is provided in Appendix C.)
8. As determined by the River Program, violations of any requirements set forth in the River Management Plan or the County Ordinance Code that are not specified as Class II violations.

6.2.10.1.2 Class II violations include:

1. Improper sale, loaning, borrowing, or transfer of user days.
2. Violations of consolidation, transfer, and adjustment requirements for River Use Permits

3. Violations of insurance requirements

4. Fraudulent reporting of user day usage

6.2.10.2 A violation notice will be sent to the River Use Permit holder by certified mail, return receipt requested.

6.2.10.3 Penalty Schedule

6.2.10.3.1 For Class I Violations occurring in any single calendar year, the penalty schedule is provided in Appendix C.

6.2.10.3.2 Should an outfitter receive four violations in any one Class I category or six 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 may be considered.

6.2.10.4 Class I Violation Appeal Procedures – Class I Violations, if appealed, will follow the procedure below.

6.2.10.4.1 Within 10 days of receiving a violation notice, the outfitter may submit a written appeal request to County Parks and Trails Division.

6.2.10.4.2 County Parks and Trials Division will then submit said appeal with a recommendation to the County Parks and Trails Division Hearing Officer.

6.2.10.4.3 The County will notify the outfitter in writing of the date, time, and place at least 10 days in advance of the hearing.

6.2.10.4.4 The Hearing Office may sustain, reverse, or modify the violation notice. The decision on the appeal of the Hearing Officer will be final.

6.2.10.5 Class II Violation Appeal Procedures - the same appeal process will be followed as Class I violations other than the following:

6.2.10.5.1 The Hearing Office may suspend or revoke the River Use Permit. Any decision of the Hearing Officer may be appealed directly to the Board of Supervisors. Appeals must be made in writing and submitted to the Board Office. A fee is charged for each appeal.

6.2.10.5.2 There will be a stay on an appeal of the Hearing Officer decision to the Board.

6.2.10.5.3 Following submittal of the appeal application, the Board will schedule a hearing on the appeal, normally within 4 weeks. The Board may sustain, reverse, modify, or remand the Hearing Officer's

decision.

6.2.10.6 Status of River Use Permits which are Denied or Revoked

6.2.10.6.1 Any River Use Permit which has been denied or revoked in any year may be reapplied for in the following year. This reapplication provision shall only be available the calendar year after the year the denial or revocation of the permit has occurred. The River Use Permit may only be approved if the conditions of denial or revocation have been resolved.

6.2.10.6.2 Where a River Use Permit has been revoked or denied and not reapplied for, the capacity of that permit shall revert to the County.

6.2.11 All outfitters are required to follow current food storage, food preparation, sanitation, and human waste guidelines established by the Environmental Management Division. Environmental Health Permits shall be obtained as required.

6.2.12 Falsification of any documentation will result in a mandatory hearing before County Parks and Trails Division, who may issue a warning, suspend or make a recommendation to revoke the River Use Permit.

6.3 Non-Commercial/Private and Institutional Boater Requirements

6.3.1 The County has designated the 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 as allowed by the State Harbor and Navigation Code Section 660. The specific purpose of designating a special use area along the South Fork is to require that non-commercial boaters who float the river are aware of basic whitewater boating safety and pollution control information. The designation of a river special use area is intended to be analogous to those special use areas now in existence where certain types of boater restrictions apply and basic boating knowledge is necessary to prevent conflicts from occurring and to provide for the boater's safety.

6.3.1.1 Within this special use area, the County requires that at least one person in or on each boat, raft, kayak, vessel or any type of craft who participates in a non-commercial river trips have in their possession while on the river, a signed and dated registration certificate/information tag that includes safety information, information concerning what to do in an emergency, basic sanitation rules and other necessary information. The tag is required to be renewed each season and must be displayed in a visible location throughout the river trip, and must be surrendered to any peace officer upon request Such tags will be made available through County Parks and Trails Division at certain public put-in locations.

6.3.1.2 This element applies to all non-commercial/private groups/boaters, including Large and Institutional Groups, and is intended to ensure that at least one person in each boating group is knowledgeable of boating safety, sanitary and other information as specified.

6.3.2 All river users will have one Coast Guard-approved life jacket for each passenger and

guide. It is required that these life jackets be worn at all times while traveling on a boat on the river. The Sheriff's Office will continue to enforce applicable state laws and County ordinances regarding life jackets.

6.3.2.1 It is unlawful for any person to traverse, travel over or navigate on or in the South Fork of the American River between Chili Bar Dam and the Salmon Falls Bridge on an inner tube, or air mattress without wearing correctly a Coast Guard-approved personal flotation device; this section shall not apply to any vessel as defined in the Harbors and Navigation Code.

6.3.3 Waste/Litter Requirements

6.3.3.1 Each person or group of persons who uses any public or private lands adjacent to the South Fork of the American River within the special-use area must have access to or provide an approved privy, toilet, porta-potties or other approved human waste disposal method. The approving agency for any human waste disposal method shall be the Environmental Health Division of the El Dorado County Environmental Management Department.

6.3.3.2 Each boat, vessel, raft, kayak or other craft must carry a container of durable construction that can be used for trash and litter disposal while engaged in a noncommercial river trip. All litter and waste must be removed by the user in accordance with Sections 5.48.130, Littering and Trespass, 9.46.280, Littering, and 9.46.290, Waste Disposal, of the El Dorado County Ordinance Code.

6.3.3.3 Coolers or containers must have a locking mechanism on the lid (zipper, Velcro, latch, cord)

6.3.3.4 Due to the serious hazard created by discarded and/or broken glass, possession of any glass bottle, jar, tumbler or vessel of any kind is prohibited within the special use area on the South Fork of the American River and within 100' of the waterline on County property. This prohibition does not apply to permitted special events or private property.

6.3.4 Maximum Group Size

6.3.4.1 With the exception of Element 6.3.4.5, the number of boats in each group on the South Fork will be limited to 7 and will not exceed 56 people (passengers, guests, guides) per group. If more than one group is traveling together, each group must have a five minute period between launches from Chili Bar to below Hospital Bar rapid and when launching trips from other put in's and lunch stops in between. On the river each group will then stay out of sight of each other (lead boat cannot see last boat from other group).

6.3.4.2 Rafts in a group shall remain in reasonably close proximity between Chili Bar and Trouble Maker Rapids and between Fowler's Rock and Hospital Bar Rapids (class III sections) to give assistance, whenever needed, without unnecessary delay.

6.3.4.3 Rafts in a river trip shall not purposefully integrate into another's group trip in class III whitewater.

6.3.4.4 Groups shall maintain a distance apart from each other of 4 boat lengths, except when overtaking another group

6.3.4.5 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river.

6.3.5 All river users will respect the sensitivities of the Quiet Zone (as defined in Element 6.2.3), and will make efforts to limit noise while within the Quiet Zone, and will comply with applicable County Ordinance 5.50.080.

6.3.5.1 Noise devices may not be audible beyond 50 feet

6.3.6 Institutional Group Requirements

6.3.6.1 Institutional groups are subject to the requirements of Elements 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.7 and 6.2.8 above.

6.3.6.2 Institutional groups are defined as accredited educational organizations conducting on-River coursework, as determined by the County, and subject to prior trip registration with County Parks and Trails Division.

6.3.6.3 Liability insurance and proof of such insurance will be required upon registration. Insurance requirements will be the same as those identified for commercial outfitters in Element 6.2.9.1.

6.3.6.4 Institutional groups will provide post-season annual reporting of river use as defined in Element 6.2.6.2

6.3.6.5 Application Fees - There shall be a fee associated with the application. These fees will be sufficient to reimburse the County for administrative staffing and materials costs. Application fees are provided in Appendix C.

6.3.7 Large Group Requirements

6.3.7.1 Large Groups are subject to the requirements of Elements 6.3.1, 6.3.2, 6.3.3, 6.3.4 and 6.3.5, above.

6.3.7.2 Large Groups are subject to pre-trip registration with County Parks and Trails Division, and will be provided information on boat dispersion techniques and river etiquette from the County upon registration.

6.3.8 Non-Commercial/Private Boater Requirements

6.3.8.1 Private boaters are subject to the requirements of Elements 6.3.1, 6.3.2, 6.3.3, 6.3.4 and 6.3.5, above. Note: A group of private boaters meeting the size criteria in Element 6.1.3 is considered a large group, and is subject to the large group requirements.

ELEMENT 7 - CARRYING CAPACITY EXCEEDANCE ACTIONS AND IMPLEMENTATION

This element defines the protocols to be used by the County in the event that river use levels (based on total daily boater use and density) exceed specified carrying capacity thresholds. Management actions specified herein implement increasingly rigorous methods for reducing use and density to the levels determined necessary for boater safety, and protection of environmental resources and social conditions within the South Fork corridor.

7.1 The County will conduct CEQA or other legal analysis as required prior to implementation of the management actions presented in this element. It is expected that further refinement and definition of the actions to be taken may occur during any required CEQA compliance activities, and the County will encourage public and agency input during any such refinement process. As a component of CEQA or other analysis, potential adverse effects associated with potential changes in use patterns will be considered.

7.2 In the event that boat counts exceed a "density threshold" (as defined in Appendix C), the County will implement management actions to address density and associated safety issues on the South Fork as specified in this element. In the event that one or more density exceedance occurs during a day with low-flow releases from Chili Bar Dam (as defined in Appendix C), the County may exclude up to two low-flow release days from the count.

7.2.1 The following Level One management actions will be implemented in the year following observed exceedance of the density threshold identified above:

7.2.1.1 The County will increase the outfitter river use fee surcharge for each weekend day passenger during the summer rafting season, between and including Memorial Day weekend and Labor Day weekend. Such fee increases shall be applied only to trips conducted on the segment(s) of the river on which the threshold exceedance occurred.

7.2.1.2 The County will institute a fee equal to that of the adjusted outfitter surcharge fee as identified in Element 7.2.1.1 that will apply to each boater on the South Fork participating in an Institutional Group trip on weekend days during the summer rafting season. This fee shall be applied only to trips conducted on the segment(s) of the river on which the threshold exceedance occurred. The fee shall be due to the County at the time of submittal of the post-season report.

7.2.1.3 Following two successive years during which density threshold levels are not exceeded, the County may consider the elimination of some or all of the Level One management actions identified in this element.

7.2.2 The following Level Two management actions will be implemented in the year following observed exceedance of the density threshold that occurs during a year with management actions identified in Element 7.2.1 in place:

7.2.2.1 Level One management actions identified in Element 7.2.1 will remain in effect.

7.2.2.2 The County will institute trip time scheduling protocols for the segment(s) of the river on which the threshold exceedances occurred.

7.2.2.2.1 Trip time scheduling protocols will require outfitters and institutional groups to register for specific departure time slots (each time slot will be a 30-minute period) and put-in locations no less than 2 days prior to a weekend day trip.

7.2.2.2.2 The County will facilitate this scheduling requirement by providing a secure, automated registration system, using the County's Internet site, an automated telephone system, or a combination of the two systems.

7.2.2.2.3 Following two successive years during which density threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Two management actions identified in this element.

7.2.3 The following Level Three management actions will be implemented in the year following observed exceedance of the density threshold that occurs during a year with management actions identified in Element 7.2.1 and 7.2.2 in place:

7.2.3.1 Level One and Level Two management actions identified in Elements 7.2.1 and 7.2.2 will remain in effect.

7.2.3.2 The County will reduce outfitter weekend day allocations.

7.2.3.3 The County will implement an institutional group allocation system.

7.2.3.3.1 Institutional group allocations will be equivalent to an amount less than the institutional group use level that occurred during the year of threshold exceedance.

7.2.3.4 Following two successive years during which density threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Three management actions identified in this element.

7.3 In the event that data collected in a single year indicate exceedance of a "daily boater total" threshold (as defined in Appendix C), the County will implement management actions to reduce total daily boater use levels and allocate use to address potential environmental and other impacts associated with high levels of river use as specified in this element.

7.3.1 The following Level One management actions will be implemented in the year following observed exceedance of the daily boater total threshold identified above.

7.3.1.1 Outfitter guest allocations will be eliminated from each commercial outfitter's total allocation. This action will result in a reduction of the total commercial outfitter allocations by 8 percent.

7.3.1.2 The County will increase the outfitter river use fee surcharge for each weekend day passenger during the summer rafting season, between and including Memorial Day weekend and Labor Day weekend. Such fee increases shall be applied to trips conducted on the segment of the river for which the threshold exceedance occurred.

7.3.1.3 The County will institute a fee equal to that of the adjusted outfitter

surcharge fee as identified in Element 7.3.1.2 which will apply to each boater on the South Fork participating in an institutional group trip on weekend days during the summer rafting season. This fee shall be applied only to trips conducted on the segment of the river for which the threshold exceedance occurred. The fee shall be due to the County at the time of submittal of the post-season report.

7.3.1.4 Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the Level One management actions identified in this element.

7.3.2 The following Level Two management actions will be implemented in the year following observed exceedance of the daily boater total threshold during a year with management actions identified in Element 7.3.1 in place:

7.3.2.1 Level One management actions identified in Element 7.3.1 will remain in effect.

7.3.2.2 The County will reduce outfitter weekend day allocations, and will assign allocations by river segment in an amount proportional to past use ratios of the upper and lower reaches by outfitters to ensure that the reduction in use is distributed.

7.3.2.3 The County will implement an institutional group allocation system.

7.3.2.3.1 Institutional group allocations will be equivalent to an amount less than the institutional group use levels that occurred during the year of threshold exceedance.

7.3.2.4 Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Two management actions identified in this element.

7.3.3 The following Level Three management actions will be implemented in the year following observed exceedance of the boater daily total threshold that occurs during a year with management actions identified in Element 7.3.1 and 7.3.2 in place:

7.3.3.1 In the event that all available management actions to reduce cumulative impacts to less-than-significant levels are implemented and boater daily total thresholds are still met or exceeded, the County will institute a permit system for all river users. As with all management actions, the project's goals of equitability will be a primary consideration during the development of such a permit system.

7.3.3.2 Following two successive years during which daily boater total threshold levels are not exceeded, the County may consider the elimination of some or all of the Level Three management actions developed pursuant to this element.

ELEMENT 8 - REGULATIONS AND ORDINANCES

Appendix B includes copies of the primary County ordinances that are applicable to activities on the South Fork. Nothing in this RMP shall be interpreted to allow activities that are inconsistent with any County ordinance.

8.1 Chapter 5.48, Streams and Rivers Commercial Boating Ordinance Enforcement

8.1.1 The County may work with State Parks and BLM and any other agencies, as appropriate, to investigate and prosecute "pirate" boaters.

8.2 Motorboats are prohibited by Ordinance Code Section 12.64.040.

ELEMENT 9 - FACILITIES AND LANDS MANAGEMENT

Continued maintenance and consideration of opportunities for river-related facilities is an important function of the County's river management activities. This element contains requirements for the County to continue such activities and to coordinate with landowners and agencies with jurisdiction within and adjacent to the river corridor to accomplish the County's facilities and lands management responsibilities.

9.1 The County Parks and Trails Division will work with California State Parks, Folsom Lake Division, and adjacent landowners in order to identify opportunities to increase parking in the vicinity of Salmon Falls.

9.2 The County may continue to explore opportunities for land acquisition and/or development of river access facilities within the corridor, including areas near Marshall Gold Discovery State Historic Park.

9.3 The County will pursue identification of appropriate sites for the development of additional restroom facilities within the river corridor. The use of Phoenix composting toilets will be considered at such locations.

9.4 The County will work with the BLM to continue to maintain toilets on BLM sites.

9.5 Trails

9.5.1 The County will maintain existing County-owned trails within the river corridor.

9.5.2 The County Parks and Trails Division will continue to coordinate with BLM, California State Parks, and other agencies to develop riverside trails on public lands. In the event that private landowners express a willingness to allow public access, these opportunities will be considered as well. No trails will be developed near residences, except with the consent of landowners.

9.6 No net loss of riparian habitat (including wetlands) will occur as a result of development of RMP-related facilities.

ELEMENT 10 - FUNDING

River Use Permit application fees and outfitter river use fees serve to support the River Trust Fund, which is the primary source of funding for much of the County's river-related management activities.

10.1 The River Trust Fund, created in 1981, will continue to function as a savings account for the deposit of commercial River Use Permit application fees and user day fees. County Parks and Trails Division provides fiscal administration of the River Trust Fund.

10.2 The River Trust Fund will be used, as budgeted by the County, as the basic funding source for improvements in the river corridor, including education programs, land lease/purchase, mitigation monitoring and reporting, staffing, and other management activities as specified in this RMP.

10.3 The County will ensure that adequate funds are available or funding is secured prior to the implementation of the elements of this RMP that may require increased County expenditures or elements that could result in decreased revenue to levels below that necessary to conduct the management activities identified in this RMP.

ELEMENT 11 - RIVER DATA AVAILABILITY

Much of the information collected through monitoring and reporting programs may be input and stored within the County's GIS database. In addition, the County will make river requirements, flow condition, and other requirements available to the public on kiosks and on the internet within the County's web site in order to facilitate the rapid broadcasting of river operations and conditions.

Chapter IV – RMP REVIEW AND REVISION PROCESS

The RMP is designed to serve as an active, evolving tool that implements the County's river management goals. The intent of this portion of the RMP is to provide ongoing refinement of the RMP to ensure public safety, environmental protection, and the most efficient use of County resources. RMP update procedures are defined to provide for plan refinements in response to results of annual operations reviews.

The RMP revision processes described below also include a periodic review of the RMP to ensure that the adopted and implemented management actions and impact mitigation measures remain, in total, meaningful and responsive to current guidance provided by the Board, the public, advisory committees, and other county departments.

Annual Operations

After completion of each rafting season County Parks and Trails Division will present a summary of the year's river management activities to the County Parks and Recreation Commission (PRC) in a public session.

If substantive issues or suggestions are identified in these sessions, the County Parks and Trails Division Manager will direct staff to conduct a focused study of these subjects for consideration at the next PRC meeting:

- Where it is likely no EIR would be required, the PRC will annually propose RMP updates for immediate implementation, using an adaptive management protocol.

- Where it is likely an EIR would be required, the PRC will aggregate proposed RMP updates for recommendation in a 5 year update cycle.

Five-Year Periodic Review

The five-year RMP review process is the heart of the intent to refine and improve the County's ongoing management of the River. This five-year cycle will provide the interested parties with current information, use trends and the results of public involvement opportunities from each season. Each group's role, described below, is advisory. Unless otherwise stated, all decision-making authority and responsibility for updating the RMP rest with the Board of Supervisors.

RMP annual reports will be compiled by County Parks and Trails Division by December 30 of every fifth year. This report summary, along with County staff recommendations will be submitted to the PRC to solicit input and comments. County staff recommendations, including input and comments from the PRC, will then be presented to the Planning Commission for review. All comments and recommendations generated by the PRC and Planning Commission are advisory and will be submitted to the Board of Supervisors for review and consideration. Staff will incorporate comments and recommendations from the PRC and the Planning Commission to the maximum extent possible. If staff is unable to incorporate any advice and recommendations, an explanation will be provided to the Board of Supervisors. The Board of Supervisors has the authority to determine whether to continue implementation of the existing RMP as prescribed, continue implementation of the RMP with minor modifications, or to update the RMP.

Chapter V– GLOSSARY

The following terms are used in the RMP as defined below.

Actual Expenses: Expenses directly related to the permitted activity. These expenses may include the costs of such items as food, rentals, transportation, and permit or use fees. Actual expenses do not include the rental or purchase of personal equipment, amortization of equipment, salaries or other payments to participants, or profit.

Camp/Campground: A land use area designed and used for overnight camping. The level of physical improvements varies from undeveloped to highly developed. Put-in and takeout by boaters may occur, depending on location. Road access may or may not exist. Special Use Permits are required for commercial operations.

Carrying Capacity: A prescribed number and type of people that an area will accommodate, given the desired biophysical/cultural resources, visitor experiences, and management program

Commercial Use: Recreational use of the river for business or financial gain. The activity, service, or use is considered commercial if any of these conditions is present:

(1) Any person, group, or organization makes or attempts to make a profit, receives money, amortizes equipment, or obtains goods or services as compensation from participants in recreation activities occurring on the river and led, sponsored by, or organized by that person, group, or organization. Compensation for recreation services may come from participants and/or other sources.
(2) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use. (See Glossary definition of Actual Expenses.)
(3) There is public advertising to seek participants.
(4) Participants pay for a duty of care, i.e., an expectation of safety.

As noted, public advertising qualifies a use as commercial. Public advertising includes, for example, newspaper ads, Internet banners, radio, television air time, newsletters, bulletin board announcements, web site or online social postings, flyers, posters or e-mails.

Use by nonprofit organizations is commercial and subject to a permit requirement when any of the preceding criteria is present. The nonprofit status of any group or organization, alone, does not determine that an event is noncommercial. By contrast, profitmaking organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profitmaking.

Commercial use can be either public or nonpublic. Public commercial use is characterized by efforts to promote the activity as available for general public participation. Nonpublic commercial uses are those that are available only to a limited group of participants (e.g., members of a club). Examples of commercial activity include, but are not limited to, fundraising, outfitter/guide services, courses with a recreation component, and outdoor skills workshops.

An activity may be deemed noncommercial where no compensation is received for the activity, the activity leaders' positions are not established to organize and/or conduct recreation activities, no fees other than cost sharing of actual expenses are paid by participants, the activity is not publicly advertised, and the organizers share trip expenses equally with participants.

Duty of Care: An expectation of safety owed to participants by service providers as a result of compensation or because the trip leader has a legal obligation to provide for the safety of the participants.

Financial Gain: Gain as a result of an individual or entity receiving or attempting to receive money, donations, gratuities, or gifts; amortizing equipment; or bartering for goods or services. Financial gain includes payments of money; revenue from the sale of images or broadcast rights; onsite sales or rentals; and gratuities, donations, gifts, bartering, trophy fees, etc., regardless of source, associated with the use of the river.

First-Aid Kit: A first aid kit should include supplies for treating medical emergencies and traumatic injuries (gloves, facial barrier, splinting material, trauma dressings, etc.).

Institutional Group: A non-commercial group participating in a river trip through an accredited academic program as part of the educational curriculum of a school, college, or university. Fees or charges may only be collected to cover the actual costs of the trip.

Large Group: A non-commercial/private group of four or more boats having three or more occupants, or a total of 18 or more people on the river without a River Use Permit

Limiting Factors: Any natural, social, or economic constraint to use of the river system.

Lunch and Rest Stops: A location along the river where non-commercial and/or commercial boaters stop for a period of time to rest or have lunch and put-in or takeout does not occur.

Non-Commercial/Private Boater: Members of the general public who float the river for recreational purposes where actual expenses are shared among all members or participants and no financial or business gain will be derived from the proposed use. Fundraising, for any purpose, renders an activity a commercial use.

Outfitter: A business or organization who organizes and transports people on the river. Outfitters are required to hold a River Use Permit. Outfitters are permitted for Commercial Use of the river. (Chapter III, Element 6 contains more details of outfitter requirements.)

Participant: An individual directly involved in an activity. A participant may be considered essential to completing the activity, for example a pit crew member or spotter who directly supports a competitor in a four-wheel drive event.

Pirate Boaters: Any person or outfitter operating on the South Fork who meets the definition of commercial outfitter, but does not hold a River Use Permit for such operations.

Public Advertising: Any written, oral, or graphic statement or representation made by any person or event representative to the general public for the purpose of soliciting participants for a recreational activity or event (e.g., television, radio, Internet/social media sites available to the general public, listing on public event calendars, printed brochures, newspapers, billboards, banners, and signs). Advertising is considered public if it is an inducement for anybody to participate, as opposed to an invitation or communication to members of an identifiable membership such as a church or club. The posting of information on an organization's website would not, on its own, be considered public advertising. If paid public advertising is present, a River Use Permit is required.

Put-in: A location where rafts, kayaks, and other craft are physically placed in the water; the act of ingress to the river with boats, equipment, and people for trip origination.

Rapids (Class I, II, III, IV, V, VI): A whitewater difficulty rating system adopted by the American Whitewater Affiliation.

Class I: Very easy (beginner). Waves small, regular; passages clear; sandbanks, some artificial difficulties like bridge piers; riffles.

Class II: Easy (intermediate). Rapids of medium difficulty, with passages clear and wide; low ledges; spraydecks useful.

Class III: Medium (experienced). Waves numerous, high, irregular; rocks, eddies, and rapids with passages that are clear through narrow, requiring expertise in maneuvering; inspection usually needed; spraydeck needed.

Class IV: Difficulty (highly skilled with several years' experience with organized group). Long rapids, waves powerful and irregular; dangerous rocks; boiling eddies; passages difficult to reconnoiter; inspection mandatory first time.

Class V: Extremely difficult (teams of experts). Extremely difficult, long, and very violent rapids following each other almost without interruption; riverbed extremely obstructed; big drops, violent current, very steep gradient; reconnoitering essential but difficult.

Class VI: Extremely difficult (teams of experts). Difficulties of Class V carried to the extreme of navigability. Nearly impossible and very dangerous. For teams of experts only at favorable water levels.

Registration: As used in this RMP, the act of providing information to the County prior to each boating season or each trip. Registration enables the County to collect information, confirm that applicable requirements are met, and disseminate information concerning safety, trespass, and environmental protection. Registration requirements vary by user group, and are specified in Chapter III, Element 6.

Repair Kit: Repair kits suitable for each type of boat on the trip. A suitable repair kit included supplies capable of temporarily repairing tears in fabric, replacing or repairing valves and frame components in addition to inflating boats.

River User: A general description of people who use the river for a variety of activities, including swimming, boating, and fishing, and for aesthetic enjoyment.

River Use Permit: A permit issued by the County that enables an outfitter to operate on the South Fork. River Use Permits specify client and guest allocations and include terms, conditions and requirements that must be met.

Run (Upper, Middle and Lower): A reach or segment of the South Fork.

Upper Run: Reach of the South Fork from below Chili Bar Dam to Coloma.

Middle Run: Reach of the South Fork from Coloma to Greenwood Creek.

Lower Run: Reach of the South Fork from Greenwood Creek to Skunk Hollow/Salmon Falls.

Shuttle: A term used to describe a route and/or vehicle trips required from the put-in location to the takeout location.

Special Use Permit (SUP): A permit issued by the County that allows specific land uses pursuant to terms and conditions identified in the permit.

Sweep Kit: A sweep kit (a.k.a. a rescue kit or z-drag kit) contains gear to rescue a trapped boat which will allow for the use of a mechanical advantage.

Takeout: A location where rafts, kayaks, and other craft are physically removed from the water; the act of egress from the river with boats, equipment, and people for trip termination.

Threshold: Measurable levels of a particular limiting factor that can be used for management of the river over time. This RMP incorporates river use and density thresholds into its management mechanisms in the interest of public safety and natural resources protection.

User Day: A day, or any portion of a day, that a paying passenger, commercial outfitter, or private boater floats or otherwise travels on the river. A user day is defined as one person (i.e. student, client, guest, participant, etc.).

User Day Fee: A per person, per day fee.

User Group: A general term inclusive of four defined types of boaters used in this RMP to distinguish river users by type and requirements. User groups identified within this RMP include: permitted outfitters, institutional groups, large groups, and private boaters. Specific definitions and requirements associated with each of these user groups are contained within Chapter III, Element 6.

Chapter VI - REFERENCES

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APPENDIX A

Ordinance 018-2018, El Dorado County Board of Supervisors

Adoption of the RMP (2018)

RESOLUTION NO. 018-2018

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO ADOPTING A NEGATIVE DECLARATION AND APPROVING THE 2018 RIVER MANAGEMENT PLAN UPDATE

WHEREAS, in 1984 El Dorado County first adopted a River Management Plan to govern whitewater recreation on the South Fork of the American River between Chili Bar and Salmon Falls; and

WHEREAS, the River Management Plan has been continuously in effect since that time, with periodic updating and revision; and

WHEREAS, the Board of Supervisors adopted the last comprehensive River Management Plan Update ("2001 RMP") on November 14, 2001, along with an Environmental Impact Report and a Mitigation Monitoring and Reporting Program (Resolution No. 299-2001); and

WHEREAS, the County has continued implementation of the 2001 RMP without significant modifications, and in 2016 initiated the review process for updating the 2001 RMP; and

WHEREAS, on September 26, 2017 the County Board of Supervisors directed staff to move forward to complete the environmental review for the update to the 2001 RMP ("2018 RMP Update") in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to CEQA, an Initial Study and Negative Declaration, attached hereto as Exhibit A, was prepared for the 2018 RMP Update; and

WHEREAS, a Notice of Intent to Adopt the Negative Declaration was circulated for public comment from December 6, 2017 through January 5, 2018; and

WHEREAS, during the 30-day public review period, the County received (4) written comments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of El Dorado as follows:

A. The Negative Declaration was prepared and considered in accordance with CEQA.

B. The Parks Division is the custodian of the records of the proceedings to which this decision is based. The records are located at 330 Fair Lane, Placerville CA.

C. The Board has considered the Initial Study/Negative Declaration and finds on the basis of the whole record before it that there is no substantial evidence that the 2018 River Management Plan Update will have a significant effect on the environment.

D. The Negative Declaration for the 2018 River Management Plan Update, attached hereto as Exhibit A, is hereby adopted.

E. The 2018 River Management Plan Update , attached hereto as Exhibit B, is hereby approved and adopted.

F. That all prior River Management Plans and amendments thereto are hereby superseded by the 2018 River Management Plan Update approved and adopted on this date.

G. That this Resolution shall go into effect and be effective immediately upon its approval by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 13th day of February, 2018 by the following vote of said Board:

Ayes: Veerkamp, Hidahl, Novasel, Ranalli, Frentzen
Noes: None
Absent: None

Attest:
James S. Mitrisin
Clerk of the Board of Supervisors

By: Kyra Schauffenberg
Deputy Clerk

Chair, Board of Supervisors
Michael Ranalli

APPENDIX B

Resolutions and Ordinances

lgenplan.res
WMW:db
3/25/88

RESOLUTION No. 99-88

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION AMENDING THE GENERAL PLAN

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate, El Dorado County's General Plan and the various elements thereof, must be continually updated with current data, recommendations and policies; and

WHEREAS, the Community Development Department and Planning Commission have made recommendations to the Board of Supervisors regarding potential amendments of the Land Use Element of the General Plan; and

WHEREAS, the Board of Supervisors has reviewed and held public hearings on the recommended amendments to the land use elements; and

WHEREAS, the Board of Supervisors finds that the proposed amendments to the General Plan are consistent with all elements of the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors hereby approves and accepts the environmental documents filed on the following amendments to the General Plan and approves and adopts the following amendments to the General Plan:

1. CAMINO/FRUITRIDGE AREA - from Single Family Residential-Medium Density to Commercial, consisting of Ø.98 acre (APN 43-38Ø-24), petitioned by Robert Haynes (Agent: Spence Moore).

2. SHINGLE SPRINGS AREA - from Single Family Residential-Low Density to Single Family Residential-Medium Density, for those lots fronting on Lorraine Drive and Holly Drive, consisting of 4Ø.745 acres (APN Numbers attached hereto as Exhibit "A".

3. River Management Plan - Modification of Sections III, IV and V of the River Management Plan, a section of the Recreation Element of the County General Plan.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the findings and decisions made at such time as this Board stated their intention to make the above listed amendments to the General Plan and incorporates said findings and decisions herein by reference.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 29th day of March, 19 88, by the following vote of said Board:

Ayes: Supervisors Robert E. Dorr, Patricia R. Lowe, James R. Sweeney, Michael C. Visman, John N. Oefalu

Noes: None

Absent: None

ATTEST
BILLIE MITCHELL, County Clerk and ex-officio Clerk of the Board of Supervisors
By Margaret E. Moody
Deputy Clerk

Patricia R. Lowe
Chairman, Board of Supervisors

DATE	COPIES SENT TO
4/6/88	Planning Division

JEREMICA/EL DORADO COUNTY PLANNING COMMISSION

GENERAL PLAN/ZONING BOUNDARY AMENDMENT Z87-62 (As approved by the Board of Supervisors - March 15, 1988)

Assessor's Parcel Nos.

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62

DEW:db
8/15/80

ORDINANCE No. 3017

ORDINANCE REGULATING RAFTING ON
STREAMS AND RIVERS WITHIN EL DORADO COUNTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 11, Part 8, Sections 9100 et seq. are hereby added to the El Dorado County Ordinance Code to read as follows:

"Section 9100. Title.
This ordinance shall be referred to as the Streams and Rivers Rafting Ordinance.

Section 9101. Purpose.
The Board of Supervisors of El Dorado County recognize that recreational use of the county's streams and rivers includes the use of streams and rivers by rafts, kayaks and other floating devices. The Board has further found that increased use of such waterways by persons on rafts, kayaks and other floating devices is posing a serious threat to the health, safety and welfare of such persons as well as to property owners adjoining the waterways and the riparian environment. Lack of sufficient parking facilities, sanitation facilities, public ingress and egress areas and related facilities capable of handling the large numbers of river users has resulted in traffic congestion, parking violations, trespass, pollution of the environment and substantial increase in need for law enforcement and search and rescue assistance. This ordinance is therefore proposed to regulate recreational travel on the streams and rivers to the extent necessary to ensure the safety of the users and the health and welfare of the community.

Section 9102. Applicability.
This ordinance shall apply to:
(a) any person or business entity which, for commercial purposes, leases, rents, loans or supplies for consideration, any floating device, including but not limited to, rafts and kayaks for use on the streams and rivers of El Dorado County named pursuant to subdivision (c) of this section, or any person or business entity which, for consideration, guides, leads or accompanies any person using any such floating device on such named streams and rivers;
(b) any person or business entity which owns, leases or otherwise has the use of real property adjoining the streams and rivers of this county named pursuant to subdivision (c) of this section and who or which allow such property to be used for ingress and egress into and from such rivers, or for other day or camping use, on a regular basis.

(c) the South Fork of the American River located within El Dorado County and other such streams and rivers in El Dorado County as may later be added by board resolution.

Section 9103. Permit Requirement For River Use.

No person or business entity described in Section 9102 (a) shall carry out the activities described therein without first obtaining a commercial river use permit.

Section 9103.1. Issuance of Permit for River Use.

Commercial river use permits shall be issued by the El Dorado County Board of Supervisors. The procedure for permits is as follows:

1. The applicant shall submit to the El Dorado County Planning Department an application for a commercial river use permit accompanied by a river use plan.

2. Upon receipt of such application and plan, the Planning Department shall review same to determine whether such application and plan meet the standards for approval as adopted by the Board of Supervisors. The Planning Department shall, within sixty (60) days of receipt of such application and plan, submit a report to the Board of Supervisors regarding compliance with those standards.

3. Upon receipt of the report from the Planning Department, the matter shall be placed on the agenda of the next regularly scheduled meeting of the Board of Supervisors. If the Board finds that the application and plan do meet the standards for approval, then the permit shall be granted subject to the provisions of Section 9106. If the Board finds that such standards have not been met, then the application shall be denied. The Board of Supervisors may place reasonable conditions on the issuance of the permit when necessary to protect the public health, safety and welfare. Permits shall be issued under this section on an annual basis from March 1 through February 28th of each successive year.

Section 9103.2. River Use Plans for River Use.

A commercial river use permit plan shall include but need not be limited to the following information in a written application, site plan, and supporting documents as may be required by the Planning Department:

1. Names, address and place of business of applicant;

2. If place of business is located outside of El Dorado County, name of local agent within county who will be available in event of emergencies or other problems;

3. Description of activities to be permitted under the permit;

4. Plans for ingress and egress into and out of the river and location of any reststops or other planned non-emergency stops upon riparian land. All such planned stops or use must be on property for which the landowner has secured a special use permit under Section 9104 or property not subject to this ordinance;

5. A plan for parking facilities and transportation from the point of egress to the point of ingress for users covered by the permit. Said plan shall include at least two (2) spaces per

flotation device of less than five (5) persons capacity and at least three (3) spaces per flotation device of five (5) or more capacity, unless an alternative has been approved by the Planning Department.

6. A plan for sanitation facilities of adequate capacity for users and the method of proposed waste of disposal as acceptable by the Director of Environmental Health.

7. A plan to supply water which shall meet the quantity, and quality requirements of the Division of Environmental Health;

8. Safety measures for users as set forth in Section 9108;

9. Proof of authorization for any proposed use of private or public property if not owned by applicant;

10. Proof of adequate liability insurance covering any activities of the permittee, or the permittee's employees or agents relating to river use or activities incidental to river use and naming the County and riparian land owners as co-insured;

11. Estimated number of floating devices (by type), number of persons and number of trips estimated per permit period;

12. All owners or companies must identify their vessel(s) by unique and distinct number and/or letter markings which shall be visible from either shore of the stream or river.

Section 9104. Permit Requirement for Property Owners

No person or business entity described in Section 9102(b) shall carry out activities described therein without first obtaining a special use permit from the El Dorado County Planning Department.

Section 9105. Permit Fee and Insurance.

The Board of Supervisors may charge a fee for the river user permits required by this ordinance. The fee shall be established by resolution of the Board of Supervisors, and shall be in an amount equal to the cost of enforcing and administering the provisions of this ordinance and as further authorized by law. Said resolution shall also establish the minimum limits and required liability insurance.

Section 9106. Limitation on Issuance of Permits.

Notwithstanding the provisions of Sections 9103.1 and 9104 the Board of Supervisors may, by resolution, reasonably limit the number of permits necessary to protect the health, safety and welfare of the community, as well as the riparian environment of the river.

Section 9107. Revocation of Permit.

Any river use permit granted under Section 9103 for a river use permit or the Planning Commission for a special use permit granted under Section 9104 of this ordinance may be revoked or amended if the Board of Supervisors finds following due notice and public hearing that there has been a violation of provisions of this ordinance or any conditions of the permit.

Section 9108. Safety Equipment and Standards.

(a) Each raft, kayak or any other floating device used to traverse the county's streams and rivers shall contain one life jacket or similar device (which has been approved by the U.S. Coast Guard) for each person therein. The number of persons using each device shall not exceed the capacity for which the device was designed.

(b) The County of El Dorado may promulgate, by resolution, such further standards as may be necessary to protect the public welfare and riparian environment. Notice of such rules and regulations shall be made available to each user.

Section 9109. Littering; Trespass.

All persons, groups or business entities who use the streams and rivers of El Dorado County for recreational or commercial purposes shall be subject to state law regarding littering and trespass.

Section 9110. Violations.

Violations of any provisions of this ordinance shall be a misdemeanor and punishable by a fine not to exceed one hundred dollars ($100) per violation.

Section 9111. Time to Apply.

Applications for river use and land use permits shall be accepted up to and including December 31st of any given year for use in the following year.

Section 9112. Severability.

If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected but will remain in full force and effect."

Section 2. This ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption, and shall be operative for permits to be required for use on streams and rivers defined in section 9102(c) in El Dorado County on and after March 1, 1981.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 19th day of August, 1980, by the following vote of said Board:

Ayes: Supervisors N. ARLIENE TODD, WILLIAM V.D. JOHNSON, W.P.WALKER, JOSEPH V. FLYNN, THOMAS L. STEWART

Noes None

Absent: None

ATTEST:
DOLORES BREDESON
~~XXXXXXXXXX~~ County Clerk and ex-officio
Clerk of the Board of Supervisors

By Barbara J. Churchill
Deputy Clerk

A. Arliene Todd
Chairman, Board of Supervisors

DATE	COPIES SENT TO
8-25-80	Co. Counsel
	Planning
	Sheriff
	Auditor

WMW:db
6/20/84
12/64/010

ORDINANCE No. 3463

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.64.010 of Chapter 12.64 of Title 12 of the El Dorado County Ordinance Code is amended to read as follows:

"12.64.010 Principal uses. Without excluding other lawful uses or attempting to enumerate all the public waters in the county, the board of supervisors recognizes the principal uses of certain public waters in the county as follows:

A. Bass Lake: fishing, swimming;
B. Finnon Reservoir: fishing, swimming;
C. Walton Lake: Domestic water supply, fishing;
D. Lake Edson: irrigation, fishing;
E. Gerle Reservoir: irrigation, fishing, swimming;
F. Junction Reservoir: power, fishing, swimming;
G. South Fork American River: Chili Bar Dam to the confluence with the Folsom Lake State Recreation Area: Power, fishing, swimming, irrigation, non-power boating.

Section 2. Section 12.64.040 of Chapter 12.64 of Title 12 of the El Dorado County Ordinance Code is amended to read as follows:

" 12.64.040 Motorboating prohibited. Because of the danger to swimmers and fishermen and the narrow confines of the water's edge, it is unlawful for any person to operate a motorboat on any portion of the following waters:

A. Bass Lake;
B. Finnon Lake;
C. Walton Lake;
D. Junction Reservoir;
E. Gerle Reservoir;
F. South Fork American River; Chili Bar Dam to the confluence with the Folsom Lake State Recreation Area.

Section 3. Chapter 12.72 is hereby added to Title 12 of the El Dorado County Ordinance Code to read as follows:

"

CHAPTER 12.72

SPECIFIC USE REGULATIONS FOR THE

SOUTH FORK OF THE AMERICAN RIVER

12.72.010 Purpose The purpose of this chapter is to protect the public's health, safety and welfare by designating the South Fork of the American River as a special use area and requiring the registration of persons, who, for non-commercial purposes, float or otherwise traverse all or any portion of the South Fork of the American River from Chili Bar Dam to the confluence of the Folsom Lake State Recreation Area. The registration requirement is necessary to ensure that persons who float the South Fork of the American River are aware of the locations of private lands, public use areas, approved human sanitation methods, including the locations of public toilets, approved solid waste disposal methods and locations, emergency procedures and other necessary safety rules. This chapter is therefore proposed to regulate recreational travel on the South Fork of the American River to ensure the safety of the users and the health and welfare of the community.

12.72.020 Registration of non-commercial persons required. At least one person in or on each boat, raft, kayak, vessel or any other type of craft who floats, traverses or travels upon the South Fork of the American River for non-commercial purposes must register with the County on an annual basis. Registration shall be accomplished by signing and dating a tag provided by the County. By signing the tag, the person certifies that they have read the information and rules on the tag and that they agree to abide by the rules set forth. This tag must be displayed in a visible location while floating or traversing on the South Fork of the American River. The tag must be surrendered to any peace officer upon demand.

12.72.030 Sanitation and pollution control. Each boat, vessel, raft, kayak or other craft, which by design or capacity, is capable of carrying 2 or more persons for non-commercial purposes, must carry a container of durable construction that is used for trash and litter disposal while traversing or floating on or in the South Fork American River.

Each person or group of persons who camp on any public or private lands adjacent to the South Fork American River must have access to and availability of an approved privy, toilet, porta-potty or other human waste disposal method. The approving agency for any human waste disposal methods shall be the El Dorado County Health Department, Division of Environmental Health.

12.72.040 Authority. This chapter is adopted under the authority of the Harbors and Navigation Code Section 660 for special use areas and for pollution and sanitation control.

12.72.050 Penalty for violation. Any person who violates any provisions of this chapter is guilty of an infraction and shall be punished by a fine not to exceed the amounts set forth in Government Code Section 36900(b).

Section 4. The urgency that requires this ordinance to take effect in two weeks is as follows: The summer months are a high use period for rafters and other individuals who float or traverse the South Fork of the American River. This ordinance is necessary to mitigate potential environmental impacts on the river from the individuals regulated under the ordinance and for the health and safety of all individuals who use or enjoy the river. The reason this ordinance shall take effect in two weeks, rather than immediately, is that the tags required under the ordinance will not be available for two weeks.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 10th day of July, 19 84, by the following vote of said Board:

Ayes: Supervisors Dorr, Lowe, Walker, Flynn, Stewart

Noes: None

Absent: None

ATTEST
BILLIE MITCHELL, County Clerk and ex-officio Clerk of the Board of Supervisors

By Bette Cullop
Deputy Clerk

Patricia L. Lowe
Chairman, Board of Supervisors

DATE	COPIES SENT TO
7.16.84	State Dept. of Boating & Waterways
	Planning
	County Counsel
	Mt. Democrat
	LHR (2)
	Sheriff

TDC:jmf
rivereir.ord
4/6/95

see Ord. 4478 2/10/98

ORDINANCE No. 4365

(UNCODIFIED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. No later than April 4, 1998, the County of El Dorado, by and through its Board of Supervisors, shall certify an environmental report pursuant to the California Environmental Quality Act in conjunction with the update to the County's River Management Plan ordered by the Board of Supervisors at its March 28, 1995 regular meeting.

Section 2. Between the effective date of this ordinance and the certification of the environmental impact report referred to in Section 1, the County General Services Department shall submit written progress reports on the River Management Plan Update and environmental impact report to the County Planning Commission no less frequently than every six months. Each progress report shall be placed on the agenda of the next available regular Planning Commission meeting for the Planning Commission's review and recommendations. The Planning Commission shall forward each progress report, supplemented by its comments and recommendations, to the Board of Supervisors within thirty (30) days thereafter. The Board of Supervisors shall review each progress report and Planning Commission comments and recommendations at the next available Board of Supervisors meeting, and shall take whatever actions the Board of Supervisors deems necessary or desirable to maintain the three-year schedule for certification of the environmental impact report.

Section 3. This ordinance shall take effect and become effective thirty (30) days after the adoption hereof.

ORDINANCE No. 4478

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

WHEREAS, on March 28, 1995, the Board of Supervisors conceptually approved the concept of an update to the County's River Management Plan and an accompanying Environmental Impact Report, with the effort to be confined to evaluation of whitewater recreational activities on the South Fork of the American River; and

WHEREAS, on April 18, 1995, the Board passed Ordinance No. 4365, requiring that this Environmental Impact Report be certified in conjunction with the River Management Plan Update no later than April 4, 1998; and

WHEREAS, on April 11, 1995, the Board passed Ordinance No. 4363 making various changes to the standards and procedures for the issuance of commercial river use permits; and

WHEREAS, Ordinance No. 4363 clarified that the grant or denial of a commercial river use permit by the Planning Commission, or the Board of Supervisors on appeal, shall be a ministerial act, and that the permits are issued for a three-year term; and

WHEREAS, Ordinance No. 4363 took effect May 11, 1995 and provided that it would expire of its own terms when the County certified an Environmental Impact Report for the River Management Plan Update, or three years from the Ordinance's effective date, whichever came first, and that upon expiration, the prior standards and procedures for issuance of commercial river use permits, including language deemed by a trial court to indicate that permit issuance was a discretionary act, would come back into effect; and

WHEREAS, it is now apparent that the completion of the River Management Plan Update and accompanying Environmental Impact Report will require more than three years to accomplish;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. (Uncodified) The Board of Supervisors hereby declares that its intentions in taking the actions specified above were as follows:

a. To prepare and complete a River Management Plan Update and accompanying environmental review as expeditiously as possible, consistent with the objectives of sound policy making and full public involvement.

b. To allow commercial rafting activities to continue while the River Management Plan Update and Environmental Impact Report were prepared and completed.

c. To have the River Management Plan Update and Environmental Impact Report completed prior to taking action on the vast majority of commercial river use permits which expire and are eligible for renewal in 1998.

SECTION 2. (Uncodified) The Board of Supervisors hereby finds and declares that it would frustrate and be contrary to the Board of Supervisors' intentions in 1995, as expressed above, if the commercial river use permits eligible for renewal in 1998, which constitute the vast majority of all such permits, were approved for a three-year term just weeks or months prior to the completion of the River Management Plan Update and Environmental Impact Report, because such approvals would preclude amendments to the permit terms and conditions to implement new features of the River Management Plan until the permits expire in 2001.

SECTION 3. To effectuate and avoid the frustration of its intent in taking the foregoing actions in 1995, the Board of Supervisors hereby ordains as follows:

a. **(Uncodified)** The independent consultant responsible for completing a proposed River Management Plan Update and accompanying Environmental Impact Report is hereby directed to proceed with all deliberate speed to complete these projects so that they may come before the Board of Supervisors for action as soon after April 4, 1998 as possible.

b. **(Codified)** Section 5.48.050E of Chapter 5.48 of Title 5 of the El Dorado County Ordinance Code is hereby added to read as follows:

E. Notwithstanding subdivision C of this section, permits issued under this section in calendar year 1998 shall be for a one-

year term running from April 1 or as soon thereafter as a permit is granted.

SECTION 4. (Uncodified) To effectuate its intent that commercial rafting activities continue pending completion of the River Management Plan Update and Environmental Impact Report, the Board of Supervisors hereby directs that all applications for commercial river use permits in 1998 shall be processed in accordance with the ordinances, policies, and standards in effect at the date the application is complete, regardless of whether final action on the application occurs before or after May 11, 1998.

SECTION 5. (Uncodified) This ordinance shall take effect and become effective 30 days from and after its final adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 10TH day of FEBRUARY, 1998, by the following vote of said Board:

Ayes: SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J. NUTTING, JOHN E. UPTON

Noes: SUPERVISORS: NIELSEN, SHULTZ

Absent: NONE

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret E Moody
Deputy Clerk

John E Upton
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A 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
TDC:sln
riveruse2.ord (1-28-98)

TDC:sln
rmp.ord
2-4-99

ORDINANCE No. 4529

(UNCODIFIED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

WHEREAS, on March 28, 1995, the Board of Supervisors approved the concept of an update to the County's River Management Plan and an accompanying Environmental Impact Report, with the effort to be confined to evaluation of whitewater recreational activities on the South Fork of the American River; and

WHEREAS, in 1995 it was expected, and the Board took actions that anticipated, that this Environmental Impact Report could be certified in conjunction with the River Management Plan Update within three years; and

WHEREAS, that expectation was not met, and it is now apparent that this work will not be completed before the onset of the 1999 commercial boating season; and

WHEREAS, it is the Board of Supervisors' desire and intent that the existing status quo of commercial river use operations be maintained while this work is completed, and also that new regulations and environmental mitigation measures developed through that work be implemented promptly upon its completion;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. The Board of Supervisors hereby declares that its intentions since 1995 in taking actions on this subject have consistently been:

a. To prepare and complete a River Management Plan Update and accompanying environmental review as expeditiously as possible, consistent with the objectives of sound policy making and full public involvement.

b. To allow commercial rafting activities to continue while the River Management Plan Update and Environmental Impact Report were prepared and completed.

c. To avoid granting approvals of commercial river use permits that would frustrate or delay the implementation of the River Management Plan Update and Environmental Impact Report.

SECTION 2. To effectuate and avoid the frustration of its expressed intent, the Board of Supervisors hereby ordains that all commercial river use permits issued pursuant to Chapter 5.48 of the El Dorado County Ordinance Code, and valid and in effect as of March 15, 1999, shall remain in effect until sixty (60) days following the adoption of a River Management Plan Update and certification of a final Environmental Impact Report thereon or three years from the effective date of this ordinance, whichever is first. Nothing in this ordinance shall affect the requirement of annual permit review found in Ordinance Code section 5.48.050C. Nothing in this ordinance shall affect any County ordinance, regulation, or policy regarding the suspension, amendment, or revocation of commercial river use permits.

SECTION 3. This ordinance shall take effect and become effective thirty (30) days from and after its final adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 30TH day of MARCH, 1999, by the following vote of said Board:

Ayes: SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J. NUTTING, PENNY HUMPHREYS, DAVID A. SOLA

Noes: NONE

Absent: SUPERVISOR: J. MARK NIELSEN

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

William S. Bradley
Chairman, Board of Supervisors
WILLIAM S. BRADLEY, CHAIRMAN PRO TEM

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A 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

TDC/dp
boatingord
12/26/01

ORDINANCE No. 4594

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

WHEREAS, on November 20, 2001, the County approved an updated River Management Plan for whitewater recreation in the South Fork American River corridor between Chili Bar and Salmon Falls; and

WHEREAS, Chapter 5.48 of the County Ordinance Code regulates commercial boating in the same project area, and needs to be updated to maintain consistency with the new River Management Plan;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. Chapter 5.48 of the County Ordinance Code, entitled "Stream and River Rafting," as it has been amended from time to time, is hereby repealed in its entirety.

SECTION 2. A new Chapter 5.48, entitled "Streams and Rivers Commercial Boating," is hereby enacted as set forth in the attached Exhibit "A."

SECTION 3. This Ordinance shall take effect and become effective thirty (30) days from and after its final adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 15th day of January, 2002, by the following vote of said Board:

Ayes: Supervisors: Rusty Dupray, Helen K. Baumann, Carl Borelli, Penny Humphreys, David A. Solaro

Noes: None
Absent: None

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors
By Margaret E. Moody
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A 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

EXHIBIT "A"

Chapter 5.48

STREAMS AND RIVERS COMMERCIAL BOATING

Sections:

5.48.010	Title
5.48.020	Purpose
5.48.030	Definitions
5.48.040	Permit Required
5.48.050	Permit Issuance Procedure
5.48.060	Permit Term; Annual Review; Fees
5.48.070	River Use Plan Contents
5.48.080	Limitation on Permitted Allocations
5.48.090	No Vested Right
5.48.100	Revocation, Denial, or Non-Renewal of Permit
5.48.110	Permit Transfer, Consolidation, or Inactivation
5.48.120	Safety Equipment and Standards
5.48.130	Littering and Trespass
5.48.140	Penalty for Violation

5.48.010 Title. This chapter shall be referred to as the Streams and Rivers Commercial Boating Ordinance.

5.48.020 Purpose. The Board of Supervisors recognizes that recreational use of the county's streams and rivers includes the use of streams and rivers by rafts, kayaks, and other floating devices. The board has further found it necessary to manage whitewater recreation, through the County's River Management Plan, to protect the riparian environment and the safety, health, and welfare of river users and riparian landowners. Consistent with the policies and purposes of the 2001 El Dorado County River Management Plan, as it may be amended from time to time, this chapter regulates commercial boating on County rivers and streams.

5.48.030 Definitions.

A. "Boat rental" means the lease, rental, loan, or bailment for consideration of any floating device for use on any stream or river named in section 5.48.040.

B. "Commercial outfitter" means any operation that meets any of the criteria specified in Subelement 6.1 of the 2001 El Dorado County River Management Plan, as it may be amended from time to time.

C. "Commercial river use" means any operation of a boat rental or commercial outfitter.

D. "Commercial river use permit" means a discretionary permit issued pursuant to this chapter that entitles the permittee to engage in commercial river use.

E. "County parks" means the airports, parks and grounds division of the department of general services.

F. "Floating device" means any raft, kayak, canoe, canoe, inner tube, kickboard, water wheel, or similar object, or any "vessel" as defined by section 21 of the California Harbors and Navigations Code, as it may be amended from time to time. "Floating device" expressly excludes U.S. Coast Guard approved personal flotation devices, types 1 through 5.

5.48.040 Permit Required. No person or entity shall engage in commercial river use on the reaches of the South Fork of the American River between Chili Bar and Salmon Falls, except as authorized by a valid commercial river use permit in good standing.

5.48.050 Permit Issuance Procedure. Commercial river use permits shall be issued by the planning commission. The procedure for permits is as follows:

A. The applicant shall submit an application for a commercial river use permit, accompanied by a river use plan, and appropriate fee, to county parks on or before an annual deadline set by county parks.

B. Within sixty days of the deadline for receipt of the application and river use plan, county parks shall review them for compliance with the standards of this chapter and of the River Management Plan and submit a written report of its conclusions and recommendations to the planning commission. If county parks concludes that an applicant's river use plan is not complete or does not meet the standards of section 5.48.070, it shall recommend that the application be denied.

C. Upon receipt of the report from county parks, the matter shall be placed on the agenda of the next available meeting of the planning commission. The planning commission shall approve the permit upon a finding that the application and plan meet all standards of this chapter and of the River Management Plan; it shall deny the permit upon a finding that the application and plan do not meet one or more standards, identified in the finding, of this chapter or of the River Management Plan.

D. Following the decision of the planning commission, either the applicant or any other person who is adversely affected by the decision may file an appeal to the board of supervisors in accordance with Chapter 2.09 of this code. The appeal must be filed within ten (10) days after the action of the planning commission on a form furnished by the clerk to the boar of supervisors. The appeal must be accompanied by a fee of twenty-five dollars ($25) for every permit or application included in the appeal.

E. The board of supervisors shall review each appealed decision de novo, and shall sustain or reverse the decision, or remand it to the planning commission for further consideration. The action of the board of supervisors shall be final and shall be rendered within seven days of the conclusion of its hearing.

5.48.060 Permit Term; Annual Review; Fees.

A. Commercial river use permits shall be issued for a three-year term, with mandatory annual review by county parks. The permit term shall run from the earlier of April 1 or the date of issuance.

B. Notwithstanding subdivision A., the following permits shall have one-year terms:

1. A permit issued for a commercial river use that has been operating for less than one year.

2. A permit issued to an operator who does not currently hold a permit.

C. In its annual review, county parks shall review any violations or complaints regarding the permittee and require the permittee to provide the following: a statement of any changes in its river use plan, current certificates of insurance, a newly executed letter agreeing to observe all standards enacted or enforced by the director of environmental health regarding food storage, handling, and preparation, solid waste, sewage and sewage disposal, and water supply.

D. Fees for the issuance and annual review of commercial river use permits shall be established by resolution of the board of supervisors. The issuance fee shall be an amount equal to the estimated cost of enforcing and administering the provisions of this chapter, including the processing of the application. The annual review fee shall not exceed the costs of conducting the annual review.

5.48.070 River Use Plan Contents. The river use plan required by section 5.48.050 shall include, but need not be limited to, the following information:

A. Applicant's name, mailing address, and location of place of business.

B. If the place of business is not located in El Dorado County, the name, address, telephone number, and other relevant contact information of a local agent within the county who will be available in the event of emergencies or other problems.

C. Full description of all activities proposed to be conducted under the commercial river use permit being sought.

D. Full descriptions, including location, of all planned ingress and egress from the water, as well as all rest stops, lunch stops, or other planned non-emergency stops on adjoining lands. All lands so specified must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a state or federal agency.

E. Full description, including location, of the parking facilities for the permittee's commercial vehicles, employees, clients, and guests. Parking facilities must provide parking allocated to the permittee's exclusive use that meets the standards of chapter 17.18 of this code. All lands specified for parking facilities must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a state or federal agency.

F. Written proof that the applicant has obtained the landowners' or managing public agencies' permission for the activities planned on all lands specified in response to subparagraphs D and E, if the applicant is not the landowner.

G. Written confirmation that the permittee will provide shuttle transportation services to and from all points of ingress and egress. Vehicles used by permittee to transport clients, employees, or equipment shall meet at current California Vehicle Code requirements.

H. Written confirmation of compliance with county Environmental Health Permit requirements and all food storage, handling and preparation, solid waste, sewage and sewage disposal, and water supply standards enacted or enforced by the director of environmental health. This requirement may be satisfied by a letter and Environmental Health Permit application, signed by the applicant, agreeing to observe all such standards.

I. Full description of planned safety measures for river users that meet that standards of section 5.48.120.

J. Written proof of bodily injury and liability insurance covering all activities of the permittee and the permittee's employees or agents relating to or incidental to river use pursuant to the permit sought. Liability insurance must meet scope and amount standards set by resolution of

the board of supervisors, and must name the county, its officers and employees, and riparian landowners as additional insureds.

K. Full description of a name or logo identification, to be utilized on all flotation devices, that meets the criteria of Subelement 6.2.5 of the River Management Plan, as it may be amended from time to time.

5.48.080 Limitation on Allocations. Notwithstanding section 5.48.050, no river use permit will be issued if its issuance would cause the total weekend or weekday commercial use allocation to exceed the allocations authorized by permits in effect on November 20, 2001, unless a permit is sought for the provision of a truly new and unique commercial river use, as determined by the planning commission or the board of supervisors on appeal. The purpose of this limitation is to protect the health, safety and welfare of river users and riparian landowners, as well as the riparian environment.

5.48.090 No Vested Right. The granting of a commercial river use permit does not vest any right or entitlement to an extension or renewal beyond the permit period.

5.48.100 Revocation, Denial, or Non-Renewal of Permit.

A. A commercial river use permit may be revoked by the county hearing officer, or the board of supervisors on appeal, and may be reapplied for in the following year, pursuant to the standards and procedures of the River Management Plan as it may be amended from time to time.

B. If a commercial river use permit has been revoked and not issued on reapplication, denied, or no timely application for its renewal has been submitted, the weekday and weekend use allocations associated with that permit shall revert to the county. After first soliciting a recommendation from the river management advisory committee, the board of supervisors may dissolve those allocations or assign them to one or more existing commercial outfitters or new commercial outfitters who apply for all or a portion of the allocations.

5.48.110 Permit Transfer, Consolidation, or Inactivation. Commercial river use permits may not be transferred or consolidated in whole or part, or inactivated, except as provided in Subelement 6.2.1.4 of the River Management Plan, as it may be amended from time to time.

5.48.120. Safety Equipment and Standards.

A. Each floating device used to traverse a stream or river shall carry one U.S. Coast Guard approved personal flotation device per person using the floating device.

B. The number of persons using a floating device shall not exceed the floating device's design capacity, except in an emergency or rescue situation.

C. All commercial outfitters shall observe the safety, training, and equipment standards of Subelements 6.2.7 and 6.2.8 of the River Management Plan, as they may be amended from time to time.

5.48.130 Littering and Trespass. All persons, groups or business entities who use the streams and rivers of the county for recreational or commercial purposes shall be subject to state law regarding littering and trespass.

5.48.140 Penalty for Violation.

A. Violation by commercial river use permittees of certain standards and representations specified in section 5.48.070 shall be penalized as follows:

1. Violations of subdivisions A., B., D., E., F., G., or K. shall be punishable as specified in Subelement 6.2.10.3 of the River Management Plan, as it may be amended from time to time.

2. Violations of subdivision H. shall be punishable by penalties imposed or enforced by the environmental health department.

3. Violations of subdivisions C. or J. shall be punishable as specified in Subelement 6.2.10.4 of the River Management Plan, as it may be amended from time to time.

4. Violation of subdivision I. shall be a misdemeanor punishable pursuant to subdivision B. of this section.

B. Except as otherwise specified in subdivision A., violations of any provision of this chapter shall be a misdemeanor and punishable by imprisonment in the county jail not to exceed six months, by a fine not to exceed five hundred dollars, or both.

TDC:sln
rmpurg.ord
2-4-99

ORDINANCE No. 4528

(UNCODIFIED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

WHEREAS, on March 28, 1995, the Board of Supervisors approved the concept of an update to the County's River Management Plan and an accompanying Environmental Impact Report, with the effort to be confined to evaluation of whitewater recreational activities on the South Fork of the American River; and

WHEREAS, in 1995 it was expected, and the Board took actions that anticipated, that this Environmental Impact Report could be certified in conjunction with the River Management Plan Update within three years; and

WHEREAS, that expectation was not met, and it is now apparent that this work will not be completed before the onset of the 1999 commercial boating season; and

WHEREAS, it is the Board of Supervisors' desire and intent that the existing status quo of commercial river use operations be maintained while this work is completed, and also that new regulations and environmental mitigation measures developed through that work be implemented promptly upon its completion;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. The Board of Supervisors hereby declares that its intentions since 1995 in taking actions on this subject have consistently been:

a. To prepare and complete a River Management Plan Update and accompanying environmental review as expeditiously as possible, consistent with the objectives of sound policy making and full public involvement.

b. To allow commercial rafting activities to continue while the River Management Plan Update and Environmental Impact Report were prepared and completed.

c. To avoid granting approvals of commercial river use permits that would frustrate or delay the implementation of the River Management Plan Update and Environmental Impact Report.

SECTION 2. To effectuate and avoid the frustration of its expressed intent, the Board of Supervisors hereby ordains that all commercial river use permits issued pursuant to Chapter 5.48 of the El Dorado County Ordinance Code, and valid and in effect as of March 15, 1999, shall remain in effect until sixty (60) days following the adoption of a River Management Plan Update and certification of a final Environmental Impact Report thereon or three years from the effective date of this ordinance, whichever is first. Nothing in this ordinance shall affect the requirement of annual permit review found in Ordinance Code section 5.48.050C. Nothing in this ordinance shall affect any County ordinance, regulation, or policy regarding the suspension, amendment, or revocation of commercial river use permits.

SECTION 3. The Board of Supervisors of the County of El Dorado hereby finds and declares that preservation of the public peace, health, and safety requires that this ordinance take effect immediately as an urgency ordinance pursuant to California Government Code section 25123(d) and Elections Code section 9141(a)(4), based upon the following facts:

A. The County's River Management Plan, implementing ordinances, and commercial river use permits issued thereunder promote the public peace, health, and safety, in part by regulating the operations of commercial river boating purveyors in the County.

B. If this ordinance takes effect in thirty (30) days, rather than immediately, many currently valid commercial river use permits will lapse, thereby drastically reducing the number of authorized commercial river use permit holders in the County.

C. The federal Bureau of Land Management and the State Parks Division are issuing or have issued permits for related land-based activities and river access without regard to the possible lapsing of the County's commercial river use permits, thereby creating a

potential class of commercial river boating purveyors who hold all necessary permits except commercial river use permits.

D. Without adequate numbers of commercial river use permits, commercial river boating purveyors will be unable to conduct training activities for their rafting guides at the outset of the rafting season, as is customary.

E. In the face of strong public demand for river boating opportunities in the County, the existence of a shortage of authorized commercial river use permit holders and trained guides and of a class of river boating purveyors who lack only commercial river use permits would undermine the promotion of the public peace, health, and safety by the River Management Plan and implementing ordinances, by creating incentives for:

1. Unauthorized, unregulated, unlawful and unsafe commercial river boating activity;

2. Commercial and private river boating activity supervised by untrained guides; and

3. Excessive and unsafe private river boating activity.

These activities will overburden County law enforcement and public safety personnel and divert resources from other public health and safety needs.

F. Unless the foregoing ordinance takes effect immediately, the annual river boating season will begin before action can be taken to reissue the invalidated permits, thereby causing the foregoing adverse effects on the public peace, health, and safety.

SECTION 4. This ordinance shall take effect and become effective immediately.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 16TH day of MARCH, 1999, by the following vote of said Board:

Ayes: SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J. NUTTING, PENNY HUMPHREYS, DAVID A. SOLARO

Noes: SUPERVISOR: J. MARK NIELSEN

Absent: NONE

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A 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

Chapter 5.50
SPECIFIC USE REGULATIONS FOR THE SOUTH FORK, OF THE AMERICAN RIVER

5.50.010 Purpose and Authority.

A. The purpose of this chapter is to protect the public's health; safety, and welfare, to protect environmental resources, and to implement certain policies of the 2001 El Dorado County River Management Plan (River Management Plan), by designating a portion of the South Fork of the American River as a special use area and by requiring registration of all persons who, for noncommercial purposes, float or otherwise traverse all or any portion of that special use area.

B. The registration of noncommercial boaters is a mandatory implementation measure of the River Management Plan. The River Management Plan also obliges the county to implement boater education and carrying capacity programs. The registration requirement is necessary to ensure that all noncommercial boaters are aware of the following: boating safety rules and information; applicable carrying capacity mitigation measures; locations of public access points and public lands; approved human sanitation methods; and the defining characteristics of noncommercial river trips. The registration requirement is also necessary to ensure that institutional groups, as defined in this chapter, provide evidence of appropriate insurance coverage and safety training

C. This chapter is enacted under the authority of California Harbors and Navigation Code section 660, which authorizes the county to designate special-use areas and impose pollution and sanitation controls. This chapter regulates noncommercial recreational travel within the defined special-use area in order to ensure pollution and sanitation control; the safety of the travelers; the health, safety, and welfare of the community; and the protection of the environment. (Ord. 4596, 3-19-2002)

5.50.020 Definitions.

A. "Institutional group" means a group participating in a noncommercial river trip operated as a program of a non-profit organization that meets IRS tax-exempt requirements, or a noncommercial group participating in a river trip through an accredited academic program as part of the educational curriculum of a school, college, or university.

B. "Large group" means a non-institutional group of four or more boats having three or more occupants, or a total of 18 or more people, participating in a noncommercial river trip.

C. "Noncommercial river trip" means to float, traverse, or travel all or any part of the special-use area defined by this chapter on a trip that meets all of the following criteria:

1. Fees or charges are collected only to recover the actual costs of the trip.
2. All expenses are shared equally by all group members.
3. No member of the group obtains financial gain, including salaries, or otherwise benefits by increased assets.

4. No paid employees such as guides, lead guides, or drivers are compensated by salary, wages, or equipment, with the exception that educational leaders for accredited educational programs may be paid or compensated by their educational employer.

5. Donations or fees that exceed the actual costs of the trip are not solicited as a condition or participation, nor during or immediately after (on the day of) the trip. (Ord. 4596, 3-19-2002)

5.50.030 Special-Use Area.

The portion of the South Fork of the American River between Chili Bar Dam and the confluence of the Folsom Lake State Recreation Area is hereby designated as a special-use area pursuant to California Harbors and Navigation Code section 660. (Ord. 4596, 3-19-2002)

5.50.040 Registration Required for Noncommercial River Trips.

At least one person in or on each boat raft kayak, vessel, or any other type of craft who participates in a noncommercial river trip must register with the county each calendar year. Registration shall be accomplished by signing and dating a tag provided by the county. By signing the tag, the person certifies that he or she has read the information and rules on the tag and that failure to abide by those rules is a violation of this chapter. This tag must be displayed in a visible location throughout the noncommercial river trip, and must be surrendered to any peace officer upon demand. (Ord. 4596, 3-19-2002)

5.50.050 Registration Required for Large Groups.

In addition to the requirements of section 5.50.040 and prior to every noncommercial river trip, each large group must complete and return a pre-trip large group registration form provided by the county. (Ord. 4596, 3-19-2002)

5.50.060 Registration Required for Institutional Groups.

In addition to the requirements of section 5.50.040 and prior to its first noncommercial river trip in any season, each institutional group must:

A. Complete and return a pre-season annual registration form provided by the county.
B. Provide proof of liability insurance meeting current county standards.
C. Provide proof of guide certification on guiding, safety, and rescue training, first aid, and knowledge of County regulations.
D. Have previously provided post-season annual reporting of the prior year's river use, by date. (Ord. 4596, 3-19-2002)

5.50.070 Litter and Human Waste.

A. Each boat, vessel, raft, kayak or other craft must carry a container of durable construction that can be used for trash and litter disposal while engaged in a noncommercial river trip. All litter and waste must be removed by the user in accordance with sections 5.48.130, Littering and Trespass, 9.46.280, Littering, and 9.46.290, Waste Disposal, of the El Dorado County Ordinance Code.
B. Each person or group of persons who uses any public or private lands adjacent to the South Fork of the American River within the special-use area must have access to or

provide an approved privy, toilet, porta-potty or other approved human waste disposal method. The approving agency for any human waste disposal method shall be the Environmental Health Division of the El Dorado County Environmental Management Department (Ord. 4596, 319-2002)

5.50.080 Quiet Zone.

The provisions of Chapter 9.16 of this Code, entitled "Noise," shall be applicable to all persons engaged in noncommercial river trips within that portion of the designated special-use area that is also designated as a "Quiet Zone" pursuant to the River Management Plan, as it may be amended from time to time. (Ord. 4596, 3-19-2002)

5.50.090 Penalty for Violation.

In addition to any other penalties provided by law, violation of any provision of this chapter shall be an infraction punishable as specified in section 1.24.030 of this Code. (Ord. 4596, 3-19-2002)

5.50.100 Glass Ban.

Due to the serious hazard created by discarded and/or broken glass, possession of any glass bottle, jar, tumbler or vessel of any kind is prohibited:
A. Within 100’ of the waterline of the South Fork of the American River on County property including but not limited to Henningsen Lotus Park and Chili Bar Park. This prohibition does not apply to Permitted Special Events or private property.
B. On the South Fork of the American River.

HEADNOTES

Classified to California Digest of Official Reports, 3d Series

(1) **Constitutional Law § 44—Police Power—Exercise.**—However laudable its purpose, the exercise of police power may not extend to total prohibition of activity not otherwise unlawful.

(2) **Waters § 110—Navigable Waters and Tidelands—Use of Navigable Waters—Public's Right of Access.**—The public's right of access to navigable streams is a constitutional right. (Cal. Const., art. 10, § 4.)

(3) **Waters § 110—Navigable Waters and Tidelands—Use of Navigable Waters—Public's Right of Access.**—A county ordinance which made it unlawful "to float, swim, or travel" in a 20-mile section of a navigable river highly suited to rafting and boating was invalid; it denied the constitutional right of the public to use of and access to a navigable stream. Although the ordinance was effective to eliminate pollution and sanitation problems, the total prohibition of access was an impermissible solution. Reasonable regulation was in order; use prohibition was not.

[See **Cal.Jur.2d**, Waters, §§ 786, 787; **Am.Jur.2d**, Waters, §§ 87-89.]

COUNSEL

George Deukmejian, Attorney General, N. Gregory Taylor and Jan Stevens, Assistant Attorneys General, and Richard M. Frank, Deputy Attorney General, for Plaintiffs and Appellants.

Noble Sprunger, County Counsel, Kronick, Moskovitz, Tiedemann & Girard, Edward J. Tiedemann and Janet K. Goldsmith for Defendants and Respondents.

Lillick, McHose & Charles, R. Frederic Fisher and Harry Pfeifer for Interver[illegible]d Appellants.

OPINION

PARAS, J.—May a county ban all rafting and boating on a section of a navigable river highly suited to and much used for such recreational activities? Under the circumstances here presented it may not.

The South Fork of the American River in El Dorado County between Chili Bar Dam and Salmon Falls, a distance of about 20 miles, is in question. Because of its location, flow, lack of obstructions, and the variety of challenges presented by its "runs," it is one of the two most popular whitewater rafting areas in California. When dam construction on the Stanislaus River is completed, there will be no comparable river for rafting in the state. The popularity of this segment of river has increased dramatically in recent years. In 1975, 30 commercial rafting organizations spent approximately 21,000 commercial user days navigating the river. Private user days amounted to about 14,000.

The raft trip usually takes two days. Most of the land on both sides of the river is privately owned and access to the water is limited. Property owners along the river complain of noise, litter, pollution and unsanitary conditions caused by the rafters, as well as of trespassing and fire danger during overnight stops.

On August 10, 1976, the El Dorado County Board of Supervisors adopted an ordinance making it unlawful "to float, swim or travel in said waterway by any artificial means." Fishing or swimming "in a lawful manner," use of the public areas, and exercise of property rights by private owners were declared exempt. Violation of the ordinance was pronounced a misdemeanor punishable by a fine of up to $500 or six months in jail, or both.

Plaintiffs promptly (on Aug. 20) filed suit against county officials to enjoin enforcement of the ordinance and to declare it invalid. Representatives of the commercial rafting organizations moved to intervene as plaintiffs on August 27. The trial court granted the intervention but denied a preliminary injunction. We stayed enforcement of the ordinance pending trial on the merits. Plaintiffs then moved for summary judgment. After the trial court issued an intended decision denying the motion, the parties agreed to submit the matter for decision on the merits based on the pleadings and documents in the record. The trial court found the ordinance established a special-use area and sanitation and [illegible]ution

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which specify procedures which cities and towns must follow in adopting ordinances should be made applicable to special districts.

Condit v. Solvang Mun. Imp. Dist. (1983) 194 Cal.Rptr. 683, 146 C.A.3d 997.

§ 25132. Misdemeanor; violation reduced to infraction by ordinance; prosecution; fines for infractions

(a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. Such a violation may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars ($100) for a first violation; (2) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance within one year.

(Added by Stats.1975, c. 716, p. 1707, § 1. Amended by Stats.1983, c. 1092, § 136, urgency, eff. Sept. 27, 1983, operative Jan. 1, 1984.)

Historical Note

The 1983 amendment increased the maximum fine in subd. (b) for a first violation from $50 to $100; increased the maximum fine in subd. (b) for a second violation from $100 to $200; and increased the fine in subd. (b) for each additional violation from $250 to $500.

Library References

Counties ⇐21½.
C.J.S. Counties § 49.

Article 8

PUBLICATION OF NOTICE AND PROCEEDINGS

Section
25150. Statement of proceedings; copies of agendas and summaries of proceedings.
25151. Notice of proceedings; posting.

Article 8 was added by Stats.1947, c. 424, p. 1110, § 1.

Library References

Counties ⇐53.
C.J.S. Counties § 91.

§ 25150. Statement of proceedings; copies of agendas and summaries of proceedings

(a) Except as otherwise provided in subdivision (b), within 10 days after each session of the board of supervisors, it shall cause to be published a fair statement of all its proceedings.

(b) In lieu of the requirements imposed by subdivision (a), the board of supervisors may provide copies of agendas and summaries of proceedings to

APPENDIX C

RMP Data and Standards

El Dorado County
River Management Plan (2018)
Data and Standards

This appendix to the El Dorado County River Management Plan (RMP) specifies values referenced in the RMP and current outfitter permit allocations. In response to identified management needs, these values are subject to change pursuant to resolution of the El Dorado County Board of Supervisors and outfitter river use permit updates/revisions. As part of the RMP's ongoing implementation process, the values in this appendix will be updated when modified, and the revised appendix will distributed to interested individuals and organizations. This appendix also includes a map indicating current land ownership along the South Fork of the American River within the RMP area.

Insurance Requirements – Element 6.2.9.1.2

See Resolution 033-2002 for a full description of insurance requirements.

Full Worker's Compensation and Employer Liability Insurance covering all employees of commercial operator as required by law in the State of California.

General Liability Insurance of not less than $1,000,000 combined single limit per occurence for bodily injury and property damage.

River Use Permit Application Fees – Element 6.2.6.3.1

Permit Application:	$200

River Management Fee (surcharge per customer) – Elements 6.2.6.3.2 and 6.2.6.1.3

River Management Fee:	$2.^{00}
Late Penalty Charge:	10%

Permit Capacity Exceedance Additional Penalty – Element 6.2.10.1.1, Item 7

Additional Penalty (per person):	$50

Class 1 Violation Penalty Schedule – Element 6.2.10.3.1:

First violation in any one category:	$100
Second violation in any one category:	$250
Third violation in any one category:	$500

Boat Density Threshold and Low Flow Releases – Element 7.2:

Density Threshold: 300 boats in 2 hours (based on ¼ -hour increments and a rolling 2-hour period) at Meatgrinder, Troublemaker, Barking Dog, Fowlers Rock or Satan's Cesspool rapids on two days during any one season. Two kayaks are equal to one boat" for the purposes of determining boat density.

Low Flow Releases: Less than 5 hours (8 AM t o 1 PM) of 1,200 cfs flows per weekend day.

Daily Boater Total Threshold - Element 7.3:

Daily Boater Total Thresholds:

Upper Reach - 2,100 boaters on two days during any one season.

Lower Reach - 3,200 boaters on two days during any one season.

Note: Boater counts shall include all persons in each boat, including outfitter guides.

River Use Permit Allocations:

The 1984 River Management Plan contained an outfitter allocation system that was revised in 1987. The revision was based on a reallocation formula that focused on reducing the amount of commercial river use on peak weekends. As a result of the 1987 revision, the total number of weekend user days in the allocation system was reduced to 2,750 per weekend day; the total season allocation provision contained in the 1984 RMP was removed; individual outfitter's allocations were revised based upon the historic use of his/her permit. Weekday allocations were not adjusted, thereby continuing a 1984 RMP policy of allowing growth in the amount of midweek commercial river use. The reallocation system was subsequently adopted into the 1988 RMP through Resolution No. 99-88

Institutional Group Transition

The 2017 updated RMP continues the Institutional User Group registration but changes eligibility requirements. Only groups teaching accredited educational courses can register as an Institutional User Group.

The County will work with the current Institutional User Groups who are not teaching accredited educational courses over the next three years to transition them into the Outfitter River Use Permit system. If an issue comes up that is insurmountable and could cause a non-profit to cease river trips, staff will revisit the issue and bring forward any necessary recommended changes to the Board of Supervisors.

LIST OF RIVER USE PERMITS THAT EACH OUTFITTER HOLDS
Updated October, 2017

RUP	Company	Total Permit #s held	Weekend Allocation	Weekday Allocation	Total Weekend Allocation	Total Weekday Allocation	Total Weekend Guest	Total Weekday Guest
01	Mariah	One Permit			110	100	9	8
02	Vacant	One Permit			103	75	8	6
05	River Runners	One Permit			64	45	5	4
08	WET	One Permit			100	50	8	4
10	All Outdoors	RUP 10	144	35	200	90	16	7
		RUP 49	21	25				
		RUP 52	35	30				
11	Tributary	One Permit			69	66	5	5
18	Sierra Nevada College	One Permit			12/25	25	2	2
19	Sierra WW	One Permit			87	74	7	6
20	Rise Up River Trips	One Permit			40	35	3	3
23	WW Excitement	RUP 23	109	30	109	80	9	6
		RUP 30	---	25				
		RUP 43	---	25				
24	CA Canoe Kayak	One Permit			20/30	35	2	3
27	CSU Chico	One Permit			35	25	3	2
32	ARTA	One Permit			79	55	6	4
33	Current Advent.	One Permit			10/20	25	2	2
36	Vacant	One Permit			33	25	3	2
38	ASI, Peak Adv.	One Permit			35	25	3	2
45	Amer. WW Exp.	RUP 45	173	75	301	175	24	14
		RUP 40	105	75				
		RUP 34	23	25				
48	Beyond Limits	RUP 48	117	90	128	115	11	9
		RUP 25	11	25				
50	Adventure Conn.	One Permit			93	125	7	10
55	Rock n Water	One Permit			15/30	100	2	8
60	Tahoe WW Tours	RUP 60	36	25	52	50	4	4
		RUP 59	16	25				
63	Action WW Adv.	RUP 63	112	52	310	133	25	11
		RUP 13	32	22				
		RUP 28	105	25				
		RUP 44	61	34				
67	River Rat & Co.	One Permit			52	25	4	2
68	Mother Lode River Trips	RUP 68	114	67	228	142	18	11
		RUP 51	16	25				
		RUP 61	98	50				
70	O.A.R.S. West	RUP 70	89	59	287	218	23	17
		RUP 58	114	69				
		RUP 14	84	90				
72	H2O Adventures	One Permit			48	25	4	2
74	Rubicon WW Adv.	One Permit			8/27	25	2	2
75	Out. Adv. UCD	One Permit			74	50	6	4
79	Env. Traveling Companions	One Permit			48	60	4	5

*** Memorial Day to Labor Day Weekend Allocation**

Outfitters with a weekend allocation of 30 or less are able to "flex" their allocation. Outfitters are allowed a weekend day allocation equal to the number on the right (example: 14/**27**). However, the total number of passengers between the Memorial Day weekend and the Labor Day weekend may not exceed thirty times the number on the left (14 X 30 = **420**).

Outfitter allocations were amended in1988 (Resolution #99-88). Today, if an outfitter's weekend allocation is less than 30, that outfitter is allowed to operate at either its pre-reallocation capacity (if less than 30), or up to a weekend day capacity of 30 (if before reallocation the outfitter's capacity was greater than 30). This allocation was seen as a means of giving smaller outfitters an opportunity to operate fewer but more profitable trips during the course of a summer.

Permit # and Total Memorial to Labor Day Weekend Allocations

#18	360
#24	600
#33	300
#55	450
#74	240