

August 6, 2025
Coloma Lotus Advisory Committee

Re: ***August 7, 2025 Agenda Item 2***
River Management Plan and Ordinance Updates

Chair Rangel and CLAC Members:

This comment letter relates to Agenda item 2 before CLAC on August 7, 2025 relating to the draft updates to the River Management Plan (“Draft RMP”) and the draft updates to the RMP Ordinance (“Draft RMP Ordinance”) contained El Dorado County Code Chapter 5.48.

As background, I have experience as a commercial raft guide, a private rafter and kayaker, I own property on the South Fork of the American River, and in a professional capacity I have extensive experience with local land use and environmental laws. As such I believe I have a unique perspective on the Draft RMP and the Draft RMP Ordinance.

On a more personal note, recently a commercial outfitter stopped on my property to conduct commercial guide training. The company had several boats and numerous guides repeatedly crossing across my property which included disturbing wildlife and vegetation. The training occurred for several hours and included constant whistling and yelling, in violation of the quiet zone requirements. I personally asked them numerous times to leave which they did not do immediately. I had to call company owners, and interface with the guides throughout the afternoon. Afterwards, I contacted County Code Enforcement requesting an enforcement action, and only after weeks of not receiving response on my follow up calls, I was informed the matter was referred to the El Dorado County Department of Parks and Trails which issued a warning letter. The El Dorado County Department of Parks and Trails ultimately determined not to issue any violations, despite clear violations of many portions of the RMP, the County Code, and likely the outfitter’s use permit.

Additionally, as a private boater, I have witnessed and been victim to numerous occasions of poor river etiquette and violations or permit and/or RMP requirements exercised by commercial companies. This includes passing private and commercial boats in rapids, operating in excess of the pod size requirements, not properly marking commercial boats, daily violations of the quiet zone requirements, daily violations of the land use requirements (specifically stopping on private property or property not designated as a place to stop) in addition to other unsafe practices.

With that background in mind, I have many concerns with the draft RMP and the draft RMP update. In general, I believe that the Draft RMP and the Draft RMP Ordinance fail to adequately protect private property owners, private boaters, and other commercial operators who follow the requirements on the South Fork. This system places the onus on victims to pursue violations, which in my experience is a large investment of time. Moreover, I believe these documents, as currently drafted are paper tigers, do not give the El Dorado County Department of Parks and Trails the resources to effectively enforce the Draft RMP and Draft RMP Ordinance. It is also worth mentioning that the current system, as well as the Draft RMP and Draft RMP

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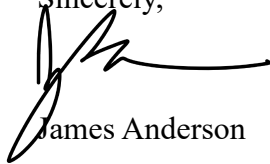
Ordinance are not fair to those outfitters which do comply with the requirements potential to their competitive disadvantage.

The system as it currently exists creates opportunities for abuse. While I acknowledge that the El Dorado County Department of Parks and Trails has an almost impossible job of monitoring commercial and private rafting, currently there is little oversight and very small, or no, penalties for permit violations that affect other river users. In my experience this is unique among conditional land uses, and I believe there needs to much stricter oversight.

For ease of review, included with this correspondence is Attachment 1. Attachment 1 I have included sections of the Draft RMP and Draft RMP Ordinance, my recommendation for changes, and commentary on the basis for the changes.

I thank CLAC and the members for their consideration of this comment letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Anderson', with a stylized, cursive flourish extending to the right.

James Anderson

ATTACHMENT 1

Draft RMP and Draft RMP Ordinance Recommended Changes

Draft RMP		
Section	Recommended Changes	Comment
4.2	<p>Add language stating:</p> <p>“All complaints properly submitted will be investigated by County staff and the complainant will be contact regarding complaint resolution.”</p>	Currently there is very little language or guidance from County staff on how complaints are addressed. This leads complainants to track down County staff to address issues raised. All properly submitted complaints must now be investigated, and complainants must be contacted for follow up.
6.2.2.3	<p>Add language stating:</p> <p>“Commercial trips passing in Class III whitewater without the consent of the group being passed shall constitute a Class II violation subject to the penalties in section 6.2.10.3.”</p>	Currently the Class II violation schedule only pertains to County administrative issues and fees and does not protect other river users or private property owners. This addition would enforce very basic safety protocols that would prevent outfitters from unsafe passing etiquette. This recommendation is consistent with all river rafting norms and would help protect other river users.
6.2.3.3	Remove “may” and replace it with “will”	The County needs to remove its discretion to issue citations and make it mandatory. While administratively this may be a burden, it is unfair to other river users and private property owners that permitted commercial outfitters can violate permit requirements without recourse.
6.2.7.2	Add language stating:	This recommendation makes it so that outfitters are required to ensure guides

	<p>“Any outfitter that is not able to verify a guide will comply with County River Safety and Etiquette standards shall be subject to a Class II violation subject to the penalties in section 6.2.10.3.”</p>	<p>comply with basic etiquette. This is a safety concern.</p>
6.2.7.3	<p>Add language stating:</p> <p>“River guide operational standards will be mandatory for all outfitters receiving complaints or which have received any Class I or II violation(s). Proof of implementation of the river guide operational standards will be required prior to permit renewal.”</p>	<p>This recommendation requires any outfitter that receives a violation create and implement a river guide operational standard. Failure to create or implement this would be subject to further violations (discussed below).</p>
6.2.10.1.1	<p>Remove the following language and add it to 6.2.10.1.2 as a Class II violation:</p> <p>“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.”</p> <p>Add the following language as a Class I violation:</p> <p>“Failure to implement river guide operational standards”</p> <p>Add Class I violations for the following:</p>	<p>This recommendation would move land use requirement violations from Class I to Class II violation. Currently, outfitters can trespass on private property and disrupt property owners without any recourse. The County, currently, advises private property owners to pursue their own private recourse, such as civil litigation. This is unacceptable. The County must require permitted conditional use operators to comply with basic property tenants. The County’s tacit allowance of this results in commercial operators using private property for their own gain, which likely opens the County to litigation risk.</p>

	<ul style="list-style-type: none"> - Failure to certify guides have signed and acknowledged the guide etiquette forms as required in Section 1.8.2.1. - Failure to brief clients as required in 1.8.2.2. 	Further, this recommendation adds additional Class I violations, discussed above.
6.2.10.1.2	<p>Addition of the following language as a Class II violation:</p> <p>“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.”</p> <p>“Commercial trips passing in Class III whitewater without the consent of the group being passed.”</p> <p>“Any outfitter that is not able to verify a guide will comply with County River Safety and Etiquette standards.”</p>	See the above discussions of these topics.
6.2.10.3.2	Remove “recommendation” and “will be required” and require suspension or revocation.	See the above discussion regarding County discretion. Make penalties mandatory and not subject to discretion.

Add new section 6.2.10.3.3	Add a section addressing “Class II Violations”. Recommended penalties for Class II violations are on first offense permit suspension for one weekend day between memorial and labor day. Second offense, five-day permit suspension between memorial and labor day. Third offense permit revocation.	There currently does not appear to be a penalty structure for Class II violations in the Draft RMP. This would require permit suspensions for Class II violations.
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Draft RMP Ordinance		
Section	Recommended Changes	Comment
5.48.060	<p>Do not delete the following language:</p> <p>“In its annual review, County Parks shall review any violations or complaints regarding the permittee and require”</p> <p>Add the following language:</p> <p>“All violations and complaints will be investigated by the County Parks. If violations are found to be in excess of the allowable amounts in section 6.2.10.3.2 of the River Management Plan, County Parks will recommend permit suspension or revocation.”</p>	<p>There does not seem to be a single justifiable reason to remove the language relating to reviewing violations. Violations must be reviewed upon permit reissuance. This is the threshold at which issues with permitted operations can be addressed and corrected, and bad actors may be removed from the permitting process.</p>