

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
<i>Parks and Recreation Element</i>	
<p>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.</p>	<p>The RMP contributes to this goal.</p> <p>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.</p>
<p>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.</p>	<p>The RMP contributes to this objective.</p> <p>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.</p>
<p>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.</p>	<p>The RMP is consistent with this policy.</p> <p>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).</p>
<p>Policy 9.1.4.2. Support the acquisition of a public river access adjacent to the Marshall Gold Discovery State Historic Park.</p>	<p>The RMP does not contribute to this policy.</p> <p>The RMP does not contain provisions for the acquisition of a public river access adjacent to the Park.</p>
<p>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.</p>	<p>The RMP is consistent with this objective.</p> <p>The RMP contains elements to promote and encourage coordination of future park and trail planning with federal, state, and other agencies.</p>
<i>Funding</i>	
<p>Goal 9.2. Secure an adequate and stable source of funding to implement a comprehensive Countywide parks and recreation plan.</p>	<p>The RMP does not contribute to this goal.</p> <p>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.</p>
<p>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.</p>	<p>The RMP is consistent with this objective.</p> <p>Funding for implementation of the RMP is, and would continue to be, provided through user fees.</p>

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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.
<i>Tourism and Recreation Uses</i>	
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.

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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
<i>Introduction</i>	
<i>Statement of Vision</i>	
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.	<p>The RMP is generally consistent with this goal.</p> <p>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.</p>
7. Improve and expand local park and recreational facilities throughout the County.	The RMP generally contributes to this goal.
<i>Plan Objectives</i>	
3. To sustain a quality environment.	<p>The RMP is generally consistent with this objective.</p> <p>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.</p>
<i>Land Use Element</i>	
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.	<p>The RMP is consistent with this policy.</p> <p>The RMP does not recommend, support, or directly encourage a National Recreation Area or Wild and Scenic River designation on the South Fork.</p>
<i>Transportation and Circulation Element</i>	
Goal TC-X: To coordinate planning and implementation of roadway improvements with new development to maintain adequate levels of service on County roads.	<p>The RMP is consistent with this goal and its policies.</p> <p>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..</p> <p>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.”</p>
<i>Public Health, Safety, and Noise Element</i>	

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<i>Fire Hazards</i>	
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.
<i>Flood Hazards</i>	
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.
<i>Noise</i>	
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.
<i>Conservation and Open Space Element</i>	
<i>Conservation and Protection of Water Resources</i>	
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

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<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>The RMP is consistent with this objective.</p> <p>The RMP would not affect wetlands within the river corridor.</p>
<p><i>Conservation of Biological Resources</i></p>	
<p>Goal 7.4. Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.</p>	<p>The RMP is consistent with this goal.</p> <p>The RMP is not expected to affect biological resources of significant value.</p>
<p>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.</p>	<p>The RMP would further this objective.</p> <p>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.</p>
<p><i>Preservation of Open Space</i></p>	
<p>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.</p>	<p>The RMP is generally compatible with this goal.</p> <p>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.</p>
<p>Objective 7.6.1. Consideration of open space is an important factor in the County's quality of life.</p>	<p>The RMP is generally compatible with this goal.</p> <p>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.</p>
<p>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</p>	<p>The RMP is generally compatible with this policy.</p> <p>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.</p>

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<p>by serving one or more of the purposes stated below:</p> <p>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.</p> <p>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.</p>	
<i>Economic Development Element</i>	
<i>Policy Section</i>	
<p>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.</p>	<p>The RMP is consistent with this program.</p> <p>The RMP supports the maintenance of commercial outfitters' business and the attractions and services within the South Fork corridor.</p>
<p>Policy 10.1.2.2. Improve, streamline, and monitor permit processing procedures.</p>	<p>The RMP is consistent with this policy.</p> <p>The RMP would provide for improvements or streamlining permit processing procedures.</p>
<p>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.</p>	<p>The RMP does not further this program.</p>
<p>Program 10.1.2.2.4. Review existing</p>	<p>The RMP is consistent with this program.</p>

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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.

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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.	<p>The RMP is generally consistent with this objective.</p> <p>The RMP retains existing businesses related to river recreation, but does not target or expand new river recreation-related industries.</p>
Policy 10.1.5.1. Assist industries to remain, expand, or to locate in El Dorado County.	<p>The RMP is generally consistent with this objective.</p> <p>The RMP provides provisions for existing businesses to remain in El Dorado County but does not expand or encourage new river recreation-related industries.</p>
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.	<p>The RMP does not contribute to this policy.</p> <p>The RMP does not assign land use designations to any portions of the South Fork of the American River.</p>
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.	<p>The RMP is consistent with this program.</p> <p>The RMP has considered and provides for review of necessary impact fees, in an attempt to fairly distribute development costs.</p>
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	<p>The RMP is consistent with this program.</p> <p>The RMP would require increased public services and infrastructure that would be funded through existing mechanisms, including the River Trust</p>

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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 seq). 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.