

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.

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 Trails 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.