

Exhibit A

Outfitter Regulations from the County River Management Plan

The County began regulation of commercial outfitting on the South Fork in 1981 with the adoption of the Stream and River Rafting Ordinance Chapter 5.48. Outfitters that could submit documentation to the County providing evidence of their operating commercial trips on the South Fork in 1980 and prior years were given the opportunity to apply for River Use Permits beginning in 1981.

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 under 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 definition.

The 1984 River Management Plan contained a policy declaring that no new River Use Permits would be issued, thus closing the opportunity to apply for a permit based on 1980 documentation. The County's decision to limit the number of permits was made on the basis of the existing number of outfitters with a wide variety of use patterns, accommodations, and services available. Additional outfitters would be duplicating those services and create additional impacts to the cultural and physical features in the river corridor. There are currently sixty-seven River Use Permits in existence, and outfitters are allowed to hold more than one River Use Permit (see Appendix D).

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.

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

6.1 User and Group Definitions

6.1.1 Commercial Outfitters are defined as operations that meet any one or more of the following five criteria: :

- 6.1.1.1 Where fees, charges, and other compensation are collected in excess of the actual costs of the river trips or where the fees are typically paid to one member or organization that does not share equally in the costs among the trip members.
- 6.1.1.2 Where fees and charges are collected for financial gain for salaries or benefit for any of the group, its leaders, or sponsors.
- 6.1.1.3 Where other compensation is received, such as capital increases in equipment or facilities used for the trip.

- 6.1.1.4 Where guides, managers, drivers, and any other employees are paid by salary, wages, or any other form of compensation.
- 6.1.1.5 Where advertising and promotion of river trips are made.
- 6.1.2 An Institutional Group is defined as a non-commercial group participating in a river trip operated as a program of a non-profit organization that meets IRS tax-exempt requirements, or 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. An Institutional Group must also meet the following criteria:
 - 6.1.2.1 Fees or charges are collected only to recover the actual costs of the trip.
 - 6.1.2.2 All expenses are shared equally by all group members.
 - 6.1.2.3 No member of the group obtains financial gain, including salaries, or otherwise benefits by increased assets.
 - 6.1.2.4 No paid employees such as guides, lead guides and drivers are compensated by salary, wages, or equipment, with the exception that educational leaders for accredited educational programs may be paid or compensated.
- 6.1.3 Large Groups are defined as non-commercial and non-institutional group of four or more boats having three or more occupants, or a total of 18 or more people.
- 6.1.4 Private Boaters are defined as an individual boater who is self funded or on a shared cost trip, and is not participating in a commercial or institutional river trip. 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 specified in Element 6.3.7.
- 6.2 Commercial Outfitter Requirements
 - 6.2.1 Annual Commercial River Use Permits - The Stream and River Rafting 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 commercial outfitter shall be three years with an annual update 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 the environmental quality of the river corridor and to prevent the river's environmental quality, public services, roads and social values from being overburdened or damaged from excessive use.

6.2.1.3.2 Current River Use Permit holders and capacities are presented in Appendix D.

6.2.1.3.3 The total weekday, weekend and guest allocations will not be increased above the capacities provided in Appendix D, 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 (Resolution No. 99 -88). The total number of guests shall not exceed 8 percent, rounded to the nearest whole number, of an outfitter's allocation. The guest allowance on a weekend day is 8 percent of the weekend day allocation. The guest allowance on a weekday is 8 percent of the weekday allocation.

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 D.

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.

6.2.1.4 River Use Permit Transfers - Where a commercial 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 consummated. Said application letter is to be submitted through County Parks. 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. 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 permit.

6.2.1.4.1.3 County Parks 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.

- 6.2.1.4.1.5 An existing outfitter's business may be sold to an individual who does not currently hold a River Use Permit or to another permit holder.
- 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 hold 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 The business sale must include a share of equipment or other physical assets proportioned to the portion of the River Use Permit that is to be transferred between the two outfitters.
 - 6.2.1.4.2.4 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.
 - 6.2.1.4.2.5 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;
 - 6.2.1.4.4.2 A permit maintenance fee, set by resolution of the Board of Supervisors, is required for inactive River Use Permits;
 - 6.2.1.4.4.3 A letter requesting that the River Use Permit be placed in an inactive status must be submitted to County Parks 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 6.2.2.2, 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, sufficient distance between groups should be maintained so that, if needed, other individual boats may fit in.

- 6.2.2.2 All kayak and canoe groups will be limited to a maximum of 12 boats in any group while on the river.
- 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 commercial 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 commercial outfitters will be required to observe the Quiet Zone. Both the Sheriff's River Patrol and County Parks staff will enforce the Quiet Zone.
- 6.2.4 To protect public health and safety and to respect the rights and reasonable expectations of adjoining landowners, no commercial outfitter will organize a commercial river trip with the intent to be on the South Fork after sunset.
- 6.2.5 All commercial 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 commercial 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 both the Sheriff's Patrol and County Parks.

6.2.6 County Operating Reports and Fees

6.2.6.1 To enforce the permit allocation system and to track a commercial 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 April through September 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 postmarked (if mailed) or received by the County Parks office no later than the 15th day of the month following the month of operations.

6.2.6.1.3 Where user day fees are mailed or 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 D. The late penalty charge cannot be appealed.

6.2.6.1.4 It is a Class I violation to fail to postmark or 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 non-paying guests for each trip, number of crafts used.

6.2.6.3 Commercial 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 D.

6.2.6.3.2 River Management Fees – Each commercial 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. The current River Management Fee, as adopted by Board Resolution, is provided in Appendix D.

- 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 commercial outfitters. The surcharge will be adequate to generate sufficient revenue to pay for County administrative costs associated with commercial 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 Commercial Guide Requirements

- 6.2.7.1 Trip leaders for commercial river outfitters will be required to provide the County Department of General Services with copies of current American Whitewater Affiliation-approved Swiftwater Rescue Certification. All guides will be required to review and sign a statement agreeing to comply with County River Safety and Etiquette standards.
- 6.2.7.2 El Dorado County will work with the commercial outfitters, landowners, and 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 commercial 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 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);
- g. Standard first aid and C.P.R. All commercial 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.

Sheriff is to provide an annual report of violations and citations to the Community Development Director.

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 Commercial operators will be required to carry a repair kit and a first aid kit for each group or trip.

6.2.9 Insurance, Business License, and Water Notice Requirements

6.2.9.1 Each commercial 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 D.

6.2.9.2 Each commercial 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 commercial 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 commercial 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

Commercial 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 D.)

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

6.2.10.2 A violation notice will be sent to the River Use Permit holder by certified mail, return receipt requested, within 14 days of the County's observation of the violation.

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 D.

6.2.10.3.2 Should a commercial 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 submitted for hearing before the Hearing Officer, whose decision may be appealed to the Board of Supervisors.

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, a commercial outfitter may submit a written appeal request to County Parks.
- 6.2.10.4.2 County Parks will then submit said appeal with a recommendation to the County Parks 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 For Class II violations, following due notice and hearing, the Hearing Officer may suspend or revoke the River Use Permit.
 - 6.2.10.5.1 The County will notify the outfitter in writing of the date, time, and place of hearing at least 10 days in advance of the hearing.
- 6.2.10.6 Class II Violation Appeal Procedures - Any decision of the Hearing Officer may be appealed directly to the Board. Appeals must be made in writing and submitted to the Board Office. A fee is charged for each appeal.
 - 6.2.10.6.1 There will be a stay on an appeal of the Hearing Officer decision to the Board.
 - 6.2.10.6.2 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.
- 6.2.10.7 Status of River Use Permits which are Denied or Revoked
 - 6.2.10.7.1 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.
 - 6.2.10.7.2 Where a River Use Permit has been revoked or denied and not reapplied for, the capacity of that permit shall revert to the County. With recommendation of the RMAC, the capacity allocation may, upon action of the Board of Supervisors, be dissolved or be assigned to any existing outfitter, combination of outfitters, or proposed new outfitter who successfully bids for the opportunity to utilize the permit capacity.
- 6.2.11 All commercial outfitters are required to follow current food storage, food preparation, sanitation, and human waste guidelines established by the Environmental Management Department. Environmental Health Permits shall be obtained as required. Current sanitary guidelines are provided in Appendix C.

6.2.12 Falsification of any documentation will result in a mandatory hearing before the Hearing Officer, who may issue a warning, or suspend or revoke a River Use Permit.

6.3 Non-Commercial Boater Requirements

6.3.1 The County has designated the South Fork of the American River 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 or group leader for each boat have in their possession while on the river, a signed and dated registration certificate/information tag that includes safety information, locations of public and private lands, information concerning what to do in an emergency, basic sanitation rules and other necessary information. The tag is required to be renewed each season. Such tags will be made available through County Parks at certain public put-in locations.

6.3.1.2 This element applies to all non-commercial groups/boaters, including Institutional Groups, Large Groups, and private boaters, 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 strongly recommended that these life jackets be worn at all times while on the river. The Sheriff's Department will continue to enforce applicable state laws and County ordinances regarding life jackets.

6.3.3 Waste Requirements

6.3.3.1 All river users are directed to remove all their waste and refuse from the river corridor and dispose of it in a proper location.

6.3.3.2 Litter containers are required for all boats with more than two people on board.

6.3.4 Maximum Group Size

6.3.4.1 With the exception of Element 6.3.4.2, below, 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, sufficient distance between groups should be maintained so that, if needed, other individual boats may fit in.

- 6.3.4.2 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), will make efforts to limit noise while within the Quiet Zone, and will comply with applicable County ordinances.
- 6.3.6 Institutional Group Requirements
 - 6.3.6.1 Institutional 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.
 - 6.3.6.2 Institutional groups are subject to pre-season annual registration with County Parks.
 - 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 A trip leader will be designated and will provide proof of guide certification on rescue training, first aid, and knowledge of County regulations.
 - 6.3.6.5 Institutional groups will provide post-season annual reporting of river use, by date.
 - 6.3.6.6 Institutional groups will be provided information on boat dispersion techniques and river etiquette from the County upon registration.
- 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.
 - 6.3.7.3 Large Groups will be provided information on boat dispersion techniques and river etiquette from the County upon registration.
- 6.3.8 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 specified in Element 6.3.7.

6.4 Temporary Use Permit (TUP) Requirements

- 6.4.1 The Planning Department will require TUPs for all river-related events, including those on public property and sponsored by a County agency. The Planning

Department's review and approval will be conducted in coordination with the Sheriff's Department, Department of Environmental Health, and Department of Transportation.

6.4.2 TUPs will focus on river-related activities in a manner consistent with current Planning Department procedures.

6.5 Special Use Permit Issuance, Guidelines, and Inspections

6.5.1 To increase the knowledge base of RMAC consideration of SUP applications and modifications, Planning Department and County Department of General Services staff will work with the RMAC to prepare a set of SUP review guidelines for RMAC and Planning Commission adoption.

6.5.1.1 These protocols will define a standard process for RMAC consideration of new or modified SUP applications, including a checklist of environmental and RMP consistency items, standards the RMAC will use for review of SUPs, and a discussion of the RMAC's role in the County's Technical Advisory Committee and Planning Commission processes.

6.5.1.2 Planning Department staff will present all such SUP applications within the River corridor to the RMAC and be available to answer technical questions, as appropriate.

6.5.1.3 RMAC members will be encouraged to conduct site visits (with the approval of applicants) to review the site characteristics of each SUP application.

6.5.2 All new or reissued SUPs will include landscape, signage, drainage, and erosion control plans.

6.5.2.1 The use of turf, native grasses and native plant materials for biotechnical slope protection and ornamental purposes will be emphasized to stabilize areas within the river floodplain.

6.5.2.2 The installation, health, and vigor of planting plans will be evaluated as a normal SUP monitoring function.

6.5.2.3 Appropriate levels of signage related to restrooms, stopping locations, and takeout points will be provided.

6.5.2.4 Development of parking lot drainage collection and filter systems for new SUPs and SUP revisions with parking areas within the 100-year floodplain will be required.

6.5.2.5 SUPs currently in place will be made subject to the above requirements at such time as they may apply for permit revisions.

- 6.5.3 The County will annually inspect for compliance with SUP conditions on all privately owned lands within the project area subject to SUPs. Inspections based on complaints also will be conducted.
 - 6.5.3.1 Observed violations, including written records and photographs, will be provided to the County Code Enforcement Officer for enforcement actions as deemed appropriate by the Enforcement Officer.
 - 6.5.3.2 Upon observation of violations of two or more permit conditions in successive years, a formal recommendation for revocation of the SUP will be provided to the County Code Enforcement Officer and the Planning Director.
 - 6.5.3.3 In the event that annual or complaint -based SUP monitoring identifies evidence of erosion or unpermitted grading in SUP and other areas, the County will take the following actions:
 - 6.5.3.3.1 Photograph erosion/grading areas and transmit with a written report to County Environmental Management and Planning Departments for possible enforcement action.
 - 6.5.3.3.2 Conduct water quality sampling in the river downstream of the subject site and report results to County Environmental Management.
 - 6.5.3.3.3 In the event that photographic monitoring or other monitoring and reporting indicate a loss of riparian resources suspected to be attributable to the whitewater boating-related activities, the County will:
 - 6.5.3.3.3.1 Report the potential impact to the California Department of Fish and Game.
 - 6.5.3.3.3.2 Coordinate biological monitoring program protocol development with California State Parks and BLM recreation staff.
 - 6.5.3.3.3.3 Conduct focused monitoring of the impact site in conjunction with the following season's monitoring.
 - 6.5.3.3.3.4 Identify ownership of the subject property and report the impact to the County Planning Department if the impact occurs in an SUP area.
 - 6.5.3.3.3.5 Provide signage (or coordinate signage with California State Parks and BLM recreation staff) and other management disincentives to minimize human use of affected areas.
 - 6.5.3.3.3.6 Coordinate and assist with funding, when feasible, for focused habitat restoration project(s) with willing landowners, California State Parks, and/or BLM recreation staff, as appropriate.

- 6.5.3.4 The Planning Department will prepare an annual summary of River Area SUP inspections. This report will be presented by the County River Manager at the post-season RMAC meeting, and to the El Dorado County Planning Commission (Planning Commission) in the event that modifications are recommended.

Exhibit B

County Code Ordinance 5.48

Streams and Rivers Commercial Boating

Chapter 5.48 STREAMS AND RIVERS COMMERCIAL BOATING

5.48.010 Title.

This chapter shall be referred to as the Streams and Rivers Commercial Boating Ordinance. (Ord. 4594, 1-15-2002)

5.48.020 Purpose.

The Board of Supervisors recognizes that recreational use of the county's streams and rivers includes the use of streams and rivers by rafts, kayaks, and other floating devices. The board has further found it necessary to manage whitewater recreation, through the County's River Management Plan, to protect the riparian environment and the safety, health, and welfare of river users and riparian landowners. Consistent with the policies and purposes of the 2001 El Dorado County River Management Plan, as it may be amended from time to time, this chapter regulates commercial boating on County rivers and streams. (Ord. 4594, 1-15-2002)

5.48.030 Definitions.

- A. "Boat rental" means the lease, rental, loan, or bailment for consideration of any floating device for use on any stream or river named in section 5.48.040.
- B. "Commercial outfitter" means any operation that meets any of the criteria specified in Subelement 6.1 of the 2001 El Dorado County River Management Plan, as it may be amended from time to time.
- C. "Commercial river use" means any operation of a boat rental or commercial outfitter.
- D. "Commercial river use permit" means a discretionary permit issued pursuant to this chapter that entitles the permittee to engage in commercial river use.
- E. "County parks" means the airports, parks and grounds division of the department of general services.
- F. "Floating device" means any raft, kayak, canoe, inner tube, kickboard, water wheel, or similar object, or any "vessel" as defined by section 21 of the California Harbors and Navigations Code, as it may be amended from time to time. "Floating device" expressly excludes U.S. Coast Guard approved personal flotation devices, types 1 through 5. (Ord. 4594, 1-15-2002)

5.48.040 Permit Required.

No person or entity shall engage in commercial river use on the reaches of the South Fork of the American River between Chili Bar and Salmon Falls, except as authorized by a valid commercial river use permit in good standing. (Ord. 4594, 1-15-2002)

5.48.050 Permit Issuance Procedure.

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

- A. The applicant shall submit an application for a commercial river use permit, accompanied by a river use plan, and appropriate fee, to county parks on or before an annual deadline set by county parks.
- B. Within sixty days of the deadline for receipt of the application and river use plan, county parks shall review them for compliance with the standards of this chapter and of the River Management Plan and submit a written report of its conclusions and recommendations to the . planning commission. If county parks concludes that an applicant's river use plan is not complete or does not meet the standards of section 5.48.070, it shall recommend that the application be denied.
- C. Upon receipt of the report from county parks, the matter shall be placed on the agenda of the next available meeting of the planning commission. The planning commission shall approve the permit upon a finding that the application and plan meet all standards of this chapter and of the River Management Plan; it shall deny the permit upon a finding that the application and plan do not meet one or more standards, identified in the finding, of this chapter or of the River Management Plan
- D. Following the decision of the planning commission, either the applicant or any other person who is adversely affected by the decision may file an appeal to the board of supervisors in accordance with Chapter 2.09 of this code. The appeal must be filed within ten (10) days after the action of the planning commission on a form furnished by the clerk to the board of supervisors. The appeal must be accompanied by a fee of twenty-five dollars (\$25) for every permit or application included in the appeal.
- E. The board of supervisors shall review each appealed decision de novo, and shall sustain or reverse the decision, or remand it to the planning commission for further consideration. The action of the board of supervisors shall be final and shall be rendered within seven days of the conclusion of its hearing. (Ord. 4594, 1-15-2002)

5.48.060 Permit Term; Annual Review; Fees.

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

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

1. A permit issued for a commercial river use that has been operating for less than one year.
2. A permit issued to an operator who does not currently hold a permit.

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

D. Fees for the issuance and annual review of commercial river use permits shall be established by resolution of the board of supervisors. The issuance fee shall be an amount equal to the estimated cost of enforcing and administering the provisions of this chapter, including the processing of the application. The annual review fee shall not exceed the costs of conducting the annual review. (Ord. 4594, 1-15-2002)

5.48.070 River Use Plan Contents.

The river use plan required by section 5.48.050 shall include, but need not be limited to, the following information:

- A. Applicant's name, mailing address, and location of place of business.
- B. If the place of business is not located in El Dorado County, the name, address, telephone number, and other relevant contact information of a local agent within the county who will be available in the event of emergencies or other problems.
- C. Full description of all activities proposed to be conducted under the commercial river use permit being sought.
- D. Full descriptions, including location, of all planned ingress and egress from the water, as well as all rest stops, lunch stops, or other planned non-emergency stops on adjoining lands. All lands so specified must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a state or federal agency.
- E. Full description, including location, of the parking facilities for the permittee's commercial vehicles, employees, clients, and guests. Parking facilities must provide parking allocated to the permittee's exclusive use that meets the standards of chapter 17.18 of this code. All lands specified for parking facilities must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a state or federal agency.

- F. Written proof that the applicant has obtained the landowners' or managing public agencies' permission for the activities planned on all lands specified in response to subparagraphs D and E, if the applicant is not the landowner.
- G. Written confirmation that the permittee will provide shuttle transportation services to and from all points of ingress and egress. Vehicles used by permittee to transport clients, employees, or equipment shall meet at current California Vehicle Code requirements.
- H. Written confirmation of compliance with county Environmental Health Permit requirements and all food storage, handling and preparation, solid waste, sewage and sewage disposal, and water supply standards enacted or enforced by the director of environmental health. This requirement may be satisfied by a letter and Environmental Health Permit application, signed by the applicant, agreeing to observe all such standards.
- I. Full description of planned safety measures for river users that meet that standards of section 5.48.120.
- J. Written proof of bodily injury and liability insurance covering all activities of the permittee and the permittee's employees or agents relating to or incidental to river use pursuant to the permit sought. Liability insurance must meet scope and amount standards set by resolution of the board of supervisors, and must name the county, its officers and employees, and riparian landowners as additional insureds.
- K. Full description of a name or logo identification, to be utilized on all flotation devices, that meets the criteria of Subelement 6.2.5 of the River Management Plan, as it may be amended from time to time. (Ord. 4594, 1-15-2002)

5.48.080 Limitation on Allocations.

Notwithstanding section 5.48.050, no river use permit will be issued if its issuance would cause the total weekend or weekday commercial use allocation to exceed the allocations authorized by permits in effect on November 20, 2001, unless a permit is sought for the provision of a truly new and unique commercial river use, as determined by the planning commission or the board of supervisors on appeal. The purpose of this limitation is to protect the health, safety and welfare of river users and riparian landowners, as well as the riparian environment. (Ord. 4594, 1-15-2002)

5.48.090 No Vested Right.

The granting of a commercial river use permit does not vest any right or entitlement to an extension or renewal beyond the permit period. (Ord. 4594, 1-15-2002)

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

- A. A commercial river use permit may be revoked by the county hearing officer, or the board of supervisors on appeal, and may be reapplied for in the following year, pursuant to the standards and procedures of the River Management Plan as it may be amended from time to time.
- B. If a commercial river use permit has been revoked and not issued on reapplication, denied, or no timely application for its renewal has been submitted, the weekday and weekend use allocations associated with that permit shall revert to the county. After first soliciting a recommendation from the river management advisory committee, the board of supervisors may dissolve those allocations or assign them to one or more existing commercial outfitters or new commercial outfitters who apply for all or a portion of the allocations. (Ord. 4594, 1-15-2002)

5.48.110 Permit Transfer, Consolidation, or Inactivation.

Commercial river use permits may not be transferred or consolidated in whole or part, or inactivated, except as provided in Subelement 6.2.1.4 of the River Management Plan, as it may be amended from time to time. (Ord. 4594, 1-15-2002)

5.48.120 Safety Equipment and Standards.

- A. Each floating device used to traverse a stream or river shall carry one U.S. Coast Guard approved personal flotation device per person using the floating device.
- B. The number of persons using a floating device shall not exceed the floating device's design capacity, except in an emergency or rescue situation.
- C. All commercial outfitters shall observe the safety, training, and equipment standards of Subelements 6.2.7 and 6.2.8 of the River Management Plan, as they may be amended from time to time. (Ord. 4594, 1-15-2002)

5.48.130 Littering and Trespass.

All persons, groups or business entities who use the streams and rivers of the county for recreational or commercial purposes shall be subject to state law regarding littering and trespass. (Ord. 4594, 1-15-2002)

5.48.140 Penalty for Violation.

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

1. Violations of subdivisions A., B., D., E., F., G., or K. shall be punishable as specified in Subelement 6.2.10.3 of the River Management Plan, as it may be amended from time to time.
 2. Violations of subdivision H. shall be punishable by penalties imposed or enforced by the environmental health department.
 3. Violations of subdivisions C. or J. shall be punishable as specified in Subelement 6.2.10.4 of the River Management Plan, as it may be amended from time to time.
 4. Violation of subdivision I. shall be a misdemeanor punishable pursuant to subdivision B of this section.
- B. Except as otherwise specified in subdivision A., violations of any provision of this chapter shall be a misdemeanor and punishable by imprisonment in the county jail not to exceed six months, by a fine not to exceed five hundred dollars, or both. (Ord. 4594, 1-15-2002)