

Agenda of: August 25, 2011

Item No.: 4.b

Staff: Noah Rucker-Triplett

STAFF REPORT –

APPLICATION FOR A TRANSFER OF A PORTION OF RIVER USE PERMIT #20 TO RIVER USE PERMIT #19

APPLICANTS:

Deric Rothe, dba as Sierra Whitewater Inc. of Ca. and holder of River Use Permit #19; Mick Brockman owner of River Otter Adventures LLC and holder of River Use Permit #20;

REQUEST:

Deric Rothe, dba Sierra Whitewater Inc. of Ca. and Mick Brockman owner of River Otter Adventures LLC request the transfer of twelve (12) weekend user days from River Use Permit #20 to River Use Permit #19. Please refer to the attached letter of intent (Exhibit A).

SUMMARY RECOMMENDATION:

Staff recommends your Commission approve the request by Deric Rothe, dba Sierra Whitewater Inc. of Ca. and Mick Brockman owner of River Otter Adventures LLC for the transfer of twelve (12) weekend user days from River Use Permit #20 to River Use Permit #19.

BACKGROUND:

Transfers of a portion of a River Use Permit can only be authorized between commercial outfitters that hold a valid County River Use Permit. 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. The El Dorado County River Management Plan (RMP) contains Element 6.2.1.4.2 (Exhibit B) which describes the guidelines and procedures for the transfer of a portion of a River Use Permit as authorized by the Streams and Rivers Commercial Boating Ordinance, County Code Chapter 5.48 (Exhibit C).

River Use Permit Status

Both outfitters are in good standing, and have no outstanding fees or unresolved violations.

DISCUSSION:

Transfer Requirements

The applicants for the transfer have complied with the requirements for a portion of a River Use Permit transfer found in River Management Plan Element 6.2.1.4.2:

- The owners of the companies have each signed a letter of intent.
- There has been no value assigned to the permits in the transaction.
- There are no outstanding debts or violations on record against River Otter Adventures LLC or Sierra Whitewater Inc. of Ca.
- The required \$150 transfer fee has been paid.

River Use Permit Allocations

Sierra Whitewater Inc. of Ca. holds River Use Permit #19. River Otter Adventures LLC holds River Use Permit #20. The existing user day allocations are displayed in the following tables:

River Use Permit #19	
Weekend day user day allocation	12/27
Weekday user day allocation	25
Memorial Day- Labor Day weekend allocation	360

River Use Permit #20	
Weekend day user day allocation	52
Weekday user day allocation	35
Memorial Day - Labor Day weekend allocation*	n/a

The transfer involves a portion of the user days allocated between River Use Permit #19 and River Use Permit #20. The requested transfer is 12 weekend user days from River Use Permit #20 to River Use Permit #19. The tables below display the user day allocations for River Use Permit #19 and River Use Permit #20 if the transfer is approved.

River Use Permit #19 – post transfer	
Weekend day user day allocation	24/30
Weekday user day allocation	25
Memorial Day- Labor Day weekend allocation*	720

River Use Permit #20	
Weekend day user day allocation	40
Weekday user day allocation	35
Memorial Day - Labor Day weekend allocation*	n/a

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

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

Outfitter allocations were amended in 1988 (Resolution #99-88). Today, if an outfitter's weekend allocation is 30 or less, that outfitter is allowed to operate at either its pre-reallocation capacity or up to a weekend day capacity of 30 (if before reallocation the outfitter's capacity was greater than 30). This allocation was seen as a means of giving smaller outfitters an opportunity to operate fewer but more profitable trips during the course of a summer.

California Environmental Quality Act (CEQA)

The transfer of a portion of an El Dorado County River Use Permit is CEQA exempt under Section 11961(b)(3). There is certainty that the transfer of a portion of a River Use Permit from one outfitter to another will not have a significant effect on the environment. A River Use Permit transfer does not change the amount of commercial river use allowed by the County's River Management Plan. A transfer will merely change the allocation distribution between existing River Use Permits.

FINDINGS:

1. The transfer of twelve (12) weekend user days from River Use Permit #20 to River Use Permit #19 meets the standards required by River Management Plan Element 6.2.1.4.

RECOMMENDATION:

1. Your Commission approves the transfer of twelve (12) weekend user days from River Use Permit #20 to River Use Permit #19.

ATTACHMENTS

Exhibit A.....Letter of Intent

Exhibit B.....Element 6.2.1.4 from the El Dorado County River Management Plan

Exhibit C.....Chapter 5.48, Streams and Rivers Commercial Boating Ordinance