

Agenda of: January 12, 2012

Item No.: 4.b

Staff: Noah Rucker-Triplett

**STAFF REPORT –**

**APPLICATION FOR A TRANSFER OF A PORTION OF RIVER USE PERMIT #63 TO RIVER USE PERMIT #23**

**APPLICANTS:**

Christopher Pyle, sole proprietor of Action Whitewater Adventures of Ca. and holder of River Use Permit #63; Norm Schoenoff President of Whitewater Excitement Unlimited Inc. and holder of River Use Permit #23.

**REQUEST:**

Christopher Pyle, sole proprietor of Action Whitewater Adventures of Ca. and Norm Schoenoff President of Whitewater Excitement Unlimited Inc. request the transfer of twelve (12) weekend user days from River Use Permit #63 to River Use Permit #23. Please refer to the attached letter of intent (Exhibit A).

**SUMMARY RECOMMENDATION:**

Staff recommends your Commission approve the request by Christopher Pyle, sole proprietor of Action Whitewater Adventures of Ca. and Norm Schoenoff President of Whitewater Excitement Unlimited Inc. for the transfer of twelve (12) weekend user days from River Use Permit #63 to River Use Permit #23.

**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 Whitewater Excitement Unlimited Inc. or Action Whitewater Adventures of Ca.
- The required \$150 transfer fee has been paid.

**River Use Permit allocations**

Action Whitewater Adventures of Ca. holds River Use Permit #63; Whitewater Excitement Unlimited Inc. holds River Use Permit #23. The existing user day allocations are displayed in the following tables:

<b>River Use Permit #63</b>	
Weekend day user day allocation	97
Weekday user day allocation	44
Memorial Day- Labor Day weekend allocation	n/a

<b>River Use Permit #23</b>	
Weekend day user day allocation	90
Weekday user day allocation	75
Memorial Day - Labor Day weekend allocation*	n/a

The transfer involves a portion of the user days allocated between River Use Permit #63 and River Use Permit #23. The requested transfer is 12 weekend user days from River Use Permit #63 to River Use Permit #23. The tables below display the user day allocations for River Use Permit #63 and River Use Permit #23 if the transfer is approved.

<b>River Use Permit #63 – post transfer</b>	
Weekend day user day allocation	85
Weekday user day allocation	44
Memorial Day- Labor Day weekend allocation	n/a

<b>River Use Permit #23</b>	
Weekend day user day allocation	102
Weekday user day allocation	75
Memorial Day - Labor Day weekend allocation*	n/a

\* Memorial Day to Labor Day Weekend Allocation

Outfitters with a weekend allocation of 12 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 twelve times the number on the left (14 X 12 = 423).

Outfitter allocations were amended in 1988 (Resolution #99-88). Today, if an outfitter's weekend allocation is less than 12, that outfitter is allowed to operate at either its pre-reallocation capacity (if less than 12), or up to a weekend day capacity of 12 (if before reallocation the outfitter's capacity was greater than 12). 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 16361(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 #63 to River Use Permit #23 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 #63 to River Use Permit #23.

### **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