

## 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.

## **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 use river use level counts conducted as required in Element 4.1 of this RMP to determine exceedance of carrying-capacity thresholds associated with density and/or total daily river use as discussed below. In the event that thresholds are exceeded, the County will implement management actions as specified in this element.
- 7.2 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.
- 7.3 In the event that boat counts exceed a “density threshold” (as defined in Appendix D), 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 D), the County may exclude up to two low-flow release days from the count.
  - 7.3.1 The following Level One management actions will be implemented in the year following observed exceedance of the density threshold identified above:
    - 7.3.1.1 The County will increase the commercial 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.
    - 7.3.1.2 The County will institute a fee equal to that of the adjusted commercial surcharge fee as identified in Element 7.3.1.1 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