



DEPARTMENT OF PARKS AND RECREATION
GOLD FIELDS DISTRICT
7806 Folsom-Auburn Road
Folsom, CA 95630

Lisa Ann L. Mangat, Director

April 20, 2020

Scott Armstrong, President
All-Outdoors, Inc. DBA All-Outdoors California Whitewater Rafting
1250 Pine Street, Suite 103
Walnut Creek, CA 94596

RE: **NOTICE OF HOLDING OVER;**
State Park Concession Contract

Dear Mr. Armstrong:

As you know, the All-Outdoors, Inc. DBA All-Outdoors California Whitewater Rafting agreement for whitewater rafting at Auburn State Recreation Area (SRA), Marshall Gold Discovery State Historic Park (SHP) and Folsom Lake SRA expired on March 31, 2020. In accordance with Section 40 of the contract, Surrender of the Premises; Holding Over, the Department would like you to continue operations under the current contract terms on month-to-month status.

If this arrangement is agreeable to you, please sign below that you concur and return your original signature to: Holly Welch, Contract Administrator, Department of Parks & Recreation, Gold Fields District, 7806 Folsom-Auburn Road, Folsom, CA 95630.

Thank you for your past contributions as a State Park Concessionaire.

Should you have any questions or concerns, please feel free to contact Contract Administrator Holly Welch at (916) 988-0205 extension 249 or Holly.Welch@parks.ca.gov or me at (530) 823-4173 or Mike.Howard@parks.ca.gov.

Sincerely,

Mike Howard
Auburn Sector Superintendent

I concur.

Dated: _____

5/5/20

Scott Armstrong, President
All-Outdoors, Inc. DBA All-Outdoors
California Whitewater Rafting

Chuck Watson Environmental Consulting. A Proposed Whitewater Recreation Management Plan for the North and Middle Forks of the American River. Prepared for the U.S. Bureau of Reclamation and American River District, California Department of Parks and Recreation. December 1985. 290 pages (145 pages plus appendices obtained in part. Reviewed up to Page 33.)

<http://relicensing.pcwa.net/documents/Library/PCWA-L-312.pdf>

Overall comments: State Parks should update the ASRA whitewater plan for Reclamation approval. The updated plan should be integrated into the ASRA RMP/GP to the extent feasible because the prior RMP/GP had been used to approve the whitewater plan and this mechanism must continue. Reclamation should continue to work closely with State Parks and other partners to help resolve apparent questions and issues. Separate NEPA coverage is an unwarranted expense.

Background: Many geographic, administrative, and recreational factors have changed since the initial whitewater planning. The lower river is now open with access roads and rapids built as mitigation for the 2006 PCWA American River Pump Station Project. Reclamation and CDPR may not fully manage the lands along the rivers if the US Forest Service, BLM, and/or respective counties continue to assert their respective jurisdictions, depending on potential withdrawals for project purposes, agreements, and other factors. Boaters use much improved-equipment and techniques now than those that were studied or envisioned in the original planning; apparent hazards have been mitigated; and reported congestion has been alleviated. Flows are managed to be suitable for seasonal boating as well as for hydropower releases by PCWA. The modern mix of commercial and non-commercial boaters has reduced the anticipated need for resolving user conflicts, even though non-commercial boaters have not been regulated. Provisional methods for formulating use limits were based on theories of ‘carrying capacity.’ Early fears of exponential growth in the commercial boating sector have not been realized, and ‘carrying capacity’ limits no longer appear as appropriate. Premises for the desirable level user contacts tried to balance wilderness values over social interactions and tight boat groupings for professional outfitters. Access has been improved in many locations, and reduced in others such as by closures of McKeon Road and the route to the pool upstream from Ruck-A-Chucky, thereby contributing to congestion along remaining open routes.

The 1985 proposal by Chuck Watson Environmental Consulting depicted then-current whitewater boating circumstances and presented management recommendations based on prospective “worst-case” scenarios. Some particular questions or issues with the 1985 whitewater plan drafted by Chuck Watson are shown below where highlighted by red font color. Comments are made below the sections of text in brackets ([]) in light of current conditions and whitewater rafting for further planning on these popular rivers.

Page 1.

“The North Fork and the Middle Fork of the American River are located about 45 miles northeast of Sacramento, near the communities of Auburn, Colfax, and Foresthill. Portions of these two forks of the American River are located within the proposed inundation pool of the US Bureau of Reclamation’s Auburn Project. Bureau of Reclamation lands within the project area are currently managed as the Auburn State Recreation Area by the Calif. Dept. of Parks and Recreation as an element of the State Park System. In this project area there are 13 miles of river recreation resources along the North Fork and 24 miles of river recreation resources along the Middle Fork. A third fork, the South Fork of the American River, is located about 15 miles south of the study area and has been a major regional whitewater recreation resource since the mid-1960’s.”

[All Reclamation acquired and withdrawn lands in the Auburn project area were not then, and are still not now, managed by the California Department of Parks and Recreation. Some project lands have been placed under land use or

management agreements with other agencies, and some lands were reserved for administration by Reclamation. Proposed plans should also state that boundaries of ASRA were drawn by State Parks and are not the same as Reclamation lands.

These 13 river miles do not include the North Fork American River downstream from the confluence with the Middle Fork American River, which are open to boating. The lower reaches of the North Fork were previously signed in warning to 'rafts' by a former sign that had once been placed on the upstream side of the Highway 49 bridge. The sign had read, "No Rafts Past This Point" although the intent it was unclear or ambiguous, and some rafts, kayaks, and other craft navigated downstream on the North Fork American River. A tunnel that was perceived as a potential boating hazard downstream was closed in 2006 as part of the PCWA American River Pump Station Project, as requested by letter from the California Attorney General, and the North Fork American River was restored to its natural bed with a new set of rapids configured as part of the new PCWA pump construction project. The PCWA project mitigation included development and operation of additional access facilities at Birdsall and China Bar with parking and restrooms. This lower access area for the North Fork is signed as open on weekends and holidays from May 15 through October 1. Additional take-out access available through Folsom Lake State Recreation Area at Rattlesnake Bar facilitates longer boating runs on the North Fork especially when the water level in Folsom Lake is low, as often occurs in late summer. The South Fork American River has 20.7 river miles between Chili Bar Dam and Salmon Falls Road in El Dorado County and has its own River Management Plan at https://www.edcgov.us/Government/EMD/Rivers/River_Management_Plan.aspx.]

"The sudden increase in use and the changes in the local recreational use patterns have created real and perceived management problems and conflicts between recreational users and with local residents. Areas of concern have been: 1) the recreational carrying capacity of the river resources; 2) conflicts between commercial and non-commercial users; 3) conflicts between whitewater users and other recreationalists such as recreational miners, campers, and day users; 4) conflicts between whitewater users and the residents of some local communities in terms of traffic and parking; 5) conflicts between whitewater users and some of the private landowners along the river. [These presumed concerns and conflicts are not reflected in the data provided in the report. Hypothetical conflicts should be documented more carefully and completely before imposing substantial management sanctions such as user limits (even if only for commercial rafters) on such resilient whitewater resources. In comparison, for example, the South Fork American River has an estimated 100,000 boaters per year for about 20 miles of Class II-III whitewater without triggering further management actions based on capacity triggers identified by cooperative planning among commercial rafting outfitters and other recreational users within the local communities. Changes on the Middle and North Forks since the 1985 plan make such past observations and/or speculations obsolete for current planning purposes there. It is now more appropriate to distinguish further among real and perceived problems by identifying each potential issue more carefully. Based on the experiences of recent decades, many of the real or perceived problems with recreational boating have been removed, ameliorated, determined to be unfounded, or would likely be unfounded on further examination.]

"Whitewater recreational use on the North Fork and Middle Fork of the American River was very light through the 1960's and 1970's, but in the 1980 through 1983 seasons, whitewater use increased dramatically and they have become important regional resources. The increasing importance of these resources has resulted from a combination of the increase in the regional demand for whitewater recreation through the years and management and water resources development decisions made on other regional rivers which have displaced use to alternative resources or satisfactions. Although there have been increases in non-commercial use, most of the increases in activity on the North and Middle Forks have been a result of commercial operations. Those that use the rivers non-commercially are rafters and kayakers from the San Francisco-Sacramento-Reno area as well as the northern California region. Commercial rafting operations draw clients mainly from the Sacramento, San Francisco, and Los Angeles areas." [The record high-water years of 1980-1983 were problematic for many new boaters (including guides on commercial trips) still learning how to best run the

rapids of Sierra rivers. For example, on the nearby South Fork American River, about one-third of rafts flipped in Meatgrinder Rapid, the first major rapid below Chile Bar, during the high runoff of Memorial Day weekend in 1983 at flows of about 8,000 cfs, due largely to the lack of experience and training at such flow volumes among many boaters (Netwizards web page, "Boating the Forks of the American River" 1998). These unusual seasons do not comprise a sample suitable for representing boating conditions or boating experiences in planning. Data on the relative origins of boaters are not provided, although the expression of statewide significance is noted. Northern California may be considered to include San Francisco and Sacramento areas. The Reno area has the Truckee River as a significant whitewater resource, and in recent decades the City of Reno has developed a major whitewater park on the river that is popular for a wide variety of boating activities.]

"The management of perceived problems has been complicated by a very involved land ownership and management situation which includes the Tahoe National Forest, the Eldorado National Forest, the Bureau of Land Management, the Bureau of Reclamation, California State Parks, and private lands in both Placer and El Dorado Counties. Each of these agencies and jurisdictions have varying management authorities, areas of concern, and issues of concern. They are also affected in varying ways by the type and character of current and potential future whitewater recreation management of these two rivers." [The perceived complexity of land ownership patterns should not be used as a measure of conflicts as mentioned above, or of the usability of the whitewater resources. The rivers are considered to be public highways open to navigation under Article X of the California Constitution. California Harbors and Navigation Code Section 68-68.2 sets forth state policy for the "... continuing interest in the public's use of the state's inland waterways for recreational purposes."]

"This study reviews the problems and issues associated with whitewater recreation on the two rivers, develops recommendations for use levels and use restrictions that can resolve the observed problems, and suggests management and institutional arrangements that can resolve difficulties associated with the complex agency patterns." (Page 1)

B. Background:

"Whitewater recreation use began...."

"In the 1970-1977 period on the NF and MF, **records of use were not kept** but a 1977 NF report (Calif. Fish and Game, 1977) indicated that use on the NF below the Colfax-Iowa Hill Bridge put-in was **very low**. Use at that time was **probably** mostly kayaking, however, non-commercial rafting was getting started on this river at very low levels. **It is possible** that annual use in the mid-1970's **could have been** in the 200-400 user day range, however, this is **totally unsubstantiated**. The use at that time was noted as **not causing any problems**, however, it was also noted that there was a **possibility of increased use** and that increased whitewater use **could lead to user and resource conflicts**; it was **recommended that as conflicts began to develop**, a specific whitewater management plan be developed (Calif. Fish and Game, 1977). Use on the MF in this period is **unknown but it probably** was still used only by a **limited number** of kayakers and may have had about 100-200 user days a year." [Statements are unclear as to what time frame incurred what level of recreation use, what potential conflicts may occur after that date that might then concern the California Department of Fish and Game, compared to the stated lack of problems observed up to that date. The note adds that the information was unsubstantiated even at that time.]

...

"In the later half of the 1970's, use on the NF and MF also went unrecorded, however, discussions with various boaters indicate that use on the NF continued to **grow at a slow rate**, with substantially greater attention in the 1979 and 1980 seasons, as it became more widely known as a **good kayak resource** and as **some advanced non-commercial rafters became displaced in greater numbers from other rivers by commercial rafting activity**. There **may have been** some limited commercial operations on the NF in the 1979-1980 period. The popular reputation of the NF as a **very difficult**

and hazardous river began to wane somewhat in this period, whereas the MF maintained its image as a river with both long reaches of flat water and short sections of Class V drops and portages. Toward the end of this period the MF also began to acquire a reputation as one with substantial landowner/whitewater boater conflicts centered around scouting and running of the Tunnel Chute. These factors, combined with difficult road access to the take-out, kept use on the MF at very low levels. There may have been about 500 annual user days on the NF, and about 200 annual user days on the MF in this period.” [Rivers are typically rated according to the value-neutral International Scale of River Difficulty, not as “...very difficult or hazardous...” as implied here. The Middle Fork historically had one landowner at Tunnel Chute (Horseshoe Bar) who objected to users of private property adjacent to the river, but the nature of this prior situation is inadequately documented here and the reported conflict is no longer in evidence. It is unclear how numbers of user days were developed, but they appear to be speculative estimates without empirical foundations.]

“Up to this time the NF was considered as a regional resource of limited significance providing a difficult Class IV resource to a small number of boaters. The MF was considered a regional resource of even less significance providing low quality whitewater resources for only a few users.” [Here the report cites unknown sources who apparently disparaged the significance of the Middle Fork for having relatively few challenging rapids to boat. This approach is inconsistent with statements concerning the ‘difficult’ Class IV rapids encountered there as limitations on the carrying capacity of the whitewater resource. For planning purposes, the significance of the whitewater recreational resources should not be considered to change only with the level of visitor use. The inherent regional and even statewide significance of these rivers was implicit in the previous statements of boaters arriving from as far as the Los Angeles area and Nevada. The value-neutral scale of river difficulty does not warrant pejorative modification. Characterizing Class IV rapids as difficult neglects the obvious variables of equipment, skills or interests brought to the whitewater recreation experience or the specific site conditions including flow volume. On whitewater rivers, each boater or group of boaters must determine for themselves the extent to which the difficulties of the rapids represent potentially fun experiences or safety hazards to them. Class IV rapids are typically run with enjoyment and without any substantial difficulty on commercial whitewater trips.]

“In the 1980’s occurrences on several of the region’s whitewater recreational rivers resulted in substantial changes in the use patterns and demand for the recreational resources of the NF and MF American Rivers.” [These direct cause-and-effect relationships are speculative and unsubstantiated, or simply incorrectly stated as shown below for each item.]

“First, as a result of a 1977 El Dorado County ordinance prohibiting whitewater recreation the South Fork American and subsequent court findings, El Dorado County embarked on a whitewater recreation management planning effort in 1980. In 1981 the county issued commercial permits to 71 operators who had used the South Fork American in the 1980 season and allocated user days to these operators on the basis of the 1980 season’s reported and documented use levels. Based on the requirements that there had to be documented operations on the South Fork in the 1980 season, 49 applications for commercial permits were rejected.”

[1. El Dorado County banned rafting the South Fork American River by ordinance in 1976 rather than 1977 as stated. A State Appellate Court decision (*People ex rel. Younger v. County of El Dorado*) invalidated the county ordinance as unconstitutional in 1979. The county adopted a Stream and Rafting Ordinance in 1980, and managed commercial outfitters beginning in 1981. “The County then embarked on the development of survey and factual information to formulate a river management program” (El Dorado County, 2001, page 1-1). The county later adopted a River Management Plan (RMP) and Environmental Impact Report (EIR) establishing a permit system for commercial outfitters in 1984, subsequently amended in 1984, 1988 and 1994. A Trial Court decision (*Carlson v. County of El Dorado*) invalidated the issuance of Commercial River Use Permits in 1995. County Ordinance 4365 authorized an update of the RMP as part of a settlement for *Carlson v. County of El Dorado*. Revisions pursuant to the terms of the legal settlement resulted in adoption of a new RMP and certification of the Final EIR in 2001. (See the current County of El Dorado RMP

at: https://www.edcgov.us/Government/EMD/Rivers/River_Management_Plan.aspx) During this period, while El Dorado County had a total of eight revisions to its RMP, the ASRA established only one whitewater management plan as incorporated into the 1992 Resource Management Plan/General Plan.

2. This report section states that, of a total of 120 reported applicants for commercial outfitter permits on the South Fork American River, only 71 applicants were allocated user days under the county authority. The point of this statement is unclear. Currently, most of the outfitters on the Middle and North Fork American Rivers also operate on the South Fork American River under the separate permit system administered by El Dorado County under the police powers of zoning for land use and public health. There was likely no documented displacement of extraneous commercial boating outfitters or other recreational uses from the South Fork to the North and Middle Forks. There were not likely to be more than about 58 viable whitewater outfitters operating at any time in California, based on the numbers of outfitters operating on various rivers in the state (e.g., Kern River, Upper Klamath River, Merced River, etc.). More likely, some of these apparent commercial interests had applied to obtain the valuable largess from the county permit system, speculating on potential future business value heightened by the new artificial scarcity, with only nominal interests and capabilities in actually conducting commercial boating operations on the South Fork American River. Also of important consideration during this period, El Dorado County Water Agency and El Dorado Irrigation District proposals for dams on the South Fork American River and tributaries, known as the South Fork American River (SOFAR) Project, were protested by various government agencies, environmental interests, and other individuals or entities (State Water Resources Control Board 1982). These water management proposals likely influenced some business decisions or other activities in the region, including applications for county permits. Portions of lands along the South Fork American River are owned and/or managed by BLM and State Parks, which also own and/or manage land along the North and Middle Forks of the American River, and these agencies issued respective land use permits separately from the County of El Dorado.]

“Second, the 1981 season was the last on the Stanislaus River as the closure of the Corps of Engineers’ New Melones Dam backed up water to just above the normal whitewater recreation take-out at Parrott’s Ferry in that year. The following winter of 1981-1982 generated enough runoff to essentially fill the reservoir which eliminated the whitewater resource for the 1982 season.” [The intent of the statement above seems to be that outfitters operated at their fullest capacities on all rivers and some commercial user demand may have shifted or been reallocated by the outfitters from the Stanislaus River to the South, Middle and North Forks of the American River. Displacement of commercial rafting use toward increased use on the North and Middle Forks of the American River was one possible factor in the commercial development of these rivers, but the extent is not documented here. All of about 40 commercial outfitters on the upper Stanislaus River’s Camp Nine run also operated on the South Fork American River and/or other rivers. The Camp Nine run was about nine miles on upper Stanislaus River from the PG&E weir to the old Parrott’s Ferry Road bridge. Some outfitters apparently shifted or expanded use to the lower Stanislaus River, now a popular whitewater resource that was relatively little-known until recent decades. Thus the lower Stanislaus River absorbed some of the commercial boating use that had been displaced from the Camp Nine run. Since then, some new commercial rafting outfitters have been incorporated, and some older outfitters have dissolved or been folded into other companies, in dynamic settings over the years, but there was never a fixed pool of outfitters in California as implied by this report. Nor has there been a fixed pool of boaters, but rather boater uses have expanded to a wider array of streams and conditions as the recreation has evolved. For example, the US Forest Service (2001) reports “...a national trend in whitewater boating, with recent advances in boat design and paddling technique enabling more and more boaters to navigate Class V runs.”]

“Third, the management of the Tuolumne River by the US Forest Service for wilderness oriented whitewater recreation experiences for the users tended to establish **an annual maximum use level** that started to be reached with some consistency toward the mid-1980’s. Part of this management has been to limit the number of commercial permits to 14

operations and to establish limits on the user starts per day. While there was a commercial permit system that started in 1973, in 1983 it was extended to include more commercial operators and to include non-commercial users. Before 1983 use limitations included 25 commercial user starts a day; starting in the 1983 season, use limits were increased to 50 commercial, and extended to limitations of 90 non-commercial raft users, and essentially unlimited one-day kayak use in 1984.” [The above statement seems to suggest that the advent of a permit system on the Tuolumne River contributed to a shift or reallocation of use by the commercial outfitters from the Tuolumne River to the South, Middle and North Forks of the American River, as if to avoid permit systems. Displacement of commercial rafting use was one possible factor in increased use on the North and Middle Forks of the American River, but the extent is not documented here. Permits were also required for commercial uses on the Middle and North Forks under regulations of Reclamation, BLM, and State Parks there. USFS (2001, p. 4) data on the Tuolumne River showed, “When looking at private use alone, it appears that peak demand occurred from 1982 through 1984, with use numbers never reaching these peaks in subsequent years.”]

“Use on the Tuolumne increased from about 8300 (70% comm./30% non-com.) user days in the 1984-1985 period. Use seems to have stabilized at about 20,000 user days probably due to flow patterns and weekend/mid-week recreation patterns. Therefore even though the theoretical maximum use levels are much greater (27,000 user days through a 90 day peak season and perhaps 40,000 for the full season), without an increase in Sunday flows and substantial shifts in the weekend/mid-week recreation pattern the actual user capacity appears to be about 20,000 user days. There appears to be a substantial amount of unsatisfied user demand for weekend days on the Tuolumne due to both unfavorable weekend flow patterns and management use limits.” [USFS data (2001) show that whitewater boating use levels on the Tuolumne River were fewer than 8,000 total users including commercial and private boaters in the peak year of 1984 with average total use from 1980 to 2000 of 5,741 boaters. The vast differences between the Watson report and USFS data remains unexplained, but the implications and conclusions of the Watson report are invalidated.]

“In a period when there was increased commercial and non-commercial use demand on the whitewater resources in the region and substantial growth in the number of commercial operations; 1) the Stanislaus River was eliminated from the regional resources base and generated about 50,000 user days of unsatisfied demand; and 2) management of the South Fork American and Tuolumne Rivers removed the potential resource base for new commercial operations and set a cap on commercial user days. On the Tuolumne there has been a surplus of demand for weekend use and therefore a potential for displaced weekend use to other rivers. These occurrences plus the displacement of non-commercial users from “crowded” regional resources resulted in considerable pressures to find and utilize alternative regional whitewater resources. [Even though commercial user days were capped on the South Fork American River by various regulations, thresholds set as ‘carrying capacity’ were never exceeded in practice, and no triggers were applied for additional management, according to the El Dorado County River Management Plan for the South Fork American River.]

“After the 1980 season commercial operator interest in the NF increased and limited exploration of the MF as a potential commercial resource was undertaken by some operators. Although there were some difficulties recognized, the MF offered potential commercial use. Because the Calif. Dept. of Parks and Recreation has a contractual agreement with the US Bureau of Reclamation to operate the lands of the Bureau’s Auburn Project as an element of the State Park system, State Parks initiated a commercial whitewater use permit system on portions of the NF and MF which are in the Auburn Project area. Starting in 1982, State Parks issued six commercial whitewater use permits upon application; by the 1985 season there were a total of 57 commercial permits.” [Again, federal lands of the USFS, BLM and Reclamation along the North and Middle Forks of the American River were always clearly under regulations regarding commercial activities and special uses such as outfitted rafting operations. The degrees or effects of enforcement appear to be additional variables separate from the actual regulations or planning provisions for the river reaches discussed in the report.]

“In the 1982 season **serious** commercial operations started on the NF and MF and reported user information to State Parks and surveys conducted on the MF for a small-hydro project proposal, indicated that there may have been 1500 (67% comm./33% non-comm.) user days on the NF and about 4000 (65% comm./35% non-comm.) user days on the MF. Non-commercial use in the 1984 and 1985 seasons indicates that the 1982 non-commercial use on the MF **may have been significantly over estimated** and a more realistic estimate **may be** 2800 (93% comm./7% non-comm.) user days.” [The tentative nature of use estimates does not reflect the hard data that would normally have been collected under a permit system that collected fees from commercial boaters. If actual user numbers were not available, then the accounting for receipts would provide a clearer picture for planning purposes.]

“In the 1982 season there were **reported conflicts** between commercial and non-commercial user groups at the put-in and in some of the rapids of the NF. Observations of the whitewater use on the MF and use patterns around the Tunnel Chute in 1982 indicated that the commercial operations may have, or soon would with increased use, cause **non-commercial user displacement** on the MF and that a recreation management plan would be necessary to deal with **predictable use conflicts** before use levels became unmanageable. The 1982 **congestion problems** were **recognized** on both rivers by the commercial operators, non-commercial users, and State Parks and were assumed to be associated with the time intervals between commercial trip starts. As part of the 1983 permit, the commercial operators and State Parks developed a 2 commercial groups starts per half hour limitation on both rivers in the attempt to spread out the use and reduce congestion.” [The nature and extent of ‘conflicts’ that occurred among groups is not clear, nor is the manner in which the ‘conflicts’ were recognized. Assumptions regarding time intervals between starts of commercial trips were apparently not documented or demonstrated, but comprised an unreliable basis for the formulation of subsequent plans and regulations.]

“By the 1983 season, because of **increasing use** and the **uniqueness** of use and resource characteristics, both the NF and MF had become **significant** regional whitewater resources. As commercial use levels increased on both the NF and MF so did reported commercial/non-commercial **conflicts** on the NF and conflicts between commercial operators on the MF. On the NF the conflicts were associated with congestion and use patterns at the put-in and the take-out, and congestion in the narrow and technical portions of the run. On the MF the conflicts were associated with congestion at the put-in, Tunnel Chute, the Ruck-A-Chucky take-out, and the Ruck-A-Chucky portage, competition for good camps, and congestion and traffic in Foresthill.” [This statement of the significance of the whitewater resources contradicts prior statements. Significance is apparently regarded as a function of the ‘increasing use’ or ‘uniqueness’ here, although previous citations of unknown sources indicated that the Middle Fork did not sustain sufficiently challenging whitewater to be considered a significant whitewater resource.]

In recognition of the existing whitewater **recreation management problems**, the real potential for significant growth in demand on the NF and MF which could only exacerbate the problems, and a complex land ownership pattern and agency management responsibilities, State Parks and the US Bureau of Reclamation initiated an interim whitewater management planning effort in 1984. [Again, unclear ‘problems’ are alleged but not defined here. The only recreation management problem apparent so far is an apparent lack or inconsistency in enforcement of existing regulations requiring special use permits on federal lands for uses by commercial whitewater outfitters. Circumstances of land ownership were readily apparent throughout this period and did not change substantially. Management responsibilities were also considered to be clear during this period, with State Parks managing the acquired and withdrawn Reclamation lands under prior agreement. The peculiar lack of any management agreement for Tahoe and Eldorado National Forest lands remained unresolved during this period, but could not be attributed as a problem of whitewater recreation management. The shading on State Parks’ maps also depicted all lands within the canyons as uniformly within a State Recreation Area and thereby presumably within their jurisdiction, which may have contributed to some confusion among managers and users alike regarding roles and responsibilities for management of various reaches of the rivers.]

“During the 1984 season, field surveys for the management planning effort were conducted which concentrated on collecting group behavior pattern information at the put-ins and take-outs of the two rivers and on the collection of user information at the take-outs. These data were designed to generate information [on]the group use patterns and develop user information on travel, regional significance, resource value, and the relationship between use levels and sense of crowding. Because the **study got underway so late in the spring** only a **few survey days were conducted** on the NF. On the MF the group’s use patterns at the take-outs were so quick paced that only **sketchy information** was collected from users as they were rushed from the beach to the passenger vehicles. Even meaningful trip itinerary **information was difficult to generate** because the head guides of commercial groups most often did not know the place names of activity locations on the river. Fairly good put-in and take-out use pattern information was collected on both rivers, however, it became apparent that because of very concentrated use patterns, time estimates by head guides for on-river activities were **much too general** to be used in the study. In addition, **not enough survey days** were undertaken on the NF to result in good estimates of the commercial and non-commercial use levels, and on the MF the survey days were **not undertaken in dense enough groups** to fully account for multi-day trips.” [Limitations reported on the surveys included an inadequate number of survey intervals and methods to capture adequate data on the extent and type of use that was targeted by the survey. It is unclear whether sufficient sample data were collected to derive conclusions, despite the setbacks and adverse, unforeseen circumstances of the survey. However, the following paragraph states that useful data were not obtained in the 1984 survey.]

“Although **not a success in terms of developing useful information**, the 1984 survey season did allow for the development of a more carefully conceived study approach for the 1985 season. The idea of using user survey techniques for generating resource value, quality, and “crowding” parameters **was abandoned**. Instead, an approach of developing management objectives from a **review of river resource characteristics and regional river resource options** was adopted. The 1985 study season concentrated on the collection of typical use and behavior patterns of commercial and non-commercial groups at the major activity locations. These observations included mainly times of arrival, departure, and occupation of the sites, the patterns of use and behavior pattern modifications that were adopted by groups at varying use levels. These locations were typically the put-ins, on-river points of congestion, and take-out. The 1985 use estimates resulting from the field surveys were 4100 (74% comm./26% non-comm.) user days on the NF, and 12,200 (98% comm./2% non-comm.) user days on the MF.” [Management prescriptions were derived without the assistance of reliable information after the 1984 survey, yet another survey in 1985 provided use estimates by commercial or non-commercial type.]

“This proposed management plan develops management objectives based on regional resource characteristics, applies observed use patterns of the **1985 season to develop estimated carrying capacities** for the two rivers, and recommends daily commercial use level requirements for the permit system to conform to the estimated carrying capacities. Other aspects of the observations conducted were used to develop additional recommendations on use pattern requirement to reduce users conflicts. [Based on sample observations of use during part of 1985, along with ‘regional resource characteristics’ and management objectives that were previously set forth after the inadequate data of the 1984 season, the current plan is recommended to comprise use limits on commercial boating under a permit system. This planning process appears too limited, unclear, tentative and subjective to be used for long-term management.]

“Another part of the plan development was a review of the institutional arrangements that have complicated the management of whitewater recreational activities on the two rivers, and issues of funding problems. A consolidated management agreement is proposed and the use of a recently instituted funding mechanism available to State Parks is recommended.” [Further tentative and subjective processes address ‘complicated management’ and ‘funding problems’ through a proposed ‘consolidated management agreement’ among unstated parties. It remains unclear whether the recommendation for this agreement has yet been fulfilled, considering the uncertain management of various lands in the river canyons.]

“...for rafts and kayaks...” and “...increases the possibility of raft wraps, generally slows progress, reduces the recreational values to some users, and greatly increases congestion at bottleneck points...” [This set of observations appears out of place in this report.]

II. RESOURCE PROBLEMS AND PROPOSED WHITEWATER RECREATION MANAGEMENT PLAN. [This section largely duplicates, yet occasionally contradicts, Section III below in discussion of “Resource Characteristics” for each river fork and reach.]

A.1. Cites the narrow North Fork channel at low flow (less than 1,000 cfs) “...very complex and tight routes...” [This discussion inappropriately takes the inherent characteristics of whitewater rapids and construes them to be more difficult and problematic than the International Scale of River Difficulty would suggest. The popularity of the river run suggests that people are attracted to whitewater boating activity in these particular channels.]

High flows “greater than 3,500 cfs” have “... **strong hydraulics**...” The narrow channel has “...**large boulders** that impose **very complex and tight routes** for rafts and kayaks, and also imposes a fairly **narrow range of suitable flows**.” (Page 8) [This somewhat artfully denigrates the normal flows and inanimate channels to overstate the difficulty, challenge, or degree of danger inherent in whitewater rapids. This suggestion, that the presence of moving water, sizable rocks and narrow routes automatically determines optimum flows, neglects the various personal or professional preferences among boaters based on individual or group capabilities, skills and equipment. For example, danger of drowning may be lower with minimal flow volumes, but boaters may prefer higher flows for easier navigability, logistical speed, or aesthetic reasons. Prescription of flow volumes undermines personal preferences that may lie outside of that range for valid subjective or objective reasons.]

The report suggests a “suitable” range of “1000-3500 cfs” [without distinguishing among types or styles of boating] that occurs January through mid-June in “average water years.” (Page 8) [Presumably this characterization applies only, or primarily, to the Chamberlain Falls reach between Iowa Hill Road and Yankee Jim Road. The definition of average is unclear, but apparently indicates a hypothetical mean without regard to variations in the start and end of the ‘suitable’ range of flow volumes. Boaters will experience no reliable mean or ‘average’ runoff in any particular occasion. Rather, flow volumes may increase or decrease for reasons of dam releases or runoff upstream from various areas of the watershed on each river reach. Boaters are best advised to check flow volumes at certain streamflow gages readily available online before leaving for the trip, check flows on arrival and exercise good judgment in estimating how flows may vary during their boating uses, and be prepared for such changes that may occur.]

The 4.5-mile reach between Yankee Jim Road and Ponderosa Road is Class II with a gradient of 23 ft/mi and “...some **Class III rapids**...” [This reference is made without specifically naming, locating or describing any Class III rapids. Maps now on display in ASRA indicate only two named rapids between Yankee Jims Road and Ponderosa Road, labeled “Bunch Creek” and “Bend and Break,” which are most reasonably considered Class II rapids.]

The 4.1 miles from Ponderosa Road to Lake Clementine: “This segment is a Class II reach with occasional strong **tailwater hydraulics** in some riffles and a gradient of 20 ft/mi.” [“Tailwater” normally refers to dam releases, but there are no nearby dams on the North Fork American River, although many small reservoirs are located in the upper reaches of the North Fork watershed with release volumes less than the natural runoff derived from the undammed tributaries. Note this reach is also stated to have some Class III rapids in the redundant discussion on Page 43 below. There are substantial differences between Class II and Class III rapids that are often important considerations for planning whitewater recreation. The lack of consistency here in such key matters questions the authority and reliability of the document for the intended purposes. The detailed map (Protect American River Canyons, undated) displayed on information boards in ASRA shows only one named rapid in this reach, named Big Dummy, which may most reasonably be considered a Class II rapid.]

2. Middle Fork Resources

“The Middle Fork American River (MF) is typically a low gradient whitewater resource interrupted by **four major rapids** and many secondary rapids over the **24 mile reach**.” [The Middle Fork American River from Oxbow to Driver’s Flat road take-out is commonly referenced as a reach of about 14 miles, with another 8 miles of Class II run to Mammoth Bar.] The long low gradient sections impart a character of very **gentle whitewater** conditions with **subdued hydraulic intensity**, while of the **four major drops** only one (Kanaka Gulch) could be considered as a **legitimate** and **runnable** whitewater rapid.” [The characterization of ‘major’ and ‘secondary’ rapids lacks authority or references, and is not consistent with the International Scale of River Difficulty used elsewhere. The rapids have all been rated on the standard scale of Class I to IV by a number of sources, although not with full consistency. The natural rapids on the Middle Fork have been rated ranging up to Class IV. Ruck-A-Chucky has most frequently been rated as a Class VI although it is commonly run by some commercial river guides and occasionally by other boaters now, whereas the standard scale rating of Class VI is (by definition) unrunnable without extreme danger of death. Tunnel Chute is an artificially-constructed cutoff channel at an oxbow bend, leading to a tunnel constructed downstream, and is generally rated as a Class IV or V rapid, depending partly on the flow volume. Class IV rapids and Tunnel Chute may be considered the main whitewater attractions for the Middle and North Forks. The statement that only Kanaka may be considered “legitimate and runnable” among all of the rapids on the Middle Fork is obviated by the fact that there are several Class IV rapids documented in this reach and many boaters run all the Class IV rapids consistently without adverse incident. Boaters do tend to respect Kanaka as one of the most challenging or difficult rapids between Tunnel Chute and Ruck-A-Chucky, due to partially-hidden holes and/or rocks which can surprise unsuspecting boaters in the center of the channel, with the preferred line of approach depending largely on flow volumes. However, Class IV rapids are of the pool-and-drop type with good chances of quick recovery or staging rescue in the outruns or pools below.]

“Because of the **difficulty** of dealing with either the running or the portaging of the Tunnel Chute, the reasonable upper end of recreational streamflows of the Tunnel Chute are in the 4000 cfs range; above 2500 cfs the running of the Tunnel Chute should be considered as **imprudent** (**some experienced boaters** feel it is **imprudently run at any flow**).” [Minimal runnable or optimal flow volume for Tunnel Chute or the Middle Fork are not stated here. Upper flow limits here generally do not match those used by commercial outfitters under internal company policies.]

“The lower end of recreational flows are about 900 cfs due to the **shallow wide** channel characteristics of the reach.” [In other words, this states that only the aggraded, wide gravel channel, rather than the few rapids, limits the lower end of optimal flows for recreational boating. Elsewhere, the report cites the narrow, rocky characteristics of channels as problematic for various unclear reasons. It is unreasonable to construe both narrow and rocky, and wide and shallow, channels alike as having substantial limitations in terms of optimum flow volumes for recreational boating. This reach has a portage around Ruck-A-Chucky and could also incur portages at the discretion of boaters for any particular passage on either narrow rapids or wide gravel bars. Again, boaters must always determine for themselves what flows are fun or dangerous to them. The managing agency should not presume to prescribe flow conditions for the boaters, nor presume to guarantee their safety or fun at any particular range of flow volumes. Tunnel Chute occurs on the Middle Fork downstream from the confluence of the North Fork of the Middle Fork, which contributes substantial flow volumes during peak runoff periods (deriving partly from releases by PCWA stream at French Meadows Dam), and such additional runoff is not shown on the gage or schedule for releases from Oxbow Powerhouse by PCWA from Ralston Afterbay. Most boaters would not plan to run the Middle Fork at all during extremely high or low flow volumes, but boaters are not uniform in their recreational goals and preferences regarding flows, and different boating styles or types of equipment may adapt to higher or lower flow volumes. If boaters do choose to run the Middle Fork, they may also portage even on private lands around any rapids, thus exercising a right to “incidence of navigation” as expressed in court interpretations of navigability for streams in California.]

“On this portion of the MF there are several areas where historical or current activities have an impact on whitewater resources. In the first 2.5 miles there are **several large gravel bars** that have been disturbed during gold mining operations, and there is currently a **large commercial operation**. There are several areas where **recreational gold mining activities** are common.” [Current gold mining is not readily apparent from the river. Only small-scale hand mining is commonly found near the main access points. The formerly-common recreational dredges have been outlawed in California. Some commercial gold mining occurs out of view, off the main channel, such as near Oxbow Bend and Sliger Mine on private lands. No clear impact from mining remains apparent on whitewater resources or activities that may be of necessary concern for recreational boaters on these rivers.]

“The average monthly flows in the winter are in the 1400-1900 range, in May it is 1290 cfs and in the June through December period the average monthly streamflow is in the 600-800 cfs range. The hourly, daily, weekly, and monthly pattern of releases can be quite variable but in the 1985 season boatable releases on weekend days usually began before 8:00 am, often reached the Ruck-A-Chucky take-out (RM 13.0) at about 2:00 pm, Oregon Bar access (RM 51.1) at about 3:00 pm, Mammoth Bar access (RM 21.8) at about 6:30 pm, and the confluence (RM 24.0) at about 7:30 pm.” [Current provisions from FERC relicensing and corresponding PCWA agreement provides minimum flows of at least 1,200 cfs, suitable for commercial or non-commercial boating, throughout the period from Memorial Day weekend through Labor Day weekend, with flow releases commencing at 9:00 a.m. Of two place names for Oregon Bar within ASRA, the most frequently used are downstream from Highway 49. Presumably, the access intended here was Driver’s Flat Road/Greenwood Bridge site, also mapped in the past as Oregon Bar. In any case, there was an apparent error in the stated river miles and location for Oregon Bar. Flow patterns in 1985 were not average and not representative of typical conditions, so any conclusions drawn from studies at those particular flow volumes must be qualified as limited in usefulness for planning purposes. However, generalizations were drawn from the data collected in 1985. An access road that was formerly used by outfitters and others to the Middle Fork at a large pool upstream from Ruck-A-Chucky has since been closed to public use by State Parks gate numbers 100 and 101.]

“The Tunnel Chute, a major attraction for commercial clients, is a steep chute blasted in bedrock that drops the river about 15 feet over a distance of about 160 ft into a wide, flat gradient 200 ft long tunnel through a low bedrock ridge. The Tunnel Chute could be characterized as a Class IV or V rapid.” [This apparently contradicts the previous characterization of the Tunnel Chute, indicating that it remains an attractive rapid despite some reported concerns about its safety or runnability. The report repeatedly wavers from acknowledging the obvious recreational boating interest in rapids and vaguely construing them as dangerous.] (Page 10)

“The second segment is the 2.1 miles from Canyon Creek to Oregon Bar. This segment has the unrunnable Ruck-A-Chucky rapid that drops about 25 feet and is portaged by all users using the suspended cable system.” (Page 10)

[Currently there is no longer a cable system to assist with portaging, but commercial rafting outfitters typically send the rafts unmanned downstream through the rapids (“ghost boating”) or even have a guide in the boat through the rapids, indicating that Ruck-A-Chucky can no longer be considered unrunnable. Some boats get stuck temporarily on rocks, but currents generally move boats around rocks in the channel with the skillful help of guides on board. Passengers use a trail built for portage and re-enter the boats assembled by guides below the main rapid. As stated in California Creeks, “High water in 1992 changed Ruck-a-Chucky rapid from unrunnable to merely class V+, so the portage doesn’t seem so bad now.” Source: <http://www.cacreeks.com/amer-mf1.htm>]

“The third segment is the 8.9 miles from Oregon Bar to the confluence with the NF. It has a broad channel characteristic with typically gravel bar riffle Class II rapids, and has many elevated terraces along the channel. There are a few bedrock and boulder dominated rapids that could be Class III rapids and Murderer’s Bar Gorge that is considered as a Class V rapid. The gradient of this segment is 19 ft/mi.” [The name of Murderer’s Bar is extended to also name the gorge where the rapid is located, but this name is not often found elsewhere. It is unclear who has considered the rapid at

Murderer's Bar as Class V and no reference is provided, although it is often referenced as that level of difficulty. No discussion of portage for Murderer's Bar Rapid is included here. The California Department of Boating and Waterways (DBAW) states, "If you choose to continue downstream from Ruck-A-Chucky/Greenwood be sure to take-out at Mammoth Bar, above the unrunnable Murderer's Bar Rapid. The sharp-walled, turbulent setting of Murderer's Gorge has claimed the lives of even experienced boaters." DBAW also adds "Gorge" to the names of other locations along the North and Middle Forks of the American River. Source:

http://www.dbw.ca.gov/pubs/Ar/North_Middle/index.htm]

C. Current Management:

Reclamation controls some, but not all, of the land within the river reaches: "None of the USFS lands in the project area have been fully withdrawn and USBR and USFS have agreed that until lands are finally withdrawn by USBR for project purposes, the USFS retains exclusive jurisdiction over their management." (Page 16) [Discussion does not include navigable rivers as public highways under Article X of the California Constitution, along with the Public Trust Doctrine and other laws applicable to boating.]

D. Use and Management Problems:

Congestion comprises the main use problems "...which result from concentration of use into weekend days and into narrow hour ranges of the day." [Flow releases have been modified on the Middle Fork American River under FERC relicensing for the PCWA Middle Fork Project to accommodate boaters on all days between Memorial Day and Labor Day at least.]

"The areas of congestion include:- 1) off-site traffic and parking, 2) put-ins and take-outs, 3) on-river points of constriction, and 4) campgrounds." [Parking, roads, and access routes have been significantly improved to help accommodate boaters and reduce congestion. Any remaining congestion at access points may be mitigated with further physical improvements. Camping is much less often used for commercial boaters now, but remains available on numerous sites with low risk of perceived conflicts and improved conditions including restrooms installed in recent years. Camping typically requires carrying bulky gear in large oar boats which are seldom used on these river reaches, now favored for day trips in paddle boats. The current predominance of self-bailing rafts greatly reduces delays at rapids by allowing boaters to continue without stopping to bail excess water from the bottoms of the past "basket" boats during or after running the rapids. All commercial outfitters offer paddle boat day-trips, and very few outfitters now also offer camping trips for the Middle Fork, although four campgrounds are labeled on the ASRA map (PARC undated). No outfitters offer camping on the North Fork. Natural constrictions in the channel are few and readily manageable by boaters with modern equipment and basic skills. Rapids have been observed to allow boats to wash around the rocks rather than become wrapped often as previously feared in the past years of "basket" boats and guides with less experience on these river runs.]

"On the NF, many of the weekend days of the peak use season have on-river use levels so high that continuous lines of rafts develop in some of the constriction points. In some cases this could lead to very tight spacing between rafts and the intermingling of groups, while in other cases it forces waiting in line to run a particular rapid for periods of time upwards to a half hour." (Page 18) [Actual waits are rare nowadays even during peak seasons on the North Fork American River. The commercial groups keep boats in fairly tight groups for added safety in case passengers fall out and need assistance. Intermingling of boats temporarily is not considered a problem among cooperative outfitters and guides, and is somewhat less common on the North and Middle Forks than on the South Fork, for example. The apparent concern of group size is another matter, and may be better addressed elsewhere, such as by outfitters voluntarily breaking larger groups into smaller components to allow other groups to pass more readily if desired. There are few reasons for uniform trip departure times on the North Fork, due to constant natural flow, and the Middle Fork

has a revised release schedule to accommodate boaters over a longer period that appears quite adequate. Very few raft wraps on rocks actually occur at any flow volume or level of use. Scouting is now typically eliminated with more experienced guides or boaters, but may be seen to occur with some groups at Chamberlain Falls, Bogus Thunder, and Staircase Rapids. Boating groups that make it safely that far past the first Sluicibox Rapids are probably competent enough for the remaining run. Runs have been made safely with commercial-sized rafts (6'10" wide Campways Shoshone or 7' wide Avon Pro) as at flows as low as 600 cfs on the North Fork with minimal difficulty and no conflict due to crowding. Most rafts are now considerably smaller (e.g., 6' wide for the Hyside 13.0 foot raft), with a reduced number of paddlers (5 or 6 paddlers now compared to 8 or 9 typical in the 1980's, as stated by the report, "...10 rafts and 80 users"). Discussion of other past practices by CDPR to separate commercial and non-commercial users (Pages 18 and 19) is omitted as those practices are apparently no longer followed in regulations or in fact. Put-in and take-out times (and associated congestion issues) have been greatly reduced among outfitters by the use of rafts loaded on trailers, in their commercial camps, to be almost fully prepared for put-in, then de-rigging for re-loading on the trailers at take-out. In summary, as stated on the bottom of Page 19, "Because of the limited on-river management presence, State Parks relied on the commercial operators to voluntarily assume these use patterns." In other words, outfitters accomplished the required practices and achieved management goals with minimal supervision by river rangers. This apparently contradicts the next sentence on the top of Page 20: "The observations of user patterns on both the NF and MF through the peak use season conducted for this study conclude that the use patterns of commercial trips did not voluntarily conform to the suggested patterns in the permit." Over time, with additional improvements, the situation seems to have been ameliorated. Yet, it indicates, perhaps, that having a manager (as neutral party) 'directing traffic' may have some benefits for relieving apparent congestion at put-ins and take-outs, similar to practices of rangers at reservoir boat ramps with unusual lane restrictions due to occasional low water conditions.]

"2: Commercial/Non-Commercial Use Conflict.

Observations during the 1984 and 1985 seasons indicated that the [sic] there are serious commercial/non-commercial conflicts on the NF but on the MF, few elements of conflict were observed.

The element of conflict between commercial and non-commercial use results from congestion characteristics of the NF and the use patterns and group characteristics of the raft trips." (Page 20) [Use patterns and group characteristics have changed dramatically since 1984 and 1985. Both commercial and non-commercial users typically have self-bailing rafts of generally smaller sizes. More trips are paddle boats for day trips, rather than oar boats with campers. Levels of skills and courtesy have increased with the experience on the rivers.]

"3) the number of rafts and users (15-25) per group on commercial trips is **visually out of scale** on this narrow channel and create [sic] an impression of "**High Contact**" and crowding to the smaller non-commercial groups." (Page 21) [Pejorative language here neglects the safety considerations for running both commercial and non-commercial groups at optimal distances for maneuverability yet proximity for safety by quick rescue, typically after a drop but before the next major rapid. The commercial raft groups are encouraged to keep a tight formation with lead and sweep boats at either end of the group. Boating groups that would like to pass may generally do so in the longer pools, and may even ask the boat guides to help facilitate their passing.]

"The main beach area at this location is used for the take-out and the rate of raft trip arrivals on Saturday and Sunday afternoons in the peak season are such that day users choose to leave. Once again, the peak rafting season is over by mid-June and this conflict does not exist during most of the summer day use recreation season." (Page 21) [This apparent contradiction highlights a setting where congestion and conflicts are mitigated already. It states that day users are displaced by "raft trip arrivals," even though only one beach just downstream from the bridge is used for the take out. Since then, this apparent conflict may be exacerbated by not allowing commercial trips to take out at Yankee Jim Bridge. However, there are many other beaches and times for boating and sunbathing in this reach, considering that

flows are not regulated by dam releases on the North Fork. Beach users can use both sides of the river, upstream and downstream from the Ponderosa Road Bridge, including trails downstream along the right bank to beaches on the large sandy bar at Codfish Creek. There is a tradeoff between boats running together and arriving together during a limited time frame at the Ponderosa Road bridge when that period is least likely to impact sunbathers there during the early part of the season when water is typically cold snowmelt and unfavorable for most swimming in the water. Similar considerations apply at Driver's Flat Road, as the take-out above Ruck-A-Chucky is not longer used commercially.]

Recreational mining is listed as considerations for limiting boating use (Page 22), but suction dredges have been banned in California and are no longer found in these river reaches.

"4: Whitewater/Foresthill Conflicts

While on the NF most commercial operators meet their clients off-site at a variety of locations, most of the commercial operators on the MF meet their clients in the community of Foresthill." (Page 22) [Most Middle Fork outfitters now typically have customers meet trip vans or busses behind the Raley's market off Foresthill Road in Auburn under agreement with the store. The few outfitters that still meet near Foresthill have purchased private property for operational bases that allow ready access to parking and equipment in preparation for rafting trips. The local communities still benefit from sales from boating customers.]

Regarding Safety/Search and Rescue, the report lists various mishaps that occur and states: "By enlarge [sic], these problems and solutions are considered as quite normal on whitewater resources, but for some users it appears to be a recurrent part of their typical on-river experience." (Page 23) [These blanket characterizations may apply for some inexperienced boaters but is probably not reasonably applicable to professionally-guided trips by reputable outfitters.]

Regarding the North Fork, the report states, "At flows greater than 3000 cfs, long rapids with very **intense hydraulics** develop on the NF which can result in raft flips and users being **washed out of the rafts by waves**. At flows less than 1200 cfs the routes through rapids become very narrow and there are may [sic] exposed mid-channel rocks and short near vertical drops which can result in rafts being wrapped and users being thrown from the rafts." (Page 23) [Raft flips can happen for many situations but most often happen in "holes" where water pours over a drop. Commonly effective Class IV boating techniques that will prevent or minimize the risks of flips include keeping the bow into the drop, rather than turning the craft sideways to the hole and waves. Boaters are seldom washed out of boats by waves as stated, but rather may occasionally fall out if the boat tips excessively when the boaters do not have secure footholds. Many rafts now have built-in foot cups that help hold the boater into the boat, and guides instruct and train passengers on how to stay into boat using braces and paddle techniques. Modern rafts have generally higher inflation pressure levels that boats of pre-1980's vintage, resulting in much better handling for firm boats with less risk of folding or tilting (e.g., hitting rocks, in holes, waves, or drops) that may help cause unsecured passengers to fall out. Boaters at high water volumes are strongly advised to *stay out of the holes* but may run less risk of hitting the fewer remaining exposed obstacles unless accelerated paddle/oar timing is required but ignored. Modern paddle rafting styles actually include surfing holes, at least for safe paddle crew practice in handling such conditions, rather than simply river touring downstream. Rafts also use rocks for stopping, spinning, or catching eddies for better routes. Falling out of the boats, while wearing a required Personal Floatation Device, is not always considered much of a hazard due the pool-and-drop nature of the channel, where recovery is relatively easy after each rapid, especially with other boats waiting fairly close by in the pool below for rescue or throw lines set up on shore to be available if needed, as is often done below Staircase and Bogus Thunder Rapids. Flows as low as 250 cfs, or possible even lower in some reaches according to individual preferences, may be quite safe and suitable for boating with the appropriate skills and equipment on the North Fork American River. A raft 6 feet, 10 inches wide can navigate the Chamberlain Falls run with minimal difficulty at about 600 cfs, and inflatable kayaks may be used at virtually any low flow there with a few portages at rocky drops or gravel bars.]

“Members and officials of local and county search and rescue organizations report that whitewater recreation, and in particular, non-commercial use are hazardous activities. It has been stated that: 1) there have been many deaths on the two rivers over the past several years, 2) that most of these are associated with non-commercial users who are typically inexperienced, and 3) that every year non-commercial rafting on the river claims lives.” (Page 23) [The intent of this discussion is unclear, considering the follow-up statement (Page 24) that only one drowning “...was associated with whitewater recreation.” In any case, such unreasonable and unsubstantiated hearsay is inappropriate for use in justifications for planning whitewater recreation. The actual historical record of boating on the North and Middle Forks of the American River shows few fatalities or major injuries. Overall, whitewater boating has been a relatively safe outdoor activity in which fatalities are rare in proportion to the participation rates. Data are now more readily available including the searchable records on the American Whitewater (AW) website (<https://www.americanwhitewater.org/content/Accident/detail/accidentid>). A total of six fatalities were recorded in Auburn State Recreation Area since the beginning of AW records, with four fatalities recorded on the North Fork American River (three commercial trips, one on a private trip), and two fatalities recorded on the Middle Fork American River (one commercial trip and one private trip. Commercial trips accident reports (numbers 31, 382, 3609, and 3653) do not reveal a particular pattern reflecting those described in the Watson planning document. A few additional records are found at other sources, including a 1988 death at Murderer’s Bar Rapid on the Middle Fork American River on a commercial trip guided by Whitewater Voyages. This fatality was ruled as self-sustained by a court trial (http://www.leagle.com/decision/1990984226CalApp3d758_1926/SAENZ%20v.%20WHITEWATER%20VOYAGES,%20INC. , and <http://cehdclass.gmu.edu/jkozlows/p%26r398.htm>].]

“E. Management Objectives:

A review of the resource characteristics of the NF and MF indicate that they are **unique whitewater resources** in the region. Their uniqueness in resource characteristics and user experiential values direct some of the most important elements of the management plan.” (Page 25) [Discussion does not fully compare the North and Middle Forks with other specific whitewater resources in the region, nor does it fully identify which characteristics are deemed to be unique. Numerous other rivers within a relatively short distance provide whitewater recreation, including the forks of the Yuba, Bear, Feather, Mokelumne, Calaveras, Stanislaus, Truckee, Walker, Tuolumne and Merced Rivers in the Sierra along with Putah Creek in the Coast Range. Each river reach is unique in some ways, and the North Fork and Middle Fork have various reaches that compare quite well to at least some portions of some of the other regional streams listed above.]

“The MF in contrast, has high visual and amenity values and moderate to low “whitewater” resource values and **moderate use levels**.” (Page 25) [The statement of “moderate use levels” seems to contradict other statements about high conflict among users on the Middle Fork American River.]

“Demand in the region for whitewater recreational resources will increase for both the commercial and non-commercial sectors. Non-commercial demand for spring season, technical, and isolated whitewater resources should increase at relatively high rates in the future as the number of skilled non-commercial rafters grows and these resources become more rare. Commercial and non-commercial demand on the NF is therefore expected to grow in the future. Because of the tendency of commercial operations to adversely affect non-commercial use and reduce resource values for this group the future use pattern on the NF will probably be one of increased commercial use and decreased non-commercial use through the process of displacement.” (Page 25) [These statements are not fully supported here or elsewhere. Actual use levels have generally stabilized on whitewater rivers in the ASRA and in the surrounding region. The notion of displacement of user groups in either time or space, as found in some literature of recreation management, is undocumented and poorly applied here to the North Fork American River without dam controls, considering that the river is runnable all day when the suitable flows are in season. (Incidentally, it may be noted that runoff flows in the North Fork American River may vary as much in waves by as one-third during the day in warm spring weather due to

diurnal heating and nocturnal cooling of the base snowpack in the mountains upstream.) Non-commercial boaters continue to frequently use Shirttail Creek/Yankee Jims Road as a take-out site after a shorter run, often featuring their modern tendency among both kayakers and rafters for surfing holes, where commercial boaters are prohibited under permits from access there and must continue on Class II water to Ponderosa Way. Presumptions of substantial increases in demand due to increased skills, however unfounded, may have corresponding presumptions of fewer safety or management problems attributed elsewhere in the report to inexperienced boaters. A study of the Rogue River boaters by Johnson et al (1990, p. 17) did not find visitor displacement as recreational use levels increased stated also, and noted, “A review of fourteen studies by Kuss, et al, (1984) found only two significant relationships between density and satisfaction, both positive (the opposite of the predicted direction).”]

“While the isolated, high visual and amenity aspects of the MF are highly regarded resource values by non-commercial users, the **lack of significant “whitewater” resources** and difficult logistics of the MF combine to make this resource one that will probably never be significant for non-commercial use. The 13 mile length is a long 1-day trip and multi-day trips are complicated by Tunnel chute and Ruck-A-Chucky. The difficulties that non-commercial users encounter on the MF are typically greater than the resource values realized.” (Page 26) [These unsupported and unrealistic statements apparently contradict former statements about the then-high levels of non-commercial use of the Middle Fork, with attributed impacts and conflicts that require various management remedies, along with those regulatory remedies proposed to protect non-commercial boaters there. The conclusions that the North Fork non-commercial demand will increase, but be displaced by commercial use, while the Middle Fork demand of non-commercial use will remain low, seem inconsistent and contrary to more-recent observations of moderate recreational boating growth within acceptable levels of use and generally positive interactions among all groups on these rivers in recent years at least. Both rivers have excellent whitewater resources, of various reaches and levels of difficulty, suitable to a wide range of users.]

“Given the expected increases in regional demand for general whitewater recreational resources and the resource characteristics of the NF and MF, it appears that both should be managed for “**Moderate Contact**” use levels and the NF should focus of [sic] non-commercial use values and the MF should focus on commercial use values.” (Page 26) [Because the preceding statements and logical bases are unfounded, such subsequent prescriptions are also inherently unfounded. It is unclear where the capitalized, but inadequately-defined (see page 33), term “Moderate Contact” derived, but seems to reflect an unattributed construct apparently mis-applied from recreation research and planning by Bo Shelby (and others) circa 1980 for wilderness or semi-wilderness. Management prescriptions are also jingoistic, ambiguous, or otherwise unclear. Projections and prescriptions based on use patterns existing at the time of the prior studies are no longer valid, including in particular the application of the notion of carrying capacity. Users typically make discrete decisions to visit a particular river and may arrive there with others or not as circumstances determine. Today, with the advent of the Internet and wireless devices, there is also some considerable ability for users to coordinate non-commercial trips with updated information on levels of use, similar to the strong communication abilities that current whitewater outfitters share in their business community. The report also assumes a uniform profile of visitor with only one set of desires for contacts with other visitors, while the actual setting offers spaces and times for a variety of users to experience a variety of contact situations, from total solitude to (for example) singles-oriented whitewater trips where additional social contacts may be appreciated. As found in other studies, there is no general agreement among users on the desired levels of contacts with other users. Moreover, as Shelby (1980, p. 50) states, “Density and interaction have virtually no impact on perceived crowding, although individual expectations and values have a major impact, explaining 49% of the variance [on a Grand Canyon commercial boating trip]. Density, interaction, and perceived crowding are not strongly related to satisfaction.”]

F. **Capacity Evaluations**: (Page 28 et seq.) [This section creates a theoretical construct on the basis of complaints and requests from various agencies to consider capacities at that time. The key capacities and assumed limitations have changed or been ameliorated considerably since then, and the concerns expressed are no longer necessarily applicable

to the present or future conditions. The constructs and key terms used are inadequately or not clearly defined. In essence, the construct assumes an impractical “worst case” scenario that is seldom if ever experienced in the field and unmanageable in reality. Measures proposed to control the use of commercial boaters inexplicably dismiss and neglect the similar and interrelated impacts of non-commercial boaters, although close management is not fully possible of any user groups. The construct presumes the substitutability of regional whitewater resources, which are circumspect in validity for comparison. In any case the regional resources have also changed substantially in condition since the report was developed. Desirable capacities are ultimately determined only by subjective opinion by the users who voluntarily choose to recreation in certain ways in the desired river reach. As for the postulated impacts on river resources, the beaches and rocks of the river corridor are quite resilient to increases in boating use. Modern restrooms have been installed on many key gravel bars for use during lunch stops and breaks for boaters. The approaches recommended by the report actually increase the involvement and reliance on “...management and enforcement by agencies...” (Page 320 to an unreasonable and unnecessary degree.)

“The low level of funding for this study dictated that the carrying capacity approach used be one that is simple and not requiring extensive analysis or users surveys. To accomplish this, carrying capacity considerations combined physical and facility carrying capacity factors within the context of the social carrying capacity factor. Due [sic] the dominance of channel bedrock and gravel bars and the lack of significant species, environmental carrying capacity was not found to be a significant factor. The concept of “User Contact” was developed to combine physical, facility, and social capacity factors and is intended to relate recreational use levels to physical and facility capacity factors in terms of contact with other users and groups. “Crowding”, as a subjective measure of the user recreational experience, was not used because this would have required extensive user interviews or questionnaires. The “User Contact” concept was intended to act as an observable surrogate for crowding in that with increasing contact among groups at a site there should be a degree of behavioral adjustment and accommodation. With the use of contact thresholds the “User Contact” approach integrates the social carrying capacity factor.” (Page 33) [This odd explanation of inadequate research contradicts the prior statements of what constitutes an appropriate carrying capacity analysis, and thus precludes unqualified acceptance of the recommendations that follow it.]

“Discussions with State Parks indicates that the personnel necessary to maintain a constant management presence at the major access points is not currently feasible.” (Page 34) [This apparent disclaimer would obviate the ability to manage the plan as formulated. However, funding and staffing situations have evolved for State Parks, including the advent of further user fees and overall funding for ASRA, which may help alleviate the shortages reported in the past. It appears that researches were on hand to witness problems at access sites, but agency staff were not so available during those key periods, and outfitters were left largely to comply voluntarily with permit conditions. Questions that arise include how effectively the permit conditions were promulgated in order to fully educate the outfitters, guides, or users who may have been responsible for the respective actions required at the outset. Since then, it appears, from numerous observations in the field, that a quite high degree of compliance with permit terms and conditions has been achieved even with minimal staffing levels.]

“Given these limitations on the possible future management of the rivers, the instantaneous capacities of the various access points and on-river locations were converted to daily site capacities based on the assumption that use and behavior pattern control would not be possible; neither followed by the operators nor enforceable by State Parks. Therefore, the daily site capacities were calculated by adjusting the average site occupation during the peak hour of the cumulative daily use distribution to conform to the observed instantaneous site capacities and adding additional daily capacity as the times of arrival, departure, and occupation warranted. Because the daily capacities were derived from the average peak hour occupation, not the peak instantaneous occupation through the season, it is likely that the resulting daily capacities and existing use patterns will combine to create short periods (<30 minutes) when site instantaneous occupation will exceed the target contact threshold instantaneous site capacity. The daily site capacities

were also calculated on the basis of the three user capacity thresholds.” (Page 34) [This admittedly inadequate system was mis-applied to the settings of the North and Middle Forks of the American River. Even though this proposed model was strangely simplified for convenience to exclude key variables, and observations relied chiefly on subjective opinions of parties unknown, the proposed model remains too complex for valid interpretation and too incoherent for practical application.]

[The text in the portions of Page 34 following the text above is merely repetitive and contradictory to other previous statements. Discussion curiously confuses congestion with degradation of resource quality.]

“Conversations ... indicating...the “wilderness” and high visual/aesthetic qualities of the MF were degraded by conflicts and congestion at major access points.” (Page 35) [This is not actually possible, since the variables are totally different but confused here. The aesthetic qualities were previously distinguished from social interactions. The Middle Fork American River corridor is not a designated or presumed wilderness, but largely accessible by motor vehicle in some places as well as by boat. As also stated previously, only a few locations were at that time subject to some congestion, which has since been largely alleviated. The quality of the report suffers from shifting statements, observations, and models.]

“The available commercial capacity on the NF should change in the future as non-commercial use changes.” (Page 35) [Capacity is otherwise viewed as a fixed quantity, but here is used to mean the number of commercial trips allowed after excluded during weekends on the assumption that non-commercial uses are displaced by commercial use, and therefore commercial use should be “preferred,” i.e., sometimes not be allowed, on the North Fork (see also Page 37). This approach seems unnecessary due to the low to moderate levels of boating use even on weekends in recent years. Access has improved, and on-river safety is enhanced by more boats up to a reasonable point determined by the users. Again, congestion is strangely construed as an aesthetic problem (see Page 23) rather than a social issue. What appears to be unsightly congestion to some observers may actually be standard safety procedures followed by responsible boaters. Also, use patterns likely have indeed changed over these three decades. The restriction on commercial use of the North Fork is not justified. However, congestion may be reconsidered more appropriately in terms of the overall resources available on all runs within ASRA and the region for various levels of difficulty and skills. For example, more family trips may be encouraged by permit terms and conditions that favor increased use of lower river reaches, including the relatively newer PCWA rapids downstream from the confluence.]

“In addition the secondary Volcano Creek put-in would received some of the total trip starts, reducing the pressure and short-term congestion at the main put-in.” (Page 36) [There is no longer an effective commercial boating put-in at Volcano Creek, which would probably have been on the north side of the Middle Fork about two miles downstream from Tunnel Chute, presumably via an old road down the steep slopes from Mosquito Ridge Road near Foresthill. Based on aerial photos, the road is currently usable only by extreme 4WD.]

“- Because of complex agency responsibility mixes and jurisdictional authorities, a consolidated permitting and management agreement is needed between USFS, USBR, and State Parks.” (Page 37) [Such a mutual interagency agreement has not been achieved as envisioned here. The other findings apparently relied to some extent on this sort of agreement being implemented. A new whitewater plan effort may also help integrate that purpose, fulfill that need, and update the circumstances. Combined with other limitations of the planning report and proposals, new planning needs to begin wholly again, largely revisiting all of the basic parameters.]

“ - Prohibited camping at the Colfax-Iowa Hill Campground [Mineral Bar] but allowed on-river camping on “government lands”.” (Page 59) [Statements of conflict including with camping (e.g., Page 1), which presumably did not include outfitter camps along the North Fork, since no outfitters offered overnight trips there, even though outfitters were apparently allowed by permits to camp on any government lands. Since the North Fork commercial put-in was

downstream of the Iowa Hill Road Bridge, any conflicts with campers on the North Fork must have been between non-commercial users through the middle of the Mineral Bar campground and taking up parking spaces otherwise usable for campers there. Since then, this latter conflict has apparently been resolved with separately-designated parking areas for campers and other river users, with outfitters continuing to park outside of the area for longer periods of stay beyond the actual put-in activities. However, if camping were done on the river, then use times would likely be able to change for both the put-in and take-out since daily flows are not substantially controlled by dam releases.]

“In other situations rafts can wrap on rocks and because of the narrow channel characteristics of the NF, all transit at this point is halted. While the occurrence of a wrapped raft is not necessarily related to level of use, at greater use levels the degree of congestion above the wrap is much greater and once the cause of the congestion is resolved, more time and distance are necessary to smooth out the residual congestion as the groups travel downstream.” (Page 60) [Modern rafts are less likely to wrap on rocks due to higher air pressure, stability and maneuverability. The likelihood of raft or kayak wraps in any reach of the North or Middle Forks is very rare, and then usually resolved quite quickly. As public highways, all types of visitors boat the rivers and some may be inexperienced or have inadequate equipment for the conditions encountered, such as by lack of public information the conditions. As previously stated, the level of safety awareness has also increased, and wrap rocks have been identified as known hazards at particular flow volumes. Raft wraps by professional guides are the most unlikely, and commercial outfitters carry ropes in “wrap kits” and have staff along who can readily remove most wrapped rafts from rocks by a variety of effective techniques. Kayakers may not understand the moderate difficulty of removing rafts from rocks under team efforts by commercial boaters, and may tend to exaggerate the difficulties seen in such rare occurrences. Basically, if a raft is wrapped on a rock, the rock is probably either on the side of the river or on a rock in the current. A raft wrapped on a rock is thus not likely to serve as a substantial obstacle compared to the rock itself, although the use of ropes and z-drags from shore may require some accommodation in that limited part of the channel, while leaving other routes open for navigation. Some effort may be needed to help direct the boating traffic, just like on the freeways when a minor accident occurs until the tow truck arrives. On the North Fork, diurnal variations in flow from variable snowmelt may help assist with removals of wrapped rafts if needed, but a winch made of rope and paddles is much quicker.]

“In past years and for the first half of the 1985 season commercial operators were allowed to use the RL put-in upstream of the Colfax – Iowa Hill Bridge; now they use the RR access below the bridge. Under the previous situation the commercial operators would arrive before the clients to stage the rafts. After rigging the rafts they would put them in the water and wait for the clients to arrive. It required only two or three companies to completely block off river frontage and prevent convenient access for other companies or for non-commercial users. This issue has been resolved with the move of the commercial access to the downstream RR location where there is room for 25 or 30 rafts to be in the water at once without undue conflict.” (Page 61) [The sudden move from river left through the Mineral Bar Campground to river right below the bridge must have caused considerable confusion among the outfitters and guides. Perhaps some of the reported ‘conflicts’ may have resulted largely from such confusion. However, the paragraph continues to say there was no conflict after all at this latter put-in, which takes care of most of the North Fork discussion and contradicts previous statements. (Curiously, users and boats are counted in detail although these are ephemeral occurrences, but the number of parking spaces at put-ins and take-outs may be more limiting and useful for planning information.) Despite the lack of conflicts, other changes were made in 1985 including assigned start times, as if to ‘make the trains run on time,’ which may have added to the reported confusions, hence the adverse perceptions and pejorative observations. Somehow, as stated later, up to nine commercial put-ins were made in one hour (Page 62), suggesting further that limitations attempted were not needed nor carefully formulated. The number of starts was previously stated to be limited at two per half hour. It is unclear whether user groups were successful in implementing their own coordinated trip schedules, as previously stated for a 1985 permit requirement, and whether these circumstances were a result of that effort or the assigned start times.]

“The access at Shirttail Canyon was also observed to be a point of congestion, primarily between commercial operators and non-river recreation users...” (Page 61) [Outfitters are precluded from using Shirttail Canyon/Yankee Jims Road for access under use permits. Recreation uses have changed in this area, although occasionally parking spaces are not available. Limited amount of open parking should not be considered a problem of conflict or congestion. Users can arrive earlier or later, or at other non-peak days or times, and obtain available parking spots. Data should be developed to help quantify the reported need for additional parking for planning purposes. Some additional parking spaces are used further along the road in either direction, especially at wide turnouts north of the river. Temporary drop-offs or pick-ups or passengers or equipment can still be accomplished close to the bridge when desired. However, the Shirttail Canyon/Yankee Jims Road access is more suitable for small boat egress, or large boat access, due to the elevation difference between the river and the road, along with the steep trail conditions there.]

“At the Ponderosa Road Bridge take-out parking is also limited, however, the capacity is greater than at Shirttail Canyon...” (Page 61) [See comments as for Shirttail Canyon above, and the later discussion on Page 64 that, “...parking capacity was not observed to be a problem to the day users.” Outfitters are allowed to access the North Fork American River at Ponderosa Road under use permits, which allow or encourage the uses among outfitters to conflict somewhat by restricting access times. Allowing occasional outfitter use of Shirttail Canyon would reduce the reported congestion at Ponderosa Road, and boaters would not have to paddle additional Class II miles of river after paddling several miles of the preferred Class IV between Iowa Hill Road and Shirttail Canyon. Recreation uses have changed in this area, although occasionally parking spaces are not available. Limited amount of open parking should not be considered a problem of conflict or congestion. Users can arrive earlier or later, or at other non-peak days or times, and obtain available parking spots. Data should be developed to help quantify the reported need for additional parking for planning purposes. Some additional parking spaces are used further along the road in either direction, especially at wide turnouts north of the river. Temporary drop-offs or pick-ups or passengers or equipment can still be accomplished close to the bridge when desired. Ponderosa Road makes an easier takeout for large boats such as commercial rafts due to the wide gravel bars and lower elevation of the road above the river level compared to the higher road elevation at Yankee Jims Bridge. However, both Ponderosa Road are suitable for access for put-ins by smaller boats such as kayaks. Upper Clementine Lake would also be a good take-out with lower elevation difference between the river and the road compared to Ponderosa Road or Yankee Jims, but would incur further paddling distance on low-difficulty river. Also the Upper Clementine Road is open only after Memorial Day, well into the season for preferred boating flows on the North Fork American River. Thus, the limitations of the sites are exacerbated by local park policy to limit the access for certain users, and to limit the roads open along the river, causing *artificial* congestion at the fewer locations remaining open for river access.]

“The 1985 State Park commercial permit had several elements that were intended to increase the daily capacity of various sites and facilities by directing certain aspects of commercial use patterns. The use pattern directives that were designated to reduce conflicts included; 1) a designated commercial put-in area; 2) assigned trip start times; and 3) parking limitations at the take-out. Without consistent on-river management presence, State Parks relied on the commercial operators to voluntarily assume these use patterns.” (Page 62). [Staffing key periods of commercial use helped reduce perceived congestion for commercial boaters. Apparently, non-commercial use was not also regulated or assisted by the “on-river management.” This discussion indicates that effective staffing by the agency during key periods and at key access sites may actually help fulfill the stated management objectives or perhaps even substitute for further regulations and planning. However, it remains unclear whether the commercial operators really needed such management presence to accomplish the same objectives, or would have been prevented somehow from completing their river trips in a timely manner without state government staff assistance beyond the agreement by the operators to the state use permit terms and conditions.]

“The observations of user patterns through a peak use season conducted for this study conclude that the use patterns of commercial trips did not voluntarily conform to the suggested patterns in the permit. Only when there were State Park personnel at the Colfax-Iowa Hill Bridge on weekend days did the commercial operators use the designated put-in location. Although it is impossible to determine which operators used their trip start times through the season, we observed no occurrences where a commercial operator modified put-in staging behavior on a particular trip to meet an assigned put-in time. In addition we observed several weekend days when up to 9 commercial trips started in the same hour. At the Ponderosa Road Bridge we observed only a few commercial operators that consistently brought the vehicles to the staging area only during the staging and packing phase of the trip.” (Page 62.) [This paragraph does not comport well with statements in the previous paragraph. State Parks staff were not actually on site during all put-ins by commercial outfitters, although surveyors observed that during those times outfitters accomplished up to 9 put-ins for commercial trips, rather than their assigned numbers, which were previously stated to be no more than two commercial rafting company put-ins allowed per half hour. It is unclear whether the take-out times were also assigned, but no problems were indicated in the apparent situation where shuttle buses (and possibly separate equipment trucks and/or trailers) arrived early to pick up passengers. This may have been an expression of the normal rule of first come, first served at sites with limited parking. Normally raft trips would not have constant communications between the boaters and the shuttle drivers. Some additional unexpected delays or speed-ups may normally occur between the parties within the commercial boating operations. If the trips started with put-ins at different times (or perhaps more quickly) than the permits allowed, then presumably they also tended to arrive at the take-out at Ponderosa Road Bridge at different times than originally expected. It is not clear that any such delay or advanced timing for the trips was considered as a problem for the users or managing agency. It is also notable that, if stated correctly, no commercial trips used the designated put-in location downstream from the bridge unless State Parks staff were present, which would mean that at such times all commercial trips used the campground put-in and left the designated put-in vacant. That situation may be most understandable if some other users (ostensibly not commercial rafting groups) had blocked the lower access site and exceeded the 15-minute parking limit without adequate enforcement there, but the report did not indicate any such blockage. In any case, this reported situation seems to contradict the prior and subsequent statements of inherent congestion and conflicts at put-in sites among commercial boaters on the North Fork American River, since they accomplished the put-in at the traditional location without displacing each other and yet with unexpected alacrity without assistance from staff.]

“There have been several comments received during the season from kayakers that indicate that the continuous transit of rafts past specific points on the river has resulted in a noticeable decline in **resource values** and has led to a “**High Contact**” recreational resource for this group. To reduce this **conflict** these users have adopted a use pattern of a **shorted trip length** and a **later put-in time**. We estimate that those kayakers who adopt that use pattern should be able to reduce raft/kayak on-river conflict by about 60%.” (Page 63) [This paragraph is unclear as to what ‘resource values’ were affected and to what extent this created a problem. It is assumed that kayakers are in non-commercial groups, although commercial training and tours for kayakers are often done on the North Fork American River. ‘High Contact’ may refer to a more social experience desired by some but not all visitors, or may simply refer to personal preferences of some kayakers to see only users of the same type along the river. The most popular reaches of the North Fork do not offer a true wilderness experience where solitude is reasonably expected during peak boating periods. Shortened trip length may refer to distance (e.g., take-out at Yankee Jims Road rather than Ponderosa Road) or duration in time (e.g., since kayakers can generally boat faster than rafting groups in this reach.) The reported ‘conflict’ may have occurred for some kayakers attempting to pass rafts at narrow passages among whitewater rapids, or by rafts displacing kayakers where surfing holes or waves at stationary locations. The data bases for the observations and opinions are missing and may not readily be interpreted for planning purposes. However, it seems acceptable that a few kayakers may choose to boat later and shorter runs more readily than commercial raft trips which rely on a margin of error for safety and put-in times prescribed by management plans. Again, management plans addressed only at commercial rafting may have

contributed to artificial congestion. Timing options for boaters are not limited on the North Fork because flow there is not controlled substantially by upstream dam releases.]

“The major conflict element in which the whitewater use is impacted is the affect of recreational mining on the isolated, primitive character of the run. Although recreational mining occurs throughout most of the year, the level of activity increases with warming weather, warming water, and reduced streamflow toward summer. The conflict constitutes an **adverse impact** on the **whitewater recreation resources**, however, our on-river surveys indicate that the level of impact during the peak use season is not unduly severe and the greatest **potential for conflict** occurs after the whitewater use season” (Page 64) [Mining of rivers by suction dredge is no longer allowed in California and it is unreasonable to presume that the remaining recreational mining uses cause substantial conflicts. Hand panning is unlikely to adversely impact most other users. The North Fork American River is rural and scenic in this reach, but not designated as a wilderness or primitive area, and there is no reasonable expectation of privacy, solitude, or exclusive use there. The reported conflict among recreational mining and boaters is unlikely to remain a problem now in any season. Since the only presumed conflict is with (undefined) ‘whitewater recreation resources’ it remains unclear what substantial conflicts may still occur after the ‘peak use season’ or ‘whitewater use season’ as stated.]

E. Management Objectives

“Because of various resource elements and characteristics of the NF, it is a unique whitewater recreational resource in the region. This river reach has a small, steep, and complex channel with a decidedly technical aspect best used by advanced rafters. The run has a isolated and wilderness/primitive character, is relatively close to users populations, and is runnable in the spring season. When considering raft use, seasons of use, trip length, channel characteristics, and technical difficulty, **only the Cal Salmon and North Fork Yuba are roughly comparable.**” (Page 64) [Many rivers in California are quite comparable to the North Fork American River, but most of the Cal Salmon (e.g., Bloomer’s Falls) is considerably more ‘technical’ and difficult with a rating of Class V (per “California Whitewater” and other sources) compared to Class IV+ for the North Fork American River, and the North Fork Yuba River has four Class V rapids per California Creeks (e.g., including the very long and violent Maytag). Both the North Fork Yuba River and Cal Salmon River have roads along the run, while the North Fork American River does not. However, many other rivers in central California have reaches with character and difficulty rating similar to that of the Chamberlain Falls pool-and-drop reach of the North Fork American River. The North Fork American River is rated at up to Class IV+, higher than it might be otherwise rated “for entrapment hazards” per California Creeks.]

“There are other rivers in the **region** with **wilderness/primitive and technical characteristics** similar to those of the NF, however, they tend to be larger west slope Sierran rivers which, when flows on the NF are ideal, have high spring streamflows that are often too high for the majority of potential users. The sum of all these parameters make the NF a very important whitewater recreational resource element in the region.” (Page 66) [There are many streams in the region that are both larger and smaller than the North Fork American River, each having variable flow conditions. The planning ‘region’ is not clear, but many other comparable streams are within a day’s drive including the other forks of the American River in several reaches, the Cosumnes River in three forks, the Mokelumne, Stanislaus, Tuolumne, and Merced Rivers to the south; the Bear, Yuba, Feather Rivers to the North; the Truckee, Carson and Walker Rivers to the east; and the forks of the Eel, Trinity, upper Sacramento, McCloud, Klamath, Salmon and Scott Rivers to the northwest.]

Management options presented (Pages 66-67) are:

1) Maintain the “**wilderness/primitive character**” by maintaining a “**Moderate Contact**” opportunity. [This is unclear. There is no planning designation of the North Fork in these reaches as ‘wilderness’ or ‘primitive’ and the small, irregular size, along with several roads and other structures, would preclude federal definitions for designated wilderness even if the lands had been withdrawn or acquired for purposes other than for a reservoir.]

2) Focus on non-commercial use and manage commercial use for “Moderate Contact” for “all whitewater users groups.” [This is unclear. Apparently, commercial users will be required to give up opportunities in favor of non-commercial users, creating a new problem of equity that has not been justified.]

3) Rely on the “natural use patterns of the user groups” and “employ use level management rather than use pattern or behavior management to meet contact level objectives; it should be as self-enforcing as possible.” [This is unclear and apparently conflicts with Goal 5 below regarding “use patterns.”]

4) Accommodate “...changes in future demand for the NF resource.” [This is unclear. Increased recreational demand is speculative for any activity. The land management planning would limit developments leading to demands on resources.]

5) Reduce conflicts between whitewater and non-whitewater recreation “...by altering facility capacities and whitewater use patterns.” [This apparently conflicts with Goal 3 above regarding “use patterns.” However, increased capacities at put-in and take-out facilities would help reduce occasional peak-season crowding reported there.]

Additional prescriptions (Page 67) are:

“1) Use the capacity of access points and on-river constriction points to establish the appropriate use level that maintain “Moderate Contact” levels.

2) Use the existing use patterns of the user groups as the basis for capacity evaluations.”

[These prescriptions seem conflicting with above goals, such as the conflicting goals regarding ‘use patterns’ in Goals 3 and 5 with the prescription of Prescription 2 to “Use the existing use patterns of the user groups...” Prescription 1 (to maintain “Moderate Contact” levels by reference only to existing access points) seems to contradict Goal 5 (which apparently called for improved access facilities to “reduce conflicts”.)]

Subsequent discussions repeat observations of prior of use patterns in terms different than those terms used in the initial discussions (Page 69-70). Then the definition of “instantaneous capacity” is offered to supplant the prior Chapter II, Page 33 subjective explanations of low, moderate and high contact with new, numerical criteria of 3, 4, or 12 groups respectively at one time.

Next, “daily capacity” was derived by assuming an “average staging time” of 40 minutes per commercial group, along with an unstated variable assumption of the duration of the potential staging period (Page 70). The duration of staging varies from 2.1 to 3.2 hours for reasons also unstated. Low contact is computed at 14 groups, medium contact is computed at 19 groups, and high contact is computed at 18 groups, with up to 24 groups if the wait were 50 minutes instead of 40 minutes. [The bases of calculation and the conclusions appear arbitrary and unreasonable. Prior information stated up to 9 groups used the North Fork camp for access in one hour, apparently by choice over the newly prescribed access site downstream from the bridge. The duration of staging does not account for the length of day. Since North Fork flows are predominantly based on natural runoff, the timing and duration of staging could vary considerably with less contact among groups. The group sizes, types or behaviors also would have substantial effects on the timing or sense of conflicts toward any determination of capacity for a particular site. Moreover, site capacity is also stated previously as variable due to facility improvements or on-site management involvement. The reference to “24 groups on the gravel bar” at the put-in below Iowa Hill Road near Mineral Bar Campground neglects that there is basically only bedrock totaling about 75 yards long in that area of the right bank downstream from the new bridge, before the trees encroach on the shoreline, and no sizable gravel bar is nearby on the river bank at any flow volume. Another reach of about 47 yards of bedrock is upstream from that 75-yard portion of the right bank, on the right bank downstream from the old bridge (based on measurements in Google Earth). There are now two bridges over the river,

including the newer wide concrete bridge open to traffic and the former narrow wooden-deck truss bridge closed to vehicles but still open to pedestrians. The two bridges now allow more circulation in this area with fewer conflicts between vehicles and pedestrians. The improved turnout for rafting access has its own restroom, so boaters are less likely to also go upstream to the Mineral Bar Campground. 'Number of groups' assumes a fixed group size, but group sizes and boat types vary greatly, so the data should involve persons and boats as a more precise unit of measurement, rather than groups.

The Figure 2 chart on Page 71 uses the Y axis as cumulative number of (apparently only commercial) groups accessing the river, with the maximum about 52 between 9:00 and 10:00 a.m. [Figure 2 should instead use the mean number of all persons rather than just the cumulative groups of commercial boaters. Figure 2 does not comport with Figure 3, "Time Pattern of Commercial Group Arrival and Departure At the Colfax-Iowa Hill Put-In, 1985 Season," on Page 72, which shows commercial groups arriving in increasing large spurts from prior to 8:00 a.m. through noon, then departing from after 9:00 to after 1:00 p.m., with no more than about 10 groups present at any one time. Based on prior discussions of throughput for commercial boaters at up to 9 groups per hour, this pattern does not seem to constitute an excessive or objectionable amount of use, but rather shows an inherent tendency towards naturally even distribution and continued available opportunities for access to the river at during periods of lower use. Based on this data of actual use by commercial boaters, the duration of staging for commercial boater groups should be considered as at least 4 hours long, rather than less than 3.2 hours as previously assumed but unstated for calculations of 'daily capacity' on Pages 69 and 70.]

F. Capacity Evaluation

The levels of contact were defined in Chapter II (Page 33) as 'not excessive,' 'obvious' and 'major' but not clearly enough for management or planning purposes.

"Access point and on-river observations showed that both rivers were subject to the degradation of resource quality with increasing use levels." (Page 34) [This general observation is not supported by data provided here. It is unclear what type of issues were observed. The subsequent, repeated references (through Page 36), such as to 'tight channels' and 'regional uniqueness,' did not provide examples of degradation. User capacities stated were subjectively determined.]

G. Findings and Management Recommendations (Page 37)

[Findings and recommendations were subjectively determined and have been discussed previously. Use limits proposed were not supported by data provided. It seemed arbitrary to suggest, "...the management of the NF should give priority to non-commercial use" even if it would be 'difficult' as stated on Page 37.]

Further detailed comments on the recommendations are made in the review of the Draft White Water Management Plan North Fork and Middle Fork, American River, 1987.

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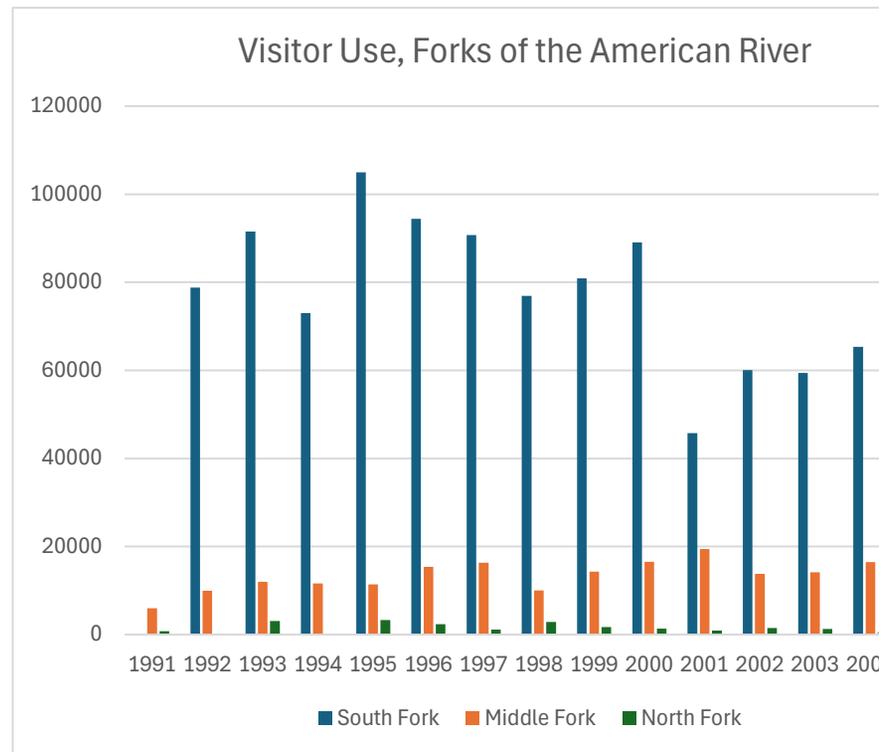
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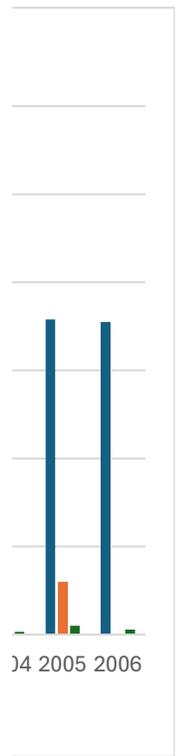
12-28-2015, Called Dave Martinez as a consultant and as District Planner for Goldfields District, general planning issues. (916) 502-8523 He said: Finished MS with lower American River, velocity depth criteria for flow regimes. Lotus macro program. Loaded fish transects and biome model, going down the river and seeing how they used it. Typical fish depth and velocity to determine suitability for fish and rafters, look at how use rivers, specific to lower AR, looked at different standards, short story is can't use a standard depth velocity standard from. Now Bill going to Marshall Gold.

Overarching goal was to create a guiding management objective for each river, objective for North Fork priority is noncommercial use so if try to resolve any conflicts then ensure that needs of noncom use taken care of first, and exact opposite on Middle fork, managed as a commercial based resource, adjusted, easy because have looked at this and done a lot of work with PCWA relicensing, historically 2% of use on MF is noncommercial, commercial use taken on its own persona there, but use has been pretty slack. Not exponential growth, flattening across the WW spectrum, even on the SF, had been an upslope, had to make adjustments, interesting performance thresholds in mgmt plan, and not sure there had been any further analysis. Worked with river management advisory on SF. Boy are they collecting fees, wow. Live in Cool and do a lot of mountain biking, buys an annual pass, has seen an explosion of [general recreation] use as casual observer, drives through canyon every day, has seen the numbers there. Bizarre growth. Picked up hikers exhausted, typical demographics, hot, asked them have they been here before, they said no, from Sac and Vacaville, asked what got you here, saw pretty pictures and this map. CG at Cool. Still do recreation consulting, working with USFS on Sierra NF for camp rehab, team of arch, bio, do initial consultations and on, So Cal Edison on hydro licensing, turn back over to USFS, interesting. Used to work with Heather Fargo in SP, was her graduate student assistant. Was in same

building. Have done some internal reviews in annual meetings on how allocate commercial. **At a minimum the Whitewater Plan should be reviewed and updated. Can see with the amount of use that has jumped up in confluence area, people haven't figured out that they can float to Birdsall and Rattlesnake Bar, not open except summer weekends.** Ride to FH divide...that is what I do. Just observation, non bike use is high, have racks, dispersed use, great stuff down there, to me like they finally figured it out, one river warm at NF, tremendous opportunity for hiking or biking, pool below NF bridge, did have a drowning this year, have lots of people and will have more. On SF seen levels seen inner tubing exploded, created issues, matter of perception, we are a whitewater boating community. Also issues [on South Fork] of type of use, more partiers, more alcohol use, lack of understanding of private property, more social than sport if you will. Me: notion of conflicts? **Conflicts have to do with transit time, once MF was two day trip, marketing has gone to one day trip, use to do three day trip, looked at cg capacity as constraint, how many boats can get out, helped pull in numbers, but don't think it is an issue any more.** MTZ@directcon.net He can attend our Pre-meeting on the 4th of January.

	South Fork	Middle Fork	North Fork
1991	–	6,003	749
1992	78,800	9,975	123
1993	91,500	11,997	3,096
1994	73,000	11,589	–
1995	105,000	11,374	3,302
1996	94,450	15,394	2,362
1997	90,750	16,337	1,130
1998	76,900	10,008	2,890
1999	80,900	14,288	1,732
2000	89,100	16,520	1,351
2001	45,750	19,416	930
2002	60,100	13,757	1,505
2003	59,450	14,174	1,287
2004	65,343	16,486	660
2005	71,593	11,901	1,980
2006	71,000	–	1,132
	31,976	1,153,636	199,219
			24,229





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(<https://www.eldoradocounty.ca.gov/Land-Use>) / Parks & Trails
(<https://www.eldoradocounty.ca.gov/Land-Use/Parks-Trails>) / Rivers
(<https://www.eldoradocounty.ca.gov/Land-Use/Parks-Trails/Rivers>) / **Annual River Use Report**

Parks and Trails

Menu

(<https://www.eldoradocounty.ca.gov/Land-Use/Parks-Trails>)

Annual River Use Report

The El Dorado County River Management Plan (RMP) Annual Report provides information on the river season and ongoing RMP implementation. The RMP is written to be an adaptive management plan.

2025 Annual Report Draft

- [2025-RMP-Annual-Report-Draft](/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/2025-rmp-annual-report-draft.pdf) ^(PDF, 3MB) (/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/2025-rmp-annual-report-draft.pdf)

Last 5 Years

- [2024 Annual River Use Report](/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/2024-rmp-annual-report-final.pdf) ^(PDF, 4MB) (/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/2024-rmp-annual-report-final.pdf)
- [2023 Annual River Use Report](/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/2023-rmp-annual-report-final.pdf) ^(PDF, 3MB) (/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/2023-rmp-annual-report-final.pdf)
- [2022 Annual River Use Report](/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2022-rmp-annual-report.pdf) ^(PDF, 5MB) (/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2022-rmp-annual-report.pdf)
- [2021 Annual River Use Report](/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/rmp-2021.pdf) ^(PDF, 2MB) (/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/rmp-2021.pdf)
- [2020-RMP-Annual-Report-Final](/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/rmp-2020final.pdf) ^(PDF, 1MB) (/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/rmp-2020final.pdf)

Archives

- [2019 Annual River Use Report](#) ^(PDF, 3MB) [\(/files/assets/county/v/1/documents/land-use/parks-amp-trails/river-management/rmp-2019-annual-report.pdf\)](#)
- [2018 Annual River Use Report](#) ^(PDF, 3MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2018-annual-report-final-draft.pdf\)](#)
- [2017 Annual River Use Report](#) ^(PDF, 16MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2017-annual-report-final.pdf\)](#)
- [2016 Annual River Use Report](#) ^(PDF, 9MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/el-dorado-county-river-management-plan-2016-annual-report-final.pdf\)](#)
- [2015 Annual River Use Report](#) ^(PDF, 4MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2015-rmp-annual-report.pdf\)](#)
- [2014 Annual River Use Report](#) ^(PDF, 2MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2014-rmp-annual-report.pdf\)](#)
- [2013 Annual River Use Report](#) ^(PDF, 1MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2013-annual-river-report-final.pdf\)](#)
- [2012 Annual River Use Report](#) ^(PDF, 1MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/annual-report-whole-doc-final.pdf\)](#)
- [2011 Annual River Use Report](#) ^(PDF, 678KB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2011-annual-report.pdf\)](#)
- [2010 Annual River Use Report](#) ^(PDF, 737KB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2010-annual-report.pdf\)](#)
- [2009 Annual River Use Report](#) ^(PDF, 660KB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2009-annual-report.pdf\)](#)
- [2008 Annual River Use Report](#) ^(PDF, 936KB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2008_annual_report.pdf\)](#)
- [2007 Annual River Use Report](#) ^(PDF, 1MB) [\(/files/assets/county/v/1/documents/health-amp-wellbeing/parks/annual-river-use-report/2007-annual-report-whole-document.pdf\)](#)





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Details Reports

File #: 20-1319 **Version:** 1
Type: Agenda Item **Status:** Approved
File created: 9/29/2020 **In control:** [Board of Supervisors](#)
On agenda: 11/10/2020 **Final action:** 11/10/2020
Title: Chief Administrative Office, Parks Division, recommending the Board adopt and authorize the Chair to sign a Joint Powers Agreement with California State Parks for Whitewater Concessionaire Contracts on the South Fork of the American River. FUNDING: State Park User Fees.
Attachments: 1. [A - Blue Route Approved](#), 2. [B - DPR EDC JPA](#)
Related files: [25-1882](#)

History (1) Text

1 record							
Group Export							
Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
11/10/2020	1	Board of Supervisors	Approved	Pass	Action details	Meeting details	Not available

Agenda items for Commission

From [REDACTED]
Date Thu 2/12/2026 10:32 AM
To State Park and Recreation Commission@Parks <SPR.commission@parks.ca.gov>

 10 attachments (6 MB)

Letter to State Parks, January 12, 2026.docx; MP AOCA P18CA012 All Outdoors sample.pdf; Public Resources Code, CDPR Concessions.pdf; Visitor Use, Forks of the American River 1991 2026.xlsx; Exhibit 2, Boating safety issues, American River.pdf; El Dorado County, Joint Powers Agreement with California State Parks for Whitewater Concessionaire 1 6 2026.pdf; El Dorado County, Joint Powers Agreement with California State Parks for Whitewater Concessionaire 11 10 2020.pdf; El Dorado County, Annual River Use Report.pdf; AO Hold Over Ltr.pdf; Chuck Watson Environmental Consulting, ec 1 8 2016.docx;

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Dear State Parks Commission,

I would like to suggest for the pending State Parks Commission agenda for March, in public comment for items not on the agenda, the subject of State Parks concessions and related management for whitewater boating on the forks of the American River.

For the June agenda, I would like that subject of State Parks concessions for whitewater boating for a discussion and potential item. The current outfitter concessions remain under a 2019 form of contract still on month-to-month 'hold over' as we enter the 2026 recreation season. State Parks also has a 2019 subcontract (although titled a joint powers authority) agreement with El Dorado County for operations of State Parks lands at Marshall Gold Discovery State Historical Park, and Folsom Lake State Recreation lands owned by the US Bureau of Reclamation but managed under a managing partner agreement (MPA) with State Parks.

The Community Center in Auburn would make a fine venue for the Commission to meet at its convenience, such as perhaps in June with nearby field visit sites in Auburn and Folsom Lake SRAs, with room for up to about 200 persons: <https://auburnrec.com/facilities/canyon-view-community-center/>

In addition for the June agenda, I would like to suggest the topic of 'carrying capacity' in State Parks policy guidance. The current guidance appears to be outdated and has been misconstrued over the recent decades of planning.

Thank you for your attention to these matters. Some background information here attached will be supplemented prior to the meetings.

Respectfully,

Emmett Cartier

Boating safety and management issues that affect recreational boaters, forks of the American River

- Whitewater boating was ‘studied’ by a consultant under federal and State Parks supervision, with conflicts and impacts stated in negative terms in the 1980s for the North and Middle Forks American River. A ‘draft whitewater management plan’ was developed in detail but not finalized or approved by responsible agencies.

Request that a new, separate whitewater management plan be funded and formulated for Auburn and Folsom Lake SRA and Marshall Gold Discovery SHP, to supplement the existing plans and provide for updated guidance under current and projected circumstances on the rivers under jurisdiction State Parks and management or operational agreements.

- Murderers Bar rapid on the Middle Fork American River (MFAR) in Auburn SRA is unnatural and inherently dangerous as a hazard to navigation. State Parks maps the rapid as ‘unrunnable’ although it may be considered Class IV. Fluctuating flows trap swimmers on the wrong side of the river, requiring rescue using rafts and rope systems in this reach. Portage is difficult over huge boulders. Note that the MFAR is the boundary of Placer and El Dorado Counties, although the rock sieve and portage routes are on the Placer County side. The site was excavated up to about 90 feet deep by miners in the Gold Rush and rocks were left unsafe for boaters downriver from the current Mammoth Bar OHV park. At least two fatalities have resulted there. The 2020 GP/RMP identified it for a safety project including possible restructuring of the hazardous rock sieve.

Request:

- Fully re-design the artificial rapid to remove the rock sieve hazard on the right side; and
 - Install a fixed cable ‘high line’ for moving boats downriver, over the boulders, and to serve for rapid rescue.
- Ruck-A-Chucky is a hazardous rapid from rockfalls rated Class VI and mapped by State Parks as ‘unrunnable’, yet commercial outfitters and are pushed to run or ‘ghost boat’ the rapids to meet scheduled times for concessions by the form of contract. The noncommercial recreational boaters with rafts and kayaks typically do not have the organization or training necessary to pass the rapid safely. A former portage trail built by the CCC washed out years ago. Continued rafting through Ruck-A-Chucky is an ‘accident waiting to happen’ with difficult conditions for rescue. Request cable zip line for quickly moving boats downriver to take advantage of slope along the gradient of the rapids.
 - Most river recreation accidents and fatalities are in the lower reaches of the rivers, including due to hydropower fluctuations on the Middle Fork American River, high volume of visitation, despite warning signage and lifeguards among other safety programs. Commercial whitewater boating concessions have stellar records of river safety with professional guides who have rescue training on Class IV reaches of the rivers. Yet the numbers of concessions has diminished from about 57 in the 1980s, about 27 in the 1990s, and now only about 15 on the MFAR and 11 of those remaining on the NFAR. The SFAR has about 25 outfitters operating under El Dorado County permits by subcontract with State Parks for five years, now being proposed for continuation for another three years, for State Parks concessions under a 2019 contract on ‘hold over’. The structure of the concession contracts has required consolidation and quitting among outfitters. State Parks

currently declines to consider new outfitters or even different types of boating uses in the little-used lower reaches of the MFAR and NFAR.

Request approval of additional boating concessions on lower Class II reaches of river to demonstrate safe boating and help provide supervision and public access.

- The State Parks procurement system in PRC 5080 et. seq. has not been followed, but the hold over contracts are subject to change to a Request for Proposal in the next year according to the State Parks concessions manager as of January 28.

Request State Parks accelerate the concessions process to facilitate bringing the whitewater boating program into compliance with PRC 5080 this season, while retaining positive provisions for existing legacy and proposed newer concessions.

- State Parks has not followed procedures under the MPA for operations of the concessions with compliance with federal laws of the underlying lands as required under the CFR. This lapse unnecessarily leaves for-hire boating concessions vulnerable to legal and administrative challenges, such as during mid-season which may disrupt public access opportunities. Request that current and proposed concession contracts, or JPAs or other subcontracts, but submitted by State Parks to the federal land management agency for review and approvals as appropriate to ensure compliance with provisions for CFR, safety, insurance, etc.
- Public access has been increasingly restricted to the rivers, resulting in artificial congestion at a few locations, especially the confluence of the NFAR and MFAR, Yankee Jims Road bridge, Ponderosa Way, and Mineral Bar. Road access at other locations has lapsed in maintenance as the respective counties have unclaimed roads and bridges along the public routes, and left the maintenance to the federal landowner and State Parks for maintenance and operations. There are fewer bridges across these rivers today than there were in the 1800s, and there is no bridge crossing left on the MFAR anywhere for quicker access by rescue teams and patrols for safety, law enforcement, or fire suppression, so response times are inappropriately longer due to the canyon barrier to transportation in the center of California across the Sierra. Request funding for a Road and Trail Plan to reopen closed roads as specified in the GP/RMP for ASRA, and immediate operation and maintenance of key access routes such as Sliger Mine Road to Cherokee Bar on the MFAR, McKeon Ponderosa Way to the MFAR, and Long Point Road to the NFAR at upper Lake Clementine. Request also Greenwood Bridge be rebuilt per the ASRA General Plan on the MFAR at Ponderosa Way, and a new bridge for the ACT on the NFAR. Request the China Bar bridge be constructed per the ASRA General Plan to cross the NFAR at Birdsall Road, where the former tunnel was closed for the American River Pump Station Project in 2002-2008.
- Conflicting signage confuses jurisdictions among responsible agencies with implications for river safety and access. Yankee Jims Road is falsely claimed by Placer County with no deed or easement from the county purchase of a former toll franchise in 1906. The lands were fully withdrawn from the BLM public domain and acquired by Reclamation for the Auburn Dam project in the late 1960s and early 1970s. Both Placer County and State Parks put up duplicate but unenforceable signs at the road and bridge for parking and other regulations. Unfortunately, the

federal agencies have been short on staff to clarify the ownership of the lands, but the deeds and other land records are clear. Some oversights and errors were made in this ownership aspect of the \$55 million bridge project now underway by Placer County under CalTrans management and Federal Highway Administration grant funding. Accidents have occurred in this area in the past with tragic results. Historical status cannot be recognized without clarification of land ownership. Responses for future safety and rescue may also become confused. Review by a licensed surveyor may be needed if current claims continue.

Request that signage and access roles and responsibilities be clarified as to actual ownership, and incorporated into future plans and supervision.

- The Department of Boating and Waterways has produced several valuable publications that are no longer shown on the website as available for reference or download, including Boating Trails Guides for the Forks of the American River.

Request that these public documents be made available again and featured on state web pages.

- In addition to patrol boats, law enforcement and rescue teams can utilize drones for covering large reaches of rivers and lakes more effectively, especially in remote canyon settings and at large reservoirs. Drones can include infrared vision for night operations. The forks of the American River have settings where quicker access via drone scouting can save lives, compared to launching boats at limited access points in steep terrain. Drones can supplement the limited availability of helicopters or other aircraft, and would be taken out of service during aircraft operations.

Request drones be funded by responsible agencies and cached in suitable locations in the river reaches for use by law enforcement and rescue operations.

- California needs a standardized whitewater boating safety course, besides the motor vessel courses currently available or the commercial outfitter trainings for seasonal guides. Aquatic Centers can help develop and provide the courses along with motorboat courses and certifications.

Request state funding and planning for the development of whitewater boating safety courses in California to be strategically located near popular rivers such as the American River.

January 12, 2026

Emmett Cartier
8914 Genoa Avenue
Orangevale, CA 95662

Armando Quintero, Director
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Director Quintero,

As an active noncommercial and commercial member of California's whitewater boating community, I am quite concerned that the California Department of Parks and Recreation (State Parks) may move forward again this month with an annual drawing for allocation of commercial concession permits for whitewater boating on the North, Middle and South Forks of the American River. The drawing process is outside of statewide concessions program administration, and obsolete in not serving a present purpose. The annual drawing from a paper bag in Coloma has been done by pulling outfitter preferences or 'start times.' The drawing presumes to limit concessioner access on the Middle and North Forks of the American River for boating trips allowed from points of access in Auburn State Recreation Area (ASRA), and oddly on the Tahoe and Eldorado National Forest (Middle Fork American River) and the private, state and federal lands along the South Fork American River (SFAR) including Folsom Lake State Recreation Area.

This outdated, awkward and illegal concession drawing process involves implementation of substantive contract provisions that are detrimental to the state's boating community. Boating stakeholders are being falsely informed that there are deficiencies in the river access sites, undocumented user and environmental conflicts, and a need to reduce the overall number of concessions even as the number of outfitters has steadily declined over the decades on these river reaches. The basis stated by State Parks for the concession permit system is an unofficial draft study done by a consultant in 1987, but not approved by responsible agencies.

State Parks has recognized that the legacy allocation system remains out of compliance with statewide procurement regulations for concession operations, even while it annually reduces the potential participation and uses of available recreation resources along the river corridors. A 'public meeting' was notified to the few remaining local outfitters in 2019, and the correct concession process was reportedly explained. Yet State Parks apparently accepted the preference of the few attending outfitters to continue to exclude competition from the concession permit and contracting system, contrary to state law and policies to promote and expand equitable, safe, and reliable outdoor access to parks. State Parks sent letters to outfitters stating that, while the temporary concession permits had expired, the basic concession contracts that had been signed by the parties would remain on a month-to-month basis of continuing renewal.

Request full consideration by State Parks of abandoning the pending drawing allocation system for annual concession permits for whitewater boating on the three forks of the American River in ASRA, Folsom Lake State

Recreation Area (FLSRA), and Marshall Gold Discovery State Historic Park, under the circumstances. This concession allocation system is one of the few remaining in California, as responsible agencies have recognized the limits and false assumptions concerning the 'carrying capacity' in light of other management options for recreation activities under actual river and environmental conditions. For example, a special event permit system can be used for commercial whitewater boating on some other Bureau of Reclamation (Reclamation) rivers, outside of the reservoir pools, and obtained within days by simple application form including proof of insurance.

Some historical and current reference information is provided in the attached for reference. If more information is needed, please advise. In discussions with various outfitters over the decades, I gather that they all rely on State Parks to 'do the right thing' but that they remain hesitant to complain officially in fear of disfavor in the informal processes involved in the concessions allocation system. Most of the outfitters have not been able to obtain the records that I have had on hand for convenient reference, along with considerable academic research and discussions with responsible staff members and other planners.

Thank you for your consideration.

Sincerely,

Emmett Cartier

Attachment

Reference information on State Parks allocation for whitewater boating concessions for the North, Middle and South Forks of the American River.

HISTORICAL SETTING

- 1976, People ex rel. Younger v. County of El Dorado (1979) (96 CalApp.3rd 403) - The County of El Dorado had literally banned commercial boating on the South Fork American River (SFAR) by ordinance, largely due to private landowner concerns, which soon resulted in agency affirmation of the navigability of the river under Article X of the California Constitution even across private lands of the river channel. Since the county subsequently permitted and necessarily encouraged whitewater boating concessions, the number of outfitters under county permits increased to more than 40 during the 1980s. Notably, the El Dorado County plan addressed only the South Fork American River, but not the south side of the Middle Fork American River within the county. Placer County did not apparently address permits for commercial boating.
- 1980, El Dorado County River Management Plan (RMP) - Later, El Dorado County embarked on river management planning for the SFAR, resulting in an ongoing River Management Plan for county policy, primarily under the police power of zoning. Thresholds of boating use were set, as triggers for potential further restrictions on concession permits. Yet the visitor-use thresholds were not met or exceeded over the decades - nor were further management actions 'triggered' as had formerly been assumed to be inevitable.
- 1983 – New Melones Lake fills. The forks of the American River gained further interest from whitewater boating outfitters after the Camp Nine reach of the Stanislaus River was flooded by New Melones Reservoir in 1983. Essentially, most of the 40-plus outfitters for the Stanislaus River (under former BLM permits) had relocated or refocused to the American River reaches after 1983.
- Water development proposals in the area since the 1960s included an Auburn Dam over 700-feet-high, and county SOFAR project on the South Fork American River, and various water contract renewals, with new conveyances and diversions, and FERC relicensing processes on the SFAR and MFAR. Notably, the FERC license for the Middle Fork American River (MFAR) Project of Placer County (the Middle Fork Project) involved detailed negotiations among parties including outfitters for flow regimes and recreation access such as suitable releases during the recreation season from Memorial Day through Labor Day. Similar benefits for flow releases were made in the negotiated SMUD FERC license for the South Fork American River.
- The Auburn-Folsom South Unit of the Central Valley Project was authorized by Congress in 1965, leading to land acquisitions and partial construction at the Auburn Dam site. However, the dam construction work was halted in 1976 due to seismic concerns. Planning for recreation continued by State Parks on the project lands, resulting in facility management plans under agreement with Reclamation, but planning did not progress after initial conceptual efforts.
- An unauthorized, informal sign on Highway 49 bridge purportedly 'closed' the North Fork of the American River due to the tunnel diverting the river downstream for Auburn Dam construction, with additional concern for safety of debris from a former bridge that had collapsed into the channel in 1964. The problematic highway bridge debris was removed beginning in 2025, with full removal expected in 2026.

- About 10,000 acres of lands west of Highway 49 were 'closed' to the public by ASRA Superintendent order indefinitely pending dam project resumption. One five-mile trail route across the river canyon from Auburn to Cool on existing roads was later opened at my request to ASRA in 1994.
- The North Fork American River was designated as a federal National Wild and Scenic River in 1978. Similarly, the lower American River downriver from Nimbus Dam was designated as a federal WSR in 1981. The NFAR was formally recognized as an eligible WSR in 1993 by responsible agencies.
- The controversies that had surrounded the filling of New Melones Reservoir on the Stanislaus River whitewater run below Camp Nine had resulted in a pejorative view of whitewater boating for water agencies, such as management fears for boater protester chaining themselves to rocks in the canyons, as had been done in protest of filling New Melones Reservoir. The reservoir was filled in violation of state water rights permits, due to unusual snowpack and resultant flooding in the winter of 1982-1983.
- Consultants funded by Reclamation were specifically tasked with presenting exaggerated visions of inherent conflicts among various styles of commercial and noncommercial boaters and with the natural environment. The notion of 'recreational carrying capacity' was misused to postulate dangerous and unaesthetic conditions due to projections of possible overuse of the river resources. Later, the subjectively-determined 'carrying capacity' was applied to Folsom Lake by use of the Water Recreation Opportunity Spectrum (WROS) by Reclamation planning consultants in the 2010 GP-RMP for the Folsom Lake SRA. (The WROS consultants' approach was later discussed and ultimately discarded as inappropriate for the planning for the Auburn SRA GP-RMP.)
- After the numbers of outfitters and applications for concession permits increased during the 1980s, Reclamation promoted limitations on boating the forks of the American River. Again, potential conflicts among users and the environmental setting were postulated to indicate the need for numerical reductions in visitor uses. This pejorative approach has been shown clearly in the contracts and correspondence among Reclamation, State Parks, and planning contractors including environmental consultants Chuck Watson and Steve Grove. However, that unusual regulatory approach is not supported by recreation research or State Parks data.
- Noncommercial boating uses have not been regulated on the forks of the American River, although State Parks fees have been implemented which reduce visitation.
- An Interim Resource Management Plan was completed by State Parks in 1992, with elaborate discussions of whitewater river uses and potential restrictions on concessions, but no actual policies stated for river management other than to 'not encourage recreation'. The 1992 IRMP was approved by Reclamation with a Categorical Exclusion Checklist due to the absence of substantial management actions in the area.
- A 1995 community meeting held by State Parks presumed to pit recreational users against each other, particularly for bike and equestrian trail uses in Auburn State Recreation Area, as evidenced in a transcript of that meeting which I attended.
- A 1999 letter from the California Attorney General resulted in Reclamation closing a half-mile-long diversion tunnel at the Auburn Dam site, and restoring the NFAR to its channel, co-planned with subsequent federal funding for a new pump station developed for Placer County Water Agency upriver from the dam alignment.
- The current Auburn SRA GP-RMP was developed beginning in 2006 and completed in 2020/2022 for joint federal and state roles and policies. Research for the GP-RMP corrected the ASRA land base from

an estimated 42,000 acres (within the ‘take line’ of prospective Auburn Reservoir to include unaquired parcels overlapping the nominal 1,140-foot elevation) to about 26,000 acres of federal land actually acquired and withdrawn BLM lands for the ASRA, plus several additional areas of state acquired lands including within the river corridor.

- US Bureau of Land Management (BLM) acquired lands by donations in many parcels along the South Fork American River downriver from Coloma to Folsom Lake SRA since 2006 and established a continuous trail along the route. Outfitters formerly using private grazing lands became permittees of BLM for certain lunch and camping sites such as at 1,100-acre Cronan Ranch.
- The BLM acquired more than 1,500 acres of land across the North Fork American River (NFAR) at upper Lake Clementine in 2024. No planning or operations have been apparently coordinated yet for those lands. Most of the other lands along the NFAR at Lake Clementine and upriver to Mineral Bar are privately owned within the outer boundaries of ASRA.

SUMMARY OF CONCERNS *about the whitewater boating concession system, with notes on current settings and proposals for the pending concession drawing:*

Concerns have been specifically expressed by the public, such as at the 2019 whitewater boating allocation meeting in Coloma, yet not addressed by State Parks, including about:

- The current whitewater boating concessions permit processes do not comply with state law, State Parks policy, the current GP-RMP, Interim Resource Management Plan, the 2012 Managing Partner Agreement with the Reclamation for Auburn and Folsom SRAs, or FERC relicensing for the MFAR.
- Moreover, the ‘current program’ for whitewater management and related policies have been substantially confused, in the presentations by State Parks, and misunderstood by the public as evidenced in various comments, as an offshoot of either the FERC relicensings for the MFAR and SFAR, or the El Dorado County River Management Plan (a separate ‘RMP’ than the ‘RMP’ for the federal/state General Plan/Resource Management Plan(GP/RMP)).
- Lack of clarity of current practices, in addition to lack of compliance with statewide law and policy, includes type or term of concession contract.
- The State Parks ASRA GP-RMP and other boating concessions or program planning references do not adequately define or identify program features including goals and objectives.
- Initiatives to consider updates to the process for compliance with state law have been recognized by public responses, but unexplained delays for compliance have exceeded public expectations.
- Greater fire danger during the May – September season required for commercial boating permits
- Lack of opportunity for camping along the river, with implications for shorter trips with less-immersive river experiences for groups.

Additional concerns about current concession programs include:

- Lack of diversity among concessioners and recreational services or programs on the rivers. All outfitters use the same or similar equipment and business models. Recreational and interpretive opportunities are unnecessarily reduced. Other models of operation should be contracted to include flexible start times, group sizes, ownership types, and program options.
- Artificial concentration of uses in space and time creates unnecessary congestion with increases management concerns and reduced quality and diversity of user experience.

- Unused reaches of rivers and canyons. Regulations are geared and suited for more challenging river reaches, with reaches of less difficulty literally unused by commercial boating outfitters.
- 3.5 put-ins per hour on North Fork American but not on Middle Fork
- Put-in for MFAR is on Tahoe National Forest land administered by the USDA Tahoe National Forest, and much of the lands used under State Parks' concession permits south of the MFAR are within Eldorado National Forest. State Parks has no operational agreement for management of those National Forest lands or concessions there.
- Significant impacts or benefits demonstrated from the boating concession program, when defined and specified adequately and ultimately finalized and approved, may require further analysis or mitigation under NEPA and CEQA.
- There have been informal proposals from State Parks to construct a new campground at Knickerbocker Flat area, plus the GP/RMP planned for additional camping facilities and public access to the river near Rocky Island Bar on the road near Salt Creek from Cool Staging Area off Highway 49.
- Ensure that adequate informational meetings and briefings are conducted as requested by local, state and federal officials, to represent key interests and geographical, jurisdictional or political areas affected. For examples, the solitary notice of a 2019 'public meeting' about boating concessions on the State Parks procurement page was/is not adequate to serve interests in both Placer and El Dorado Counties, plus Reclamation, BLM, and two National Forests. Since the 2019 contracts were signed by parties, State Parks sent letters to the remaining outfitter concessions stating that the contracts remain on an interim monthly 'hold over' basis. Notably, the concessions were still not yet approved by Reclamation as required by the MPA.
- While State Parks treats whitewater boating outfitters as concessions contracts, the US Bureau of Reclamation (Reclamation) addresses concessions under Land Policy (LND 04-02; Section 4 A.). Reclamation's definition of concessions in Directives and Standards (D&S) of the Reclamation Manual (online) includes facilities and services related to the concession activities.
- Rules for whitewater outfitters and related concessions are established under the ASRA MPA for State Parks administration after Reclamation approval for each concession contract. Such contract approvals have not been requested by State Parks or provided by Reclamation.
- Guiding and outfitting sections of the Reclamation D&S points to following non-federal partner's guidelines and policies once permits granted, such as by State Parks contracts, but subject to Reclamation approval under the terms and conditions of the federal Reclamation laws, policies, and the terms and conditions of the MPA.
- State Parks' allocation of 'starts' or trips by the annual drawing of outfitters is made by state employees drawing from paper bags in an informal January meeting. These meetings are not advertised or announced to the public. This informal and awkward setting highlights the lack of effort or planning that has gone into the concession allocation system for Auburn SRA. The South Fork American River is more dominantly governed by permits allocated by El Dorado County under its River Management Plan, and State Parks may need to simply help coordinate mid-day stops from the river for lunch by outfitters at Coloma. Launching or takeouts by commercial concession outfitters has already been prohibited there, and the site is set up for noncommercial boating access along with extensive picnic and other day-use facilities. The take-out at Folsom Lake has been improved greatly from use of the Skunk Hollow ramp to the Salmon Falls take-out, with several ramps and stairs for commercial uses to the large parking area for busses and trailers of the outfitters.
- In fact, the former 1980s notion of any need for an official allocation of commercial use was practically made obsolete by the improvements to access and egress locations on all of the forks of the American River. Where one narrow concrete ramp at Skunk Hollow formerly had to handle all commercial

concession rafting and noncommercial boating access and egress near Salmon Falls Road at Folsom Lake, now the Salmon Falls access can now readily accommodate the highest use volumes of boats, trailers and vehicles for commercial concession outfitters of whitewater boating, as signed and contracted. Many outfitters have acquired private properties along the SFAR corridor, where they conduct their own access, egress, and lunch stops with elaborate facilities for visitors and equipment. Also, El Dorado County has built Henningson Park at Lotus with extensive river access and related facilities for all user groups, just around the bend from Coloma.

- Improved access and roads along the North and Middle Forks American River have removed the likelihood of substantial congestion there among the 15 remaining whitewater concession outfitters. The North Fork American River has had new access constructed at Mineral Bar for exclusive use by commercial boaters, a new bridge with improved access at Ponderosa Way, and another new bridge with improved parking and access being built now at Yankee Jims Road. The Middle Fork American River has a relatively new low-level parking lot for commercial boating outfitter vans below Drivers Flat Road, compared to the steep rock single-width stairway that was previous uses for access and egress nearby. In addition, an astute manager would recognize that there are other access points available across the MFAR at Cherokee Bar and perhaps at Sliger Mine spur road, where a long-term squatter blocking public access has recently passed away in 2019 and his cabins and debris have been removed. Special designate has been made at the upriver end of Mammoth Bar with a new route beside the off-road vehicle areas for river access.
- In effect, the current illegal State Parks concession administration system for whitewater boating outfitters unnecessarily restricts public access and the opportunities for new outfitters to participate, while not providing any additional protection for the quality of the recreational experience or for the environmental settings.
- The legacy of these continued reduced allocations of whitewater boating concessions on the forks of the American River is one of managing agencies attempting to reduce opposition to water projects from participants encouraged to write letters to legislators, and for the visiting public to help fund conservation advocacy groups through outfitter fees, even though no water project proposals are currently active or likely to be renewed for many obvious reasons.
- Outfitters regularly communicate with each other, and can readily arrange the timing of their own acceses to the river put-ins and take-outs without the additional assistance of State Parks. In fact, they could form their own cooperative and do a drawing for annual allocations for sharing uses if desired. There remains no evidence that real congestion or impacts would result from removal of the allocation of commercial group trips for whitewater boating. Group sizes are similarly subject to inherent limitations of market conditions, so the current permit system can also eliminate the requirements for group size limits, start times, or other provisions. State Parks can continue to collect concession fees while monitoring use and conditions among user groups and the river setting, rather than assuming pejorative speculation by 1980s draft unofficial plans under dubious purposes of conditions that have not actually occurred.
- River equipment has improved greatly for safety and efficiency since the original planning was begun in the 1980s, including the commercial outfitter use of self-bailing rafts of better design and materials than the 'basket boats' of the 1980s.
- Other planning for the Auburn State Recreation Area was completed with the General Plan/Resource Management Plan in 2020/2022 with extensive public participation over the years since 2006. This planning not only built upon prior discussions and draft 'whitewater management' plans dated 1985 and 1987, but made the unreasonable fears of potential impacts among user and environmental settings obsolete. Rather, the GP/RMP planning process specified that prospective impacts should be identified and addressed separately, such as through adaptive facility planning, rather than just being postulated with additional unreasonable restrictions on recreational visitors or concessions.

- Auburn and Folsom SRAs have generally not complied with the Managing Partner Agreement (MPA) requirements for obtaining federal Reclamation co-approval of permits for boating concessions and special use permits. Insurance documents of outfitters have recently added Reclamation to the insurance coverage, as required, although the permits from the annual concession drawings remain invalid due to lack of specific approval by Reclamation.
- Several areas of access land ownership and jurisdiction remain to be resolved among responsible agencies.

Propose:

- Request a moratorium on State Parks' allocation of 'starts' in timing, numbers of boats per outfitter, or other terms and conditions of trips by the annual drawing of outfitters for the North Fork and Middle Fork American River. State Parks should follow the legal process almost begun in 2019.
- Request outfitter flexibility in group size should be promoted, rather than restricted by terms and conditions of the concession contract.
- Request to increase recreation opportunities to improve the visitor experiences in the river corridors by removing contract provisions with limit access points and times, pending coordination among the outfitters themselves.
- A separate new Whitewater Management Program Plan should be developed by State Parks, among the many other responsible agencies, to account for the many changes in the recreational, environmental, social, and policy settings over the several decades since the 1980s initial 'draft' whitewater management plans were partially developed and promulgated, but not approved or finalized for incorporation into present policies.

Public Resources Code - PRC

DIVISION 5. PARKS AND MONUMENTS [5001 - 5877]

(Division 5 added by Stats. 1939, Ch. 94.)

CHAPTER 1.2. Operation and Management of State Park System Properties [5080.02 - 5083]

(Chapter 1.2 added by Stats. 1982, Ch. 1487, Sec. 7.)

ARTICLE 1. Concessions [5080.02 - 5080.29]

(Article 1 added by Stats. 1982, Ch. 1487, Sec. 7.)

5080.02.

As used in this article, the following terms shall have the following meanings:

- (a) "Board" means the State Public Works Board.
- (b) "Commission" means the State Park and Recreation Commission.
- (c) "Contract" means a contract for the construction, maintenance, and operation of a concession.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.03.

(a) The department may enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system for the safety and convenience of the general public in the use and enjoyment of, and the enhancement of recreational and educational experiences at, units of the state park system.

(b) Concessions shall not be entered into solely for their revenue producing potential.

(c) With respect to any unit of the state park system for which a general development plan has been approved by the commission, any proposed concession at that unit shall be compatible with that plan.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.05.

(a) Except as provided in Section 5080.16, all contracts authorizing occupancy of any portion of the state park system for a period of more than three years shall be awarded to the best responsible bidder.

(b) “Best responsible bidder” means the bidder, as determined by specific standards established by the department, that, as determined by the department, will operate the concession (1) consistent with the contract, (2) in a manner fully compatible with, and complementary to, the characteristics, features, and theme of the unit in which the concession will be operated, (3) in the best interests of the state and public, and (4) in a manner that protects the state’s trademark and service mark rights in the names associated with a state park venue and its historical, cultural, and recreational resources. For purposes of this section, a bidder who would be subject to subdivision (b) of Section 5080.22 is not a best responsible bidder.

(Amended by Stats. 2018, Ch. 742, Sec. 6. (SB 1493) Effective January 1, 2019.)

5080.06.

For a contract authorizing occupancy by the concessionaire for a period of more than three years of any portion of the state park system, the department shall prepare an invitation to bid, which shall include a summary of the terms and conditions of the concession sufficient to enable persons to bid solely on the basis of rates to be paid to the state. The invitation to bid shall specify the minimum acceptable rent, except in instances in which a minimum acceptable rent cannot be ascertained because of the novelty or uniqueness of the service or facility to be provided or in instances in which the department has determined that a better return to the state can be secured by not specifying a minimum acceptable rent. Bids shall be made only on the basis of the invitation to bid.

(Amended by Stats. 2017, Ch. 230, Sec. 1. (AB 1504) Effective January 1, 2018.)

5080.07.

(a) Notwithstanding the provisions of Sections 11080 and 11081 of the Government Code, public notice to bidders shall be given of all proposed contracts authorizing the occupancy of property in the state park system for a period of more than three years, as follows:

(1) The department shall advertise the notice through appropriate public media to the extent that the department determines is sufficient to provide adequate coverage.

(2) If the director determines that, in view of the type of concession involved, the public interest would be best served by the solicitation of bids from out-of-state bidders, the director shall give additional notice as the director finds is best suited to attract bids from out-of-state bidders.

(b) The published notice shall state where bid forms may be obtained, the time and place for the receiving and opening of sealed bids, and shall describe, in general terms, the concession to be operated.

(Amended by Stats. 2025, Ch. 401, Sec. 6. (AB 1520) Effective January 1, 2026.)

5080.08.

(a) The department shall require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the prospective bidder's financial ability and experience in maintaining and operating similar or related concessions or business activities. When completed, the questionnaire and financial statement shall be verified under oath by the bidder.

(b) The questionnaires and financial statements are confidential and are not open to public inspection. However, this subdivision shall not be construed to prevent reference thereto or use thereof in a civil action or a criminal prosecution by the state for a false statement contained therein.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.09.

All bids shall be presented under sealed cover.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.10.

Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.11.

Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids, but only by written request of the withdrawal of the bid filed with the director. The request shall be signed by the bidder or by an authorized representative. The withdrawal of a bid does not prejudice the right of a bidder to file a new bid prior to the date and time set for the opening of bids.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.12.

On the day named in the public notice, the department shall publicly open the sealed bids. The department shall carefully study and analyze all bids and, on or after the 15th day after the bids are opened, may award the concession to the bidder then determined to be the best responsible bidder.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.13.

If the successful bidder does not sign and deliver the contract within 30 days of receipt thereof and does not provide the state with a bond or other surety and evidence of insurance required thereunder, and on the time limit presented, the department may elect to treat that omission as a refusal to execute the contract. If the director deems it is for the best interests of the state, he or she may, on the refusal or failure of the successful bidder to execute the contract, award it to the second best responsible bidder.

If the second best responsible bidder fails or refuses to execute the contract, the director may likewise award it to the third best responsible bidder.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.14.

If the director deems that the acceptance of any bid is not for the best interests of the state, he or she may reject all bids.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.15.

A bidder shall not be relieved of his or her bid and no change shall be made in his or her bid because of mistakes.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.16.

If the director determines that it is in the best interests of the state, the director, upon giving notice to the commission, may negotiate or renegotiate a contract, including terms and conditions, when one or more of the following conditions exist:

- (a) The bid process as prescribed in this article has failed to produce a best responsible bidder.
- (b) The negotiation or renegotiation would constitute an extension of an existing contract obtained through the process required by this article and the extended contract would provide for substantial and additional concession facilities, which would be constructed at the sole expense of the concessionaire

and which are set forth in the general plan for the unit and are needed to accommodate existing or projected increased public usage.

(c) Lands in the state park system administered by the department and lands under the legal control of the prospective concessionaire are so situated that the concession is dependent upon the use of those public and private lands for the physical or economic success, or both, of the concession.

(d) Whenever a concession is desired for particular interpretive purposes in a unit of the state park system and the prospective concessionaire possesses special knowledge, experience, skills, or ability appropriate to the particular interpretive purposes.

(e) Whenever the concession has been severely and adversely impacted through no fault of the concessionaire by an unanticipated calamity, park closure, major construction, or other harmful event or action, including, but not limited to, drought, restricted access, and fires.

(f) Whenever the estimated administrative costs for the bid process exceed the projected annual net rental revenue to the state.

(Amended by Stats. 2017, Ch. 230, Sec. 2. (AB 1504) Effective January 1, 2018.)

5080.17.

(a) Every contract awarded pursuant to the bidding requirements of this article, pursuant to the request for proposal process specified in Section 5080.23, or negotiated or renegotiated pursuant to Section 5080.16, shall be submitted to the Attorney General for approval for legal sufficiency and to the Director of General Services for approval pursuant to Section 11005.2 of the Government Code, the requirements of which are the only requirements applicable to the approval of contracts entered into pursuant to this article. The concession contract is not binding on the state until approved by the Attorney General and the Director of General Services.

(b) Notwithstanding Section 11005.2 of the Government Code and subdivision (a) of this section, the approval of a concession contract by the Director of General Services shall not be required unless the concession contract authorizes occupancy of a unit of the state park system for a period of more than one year.

(Amended by Stats. 1994, Ch. 1067, Sec. 2. Effective September 29, 1994.)

5080.18.

A concession contract entered into pursuant to this article shall contain, but is not limited to, all of the following provisions:

(a) (1) The maximum term shall be 10 years, except that a term of more than 10 years may be provided if the director determines that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire, to facilitate the full use of a structure that is scheduled by

the department for replacement or redevelopment, or to serve the best interests of the state. The term shall not exceed 20 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(2) The maximum term shall be 50 years if the concession contract is for the construction, development, and operation of multiple-unit lodging facilities equipped with full amenities, including plumbing and electrical, that is anticipated to exceed an initial cost of one million five hundred thousand dollars (\$1,500,000) in capital improvements in order to begin operation. The term for a concession contract described in this paragraph shall not exceed 50 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(3) (A) Notwithstanding paragraph (1), a concession agreement at Will Rogers State Beach may be awarded for up to 50 years in length without specific authorization by statute, upon approval by the director and pursuant to a determination by the director that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire that are anticipated to exceed one million five hundred thousand dollars (\$1,500,000) in capital improvements.

(B) Notwithstanding any other law or any other agreement, in furtherance of a concession agreement, pending concession agreement, or amendment to a concession agreement between the County of Los Angeles and a private entity at the state-owned Will Rogers State Beach, development or renovation of capital improvements, whether public or private, and related public access and recreation improvements shall be exempt from any municipal demolition, grading, building, or discretionary permits required by state law or municipal building and zoning codes or from approvals by municipal agencies and shall be subject only to the approval by the County of Los Angeles and a coastal development permit or amendment to a coastal development permit from the California Coastal Commission.

(4) Notwithstanding paragraph (2), the department may negotiate the term of the existing concession contract with the Crystal Cove Management Company to extend the term of that contract up to an additional 20 years, if the director determines that this term extension is necessary to allow Crystal Cove Management Company to qualify and complete requirements for rehabilitation tax credits pursuant to Section 47 of Title 26 of the United States Code for the rehabilitation of historic structures to facilitate and support the Phase III restoration of the 17 historic cottages at Crystal Cove State Park. This rehabilitation shall include the construction, development, and operation of multiple-unit lodging facilities equipped with full amenities, including plumbing and electrical. Negotiated terms pursuant to this subdivision shall be based on the value of the term's extension, and may include, but are not limited to, an increased rental rate as consideration for the extended term. All moneys invested by third parties in connection with receipt of these rehabilitation tax credits shall be used for the construction, development, and operation of the Phase III restoration of the 17 historic cottages at Crystal Cove State Park.

(5) (A) Notwithstanding paragraph (2), the department may negotiate a concession contract, for a term of not more than 30 years, or an extension of an existing concession contract, for a term of up to an additional 30 years, and may negotiate other terms, including, but not limited to, rent, based on the value

of the term or the term's extension as consideration for the Mexican Commercial Corner, El Opal Restaurant, and Casa de Bandini and The Cosmopolitan Hotel and Restaurant at Old Town San Diego State Historic Park.

(B) The property known as El Fandango and other adjacent properties may be added to the concession premises to enable increased pedestrian access.

(C) The terms of the concession contract or the extension of an existing concession contract shall require the concessionaire to provide for capital improvements of substantial and additional concession facilities, and improvements of existing concession facilities, to be constructed at the sole expense of the concessionaire, that are consistent with the general plan for Old Town San Diego State Historic Park and are needed to accommodate existing or projected increased public usage. The minimum amount of the capital improvements shall be negotiated between the department and the concessionaire and shall be no less than three million dollars (\$3,000,000). The capital improvements shall be the sole property of the state. The capital improvements may include, but are not limited to, both of the following:

(i) The demolition and reconstruction of the property known as El Fandango. This space may include both indoor and outdoor concession and interpretive opportunities.

(ii) The construction of pedestrian access between the properties known as the Land of the First People exhibit area and the historic core of Old Town San Diego State Historic Park.

(D) Upon the termination of the concession contract or upon the termination of an existing concession contract that was extended, the concession shall be put out to bid in accordance with the bidding requirements of this article.

(b) Every concessionaire shall submit to the department an annual financial statement prepared or audited by a certified public accountant.

(c) Every concession shall be subject to audit by the department.

(d) A performance bond shall be obtained and maintained by the concessionaire. In lieu of a bond, the concessionaire may substitute a deposit of funds acceptable to the department. Interest on the deposit shall accrue to the concessionaire.

(e) The concessionaire shall obtain and maintain in force at all times a policy of liability insurance in an amount adequate for the nature and extent of public usage of the concession and naming the state as an additional insured.

(f) Any discrimination by the concessionaire or the concessionaire's agents or employees against any person because of the marital status or ancestry of that person or any characteristic listed or defined in Section 11135 of the Government Code is prohibited.

(g) To be effective, any modification of the concession contract shall be evidenced in writing.

(h) Whenever a concession contract is terminated for substantial breach, there shall be no obligation on the part of the state to purchase any improvements made by the concessionaire.

(i) If a concessionaire makes a legal claim or assertion to have a trademark or service mark interest in violation of subdivision (a) of Section 5080.22, the concessionaire shall forfeit the right to bid on future state park concession contracts to the extent authorized by federal law.

(j) If a current or former concessionaire in bad faith files a federal or state trademark or service mark application for a trademark or service mark that incorporates or implies an association with a state park venue, or its historical, cultural, or recreational resources, and the state files a successful opposition or cancellation with respect to that trademark or service mark application, the concessionaire shall be responsible for the state's attorney's fees, costs, and expenses associated with that opposition or cancellation.

(Amended by Stats. 2025, Ch. 401, Sec. 7. (AB 1520) Effective January 1, 2026.)

5080.19.

(a) In order to assure the best possible return from concessions, the department shall periodically survey, and obtain advice and information from professional property managers regarding, the commercial rental market for public and private properties in areas where concessions exist or are expected to be authorized and compile information therefrom, and shall use that information for the purposes of Section 5080.06 and subdivision (b) of this section.

(b) Rent and other returns received from concessions shall reflect current commercial rental market conditions, except in instances when the director has determined that a particular service or facility needs to be furnished to the public and that service or facility cannot be furnished except at less than a fair market value rate of return to the state.

(c) Rental terms of concessions that operate seasonally shall reflect the seasonal characteristics of those concessions.

(d) Rent shall be paid on the basis of the higher of a flat monthly amount or a percentage of gross sales, except in those instances in which part of the compensation paid by a concessionaire consists of the value assigned to services performed by the concessionaire on behalf of the department and those services are of a type normally performed by departmental personnel.

(Amended by Stats. 1992, Ch. 1057, Sec. 2. Effective January 1, 1993.)

5080.20.

A contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section 5080.30), that is expected to involve a total investment or estimated annual gross sales in excess of one million dollars (\$1,000,000), shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

(a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and 5080.03 and are compatible with the classification of the unit in which the concession will be operated.

(b) At least 30 days advance written notice of the proposed concession has been provided by the director to the appropriate policy and fiscal committees of the Legislature and the Joint Legislative Budget Committee.

(c) The proposed concession is accompanied with documentation sufficient to enable the commission and the Joint Legislative Budget Committee to ascertain whether the concession will conform to the requirements of this article and to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

(Amended by Stats. 2015, Ch. 559, Sec. 8. (AB 549) Effective January 1, 2016.)

5080.21.

The department shall include in its annual statement on the concessions program a section setting forth all new concessions entered into during the preceding fiscal year, the terms of each contract, and the terms on which each concession was advertised for bid.

(Added by Stats. 1982, Ch. 1487, Sec. 7. Effective September 28, 1982.)

5080.22.

(a) (1) A concession contract awarded pursuant to Section 5080.05, 5080.16, or 5080.23 shall not provide the contracting party with a trademark or service mark interest in the name or names associated with a state park venue, or its historical, cultural, or recreational resources, and shall not serve as the basis for any legal claim that the contracting party has that interest.

(2) This subdivision does not constitute a change in, but is declaratory of, existing law.

(b) To the extent consistent with federal law, a bidder shall not be awarded a contract pursuant to Section 5080.05, 5080.16, or 5080.23 if either of the following applies:

(1) The bidder has made a legal claim or assertion to have a trademark or service mark interest in violation of subdivision (a).

(2) A court has determined that the bidder has made a legal claim or assertion to have a trademark or service mark interest in the name or names associated with a state or federal park venue, or its historical, cultural, or recreational resources, without reasonable cause and in bad faith.

(c) The department shall adopt regulations to provide a bidder who is denied a contract award based on subdivision (b) with written notice of that denial and an opportunity to rebut the basis for the contract denial at a formal hearing.

(d) Commencing January 1, 2017, a provision of a contract or other agreement entered into pursuant to Section 5080.05, 5080.16, or 5080.23 that violates subdivision (a) shall be void and unenforceable.

(e) This section shall not be construed to impact a contracting party's valid trademark or service mark rights that were held before the concession contract was awarded.

(Added by Stats. 2016, Ch. 413, Sec. 5. (AB 2249) Effective January 1, 2017.)

5080.23.

(a) Notwithstanding any other provision of this article, with respect to concession contracts entered into on and after October 1, 1994, if the director determines that it is in the best interests of the state, the director may, upon giving notice to the State Parks and Recreation Commission, in lieu of the process for awarding contracts otherwise prescribed in this article, award contracts authorizing occupancy of any portion of the state park system for a period of more than three years to the best responsible person or entity submitting a proposal for a concession contract.

(b) For any concession contract authorizing occupancy by the concessionaire for a period of more than three years of any portion of the state park system that is entered into pursuant to this section, the department shall prepare a request for proposal, which shall include the terms and conditions of the concession sufficient to enable a person or entity to submit a proposal for the operation of the concession on the basis of the best benefit to the state. Proposals shall be completed only on the basis of the request for proposal.

(c) Any concession contract entered into pursuant to this section that is expected to involve a total investment or gross sales in excess of one million dollars (\$1,000,000) shall comply with the requirements for entry into contract that are set forth in Section 5080.20.

(d) For purposes of this section, "best responsible person or entity submitting a proposal" means the person or entity submitting a proposal, as determined by specific standards established by the department, that will operate the concession in the best interests of the state and the public.

(Amended by Stats. 2018, Ch. 742, Sec. 7. (SB 1493) Effective January 1, 2019.)

5080.24.

(a) The department may enter into an interim agreement with the Pacific Grove-Asilomar Operating Corporation on the same basis as the cancelled contract, except that it shall be modified as specified by subdivisions (b) to (e), inclusive, until the department awards a contract pursuant to Section 5080.25.

(b) Any interim agreement pursuant to subdivision (a) shall provide that the amount of compensation received by the general manager of the Pacific Grove-Asilomar Operating Corporation shall be subject to determination by the Legislature in the annual Budget Act.

(c) Any interim agreement pursuant to subdivision (a) shall require the Pacific Grove-Asilomar Operating Corporation to continue to set rates and to take reservations for dates beyond the date for which the interim agreement is operative.

(d) Any interim agreement pursuant to subdivision (a) shall provide that the meetings of the board of directors of the Pacific Grove-Asilomar Operating Corporation shall be conducted in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) and the board of directors shall be considered a state body under subdivision (b) of Section 11121 of the Government Code.

(e) Any interim agreement pursuant to subdivision (a) shall provide that all business and financial records of the Pacific Grove-Asilomar Operating Corporation, including existing records, but not including records that would be personal information under Section 1798.3 of the Civil Code if maintained by an agency, shall be treated as public records subject to disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code). The term “employment contract” as used in Section 7928.400 of the Government Code shall be deemed to mean an employment contract between the Pacific Grove-Asilomar Operating Corporation and its employee.

(Amended by Stats. 2021, Ch. 615, Sec. 371. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

5080.25.

(a) The department shall enter into a contract for the construction, maintenance, and operation of concessions at the Asilomar Conference Grounds. The contract shall be awarded pursuant to this article, except this section shall prevail in case of conflict between this section and this article.

(b) The contract shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless it has been submitted to the Legislature for review.

(c) The contract shall require the concessionaire to pay for administrative costs, capital expenditures, and department staff necessary for the operation of, and improvements to, the Asilomar State Beach and Conference Center, including restoration projects.

(d) The contract shall require all capital improvements to the Asilomar State Beach and Conference Center to be solely the property of the state.

(e) The contract shall require the concessionaire to honor all rates and reservations made by the Pacific Grove-Asilomar Operating Corporation under the interim agreement described in Section 5080.24.

(f) The contract shall require the concessionaire to give preference to the employees of the Pacific Grove-Asilomar Operating Corporation when staffing the operation of the concessionaire.

(g) The contract shall emphasize the importance of protecting the natural and cultural values of the Asilomar State Beach and Conference Center.

(h) In awarding the contract, the department shall consider bids or proposals from both nonprofit and for-profit entities.

(i) If the contract is awarded to a concessionaire governed by a board of directors, the contract shall require the department to be present at meetings of the board of directors relating to the construction, maintenance, finances, or operation of concessions at the Asilomar Conference Grounds, and shall require those meetings to be conducted in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). If the contract is awarded to a concessionaire that is not governed by a board of directors, the contract shall require the concessionaire to hold quarterly meetings at the Asilomar Conference Grounds, relating to the construction, maintenance, finances, or operation of concessions at the Asilomar Conference Grounds, at which the department shall be present, that shall be conducted in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(j) The contract shall provide that all business and financial records of the concessionaire relating to the construction, maintenance, or operation of concessions at the Asilomar Conference Grounds, including existing records, but not including records that would be personal information under Section 1798.3 of the Civil Code if maintained by an agency, shall be treated as public records subject to disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code). The term "employment contract" as used in Section 7928.400 of the Government Code shall be deemed to mean an employment contract between the concessionaire and its employee.

(k) In awarding the contract, the department shall consider without prejudice any bid or proposal submitted by the Pacific Grove-Asilomar Operating Corporation.

(l) The department shall, for the purpose of ensuring that all bidders are afforded an equal opportunity to compete for the contract, consider the estimated amount of fees or taxes that might be paid to the state or to a local government by a bidder as a result of the contract among those factors to be used to evaluate the bidder's bid or proposal for the contract. The department shall consult with the Department of Finance and the Board of Equalization to obtain information necessary to estimate the amount of fees or taxes that might be paid by a bidder as a result of the contract.

(m) Any revenues received by the department pursuant to the contract that are identified by the department as funds in excess of the approved operating budget and the approved capital improvement budget for the Asilomar Conference Grounds shall be deposited in the State Parks and Recreation Fund.

(n) On or before January 1, 1995, the department shall submit a request for proposal for the contract to the Assembly Water, Parks, and Wildlife Committee, the Senate Natural Resources Committee, the Assembly Ways and Means Committee, and the Senate Budget and Fiscal Review Committee for review.

(Amended by Stats. 2021, Ch. 615, Sec. 372. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

5080.26.

(a) Notwithstanding Sections 11080 and 11081 of the Government Code, public notice of a request for proposal shall be given to persons or entities for the purpose of soliciting proposals for any concession contract authorizing the occupancy of property in the state park system for a period of more than three years that is entered into pursuant to Section 5080.23, as follows:

(1) The department shall advertise the notice through appropriate public media to the extent that the department determines is sufficient to provide adequate coverage.

(2) If the director determines that, in view of the type of concession involved, the public interest would be best served by the solicitation of proposals from out-of-state persons or entities, the director shall give additional notice as the director finds is best suited to attract proposals from out-of-state persons or entities.

(b) The published notice shall state where forms for proposals may be obtained, the time and place for the receipt and review of proposals, and shall describe, in general terms, the concession to be operated.

(Amended by Stats. 2025, Ch. 401, Sec. 8. (AB 1520) Effective January 1, 2026.)

5080.28.

Notwithstanding any other provision of law, the department may negotiate an agreement of up to two years duration to extend the hotel concession contract in existence on January 1, 1999, for the Columbia State Park. Upon termination of the extension agreement, the concession shall be put out to bid in accordance with the bidding requirements of this article.

(Added by Stats. 1999, Ch. 66, Sec. 9. Effective July 6, 1999.)

5080.29.

Notwithstanding any other provision of law, including subdivision (a) of Section 5080.18, the department may enter into concession contracts for the development, operation, and maintenance of marinas, for a term of up to 30 years, if the director determines that the term authorized under this section is necessary to allow for amortization of the loan, or to serve the best interests of the state.

(Added by Stats. 2004, Ch. 109, Sec. 1. Effective January 1, 2005.)