



# The County of El Dorado

## Chief Administrative Office

330 Fair Lane  
Placerville, CA 95667-4197

Terri Daly  
Chief Administrative Officer

Phone (530) 621-5530  
Fax (530) 626-5730

DATE: June 9, 2014  
TO: Board of Supervisors  
FROM: Kim Kerr, Assistant Chief Administrative Officer  
RE: Rubicon Historical Evaluation Legistar Item 14-0336

### **Background**

On March 4, 2014 the Board of Supervisors received a presentation on the process to nominate the Rubicon Trail to the National Register of Historic Places. The Board provided the following direction to staff:

1. Interact with all property owners of the Rubicon Trail and others who may be affected; and
2. Report back to the Board of Supervisors with a progress report in 90 days (June 2014).

Based on the direction above the Chief Administrative Office staff reviewed three areas:

#### **1) Insuring that the public has the informed and included in the process.**

El Dorado County Chief Administrative Office, Parks Division, held two public meetings on the Historical Evaluation. The first one was held on April 24, 2014 at 8:30 a.m. at the Community Development Agency, Transportation Division, (Transportation Division) Ready Room at 2441 Headington Road, Placerville. This was the meeting of the Rubicon Oversight Committee (ROC). There were 18 individuals present, and representatives from the Forest Service, State Parks, property owners, Rubicon Trail Foundation, Friend of the Rubicon and users were present.

The second meeting was held on May 3, 2014, at the Transportation Division, Ready Room at 2441 Headington Road, Placerville. This was the annual meeting of Friend of the Rubicon Trail (FOTR). There were around 75 in attendance.

Mike Applegarth presented at both of these meeting on the information that he received from the State Historic Preservation Office (SHPO). There was a lot of discussion after the presentation at both meetings. These two groups have no appointed members and

no voting authority. County staff requested that comments in the form of letters or emails be sent to Vickie Sanders and will be included in the Board agenda item. (Comments received are attached). All comments from both meetings were to not move forward with the nomination process.

**2) What is involved in designation and what is the process?**

The National Historic Preservation Act of 1966 provides for the designation and appointment by the Governor of a “State Historic Preservation Officer” to administer the State Historic Preservation Program including the identification and nomination of eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register.

Staff reviewed the National Historic Preservation Act of 1966, the relevant Code of Federal Regulations, information on the websites for the National Parks Service and the State Office of Historic Preservation including various National Register Bulletins regarding the completion of the National Register Registration Form and the appropriate application of the National Register Criteria, the National Register of Historic Places Evaluation of the Rubicon Trail prepared by PAR Environmental Services, Inc., the Programmatic Agreement between the U.S. Forest Service, Army Corps of Engineers, Caltrans, the California Historic Preservation Officer and Advisory Council on Historic Preservation. With this basic understanding, staff met with the supervisor of the Registration Unit at the State Office of Historic Preservation to discuss the potential nomination of the Rubicon Trail.

**ANALYSIS**

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. Listing in the National Register also makes property owners eligible to be considered for Federal grants-in-aid for historic preservation.

National Register Criteria for Evaluation includes properties:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in or past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.



In addition, a property may have varying levels of historical significance such as local, state, or national significance. PAR Environmental has concluded that the Rubicon Trail is potentially eligible for inclusion on the National Register under criteria A, B, C, and D and that the many historical aspects of the Trail are significant on a local, state and national level.

Anyone can nominate a property to the National Register of Historic Places. However, the research and documentation required to support the nomination can be intense. It is estimated that process would take between six and nine months, depending on the historical context of the nomination and documentation required as well as the timing of the quarterly State Historical Resources Commission meetings. To nominate a property, applicants must complete Nomination Form 10-900, a cover letter for the nomination, two color sets of photographs labeled according to the instructions in National Register Bulletin 16A, a sketch map showing the boundaries of the property, footprints of all resources and important landscape features, a scale and north arrow, and an original U.S.G.S topographical map.

Once this information is submitted to the State Historic Preservation Office, staff at the registration unit begins collaboratively working the applicant to prepare the recommendation to the State Historical Resources Commission. In most cases, Registration unit staff will issue a request for information (RFI) from the preparer before the nomination can proceed. In many cases, more than one RFI is required to ensure that the documentation meets standards. Registration Unit staff will notify all property owners that the property has been nominated to the National Register, and a Commission meeting will be set to consider the nomination with input from property owners and the public. Once approved by the Commission the Keeper of the National Register at the National Parks Service has 45 days to make a determination on the historic property.

A property may not be listed on the National Register if more than half of the private owners object to the listing. Nominations without the consent or approval of the private property owner are known as "hostile" nominations. In the event that a property otherwise meets the standards of the National Register but is submitted as a hostile nomination, the Commission can recommend that the Keeper of the National Register give the property a Determination of Eligibility. A determination of eligibility is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register. A determination of eligibility does not make the property eligible for such benefits as grants, loans, or tax incentives that have listing on the National Register as a prerequisite. A Determination of Eligibility by the Keeper of the National Register also results an automatic listing in the California Register of Historic Places.

One of the primary staff concerns about the listing of the Rubicon Trail in the National Register is whether or not the whole Trail would be listed, or just the portions that cross federal land and for which the county has an easement. State Registration Unit staff very noted that the entire Trail would need to be nominated. A piecemeal approach to



designating the Trail would be similar to someone nominating the east and west walls of a historic building. Clearly, the entire Trail would need to be nominated including those portions that cross private property, and the portions extending into Placer County.

Listing of a property on the National Register does not result in any land use restrictions. However, any federal actions affecting the Trail would have to be approved by the State Historic Preservation Office through Section 106 consultation. The obligation for consultation falls on the federal agency, but would also extend to actions taken by other parties with federal grants. The State Historic Preservation Office cannot compel an action to be taken or not taken, but the process of consultation does ensure an additional process by which interested parties can comment on proposed actions and help influence a land use decision. Typically, organizations will have agreements with the State Historic Preservation Office to treat a resource in a certain way. In addition, the National Register listing does not cause any additional review under the California Environmental Quality Act or the National Environmental Protection Act. Once listed on the National Register, it is presumed that proposed actions affecting a property must be evaluated in light of potential impacts to the historical resource. However, the County is already aware of the Rubicon Trail's historic significance, and already incorporates this category in its environmental reviews of proposed actions.

Staff also discussed the way the National Register listing potentially applies to the Rubicon Trail as a historical resource, as opposed to the *use* of the historical resource. The County of El Dorado has a proven record of protecting and maintaining the use of the Rubicon Trail, primarily for off-highway vehicles. However, the National Register listing is strictly about the resource as an historical asset, and does not provide any additional protections for the use of that asset. The only way that the use itself of a resource could be considered historic is if the property is nominated as a Traditional Cultural Property. Registration Unit staff explained however that Traditional Cultural Property nomination is usually associated with property affiliated with a Native American tribe where the use of the site, building, or landscape is associated with traditional religious or cultural beliefs. A Traditional Cultural Property nomination of the Rubicon Trail in context of off-highway vehicle use would not likely succeed.

Staff considers this a significant concern. Although the National Register listing does not entail land use restrictions, most of the County's maintenance and improvement work on the Trail are designed to facilitate Trail use, even if the historical resource itself is changed in the process. Examples include bridges, drainage work, seasonal closures, and elimination of certain rock obstacles. These actions designed to protect and promote the use of the Rubicon Trail most definitely affect the historic Trail itself. While the National Register listing would not preclude these activities, it may lead to additional conflict between parties desiring to protect the Rubicon Trail itself (the actual path across the ground), as opposed to the use of the Trail.

### **3) What is the economic benefit to the County?**

The economic impact of the Rubicon Trail is almost immeasurable, but several key points about the trail can be identified and examined to get a sense of the magnitude of



its economic impact. These points include large yearly events held on the trail, as a tourism attraction for out-of-county users, and grant funding related to maintaining and improving the trail. Along with the economic impact of the trail lie social, heritage, health and environmental benefits for residents and visitors alike. The impact to the trail comes under two main categories: 1) Direct Economic Impact – This type of impact is related to direct “first round” spending by non-resident visitors to the County. Examples include purchasing goods and services along with hotel stays; and 2) Total Economic Impact – This type of impact measures the totality of the economic impact by including secondary spending of spending as a “trickle down”. An example would be increased revenue received at a local restaurant that is subsequently spent on upgrades to the restaurant. The Rubicon is an extremely difficult trail to traverse and has been rated a “10 out of 10” on a difficulty scale. Vehicle breakdowns and damage occurs frequently which can require very expensive permanent repairs. While users generally do and are encouraged to carry spare parts and equipment to get rigs operational and off the trail, these fixes are generally “band-aides” on the problem and require permanent repair when available. El Dorado County has numerous local repair shops that are known for repairs to Rubicon worthy vehicles which is a specialized service. This additional revenue to local businesses is another economic boost provided by the Rubicon Trail.

### Events

Major events occur on the trail annually and undoubtedly bring the County significant revenue from a variety of sources. As there are no amenities on the trail itself, users stop for fuel, groceries, restaurants, lodging and supplies in El Dorado County and provide increased revenue that benefits the County and its residents as a whole. Increased spending within the County provides two major benefits; 1) Increased revenue to local businesses and hotels, and; 2) Increased revenue to County government that can be spent on additional services.

In 1952, Mark Smith and a small group of Rotarians and friends met at his home to share a dream with them that might help the depressed economy of the Georgetown Divide. “JEEPERS JAMBOREE” a name born in jest-becomes the beginning of a legend. 2014 is the 62<sup>nd</sup> Annual Jeepers Jamboree, an event that has changed the economic climate of Georgetown. Other annual events are Toyota Rubithon, Marlin Rockcrushers and Jeep USA.

There have only been two counts of trail users for a calendar year over the past few decades, and these counts took place in 2009 and 2010. A normal season on the trail runs from Memorial Day weekend (last Monday in May) through Labor Day weekend (first Monday in September). For 2009, the trail count indicated that there were a total of 8,500 users and 4,250 vehicles that traversed the Rubicon. These numbers were significantly lower for 2010 (5,000 users and 2,295 vehicles) due to several late snow storms that kept the trail closed until July 1. Major events contribute a large portion of the vehicle and user counts, with a single four day Jeepers Jamboree weekend bringing up to 1,900 users and 930 vehicles. It is important to note that these totals are for trail users only, and do not include spectators or promoters that add to the economic activity associated with trail use. The Direct and Total Economic Impact’s provide a significant



revenue stream for local rural communities such as Georgetown with additional benefits to County residents. An example of a Direct Economic Impact of the trail for 2009 would be fuel purchases. At time of writing, regular gasoline sells for an average of \$4.09 per gallon in El Dorado County. If the average fuel tank for vehicles is 15 gallons and half of the visitors fill their tanks in the County, net gasoline sales would increase by \$130,369. This increased revenue helps pay for property taxes (a large revenue stream that funds a large portion of County operations), supports local jobs, and helps maintain local roads and highways.

### Promotion

The promotional value of the trail in bringing visitors from out of the County is immense. The County works with several entities to promote the Rubicon, including; the Rubicon Trail Foundation, Jeep, event sponsors, the California welcome center, various 4-wheel drive user clubs, numerous 4-wheel drive repair shops, several local businesses, and the State Parks department. Jeep even has a model vehicle named the Rubicon due to its rugged features and capabilities required to challenge the trail. All of this advertising and promotion brings significant recognition and notoriety for the trail itself along with the County. Promotion of the trail ultimately leads to an increase in usage with correlating in-County spending that otherwise would not be present. Promotion has led to international visitors spending significant money to visit the trail, and often includes hotel rentals, restaurants visits, camping supplies, and other tourist attractions in the areas such as Lake Tahoe.

### Grant Funding

The County has and continues to manage the Rubicon Trail Grant Program. By having such a notable trail the County is able to secure grant funding to continue the 127 year legacy of the Rubicon. Through the program significant grant funding is utilized for maintenance and enhancement projects. These enhancements come in the way of sanitation units/pumping, advertising, kiosks, brochures, website updates/information, trail surveys, alcohol sensors, spill kits, education and outreach, and trail rehabilitation. Grant resources assist with trail conservation, enforcement, administration costs and facilities that enhance the experience for all users.

### Recommendation

Staff recommends the Board of Supervisors, not pursue or support the inclusion of the Rubicon Trail in the National Register of Historic Places.

### Reason for Recommendation

Due to the opposition of Rubicon Trail private property owners as well as various user groups, the analysis on the trail has only been done on the portions that El Dorado County received the easement over from the US Forest Service. Placer County has not been included in this discussion and an analysis of the Rubicon Trail in Placer County would need to be completed as well as portions that cross private property.