



The County of El Dorado

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September 16, 2014

TO: Board of Supervisors
FROM: Vickie Sanders, Parks Manager
RE: Staff Report for Legistar Item #14-1291

Background

El Dorado County and the United States Department of Agriculture, Forest Service, Eldorado National Forest were issued a Cleanup and Abatement Order (CAO) on April 23, 2009 on the Rubicon Trail.

The CAO required the County and Forest Service to work together to jointly cease the discharge of sediment and other wastes due to motorized vehicle use to waters of the state, and required the following:

- 1) “The responsible parties shall prepare a Saturated Soil Water Quality Protection Plan (SSWQPP)”.
The County working with the Forest Service developed and implemented the Saturated Soil Water Quality Protection Plan (SSWQPP) which documented the location of the trail and the Best Management Practices (BMPs) that were installed on the trail. This document is the Management Plan for the County moving forward. The SSWQPP was approved by the Board of Supervisors on December 14, 2010 (Item 37, File #10-1279) and has been fully implemented.
- 2) “With maintenance related activities for 2009, the County shall continue to implement the following items previously committed to: installing water breaks, cross drains and rock filled rolling dips west of Ellis Creek Crossing; dispensing wag bags at Loon Lake trailhead; installing educational signage at Loon Lake and Wentworth Springs; and continue engineering and environmental review for the construction of bridges at Gerle Creek and Ellis Creek”.
In 2009 the County achieved all of the above requirements.
- 3) “Provide a clear definition of each party’s responsibility including maintenance activities, education, enforcement, seasonal closure, and all other actions necessary to protect water quality”.

Maintenance activities are the responsibility of the County. The County and the Forest Service will provide education regarding sanitation. The County completed a trail survey. The County, Forest Service and State Parks coordinated efforts in law enforcement activities on the trail.

- 4) “Conduct trail counts during 2009 and/or 2010”.

With the help of the Rubicon Trail Foundation (RTF) accurate trail counts were achieved in 2009 and 2010. The count in 2009 was 8,500 users and 5,000 in 2010.

- 5) “Estimate the number of people and vehicles who can use the Rubicon Trail in its current condition, or determine if there a need to restrict use or whether certain improvements will result in the ability for the current number or an increased number of people and vehicles without impacting water quality”.

Based on the trail counts conducted in 2009 and 2010, County determined that the trail with Best Management Practices (BMP’s) can accommodate the current number of vehicles and users.

- 6) “Documentation of the actual location of the Rubicon Trail within El Dorado County including the centerline and an agreed-upon width from each side of that line”.

On January 26, 2010, (Item 25, File #10-0049) the Board of Supervisors adopted the preferred alignment. The County completed a trail survey of that alignment. On October 19, 2010 (Item 3, File #10-1118) the Board approved an application for an easement from the Forest Service. On August 14, 2012 (Item 20, File 12-0131), the Forest Service issued the County an easement for the Rubicon Trail.

- 7) Develop a “strategy to address human waste management on the Rubicon Trail”.

The County created an educational campaign that captured the attention of the users and made a tremendous difference on the trail. The yellow bandana campaign was launched in 2010. An educational video was created and posted on the County website with copies given to all the schools in El Dorado County. This campaign was implemented using the Friends of the Rubicon Trail volunteers (FOTR), RTF, mid-trail staff and law enforcement staff on the trail.

In 2010, the County with permits from the Forest Service installed a restroom at Ellis Creek and installed a 2,000 gallon septic tank to accommodate waste from units on the trail.

The County, with the help of the RTF, developed a program to address sanitation. RTF built a Unimog Septage Pumper Truck that traverse the trail and hauls the waste from portable units placed on the trail to the septic tank located behind the restroom at Ellis Creek. Eight portable units have been placed.

In the County agreement with SMUD, it was identified that SMUD would install a restroom at Buck Island once the Federal Energy Regulatory Commission (FERC) license was issued. That license was issued on July 23, 2014 and staff is currently working with SMUD on the options for Buck Island.

- 8) Develop a “Procedure to enforce the use of spill kits for containment of liquid and solid wastes generated from vehicle use on the Rubicon Trail”.

In 2011, the County launched the Blue Bandana Campaign. This campaign informed users of the importance of cleaning up spills and provided spill kits and instructions. Environmental Management installed hazardous materials sheds at the three trail heads for easy disposal. Bio-response was introduced to the trail in 2011. This non-toxic

product contains bacteria that digests oil and fluids from vehicles and removes it from granite and soil.

- 9) Determine "... the type of law enforcement officers and the frequency of their patrols" needed on the Trail.

El Dorado County Sheriff's Department and State Parks have provided on site resident deputies since 2011. Currently, County Sheriff's Department maintains two resident deputies on-site every week and holidays around the Spider Lake area. El Dorado County has two Rubicon vehicles for patrols, a 2007 Jeep Rubicon and a 2015 Jeep Rubicon Mark A. Smith edition donated by Jeep Corporation for law enforcement activities on the trail. On November 13, 2012 (Item 29, File # 12-1398) the Board of Supervisors approved \$50,000 annually from the annual SMUD payments to the County for law enforcement activities on the Rubicon Trail.

State Parks currently has two rangers located around the Rubicon Soda Springs area. State Parks has been working with Placer County deputies on patrolling their side of the trail.

Forest Service patrols vary from year to year depending on availability of law enforcement. Forest Service has provided Forest Patrol Officers when available, who have been responsible for education of the users on the trail.

- 10) "Annual cost to implement the SSWQPP".

On November 13, 2012 (Item 29 File # 12-1398) the Board approved \$200,000 annually for maintenance activities on the Rubicon Trail from the annual SMUD payments to the County. Historically, SMUD funding has been used as matching funds for state and federal grants.

On September 10, 2013 (Item 2, File #13-1078) the Board of Supervisors approved the Adopt a Trail Program to address long-term maintenance of the Rubicon Trail. Fifteen segments have been defined and all segments have been adopted. Volunteers provide maintenance to the BMP's, remove litter and document trail conditions. The County also conducts routine site visits. If improvements are needed determination is made regarding what level of maintenance is needed:

- 1) The Adopt a Trail group make the necessary repairs:*
- 2) Friends of the Rubicon Trail volunteers are needed because it is a larger project:*
- or 3) County maintenance staff is required. Communication is the key to the success of this program.*

- 11) Develop a "construction and maintenance procedures plan plus training for volunteers to ensure that work is completed to road maintenance specifications".

The County and the Georgetown Divide Resource Conservation District developed a BMP Toolbox for the volunteers. The BMP Toolbox provides instruction on installing and maintaining the BMP's features identified by the County Engineer and training for sanitation, spills, sedimentation and safety.

On May 3, 2014 at the annual Friends of the Rubicon Trail meeting, El Dorado County provided training on the Adopt a Trail program. This meeting was attended by over 100 users.

- 12) "The County will continue with preliminary engineering and environmental review for the construction of bridges at Gerle Creek and Ellis Creek".

Construction on the bridge at Gerle Creek began in 2012. Due to weather conditions it was not possible to pour the deck was not poured until June 2013. The bridge was open

to traffic on July 12, 2013. The bridge at Ellis Creek was constructed during the 2013 season and opened to traffic on October 11, 2013.

The CAO included various documents that were required of the County and the County submitted them on time. When the County developed the SSWQPP, 475 BMPs were identified and were installed from 2009 to 2013. A multi-plate arch culvert was installed at the FOTR Seasonal Drainage Crossing in 2013.

In order to construct the bridges and to install the BMPs on the trail, the County and Forest Service entered into a Programmatic Agreement (PA) with the State Historic Preservation Office (SHPO). The PA outlines procedures to document the trail before and after maintenance features are completed. The PA enabled the County to move forward with the requirements of the CAO. The Board of Supervisors approved the PA on January 10, 2012 (Item 15, File #12-0027).

When the County accepted the easement from the Forest Service it not only accepted the maintenance responsibilities it also accepted the requirements of "Exhibit C". Exhibit C outlines winter monitoring requirements. Working with the Forest Service the County developed protocols for monitoring and has completed monitoring for two winters. In 2014 the County closed the trail for three periods for a total of 34 days. Inspections reports were completed by the County and sent to the Forest Service for review. The County is responsible for opening and closing the trail. On February 12, 2013 (Item 17, File #13-0119), the Board of Supervisors approved resolution 015-2013 authorizing the Director of Transportation or successor to order the temporary closure of any county highway in the Crystal Basin area of El Dorado County, including but not limited to Ice House Road and Wentworth Springs Road, when conditions exists that warrant such closure.

The County has been very successful in acquiring grants from the State Off-Highway Motor Vehicle Division and the Federal Highway Administration. With matching funds there has been approximately \$7.7 million since 2001 invested in the Rubicon Trail.

Included with the item on your agenda today is a resolution. The resolution will formalize the commitment that the County has made to maintain and manage the Rubicon Trail. This recreational opportunity provides many health benefits to the public and the physically impaired who would not have an opportunity to visit the back county if not for access from this trail. This resolution is based on the history of the Boards actions to date and the support that the Board has shown to the Rubicon Trail.

County staff has requested that the Central Valley Regional Water Quality Control Board rescind the CAO. The County will appear before the Water Board on October 10, 2014. Attached is a resolution outlining the continued commitment that El Dorado County has made to the protect the Rubicon Trail.

Reason for Recommendation

El Dorado County, State Parks, U.S. Forest Service, property owners and stakeholders have invested considerable amounts lot of time and resources to the protection and preservation of the Rubicon Trail. All parties involved are looking for continued commitment to protect the

Rubicon Trail. Approval of this resolution will demonstrate that commitment. The resolution would be presented to the Central Valley Regional Water Quality Control Board on October 10, 2014.