

Jack Sweeney at Water Board 08-05-11 Regarding the Rubicon Trail

Since sometime in 2002, we in the County of El Dorado have been working toward an organized system to maintain the Rubicon Trail. That "Trail" was established as a "Public Road" by the County of El Dorado in 1877 under then Federal Law!

An attempt at a management plan failed in 2007 due to the County's inability to fund the overwhelming probable cost of implementation. With that opportunity removed, a group called on your Water Quality Control Board for help to get erosion and pollution problems resolved. This led to the issuance of your order #R5-2009-0030 on April 23, 2009. At that hearing, I agreed on behalf of my County and with the blessing of my Board, that the County of El Dorado would undertake compliance with that order.

I am very thankful to, and very proud of, the County staff that has been working to resolve all of the issues involved in our efforts to comply with your order and even to accomplish tasks that exceed the requirements of the order. No matter what roadblocks are thrown in front of us we shall comply with your order and will create an Off Highway Vehicle Trail that will be the pride of our nation. We intend to provide our community, your agency, and the Forest Service with an example of how to correctly manage and maintain an Off Highway Vehicle trail.

Upon issuance of the Water Board Cleanup and Abatement Order (CAO), we believed we were being placed in a partnership with the Eldorado National Forest in a joint effort to accomplish compliance with your order. However, we find rather that it is a senior/junior relationship as opposed to being an equal partnership. Over great concern for compliance with USFS regulations and laws, we have been placed in the position of having to apply to the USFS for a road easement over which to perform the work required by your order. In making this application we are now informed that no efforts to comply with your order may be "segmented" from the overall easement issue. The possible exception that is being investigated by the USFS is maintenance which is strictly done within the existing disturbed area of roadway; this might be covered by a Categorical Exclusion. Otherwise, no work can be performed on USFS managed lands until the paperwork process is concluded in a June to August of 2012 timeframe. That makes any effort at work in 2012 untimely to schedule.

While there has been some well appreciated assistance from the USFS and it has provided assurance as to when they can complete their efforts at documentation, we all know the vulnerability of these types of activities to appeals and to litigation. It is our great fear that those that believe they are trying to protect the environment through the CEQA and NEPA processes, may very well be doing more harm to that environment by staying any remediation activities until the paperwork is complete.

It is the goal of the County of El Dorado to complete those remediation actions as soon as we are allowed to proceed by our apparently senior partner.

Now, unfortunately, I feel a need to make a seemingly distasteful statement that I believe is fact! First, any attempt at closure of the Public Road known as the Rubicon Trail would be met by such public resistance as to require the assistance of the Army of the United States and Second, if the County cannot proceed with remediation with the funds it has already garnered, it may not be in a financial position to complete the directed work and that work may then fall on our apparent Senior Partner, the USFS.

11-0280 13A.1

Submitted by Sup. Sweeney
TO / FROM
at Board Hearing of 8.2.11

In this world of concern over the environment; the help of your agency and other agencies in allowing us to continue with and complete the required remediation will be appreciated.

Partnership Jr Sr Red tape