



County of El Dorado

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Legislation Text

File #: 10-1279, Version: 1

Department of Transportation recommending the Board adopt the Saturated Soil Water Quality Protection Plan (Plan); and authorize the Chair to sign said Plan for the Rubicon Trail. (Est. Time: 2 Hrs.)

FUNDING: Funding for the preparation of the proposed Plan came from a combination of California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division grants (OHMVR), Sacramento Municipal Utility District Cooperation Agreement Fund (SMUD), and OHV In-Lieu fees.

BUDGET SUMMARY:		
Total Estimated Cost		\$795,561
Funding		
Budgeted	\$795,561	
New Funding	\$	
Savings	\$	
Other*	\$	
Total Funding Available	\$795,561	
Change To Net County Cost		\$-0-

Fiscal Impact/Change to Net County Cost:

Adoption of the Plan will produce no change to the net county cost. The adopted Plan will be used to guide the Department of Transportation's (Department) future maintenance efforts along the Trail within the Long Term Management Plan, which is due to the Central Valley Regional Water Quality Control Board by April 30, 2011. The Long Term Management Plan will include a cost analysis for the maintenance efforts on the trail, which will be consistent with the proposed BMP's within the Saturated Soil Water Quality Protection Plan (Plan).

Background:

On April 30, 2009, the Central Valley Regional Water Quality Control Board (CVRWQCB) issued a Clean Up and Abatement Order (CAO) No. R5-2009-0030, which requires the County and the United States Forest Service (USFS) to take a number of actions on the Rubicon Trail to cleanup and abate some of the problems that vehicular travel has created over the years.

Item #2 of the CAO states:

"By 1 October 2010, the Responsible parties shall prepare a Rubicon trail Saturated Soil Water Quality Protection Plan, which shall evaluate, and where appropriate, propose means of addressing,

water quality impacts caused by vehicle use (excluding snowmobiles) during saturated soil conditions and by over-the-snow travel. This plan must clearly show how its implementation will protect water quality by minimizing or preventing the mobilization of sediment to surface waters. The plan should consider, as one way of addressing water quality impacts, a seasonal closure involving hard dates (similar to those used in most portions of the Eldorado National Forest) or dates that are dependant upon weather conditions (such as the Eldorado National Forest's Rock Creek closure method). In addition, the plan must propose an education component, an implementation component, and an enforcement component. Upon approval by the Executive Officer, the plan shall be immediately implemented."

The Department was granted an extension of the due date to December 31, 2010, so that the Department could evaluate and monitor the BMP's (Best Management Practices) that were installed during the 2009 and 2010 season along the Rubicon Trail (Trail), and use the information obtained to inform and improve the proposed Plan.

The Department has expended an unprecedented amount of time, effort and expense to install physical improvements along the Trail in the past few years in order to minimize the water quality impacts identified in the CAO. The preferred BMP implementation strategy was based on the 2009 California Geological Survey (CGS) Rubicon Trail Assessment and the Department's 2009/2010 Trail assessment, which considered installing BMP's along the Trail within the highest Trail use areas and Trail areas that have a higher sedimentation potential connected to type 1 (perennial) and 2 (intermittent) watercourses. Therefore, in accordance with this strategy, the proposed BMP's were separated into two (2) Trail maintenance phases: 1) Wentworth Springs Campground to Little Sluice, and the Loon Lake Intertie; and, 2) Little Sluice to County Line near Rubicon Springs.

In 2009, the Departments' Maintenance Division installed various BMP's along the upper portion of the Loon Lake Intertie, near the intersection of the main Trail, and from this intersection along the main Trail to Ellis Creek. In the summer of 2010, the Department's Maintenance Division installed various trail maintenance BMP's, in coordination with the ground operations grant from OHMVR, from Loon Lake along the Intertie to its intersection with the main Trail, along the main Trail from the Wentworth Springs Campground to the intersection with the Intertie, and along the main Trail from its intersection with the Intertie east to the top of Walker Hill. These are the main Trail areas that undergo most off-season use (late fall to early spring), and few, if any, off-season users get as far as Walker Hill. The 2009 installed BMP's were evaluated during the spring of 2010 and the 2010 installed BMP's were evaluated during the 2010 fall runoff period. The Department has been able to assess the success of the installed BMP's and has used that information as well as consideration of a seasonal closure type of BMP in the preparation of the proposed Saturated Soils Water Quality Protection Plan. Based on the BMP evaluation and 2010 BMP field assessments, the Department believes that the proposed Plan will minimize the amount of existing Trail sediment mobilized into the type 1 and 2 watercourses as the result of usage during saturated soils conditions, and that a seasonal closure type of BMP will not be necessary in order to comply with the CAO requirements.

CEQA

The proposed Saturated Soil Water Quality Protection Plan will be used to guide and implement the future maintenance of the existing Rubicon Trail right of way, and is an action specifically required by the CAO. Its adoption is categorically exempt from CEQA under three (3) exemptions: 1) The operation, repair, maintenance and minor alteration of existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, including road grading for the purpose of public

safety, is categorically exempt from CEQA under the CEQA Guidelines, California Code of Regulations, title 14, §15301(c); 2) The implementation of a cleanup order issued by a regional water board is also exempt under the CEQA Guidelines, California Code of Regulations, title 14, §15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and §15308 (Actions by Regulatory Agencies for Protection of the Environment); and, 3) The CAO itself states that the “implementation of this Order is also an action to assure the restoration of natural resources and/or the environment and is exempt from the provisions of CEQA, in accordance with California Code of Regulations, title 14, sections 15307 and 15308.” Therefore the adoption of a Saturated Soil Water Quality Protection Plan is categorically exempt from CEQA.

Reason for Recommendation:

El Dorado County Board of Supervisors must adopt a Saturated Soil Water Quality Protection Plan on the Rubicon Trail to satisfy an express condition in the CAO. The Department’s proposed Plan will satisfy that condition, and will minimize the amount of sediment originating from the existing Trail that is mobilized into the type 1 and 2 watercourses as the result of vehicular usage during saturated soils conditions to achieve compliance with the CAO. After approval and adoption, the Plan will be used to guide the County’s future maintenance efforts on the Trail within the Long Term Management Plan due to the CVRWQCB by April 30, 2011.

Action to be taken following Board approval:

- 1) The Board Clerk will obtain the Chair's signature on the Plan and return the Plan to the Department.

Action to be taken by the Department following Board approval:

- 2) Department of Transportation staff will submit the adopted Plan to the Central Valley Regional Water Quality Protection Board in satisfaction of the express condition in the CAO, pursuant to the December 31, 2010 CVRWQCB approved deadline.
- 3) The Department of Transportation will utilize the Saturated Soils Water Quality Protection Plan to guide its future maintenance efforts along the Rubicon Trail, which will have the beneficial effect of minimizing the amount of sediment originating from the existing Rubicon Trail that is mobilized into the type 1 and 2 watercourses as the result of vehicular usage of the Trail during saturated soils conditions.

Contact:

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Concurrences: