



California

Public Employees for Environmental Responsibility

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April 3, 2011

Mr. Tom Celio
El Dorado County Dept. of Transportation

Re: OHMVR Grants

Dear Mr. Celio:

We have the following comments regarding El Dorado County's application for Ground Operations grants from the Off Highway Motor Vehicle Recreation Division.

First and foremost, the County is continuing to undertake projects on and adjacent to the Rubicon Trail without the required CEQA compliance. The County considers these projects to be Categorical Exempt (CE), because they are allegedly maintenance of existing facilities, according to previous final grant applications. This is clearly not an accurate statement, given the extensive work proposed.

The County has obtained, in previous years, over \$400,000 in OHMVR grant funds to undertake a Rubicon Trail Management Plan and EIR, acknowledging at that time the need for a comprehensive environmental review of the Trail and the proposed management plan. As we all know, that effort was abandoned. In its place the County has undertaken a piecemeal, haphazard management strategy, primarily in response to the Cleanup and Abatement Order (CAO) issued by the Regional Water Board. While we support efforts to comply with the CAO, the county cannot credibly claim to be concerned with water quality while it permits winter use of the trail.

Results of efforts to meet the CAO have been mixed; last year installation of drainage structures on the trail resulted in damage to a sensitive cultural site. We understand that the County and Forest Service are currently in discussions with the State Historic Preservation Officer regarding both that damage and proposed projects. This points to the absurdity of the Categorical Exemption.

The County's application does not include the State's required Habitat Management Plan and Monitoring, yet the applications acknowledge the presence of sensitive species. The County must complete the abandoned Management Plan and EIR, and a Habitat Management Plan prior to engaging in any further action, other than law enforcement and maintenance of actually existing facilities. An EIR would include surveys for both sensitive species and cultural sites.

The CAO is itself evidence of the potential for (and in this particular instance, actual) impacts to water quality. The County insists seasonal restrictions on trail use are not needed; yet it has no evidence to support that assertion. A Management Plan based on an EIR could have avoided the need for citizens to take water quality issues to the Regional Board. At least one of the County's applications asserts no reroutes would be done, but that same application claims points for reroutes to protect water quality.

The County has not indicated that it has the landowner's (Eldorado National Forest) permission for these undertakings, as required by the Grant Regulations. The County has applied for an easement from the U.S. Forest Service, but until it obtains that easement, it has no legal title to the lands upon which the project is proposed. Further, it has become more and more clear that the current route does not conform to the historic route over which the County claims (but has not perfected) its RS2477 claim.

Item 5 (partnerships); RTF and FOR are essentially the same groups with the same people involved. Some of the members of these two groups are also with the other two groups named. Grant should only get 2 points, not 4.

Item 6 claims 1 point for rerouting trails, but the application (Item D, 2) claims no trails will be rerouted. Applicant also claims points for protecting special status species, but doesn't identify the species. It claims points for protecting cultural sites, but actually damaged a cultural site with its last project.

Item 8 claims 4 points for substantial use of sustainable technologies, but no sustainable technology is identified. Merely complying with CARB regulations is not the same as using a sustainable technology.

We urge the County to amend its applications to request funding to complete the EIR process, including the necessary surveys for natural and cultural resources, rather than this piecemeal approach, which clearly is not protecting resources, intended to be protected by the OHV grant program.

Sincerely,



Karen Schambach
California Field Director

CC: OHMVR
Ramiro Villalvalzo, Eldorado NF