



California

Public Employees for Environmental Responsibility

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Gaylon Lee
Division of Water Quality
State Water Resources Control Board
1001 I Street, 15th Floor
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Also by email to: ForestPlan_Comments@waterboards.ca.gov

Comment re: USFS Waiver

Dear Mr. Lee:

Below is my Declaration regarding the U.S. Forest Service Water Quality Management Plan (WQMP) and Best Management Practices (BMPs)

Declaration of Karen Schambach:

My name is Karen Schambach. I served on the State Water Board's Water Quality Management Plan (WQMP) Stakeholder Group as the representative for "Environmental Advocacy" from January 2010 through the present.

I am a resident of Georgetown, California. I have lived adjacent to the Rock Creek Recreation Trails Area since 1984. I have a Bachelor's degree in Environmental Studies with a minor in Biology. My course work included geology and environmental geology. I am President of the Center for Sierra Nevada Conservation, a 501 (c) 3 non-profit organization which I founded in 1986 to address and improve Forest Service management of Off-Highway vehicles (OHVs).

I am also the California Field Director for Public Employees for Environmental Responsibility, a position I have held since January 2000. In that position I have been involved in OHV management issues throughout the State. Between 2005 and 2010 I wrote comments and/or appeals for Travel Management Plans for the Eldorado, Stanislaus, Tahoe, Modoc, Plumas, Lassen, Sequoia and Sierra National Forests, including comments on potential impacts to water quality from roads and OHV trails.

My duties as California Field Director include requests for help from state and federal government employees with concerns about their agencies' management of public lands. In that regard, concerns about the failure to properly manage off-road recreation on National Forests and in State Vehicular Recreation areas is by far the most common concern for which public employees contact me.

Since 1984 I have monitored dirt roads and trails used by off-highway vehicles (OHV), primarily on the Eldorado National Forest, but also on the Tahoe, Inyo, Sequoia, Sierra and Cleveland National Forests. Over the years, my experience with Forest Service line officers, whose primary focus was on timber operations or securing State OHV grant funds, has been that they are largely indifferent to the damage to water quality caused by badly designed and improperly or unmaintained OHV trails. The Forest Service priority has historically been and continues to be providing OHV "opportunity," rather than protection of the environment. Forest Service employees and managers who do attempt to prioritize resource protection over maintaining OHV recreation are usually overruled and at times face retaliatory actions. Instead of taking the sometimes unpopular action of closing a route, even temporarily, as required in Forest Service and state regulations, managers defer protection, sometimes for years, until they have the money and manpower to reroute a trail, or until the damage is so great a trail is closed because it has become a safety hazard. Several examples of this deference to OHV are provided in the attached exhibits.

In my twenty-five years of monitoring Forest Service OHV management, little has changed. The Travel Management Rule was supposed to allow Forest Supervisors to finally identify and designate OHV systems that were environmentally sound. This was not the case, however, as hundreds of miles of user-created routes were added to the OHV systems, often against the advice of the Forest Service's own specialists. (See Exhibit 1, Middle Fork Cosumnes Landscape and Watershed Analysis and Exhibit 2, Table 4-7 from the same analysis.)

Over the years I have encouraged the Regional Water Boards to give more attention to the impacts of OHV recreation on water quality. While I was able on occasion to get someone to respond to a particularly egregious situation, staff informed me that the Water Boards had no funding for responding to these complaints. Because of the lack of funding for the Water Boards to engage more fully in monitoring OHV routes, in 2008 I wrote the Regional 2 Executive Officer, Pamela Creedon, suggesting the Regional Boards seek funding from the State Off Highway Motor Vehicle Recreation (OHMVR). (Exhibit 3)

Ms. Creedon's response was that the Water Board expected the OHMVR's contracting with California Geological Survey would help to address water quality issues. (Exhibit 4) Unfortunately, it appears the OHMVR funding has caused CGS to turn a blind eye to water quality impacts.

I also wrote and met with the State Board's Executive Officer in 2008 to urge the Board to begin to address OHV-related water quality issues. (Exhibit 5) I was

therefore pleased when the State Board began this process of reviewing and updating the Management Agency Agreement and included BMPs for OHV trails. However, the proposed WQMP and these BMPs will not accomplish the protection of water resources from OHV damage. The historic and ongoing mismanagement of off-road recreation by the Forest Service, which, in my experience, continues to favor recreation over water quality protection, must preclude any waiver of permitting requirements.

Concern about Transparency in this Process: Failure to Consider Written Comments from the Regional Boards

The Regional Water Boards were created to be independent and autonomous from the State Water Board for a reason: to ensure that issues of concern to the regions are not controlled out of a central location at the state's political capital (Sacramento). The Regional Boards normally comment in writing on State Board actions, and the Regional Boards' comments on State Board actions are normally public documents. In this case, however, PEER has heard from numerous sources at both the State Board and Regional Boards that the State Board's lawyers are applying intense pressure on the Regional Boards to submit their comments either verbally or "informally," so that the Regional Boards' comments are considered part of the State Board's internal deliberative process but do not become part of the public record, and cannot therefore be seen by the public.

We have also heard that the Regional Boards -- who have far more expertise in these matters than the State Board, as it is the regional staff that is in the field observing and monitoring US Forest Service projects -- were not truly part of the State Board's deliberative process. For example, the Regional Boards did not see drafts of the waiver or CEQA document until they were released for public review. The State Board's staff tightly controlled the preparation of the waiver and CEQA documents while keeping the Regional Boards in the dark. Therefore, the State Board's position that the Regional Boards are part of its deliberative process is a ruse. The State Board's staff simply does not want the public to see the Regional Boards' criticisms of its tightly controlled proposed action.

One of the key points made by Stakeholders during our meetings over the past year on the WQMP was the need for transparency, so it is distressing, to say the least, to hear that critical information is being suppressed before the WQMP is even adopted. All comments by the Regional Boards should be made public, and made part of the public record -- and the State Board should consider the comments and concerns of the Regional Boards in the light of day, not in secrecy.

Comments on OHV BMPs

4.7.1 Planning – This BMP is meaningless because the Travel Management (Travel Rule, Subpart B) planning process in California has already been completed on all California national forests. These BMPs were not in existence at the time forests

were engaged in that process, so this BMP will not have any beneficial effect on OHV planning. On the contrary, some OHV routes designated under the Travel Management process ensure impacts to water quality will continue.

Travel Analysis (Travel Rule, Subpart A) has the potential for identifying OHV routes that should not have been designated under Travel Planning. However, the Forest Service has made it clear that Travel Analysis is only analysis and in itself will do nothing to mitigate or eliminate OHV routes that are causing impacts to water quality. Travel Analysis is not a “project” under NEPA and no actions are required to be taken in association with the analysis. Therefore, Travel Analysis does not mitigate significant impacts from off-road vehicle use on roads and trails.¹

BMP 4.7.2 – Location and Design – The proper location and design of OHV trails is essential to minimizing hydrological connection and sedimentation of waterways, and this BMP would indeed help address those concerns if forests were beginning with a blank slate and creating new OHV routes. But California forests already have dense OHV networks, and it is with these existing routes that many hydrological impacts are associated. Hundreds of miles of user-created routes were added to existing systems under Travel Management, many of them with sedimentation issues acknowledged by the agency. These add to the impacts of OHV routes already on the FS system that are not designed or constructed to the standards set by the BMPs but which will remain on the system.

BMP 4.7.3 – Water Crossings – These BMPs improve over typical existing crossings. However, there is no mandate to use these on existing OHV trails, where crossings currently are impacting water quality. Exhibits 6, 7, 8, 9 and 11, attached to this Declaration, include photos of OHV stream crossings that are contributing to sedimentation and impacting water resources. These are existing crossings that the Forest Service has been aware of for many years; all but one were designated in recent Travel Management Plans. These are only a small sample of OHV crossings typical on USFS lands.

BMP 4.7.4 – Construction, Reconstruction – These practices would benefit water quality for those new or reconstructed routes. However, they will not provide remediation on existing routes. Reroutes often merely compound problems of erosion and sedimentation, especially where the reroutes are on the same highly erodible soils and steep slopes. Newly constructed trails actually contribute more sediment initially than a trail that is down to bedrock in places. Several routes

¹ FSM 7712 – “Travel analysis assesses the current forest transportation system and identifies issues and assesses benefits, problems, and risks to inform decisions related to identification of the minimum road system per 36 CFR Part 212.5(b)(1) and designation of roads, trails and areas for motor vehicle use per 36 CFR Part 212.51. Travel analysis is not a decision-making process. Rather, travel analysis informs decisions relating to administration of the forest transportation system and helps to identify proposals for changes in travel management direction.”

within the Rock Creek Recreational Trails Area on the Eldorado NF that were rerouted in 2004 are already badly eroded and rutted. (Exhibit 21)

BMP 4.7.5 Monitoring – The systematic monitoring promised by the BMP sounds good, but this monitoring has already been required since the 1980s for forest OHV routes receiving state OHV grant funds. That monitoring rarely leads to the immediate corrective action required. Forest Service regulations have also required immediate action for OHV routes causing considerable adverse effects since the mid-1970s, but my experience, as shown in examples below and in the exhibits, has been that this almost never occurs, because “considerable” is a subjective descriptor and Forest Service land managers simply deny impacts are considerable or significant.²

The BMPs require annual monitoring of OHV routes, using the “Green, Yellow, Red” (G-Y-R) methodology described in the Revised OHV Trail Monitoring Form (GYR Form) and Training Guide, USDA-Forest Service, Pacific SW Region, July 30, 2004, to identify trails and watercourse crossings in need of maintenance and to prioritize maintenance activities. The G-Y-R monitoring does not disclose actual impacts to water quality, since the form requires little specificity as to what segment of a route is referred to. Some OHV routes are as long as 50 miles long; the form merely identifies “Trail X.”

Some routes remain red year after year without being repaired or closed. The Eldorado NF 2000 Wildlife Habitat and Soils Monitoring Plan identified several OHV routes in red condition, including the Strawberry 4x4 Trail. (Exhibit 13) My inspection of this trail in 2007 showed it still in red condition. (Exhibit 16)

ML-2 roads that are designated OHV routes are rarely monitored using this protocol. As these roads form the bulk of most Forests OHV systems, these should be included. The percentage of the OHV system required to be monitored is unclear, varying from 2% to 33%, depending on whether one relies on TRAC, the Travel Management Plans, the BMPs or the G-Y-R methodology.

Over the past 25 years, I have pointed the Forest Service to a number of OHV routes and crossings that were having adverse water quality impacts. In not a single case did it result in “immediate corrective action.” Often, the Forest Service claims it may only close a trail following a NEPA analysis. (Exhibit 14)

Examples of routes on the Eldorado NF with known water quality impacts allowed remaining open:

² Executive Order 11644 and 11989: **Sec. 9. *Special Protection of the Public Lands.*** (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

1. Little Silver Trail (11N22) – In 1990 I noted that a motorcycle crossing of Little Silver Creek, a trout-bearing tributary to Rock Creek, on the Georgetown Ranger District of the Eldorado National Forest was actively eroding into the creek. I informed the District Ranger of this and asked for remediation or closure. My requests were ignored. In early 1994 I contacted the Central Valley Regional Water Quality Control Board and arranged an inspection of the trail and crossing. Out of respect for the District Ranger, he was invited to attend. The local Department of Fish and Game fisheries biologist, Stafford Lehr, was also invited, but was not able to attend on the day of the field review, so I took him to see the crossing the day prior to the scheduled field trip. He saw the crossing and sedimentation and said he would recommend immediate closure.

The following day I accompanied Forest Service staff, including the District Ranger, and Sue Yee of the CVRWQCB on the field trip. To my astonishment, the trail had rubber water bars installed, and had been buried in straw, hiding the erosion. Nevertheless, the sedimentation from the trail was evident and in the subsequent discussion, the District Ranger agreed to close the trail. However, he later reneged, saying the trail would remain open until after the Rock Creek EIS was completed. (Exhibit 14)

The crossing remained open until it was severely damaged during a 2000 motorcycle enduro, which was held in a storm that dropped 2 inches of rain on the area. (Exhibits 10 and 15)

Strawberry 4 x 4 Trail

The Strawberry 4x4 trail (10N13) was identified in the Eldorado NF 2000 Wildlife Habitat Protection Plan as needing extensive work, and suggested a reroute to avoid two “perennial to intermittent” streams. The WHPP rated 1400 feet of this trail as red and 1,550 feet as yellow. (Exhibit 16)

In 2007 I walked this trail and documented water resource concerns in a report with photos, which was provided to the Eldorado Forest Supervisor in comments on the Travel Management Plan. There was no response to those comments, and the trail was designated, despite its well-documented impacts to water quality and a meadow system. The trail bisects and borders a large meadow system and intercepts a large number of drainages and a spring. The trail intercepts water from these drainages and spring, which is channeled down the trail instead of continuing into the meadow below the trail. (Exhibit 16)

More recently, I have contacted the Forest Service about a steep, badly eroded crossing on Lower Rock Creek, a tributary to the South Fork American River. I took several Forest Service employees on a field trip to see it last spring, including the District Ranger, the District Resource Officer, the Forest Resources Officer and the Regional Hydrologist. This spring, after a year of no response, let alone action, I sent a letter to the District Ranger and Daphne Greene, Deputy Director of the State OHMVR Division, noting that this is a “red” trail and should be repaired or closed.

Their identical responses, while admitting it was a “red” trail, denied there was a problem with the crossing, citing Will Harris of the California Geological Survey (who is under contract with OHMVR) and other OHMVR staff, who merely observed the upper portion of the trail needed “routine maintenance.”³ Jon Jue, Georgetown Ranger District Resource Officer, informs me that repairs were made to the upper part of the trail on June 9, but nothing was done to the lower portion of the trail. It is this portion that is most badly eroded. (Exhibits 6, 19, 20, 21)

BMP 4.7.6 – Maintenance and Operations – While we are pleased to see the codification of the Regional Forester’s letter of direction for use of SWECO tractors, we also note that direction, in effect since 2002, is routinely ignored. There is a narrow window between the end of winter and beginning of hot dry weather during which there is appropriate soil moisture on trails in California forests for trail construction and maintenance. Turnover is high for trail maintenance staff, and most of these positions are seasonal. Moreover, with hundreds of miles of OHV trails, maintenance primarily consists of removing tree limbs and cutting back brush. Rolling dips are an improvement over water bars, but only if they are constructed with appropriately moist soil and allowed to sit for a season. Often, these are built of dry soils on open trails and do not hold up under use. As the photos in Exhibit 22 show, these are not effective on steep trails, and even these need maintenance, which rarely occurs. (Exhibit 22)

Exhibit 22 shows a reroute of a trail on the west side of Little Silver, constructed with rolling dips in 2004, after washing out during the motorcycle enduro of 2000. As the photos illustrate, there are no rolling dips on the steep portion that drains to Little Silver Creek. There are some rolling dips on the flatter sections, but the only functioning drain on the entire segment of this trail is the one that drains into an ephemeral creek. This reroute is already severely rutted and entrenched.

Likewise, trail 11N17 was rerouted in 2004 because the existing trail had become so entrenched from lack of maintenance that it was literally a canyon. The reroute, like the reroute of the Little Silver trail, has no drainage features for several hundred feet as it leaves Rock Creek. There are some rolling dips up at the top where it is relatively flat, but none in the steep lower section. As a result, the reroute is itself severely eroded and entrenched. (Exhibit 22)

In my experience, enforcement operations present the biggest challenge. While the BMP requires restricting OHV use to designated routes, there is in reality little to no enforcement. Law Enforcement Officers have other priorities and there are restrictions on the ability of FPOs to cite offenders. When cited, prosecutions are rare, convictions more rare, and fines are so small as to be ineffective deterrent. Travel Management restricts vehicle travel to routes designated on Motor Vehicle Use Maps (MVUMs), but leaves undesignated routes open and signed on the ground. As a result, unauthorized use of undesignated routes and pioneering of new routes

³ CSNC letter to Trimble/Greene, May 25, 2011 and their responses of June 10, 2011.

continues. Even those forest visitors who want to travel only on designated routes would have a difficult time determining which routes those are. The public is expected to use the MVUMs to determine legal routes, but navigation by MVUM (as the MVUMs admit) is not reliable. For this BMP to benefit water quality, the Forest Service would have to physically close and restore undesignated routes and have a large, visible law enforcement presence on the forests. But Travel Management Plans defer physical closure and restoration to unspecified later dates and projects.

BMP 4.7.7 – Wet Weather Operations – This BMP has the potential to benefit water quality if it is implemented rigorously and systematically. Many Travel Management Plans adopted seasonal closures, but some did not. It does not appear that this BMP require those forests without seasonal closures to adopt them. Also, those forests with seasonal closures adopted minimal closure dates, and are reluctant to extend them. On April 1, 2009 the Eldorado Forest Supervisor ignored his own criteria for lifting the closure and opened roads on schedule, April 1, despite spring storms that continued to deposit rain and snow on the lower elevations. After his decision not to extend the winter closure, I went to check on one of the roads that was supposed to be monitored to determine if the soil moisture met the criteria for opening roads. I found it impossible even to access the road, due to snow, and got my car stuck in the snow enroute. It was obvious the Forest Supervisor had completely ignored that criterion. (Exhibit 24)

This year the closure was extended, due to late snows, but I found wet conditions that resulted in damage on some high elevation roads as late as July. In my experience discretionary seasonal closures are not adequate for protecting water quality.

The May 7 enduro at Rock Creek that finally destroyed the Little Silver trail and damaged the stream was held in a downpour that ultimately dropped 2 inches of rain. It was raining when the event began and by the end of the race it was pouring. The management plan for the Rock Creek Trails Area calls for closure when rain is predicted, but the District waived this restriction, so as not to disappoint the racers who had already shown up. (Exhibits 10 and 15)

Comments on Road BMPs

BMP 2.1 Travel Management Planning and Analysis – The Road Management Options flowchart is supremely ironic, as it begins with Travel Analysis. In our comments and appeals of Travel Management Plans on numerous California National Forests, we argued for just such a sequence of actions. Logically, analysis should start the process. The Forest Service didn't agree; instead, it designated thousands of miles of Maintenance Level 2 roads for OHV use without first doing Travel Analysis.

Roads Analysis, which was originally supposed to analyze ML-1 and ML-2 roads, was reduced in scope to looking only at ML-3, 4, and 5 roads. As a result, to date there has been very minimum examination of the ML 1 and 2 dirt roads that are the biggest impact to water quality.

Even when some analysis has been done, the Forest Service has been slow to use the information in its decisions. For example, the Eldorado ignored its own experts' recommendations for closure of some roads identified as impacting water quality in a 2002 Middle Fork Consumnes River Watershed Landscape and Roads Analysis, designating for OHV use twelve of twenty ML-2 roads on the Placerville Ranger District, and 17 of 34 roads on the Amador Ranger District that were classified as "high risk" roads. (Exhibit 1 and 2)

The BMPs don't acknowledge National Forest budgets have been shrinking, even as their road networks have grown. There is simply not enough money to maintain existing roads. Again, to quote the Eldorado NF Roads Analysis,

- *Even with the focus on potential minimum road system, the current budget does not cover road maintenance costs. The Eldorado National Forest currently receives approximately \$650,000 per year for all road maintenance. To maintain the level 3, 4, and 5 road system to standard would cost approximately \$1.5 million.*

- *The landscape and project level roads analysis process could result in continued reductions of the Forest road maintenance obligations through proper closure or decommissioning of maintenance level 1 and 2 roads*

- *Arterial and collector roads are not being maintained to the standards specified in the 1989 Forest Plan. If this trend continues, the road system will continue to degrade, which will compromise future access on existing roads.* ⁴

*Due in large part to this funding shortfall, **there is a need to identify and prioritize the minimum road system necessary for access to and management of the National Forest.** If basic annual road maintenance (e.g., drainage maintenance) is not performed, roads have an increased potential for loss of investment and environmental damage. The same is true for deferred maintenance, such as replacing major culverts in perennial streams at the end of their design life. A catastrophic drainage failure will have a direct negative impact on the associated watershed and aquatic health."* ⁵

The truth of this statement can be seen on the forest, where failed culverts and unmaintained roads are impacting water quality. ⁶ (Exhibit 23)

⁴ Eldorado National Forest, Forest Scale Roads Analysis. September 2003, p.6

⁵ Eldorado National Forest, Forest Scale Roads Analysis. September 2003.p. 20

⁶ See photos 4271, 4272 and 4273

While subsequent Travel Analysis may identify roads that impact water quality, Travel Analysis is, according to the Forest Service, merely analysis, not a project under NEPA that will result in the closure or reroute or mitigation of problems on any road. The 2003 Eldorado National Forest Roads Analysis identified problems and solutions, mostly ignored when the Forest Supervisor approved the Travel Management Plan. Therefore this BMP will not reduce the impacts of roads on water quality.

The BMPs, as written, apply primarily to new construction or projects. However, they do not address legacy problems. Given the extensive discussion and interest by the WQMP Stakeholders during that yearlong process, it is disappointing that existing roads that contribute to water quality issues are virtually ignored. The primary problem is a road and trail system that is vastly larger than can be maintained. Deferred maintenance on the Eldorado NF, for example is \$33 million (at last count.) The Forest Service provides all sorts of excuses and reasons why deferred maintenance is not a serious issue, but the fact remains that forests are riddled with failed drainage structures, blocked culverts, sediment-laden streams, and badly eroded roads. All forests have significant deferred maintenance backlogs. (Exhibit 25)

The BMPs allow the Forest Service to continue to place public access above water quality protection. Any enforcement of the BMPs is undermined by “weasel-words” and qualifiers, such as, “when feasible,” “to the extent practicable,” “consider,” “when necessary,” and “to the extent practicable.” Any of the BMPs can be “considered” and then ignored because it “wasn’t feasible, practicable or necessary.” Without the potential for full enforcement, the BMPs don’t protect water quality.

Meadows

BMP 2-1 addresses the protection of water quality by suggesting that the USFS avoid the locating of roads in meadows and/or decommissioning existing roads. However, this is one of many mitigations that “may” be used, but is not expressly required. Without a BMP that expressly forbids this practice, meadows will continue to be impacted. During the summer of 2010, while monitoring roads on the Eldorado, I found several roads in or bordering meadows that were flagged for reconstruction for a planned timber sale. These are roads in an area that has been closed for several years to vehicle use by the public to protect mule deer fawning habitat, and the roads have largely revegetated. The Forest Service is now planning to reconstruct these roads to access timber. Because this practice continues, the BMP does not protect water quality. (Exhibit 26)

During the summer of 2011 I also spent several days surveying roads and OHV trails in meadows on the Eldorado NF. The Forest Service can and should close these, but instead, designated them for OHV use in their Travel Management Plan. (Exhibit 27)

BMP 2.3 - Road Construction and Reconstruction

Objective: Minimize erosion and sediment delivery from roads during road

construction or reconstruction, and their related activities.

This BMP includes a number of measures to protect water quality, including scheduling operations when rain, runoff, wet soils, snowmelt or frost melt are less likely, keeping erosion-control measures sufficiently effective during ground disturbance to allow rapid closure when weather conditions deteriorate and completing all necessary stabilization measures prior to predicted precipitation that could result in surface runoff. But again, none of these measures are mandated. The BMP merely suggests these measures “may” be included and risk could be managed if these are implemented. My monitoring reveals the FS is lax in enforcing this BMP.

On October 20 2010 I observed and photographed large piles of soil adjacent to a creek that drains the Silver Fork American River. They appeared to be soil that had been excavated from the drainage in a road maintenance project. There were also piles of gravel. From the deteriorated condition of the straw that had covered some of the piles, it appeared the piles had been present the previous winter. The first major storm of the winter was predicted two days from when I observed the piles. I called the Forest Service when I returned home on Oct. 21 and reported the piles and received a call back from a FS engineer thanking me for reporting it and assuring he would get the contractor to address the piles.

Had I not reported the piles, I believe they would have remained over another winter, at least through the major storm that soon occurred. Between Oct. 23 and Oct. 25 we had 2.7 inches of rain in Georgetown. (Exhibit 28)

Rubicon Trail

In its 1988 Land Management Plan, the Eldorado National Forest identified the need for a management plan for the Rubicon Trail. Between then and 2002, the management plan was not initiated. In 2003 my County Supervisor, Penny Humphreys, asked me to sit on a Rubicon Trail Oversight Committee, to help draw up a plan for the trail. About that same time, I was contacted by several local people who had an interest in the Rubicon and had been users of this historic trail since the 1950's and 60's who were concerned about both the physical condition of the trail, as well as deteriorating social conditions. Their concerns included the huge amounts of human waste that was creating a health hazard. In 2004 the county health department ordered closure of the area around Spider Lake, because the large amounts of fecal matter made it a public health hazard.

I participated on the ROC for several years, but became frustrated because those whose recreation interests lay in not having a management plan were able to prevent any progress on a management plan. Finally, I and others made a complaint to the Central Valley Regional Water quality control Board. On April 23, 2009 a Cleanup and Abatement Order was issued to both Eldorado National Forest and to El Dorado County. Only then did the two agencies begin to take action to address the water quality degradation. This is further evidence that the USFS has not shown it is willing or able, on its own, to manage its road and trails in a manner that

protects water resources. (Exhibit 18)

Conclusion

In my experience, the Forest Service never closes OHV roads or trails due to a lack of funds, or resource damage, or any other reason, unless they are forced to. The proposed BMPs provide no standards for how roads and trails will be closed or repaired in the future, except to promise that the Forest Service will “protect water quality.” During my involvement in this issue, the Forest Service has always been legally obligated to “protect water quality” but this has not made a bit of difference in the Service’s consistent deference to motorized recreational OHV users. In my experience and opinion, the BMPs will not avoid significant impacts to water quality in the future on any forest, and certainly not on the El Dorado National Forest.

Sincerely



Karen Schambach
California Field Director

List of Exhibits

Exhibit 1 – Middle Fork Cosumnes River Watershed Roads and Landscape Analysis, Eldorado National Forest, September 2002.

Exhibit 2 – Table 4-7 from Middle Fork Cosumnes River Watershed Roads and Landscape Analysis, from Center for Sierra Nevada Conservation Appeal of Eldorado National Forest Travel Management Plan Final Environmental Impact Statement and Record of Decision.

Exhibit 3 - Letter to Pamela Creedon, Aug. 19, 2008, and her response of Oct. 21, 2008.

Exhibit 4 – Response from Pamela Creedon, October 21, 2008.

Exhibit 5 – Letter to SWB EO Jonathan Bishop, August 18, 2008.

Exhibit 6 – Photos, Lower Rock Creek Crossing

Exhibit 7 – Photos, McKinney Creek Crossing

Exhibit 8 – Photos, Upper Rock Creek Crossing

Exhibit 9 – Photos, Middle Dry Creek Crossing

Exhibit 10 – Off-roader blog re 2000 Fools Gold

Exhibit 11 – Stream crossings

Exhibit 12 – Inyo NF Stream Crossings

Exhibit 13 – Eldorado NF 2000 Wildlife Habitat Protection Plan,

Exhibit 14- Correspondence re Little Silver Creek Crossing: CVRWQCB and ENF

Exhibit 15 – Photos of damage to Little Silver Trail 2000

Exhibit 16 – Report and Photos of water and meadow resource concerns on Strawberry 4 x 5 trail.

Exhibit 17 - Exhibit 17 Water Quality Impacts to Rubicon Trail

Exhibit 18 – Rubicon Trail Cleanup and Abatement Order

Exhibit 19 – Letter to Trimble/Greene re Lower Rock Creek Crossing

Exhibit 20 - Response of DR Trimble to CSNC letter re Rock Creek Crossing

Exhibit 21 – Greene response to Lower Rock Creek Crossing letter

Exhibit 22 – Reroutes

Exhibit 23 – Culverts

Exhibit 24 - Failure to comply with Seasonal Closure criteria

Exhibit 25 – Deferred Maintenance

Exhibit 26 – Reconstruction of Meadow Roads

Exhibit 27 – Meadow routes designated in ENF TMP

Exhibit 28 – Failure to winterize

