



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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2 February 2008

Ms. Wendy S. Wyels, Chief, Compliance and Enforcement Section
Ms. Sue McConnell, Senior WRCE
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission
Hardcopy if Requested

RE: Draft Cleanup and Abatement Order for El Dorado County Department of
Transportation, Rubicon Trail, El Dorado County

Dear Mesdames Wyels and McConnell:

The California Sportfishing Protection Alliance (CSPA) has reviewed the *Draft Cleanup and Abatement Order, El Dorado County Department of Transportation Rubicon Trail, El Dorado County* and submits the following comments.

CSPA requests status as a designated party for this proceeding. CSPA is a 501(c)(3) public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality and fishery resources and their aquatic ecosystems and associated riparian habitats. CSPA has actively promoted the protection of water quality and fisheries throughout California before state and federal agencies, the State Legislature and Congress and regularly participates in administrative and judicial proceedings on behalf of its members to protect, enhance, and restore California's degraded water quality and fisheries. CSPA members reside, boat, fish and recreate in and along waterways throughout the Central Valley, including El Dorado County.

We appreciate, applaud and support the Regional Board's effort to abate the mismanagement and water quality impacts of heavy recreational use of this area. It is long overdue. While we appreciate the abatement requirements of the proposed Order, the cleanup aspect is absent. We have the following specific comments:

- Regional Board staff completed a pebble count survey at the Ellis Creek crossing of the Rubicon Trail and identified that the influx of sediment into this perennial fish-bearing stream has caused a fining of bed material downstream of the crossing. This increased sediment load fills spawning gravels and reduces aquatic habitat. The Regional Board has in the past acted with the California Department of Fish and Game to require the removal of sediments from creek beds where discharges have impacted the aquatic life beneficial uses. The Weber Creek cleanup in El Dorado County comes immediately to mind. Not only does the sediment load impact aquatic life spawning areas but

detrimentally impacts foraging as well. An assessment of the sediment load and whether cleanup is necessary should be required of the Discharger (El Dorado County) with a time schedule which would accomplish any cleanup prior to start of the next rainy season.

- In July 2004, the El Dorado County Board of Supervisors issued a “state of local emergency” due to the significant amount of human fecal waste littered around the Spider Lake area. As a result, the Spider Lake area was closed to camping. The amount of fecal waste was determined to pose a health and safety threat to users of the trail and to streams and lakes that are tributary to the Rubicon River and the Middle Fork American River. While we realize that human wastes will degrade over time, an assessment should be required of whether a cleanup of any specific sites, such as camping areas, should be undertaken to reduce the pathogen and nutrient loads to local waterways.
- While education of the ORV public is desirable, the Discharger should establish a means, such as a local ordinance, of requiring the use of portable human waste collection devices and “wag” bags. The ordinance should require that all vehicles using the trail must carry such devices. The Discharger should also establish in the ordinance a means of enforcement and penalties. The use and maintenance of permanent toilet facilities should be assessed at highly used recreation areas, such as campgrounds.

Thank you for considering these comments. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is written in a cursive, flowing style.

Bill Jennings, Executive Director
California Sportfishing Protection Alliance