

## Douglas Ryan

**From:** Kevin Long [KLONG@waterboards.ca.gov]  
**Sent:** Wednesday, November 24, 2004 12:00 PM  
**To:** douglas\_j\_ryan@yahoo.com  
**Subject:** RE: FW: water rights question

Mr. Ryan:

1. A "downstream prior right which do[es] not exist" is an oxymoron. If a lawful appropriation once existed, but no longer exists (i.e., has been abandoned or revoked), then water does not have to be bypassed or released to satisfy the downstream diversion that is no longer there.

Note: A right to appropriate water may revert back to the State after five continuous years of non-use (except for riparian rights). See Water Code Section 1241 (for post-1914 rights) ( <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wat&group=01001-02000&file=1240-1244> ) and/or Smith v. Hawkins (110 Cal. 122) for pre-1914 rights.

2. & 3. I have researched our records and your statements are correct.

4. Correct. The bypass and/or storage release requirements under Permit 15375 are specified in the e-mail I sent to you on November 22, 2004 and in the Permit.

Sincerely,

Kevin Long, P.E.  
WRC Engineer  
SWRCB Division of Water Rights  
(916) 341-5346

>>> "Douglas Ryan" <douglas\_j\_ryan@yahoo.com> 11/24/04 10:33AM >>>

Dear Mr. Long:

I do have clarification questions related to the specific comment by the member of the local public utility board. Are the following statements correct?

1. There is no provision in Permit 15375 that requires release for downstream prior rights which do not exist.

2. The Water Board is unaware of any recorded water rights in existence between the diversion site in Permit 15375 and the North Fork of the American River.

3. The Water Board is unaware of any statements of diversion on file between the diversion site in Permit 15375 and the North Fork of the American River.

4. There is no requirement in Permit 15375 that requires the specific release of 176 acre feet of water.

Thank you. I appreciate your assistance.

Douglas Ryan

-----Original Message-----

**From:** Kevin Long [mailto:KLONG@waterboards.ca.gov]  
**Sent:** Monday, November 22, 2004 3:33 PM  
**To:** douglas\_j\_ryan@yahoo.com  
**Subject:** Re: FW: water rights question

Dear Mr. Ryan:

I reviewed the Water Rights Board's "Order Approving Application" dated March 29, 1967 that was issued following a hearing on water right Application 21945 held on 23 March 1966, and the water right permit (no. 15375) issued pursuant to the Order. Permit 15375 has a face value of 8,674 af direct diversion + 15,400 af storage = 24,074 afa. My review found that the permit contains all the terms that the Order specified.

The key permit terms relating to the bypass of water are terms 13 and 16.

Permit Term 13 requires reservoir inflows to be bypassed (released) between July 2 and October 31, and to the extent necessary to satisfy downstream prior rights

during the diversion season.

Permit Term 16 requires compliance with the Dept. of Fish & Game Memorandum of Agreement dated 25 January 1967, which requires:

- 1) Bypass of 5 cfs or the natural flow of North Shitball Canyon Creek, if less than 5 cfs, from February 1 to May 31 of each year.
- 2) Bypass of 2 cfs or the natural flow of North Shitball Canyon Creek, if less than 2 cfs, from June 1 to July 1 and November 1 to January 31.
- 3) Minimum bypass or release from storage of 0.5 cfs at all times regardless of the natural flow of North Shitball Canyon Creek.

Based on the Memorandum, the theoretical minimum in-stream flow releases during a severe drought would be  $0.5 \text{ cfs} \times 1.983 \times 365 \text{ d/y} = 362 \text{ afa}$ . In full fish flow availability conditions, required releases would be  $1,678 \text{ afa} + \text{all reservoir inflows between July 2 and October 31}$ .

Additional bypass and/or storage release requirements over and above those in the Fish & Game Memorandum of Agreement are not present in the permit and therefore not required by the State Water Resources Control Board.

I hope this responds adequately to your inquiry.

Sincerely,

Kevin Long, P.E.  
WRC Engineer  
Licensing Unit  
SWRCB Division of Water Rights  
(916) 341-5346

>>> "Douglas Ryan" <douglas\_j\_ryan@yahoo.com> 11/19/04 01:40PM >>>  
Dear Water Rights Division:

It is the opinion of a member of our local public utility board that Application A21945/Permit 15375 requires release of 176 acre feet of water each year even if water rights between the North Fork of the American River and the dam do not exist. His full comments are posted at <http://www.foreshillpud.com/gpage4.html>. Our review of the permit issued pursuant to the water rights order dated March 29, 1967 indicates that such bypass requirement does not exist. This figure of 176 acre feet of water came about as a result of witness testimony of potential consumptive use on North Shitball Canyon Creek and Shitball Canyon Creek between the dam site and the North Fork of the American River during the hearing held pursuant to Application A21945. Is there a specific requirement in the Permit that 176 acre feet of water be released?

Sincerely yours,

Douglas J. Ryan

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



SEP -5 2007

Mr. Douglas Ryan  
Forest Ranch  
1735 Crockett Lane  
Burlingame, California 94010

Forest Ranch Dam, Proposed  
Placer County

Dear Mr. Ryan:

This is in reply to your July 30, 2007 letter requesting a jurisdictional determination for the six different dam scenarios addressed in your letter attachment. We have reviewed this information and concur they do not meet our jurisdictional size criteria, except scenario (e) which will be jurisdictional.

As defined in Sections 6002 and 6003 of Division 3 of the California Water Code, dams that are less than 25 feet in height which impound 15 acre-feet or less of water, and dams that are 6 feet or less in height which impound less than 50 acre-feet of water are not under State jurisdiction for dam safety.

In addition, Section 6025.5 of the California Water Code qualifies wastewater storage ponds for exemption from State jurisdiction if the ponds have a maximum height of 15 feet or less and a maximum storage capacity of 1,500 acre-feet or less, are not across a stream channel or watercourse, and are owned by a public agency which has adopted a resolution to take responsibility for the design, construction, and continuous safe operation of the ponds to protect life and property.

Once preliminary plans have been prepared for your proposed dam, please submit them for our review so that a jurisdictional determination can be made for a specific dam site. At a minimum, the plans should include plan and cross section views of the embankment and information such as the dam height and storage capacity. Any questions regarding the jurisdictional determination of the dam should be directed to John Vrymoed, Design Engineering Branch Chief, at (916) 227-4660.

If you have any questions or need additional information, you may contact Area Engineer Andrew Mangney at (916) 227-4635.

Sincerely,

A handwritten signature in black ink that reads "Mike Zumot".

Mike Zumot, Acting Chief  
Division of Safety of Dams

EXHIBIT  
WE 4  
1 PAGE

Expected Per Capita Changes in Water Consumption  
Northern California Water Districts  
(by 2020)

Source: Kennedy Jenks  
Review of City and District Urban Water Master Plans

City/District	Projected Population/Account Increase	Projected Gross Water Use Increase	Change in Per Capita/ Per Account Water Consumption
Redwood City	18.5%	12.5%	-5%
East Bay Municipal Water District	11.8%	6%	-5%
Alameda County Water District	9.5%	9%	Negligible change
Santa Cruz	9.6%	11.2%	+1%
Modesto	109.4%	94.6%	-7%
Santa Clara Valley Water District	28.9%	3.4%	-20%
Lodi	34.7%	34.7%	No change
Castaic Lake	75.7%	36.5%	-22%
San Diego	18%	15%	-3%
Tuolumne Utilities District	45%	21%	-17%
Contra Costa Water District	50.7%	40.4%	-7%
Sacramento Hydrologic Region (Div. of Water Resources Estimate)			-9%

We ask that you incorporate by reference the urban water master plans for the cities and districts listed in the chart above.



**FORESTHILL  
GENERAL PLAN  
AND  
ENVIRONMENTAL  
IMPACT REPORT**

*Exhibit WEG  
2 PAGES*

**APRIL 1981**

The road would proceed in a southerly direction down the canyon and across the middle fork on a 1,900-foot-long deck truss bridge 100 feet above the reservoir at the site of the Greenwood Bridge. The road would ascend southerly along the east side of the middle fork to the El Dorado County Road near Spanish Dry Diggings. Total length of the relocation would be 13.82 miles.

2. Climate

The Foresthill service area has a typical northern California climatic pattern of wet winters and dry summers except that it is more subject to summer thunderstorms and showers, particularly in the yellow pine forest community. Temperatures decrease about 3 degrees and mean precipitation increases about 10 inches per 1,000-foot increase in elevation. The usual pattern is that the lines of equal temperature follow those of precipitation, i.e., they are generally parallel to the land contours. The river canyon bottom, however, will often have warmer days and colder nights than expected for a given elevation. At Auburn the hottest month is July with a mean daily maximum of 94.6°F, a mean daily minimum of 60.9°F and a monthly mean of 77.8°F. In January, the coldest month, the mean daily minimum is 34.6°F, the mean daily maximum is 54.0°F and the monthly mean is 44.8°F. No comparable data are available for Foresthill. At Georgetown, a community at an elevation of approximately 500 feet less than Foresthill, the month of July has a mean daily minimum of 40°F, a mean daily maximum of 89.7°F. In January the mean daily minimum is 34.9°F and the mean maximum is 50.7°F.

		<u>Temperatures (°F)</u>	
		<u>Auburn</u>	<u>Georgetown</u>
January	Elevation	1,250	2,700
	Highest	74	74
	Mean Maximum	54.0	50.7
	Mean Minimum	35.6	34.9
July	Lowest	17	14
	Highest	110	105
	Mean Maximum	94.6	89.7
	Mean Minimum	60.6	59.0
	Lowest	41	40

At ground elevation 1,250 feet in Auburn the mean annual precipitation is 35.1 inches of precipitation of which 1.0 inches is snow. At ground elevation 3,225 feet in Foresthill the mean annual precipitation is 51.4 inches of precipitation of which 44.6 inches is snow. Maximum precipitation for the area occurs in January. July is the driest month.

EXHIBIT WE 6  
PAGE 2 OF 2

E. UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

1. Construction Phase

During construction not all noise, air quality, and water quality impacts can be foreseen and avoided at all times. They will, however, be of short term and subject to immediate correction as they surface. Heavy equipment exhausts during construction would cause temporary increases in air pollution.

Wildlife is expected to move away from the disturbance but would gradually return once the construction activity is over. The period required for reentry is not known.

2. Vegetation

Even though the disturbed areas which would not be inundated are reseeded, there would be a lag of several years before vegetation other than grass and annuals would be replaced. Willows and some other water tolerant species would grow on the reservoir slopes down to a few feet below high water, but other than this the portion of the cleared basin which is inundated would be bare unless quick growing grasses follow the fluctuating water surface.

Some old roads would be deactivated and returned to natural vegetation, but the new roads and relocated roads would be kept clear of vegetation.

3. Fish and Wildlife

The 160-acre reservoir created by Sugar Pine Dam would remove approximately that amount of land from the terrestrial ecosystem. Unless intensive management for wildlife is carried on, there would be a net loss of wildlife despite the acquisition of additional land reserved to wildlife and recreation use.

Construction activities would force sensitive forms of wildlife to seek other areas until the noise, smells, dust, and intrusions are over.

The numbers of all kinds of animals to be affected is not known. It is estimated that about 12 deer are in the resident herd using the 160 acres.

Grey squirrel habitat would be reduced by inundation, affecting about 10 pairs of squirrels. Band-tailed pigeons are seasonal and move into the area for feeding. Nesting occurs mostly at higher elevations. Flocks range from 50 to perhaps 100 birds and do not appear in the same area every year.

About 2 to 3 miles of trout stream would be inundated.

#### 4. Land Use

Some of the lands in the service area and those reached by the FPUD that are now relatively unused by man would be subject to development. The project would encourage further decentralization of regional population, and the community of Foresthill is expected to assume more of a suburban commuter character.

Approximately 700 acres of lands presently privately owned would be removed from the county tax rolls.

About 220 acres of timberland would become unavailable for timber production. Of this total, 160 acres would be cleared for the reservoir, some would be cleared for the dam and for road relocation, the external borrow area would use 12 acres, and a small increase would be available for recreation use. Assuming the Forest Service's full recreation plan were to be implemented, the total unavailable would be about 3,100 acres.

#### 5. Air Quality

A gradual, but minor, decrease in air quality can be expected because of the anticipated development of the Foresthill service area. It would be project related to the extent that the project encourages this development. That it would be minor is evident when one considers the areas which would remain undeveloped, including the Auburn Reservoir greenbelt, recreation and wildlife mitigation areas, the forest product industry holdings, lands controlled by the U.S. Bureau of Land Management, and U.S. Forest Service lands.

#### 6. Noise Level

There would be a gradual long-term rise in typical noise levels associated with population growth of the area.

#### 7. Archeological and Historic Sites

Seven of 13 borrow archeologic sites would be inundated at high water.

EXHIBIT WE 7  
2 OF 8

Construction would impact about 16.5 acres of which 5-7 acres would be occupied by permanent structures such as the pumping plant and regulating reservoir. About 10 acres would return to natural cover and would be reseeded. The 1 acre required for the second pumping plant is now on a steep brushed slope. A bench would have to be cut in order to site the plant.

Present wildlife use is negligible because of the steep, rocky terrain.

The impact of the 40 acre-foot reservoir remains the same for this alternative as it was for the selected plan.

Since the amount of water to be delivered would be the same as for the large Sugar Pine Reservoir plan, the socioeconomic and service area impacts would be the same.

At the 1974 rate the annual power cost to lift this water to the 40 acre-foot regulating reservoir would be \$167,000. The total cost of this alternative in 1973 was approximately the same as for the Slug Gulch alternative.

#### 4. Brimstone Reservoir

Brimstone Damsite is located on Brimstone Creek, a tributary of McBride Creek, 2 miles north of Baker Ranch at about elevation 3,400 feet. The 4 square mile drainage area (approximately) above the damsite rises to about elevation 4,500 feet. Average annual precipitation on the basin is approximately 50 to 55 inches, occurring primarily during the period November through March. Streamflow measurements made near the damsite indicate that the average annual runoff from the basin is approximately 7,000 acre-feet. In extreme years the runoff may exceed 20,000 acre-feet or be less than 2,000 acre-feet. Minimum flows occurring in September and October are frequently 0.2 ft<sup>3</sup>/s or less.

Brimstone Reservoir would be formed by a 160-foot-high earthfill dam and impound a lake with a surface area of about 110 acres. The water would be conveyed through 28,100 feet (13 acres of right-of-way required) of pipeline terminating in the 40 acre-foot reservoir (4-6 acres) to be constructed approximately 1.3 miles northeast of the town of Foresthill.

The reservoir would have a capacity of about 4,500 acre-feet. It would not be operated with a flood control or power function and would provide about 2,200 acre-feet of firm yield for the project service area in addition to recreation and fish and wildlife releases. This alternative would not provide the amount of water which has been contracted for. Delivery of project water would be through a buried reinforced concrete pipe.

EXHIBIT WE 7

The reservoir would fill and spill in all but extremely dry years. Normal drawdown would probably not go below 3,000 acre-feet. In rare instances the reservoir would be drawn down below 1,000 acre-feet. This would have a greater effect on recreation use than expected from the proposed Sugar Pine Reservoir due to the restrictions in surface area of the Brimstone Reservoir.

The conveyance pipeline follows generally along a contour from the damsite through rocky terrain of moderate cross slope and sparse brush and timber cover to McBride Creek, ascending the left slope out of McBride Creek through dense brush and scattered mature timber, largely Douglas fir. About 1-1/4 miles from the dam, the cross slope becomes more moderate and surface rock exposures are infrequent.

Approximately 2-1/2 miles from the dam, the conveyance pipeline departs from the contour and crosses Mill Creek and Temperance Creek through fairly heavy stands of yellow pine, Douglas fir, and black oak with moderate to heavy underbrush. Ascending the left slope of Temperance Creek Canyon, a recently logged area is encountered. Trees in the immediate vicinity of the lodge on Baker Divide have been left standing. From this location the alignment traverses rolling terrain through land which has been selectively logged. Underbrush varies from sparse to heavy.

Construction access would be provided by existing county and logging access roads. Minor grading of some of the logging access roads would be required. Bench cutting would be needed to provide a working base for the trencher and pipelaying equipment where steep cross slopes exist.

This alternative would impact about 139 acres of which 116 would be occupied by reservoirs with the balance on the buried pipeline right-of-way. About 10 acres would be used for a borrow site.

Brimstone Reservoir site is more open than that of the Sugar Pine Reservoir. It has been logged and is naturally less fertile as it is mostly in a rocky serpentine rock area. Some second growth of yellow pine, Douglas fir, and incense cedar has occurred and in the deeper soils near the damsite some marketable timber remains although this area too has been logged. The site has not been timber cruised so the exact amount of timber to be cleared is not known. All marketable trees would be used by the sawmills.

EXHIBIT WE 7  
4 OF 8

About 0.8 mile of trout stream would be affected by the reservoir. The creek was alive in August 1973. Fingerling rainbow and brown trout were observed. No regular campground exists in the basin. Informal campsites were observed near the damsite which would accommodate two or three family groups.

No deer were observed although the brush understory of manzanita, scrub oak, and several species of buck brush (*Ceanothus*) showed evidence of moderate to severe deer use. Fresh deer droppings were also noted. This basin would be expected to support a portion of the winter deer herd as well as some resident deer.

The creek bank supports a fairly open willow, azalea, and coffee berry growth.

An unimproved road winds its way up the center of the basin and is for the most part of four-wheel drive or off-road vehicle standard. No regular roads would be affected or have to be relocated. A new access road would need to be built if campgrounds were provided. The existing road from Foresthill would be impacted by heavy construction traffic.

The borrow area for the dam has been tentatively selected about 1/4 mile southwest of the damsite. The site encompasses about 10 acres and has been logged, but second growth is large enough to be marketable and some mature trees remain. The haul road would be along an existing logging road. When use of the pit was over, the contours would be smoothed, and grass planted for erosion control and cover. Native timber trees would be replaced in the same manner as on an abandoned log landing. The borrow area does not support a deer population since the understory is not good deer browse and there was no evidence of deer use. It would, however, be used for shelter.

The lesser water supply available from this alternative would mean no water could be reserved for irrigation. This would limit the opportunity of the Foresthill Divide residents to further diversify their economic base. The fire control capability of the community would be enhanced over the present condition. The future commuter-suburban aspect of Foresthill would remain but be of lesser scope. The potential conflict between wildlife and agriculture would be minimized and remain at about the level it now is.

This alternative would have similar impacts on water quality to those discussed for the small Sugar Pine Reservoir. The smaller reservoir would have shorter detention times, lesser depths, and

EXHIBIT WE 7

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more natural mixing. These factors would tend to reduce the occurrence of thermal stratification and the associated problems of low dissolved oxygen and taste and odor-causing properties in the lower depths. Brimstone Creek has slightly poorer chemical quality than the streams that would flow into Sugar Pine Reservoir. This quality difference is not significant, however, in terms of beneficial uses of the water. No pumping costs would be incurred. The total cost of this alternative in 1973 was \$6,272,000.

#### 5. Large Sugar Pine Dam

This alternative consists of a larger 200 foot earthfill dam across North Shirttail Canyon Creek in Section 24, T. 15 N., R. 10 E., MDB&M, at the same location selected for the smaller dam. About 43,150 feet of buried pipeline would be required and terminate at the 40 acre-foot reservoir near Foresthill. It would follow the same route as the pipeline for the smaller Sugar Pine Dam.

This alternative would result in a larger reservoir on the small Sugar Pine Reservoir site estimated to be about 280 acres in surface area with approximately 16,500 acre-feet of storage. It would provide a yield of 4,400 acre-feet per year, approximately one and one-half times more than the smaller reservoir.

The borrow area would have the same perimeter but an additional 412,000 yd<sup>3</sup> would be taken. Rehabilitation would be more difficult, due to the deeper excavation. The same roads, however, would be relocated or abandoned.

A larger area would need to be cleared, thereby removing about 70 additional acres of natural vegetation and deer habitat. About 2.9 miles of trout stream would be replaced by reservoir habitat but the downstream release requirements for fish life would remain the same.

The larger area would require a greater recreation effort. Water skiing, not a very important part of the expected recreation, would be permitted, and 120 more acres of reservoir trout fishing would be available. Other recreation uses are such that a surface area increase as contemplated here would have a greater effect. These include such activities as picnicking and camping. Less deer hunting opportunities would exist due to the larger reservoir.

This alternative would have impacts on water quality similar to those discussed for the smaller Sugar Pine Reservoir. The water quality problems would be greater in degree. The larger reservoir would have longer detention times, more depth, and less natural mixing. These factors would tend to increase the

EXHIBIT WE 7

6 OF 8

occurrence of thermal stratification and the associated problems of low dissolved oxygen and taste- and odor-causing properties in the lower depths.

No pumping costs would be incurred. The estimated cost of this alternative in 1974 was \$15,049,000.

#### 6. Mine Discharge Recovery

This proposal entails the recovery of water flowing from the Bullion Mine and from the Sunny South (Hidden Treasure) Mine. The water would be transported via the Breece and Wheeler Ditch to a small reservoir with about 70 surface acres located in Volcano Canyon, and then continuing by way of the Breece and Wheeler Ditch and a 61,000-foot-long pipeline (28 acres) to the 40 acre-foot regulating reservoir (4-6 acres) 1.3 miles northeast of Foresthill. This alternative would develop 2,000 acre-feet which is less than the amount contracted for.

The Bullion Mine adit is located in the bottom of the West Branch of El Dorado Canyon with the creek flowing over and beside the portal. The floor of the mine is approximately 95 feet below the Breece and Wheeler Ditch.

The mine was constructed upslope and is self-draining. The discharge was measured at 2.7 ft<sup>3</sup>/s on July 17, 1973. The discharge of the West Branch of El Dorado Canyon was estimated at between 0.5 and 0.7 ft<sup>3</sup>/s. The discharge from the mine adjacent to the Bullion Mine and sharing the same adit was estimated at less than 5 gal/min.

The Sunny South (Hidden Treasure) Mine lies about 180 feet below the Breece and Wheeler Ditch. The discharge was measured at about 1.8 ft<sup>3</sup>/s.

The Swift Shore Mine was discharging only a trickle of water in July 1973. Current interest in the mine was evidenced by the posting of fresh "no trespassing" signs and indications of recent traffic about the adit. A discharge of 5 to 10 gal/min from the adjacent gulch was estimated.

The adit of the Comet Mine was not discovered but a flow in the adjacent gulch of about 0.5 ft<sup>3</sup>/s was emerging from a springy area extending more than 100 vertical feet above the mine locale. The mine lies about 200 feet below the Breece and Wheeler Ditch.

EXHIBIT WE 7  
7 OF 8

Table 6 Comparative Tabulation of Features\*  
 For Sugar Pine Dam, Reservoir, and Conduits and Alternatives

Alternate	Conduit Length	Pumping Stations	Pumping Head	Reservoirs	Normal Water Surface Elevation (feet)	Minimum Water Surface Elevation (feet)	Estimated Project Yield (acre feet)
Slug Gulch	42,500	4	354 1,176 1,286 873 <u>2,689</u> Total	Auburn	1,135	(816)	4,400 M&I 3,340 Irrigation 1,060
Ralston	21,000	2	1,016 1,310 <u>2,326</u> Total (existing)	Ralston Afterbay	1,179	1,149	4,400 M&I 3,630 Irrigation 770
Mines	61,000	---	---	Volcano Canyon	3,650 ±	3,480 ±	2,000 (all M&I)
Brimstone	28,100	---	---	Brimstone	3,563	3,500	2,200 (all M&I)
Sugar Pine (High)	43,150	---	---	Sugar Pine	3,660	3,560	4,400 M&I 3,630 Irrigation 770

\* A 40 acre-foot regulating reservoir is common to all alternatives.

State Water Resources Control Board  
DIVISION OF WATER RIGHTS

REPORT OF LICENSEE FOR 1973, 1974, 1975

OWNER OF RECORD:

APPLICATION 18551

FORESTHILL PUBLIC UTILITY DISTRICT  
BOX 266,  
FORESTHILL, CALIF 95631

(916) 367-2511  
Telephone Number and Area Code

If the information shown above is wrong, please correct

SOURCE: MILL CREEK  
AMOUNT: 0.2 CU FT/SEC  
PURPOSE: MUNICIPAL  
LICENSE: 9959

STATE WATER RESOURCES CONTROL BOARD  
SACRAMENTO  
NOV 17 10 34 AM '75

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES  NO . I am complying with the conditions of my license: YES  NO . Identify any non-compliance by license term number under "remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS  
2125 Nineteenth Street, Sacramento, California 95818

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE.  YES  NO

DIRECT DIVERSION

- Have you used the full licensed amount of water each year?  Yes  No
- State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1973	4.0	3.9	4.0	4.2	4.4	4.5	4.5	4.7	4.2	4.7	4.3	4.0	50.6
1974	3.9	4.0	3.8	4.2	4.4	4.5	5.0	4.7	4.7	4.4	4.5	4.0	52.1
1975	4.0	4.0	3.8	3.9	4.5	4.8	4.6	4.8	4.5	4.5	4.0*	4.0*	51.4

STORAGE

	1973	1974	*Estimated 1975
3. Did your reservoir spill this year? . . . . .	YES	YES	YES
4. How many feet below spillway vertically was the water level at maximum storage? . . . . .	FULL	FULL	FULL
5. Have you emptied the reservoir? . . . . .	FLUSHED	FLUSHED	FLUSHED
6. How many feet below spillway vertically was it drawn down at end of season? . . . . .	8'	6'	8'

USE

- Acreage irrigated . . . . . NO COMMERCIAL IRRIGATION  
Crops grown: . . . . .
- Stockwatering - head . . . . . MINOR  
Kiad . . . . . MINOR
- Domestic - number of persons . . . . . 1600  
Garden area, etc. . . . . 1700  
HOME GARDENING IS STEADILY INCREASING
- Recreational - nature of use . . . . . 1800  
SWIM POOL \* PUBLIC BALL FIELD \* SCHOOL REGR. AREA
- Industrial - nature of use . . . . . TWO LARGE LUMBER OPERATIONS IN DISTRICT
- Municipal - approximate population . . . . . HEAVY INFUX OF PEOPLE LATE SPRING TO LATE FALL
- Power generation - K.W. . . . . NONE
- Other: . . . . .
- If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
- If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: Nov. 14, 1975

Sign Here: *J. J. Martinson*  
Mr. J. J. Martinson, Mgr LICENSEE

SWRCB-17 (10-72)

1975

(REPORT CONTINUES ON REVERSE SIDE)

USE OR

EXHIBIT  
WE 8  
PAGE 1 OF 2

**REPORT OF LICENSEE FOR 1976, 1977, & 1978**

OWNER OF RECORD:

FORESTHILL PUBLIC UTILITY DISTRICT  
 BOX 266,  
 FORESTHILL, CALIF 95631



APPLICATION:

DIV. OF WATER RIGHTS  
 SACRAMENTO

18551

(916) 367-2511

Area Code and Telephone Number

If the information shown above is wrong, please correct.

SOURCE: MILL CREEK  
 COUNTY: PLACER  
 AMOUNT: 0.2 CU FT/SEC  
 PURPOSE: MUNICIPAL  
 LICENSE: 9959

**THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE**

**IMPORTANT!** EVERY license is subject to the conditions therein. I have currently reviewed my license: YES  NO  I am complying with the conditions of my license: YES  NO . Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES  NO

**COMPLETE FOR DIRECT DIVERSION PROJECTS**

- Have you used the full licensed amount of water each year? YES  NO .
- State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1976	3.6	4.1	4.2	3.4	4.8	4.5	4.6	3.4	3.3	3.3	3.3	4.1	46.6
1977	3.3	3.9	3.3	3.2	3.1	3.3	3.8	4.3	4.7	4.6	3.9	3.8	45.2
1978	3.6	4.3	4.4	4.4	4.3	5.0	4.8	4.6	4.4	4.3	3.5	3.4	51.0

**COMPLETE FOR STORAGE PROJECTS**

	1976	1977	1978
3. Did your reservoir spill this year? . . . . .	NO	NO	YES
4. If not, how many feet below spillway vertically was the water level at maximum storage? . . . . .	4'	6'	FULL
5. Have you emptied the reservoir? . . . . .	FLUSHED	FLUSHED	NO
6. How many feet below spillway vertically was it drawn down at end of season? . . . . .	EMPTY	EMPTY	8'

**USE (COMPLETE FOR ALL PROJECTS)**

7. Acreage irrigated . . . . .	NO COMMERCIAL IRRIGATION		
Crops grown: . . . . .			
8. Stockwatering - number of stock . . . . .	MINOR	MINOR	MINOR
kind of stock . . . . .			
9. Domestic - number of persons . . . . .	1850	1900	2000
garden area, etc. . . . .	-----"Drought Restricted"----- Home Gardening Increased		
10. Recreational - nature of use . . . . .	SWIM POOL * PUBLIC BALL FIELD * SCHOOL RECR. AREA		
11. Industrial - nature of use . . . . .	TWO LARGE LUMBER OPERATIONS IN DISTRICT		
12. Municipal - approximate population . . . . .	HEAVY INFLOW OF PEOPLE LATE SPRING TO LATE FALL		
13. Power generation - K.W. . . . .	NONE	NONE	NONE
14. Other . . . . .			

- If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
- If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: 12-11-78

Sign Here:

*Wm. J. Martinson*  
 Wm. J. Martinson, District Manager  
 FORESTHILL PUBLIC UTILITY DISTRICT

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Total use for an age restricted SFR is projected to be 77 gpd for indoor use and 167 gpd for outdoor use for a total of 244 gpd.

The same factor of 64% to account for fewer residents in age-restricted MFRs is applied to the indoor demand for non-age restricted MFR, resulting in projected usage of 56 gpd indoors for age-restricted MFR households. Outdoor use for an age-restricted MFR is assumed to be the same as for a non-age restricted home. Total use for an age restricted MFR is projected to be 56 gpd for indoor use and 69 gpd for outdoor use for a total of 125 gpd.

Table 10 summarizes future demand for new construction of residential units in Foresthill as described above.

**Table 10: Summary of FHPUD Future Demand for New Construction (gpd)**

Customer Class	Existing Demand 2005	Demands Incorporating Water Efficiency Mandates					
		Non- Age Restricted Units			Age Restricted Units		
		Indoor <sup>1</sup>	Outdoor <sup>2</sup>	Total	Indoor <sup>1</sup>	Outdoor <sup>2</sup>	Total
SFR	400	120	167	287	77	167	244
MFR	210	89	69	158	56	69	125

### 3.3.2 Future Commercial Demand for New Construction

Usage for new commercial establishments will reflect some water conservation from the use of water efficient fixtures. The number of commercial establishments will increase as the population increases. A study of Industrial, Commercial, and Institutional (ICI) water use and conservation, Commercial and Institutional End Uses of Water (2000), was conducted for the American Water Works Association Research Foundation (AWWARF). The study found that potential water savings from conservation measures from the ICI sector range from 15 to 50% with 15 to 35% being typical<sup>15</sup>. For the purposes of this analysis, water demand for new commercial demand is assumed to be 85% of projected 2005 commercial demand of 1600 gpd or 1360 gpd, reflecting a minimum level of conservation savings. Actual water demands may vary depending on the type of commercial establishment. For example, restaurants and laundries would be expected to have higher demands than retail stores.

### 3.4 Summary of Projected FHPUD Demand for Existing Connections and New Construction

The consumption rates for each customer category presented in Table 9 are applied to existing connections. The consumption rates estimated for future connections presented in Table 10 are applied to new construction. Table 11 provides estimates of demand for the FHPUD service area based upon the projected number of connections presented in Tables 5, 6, and 7.

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1 PAGE

<sup>15</sup> Vickers, Amy, Handbook of Water Use and Conservation, 2001, p. 235.

# Views From The Divide

## Our View

### Forest Ranch Warming Trying to cope with a scary future

Prompted by a recent Letter to the Editor extolling the work being done by the student writers of The Prospector, Foresthill High School's newspaper, a copy of the Dec. 4 edition was obtained for edification. The letter writer was right, the paper was well written. But the comment the students are "developing a definite grip on the 'Real World,'" fell into question concerning one student's perspective on Forest Ranch.

Although the school writer's column was articulate and clear, it was more than just a bit off the mark. The author displayed a rather disturbing view of capitalism in general - the very economic system that built and maintains the school providing him a platform to express his thoughts - and Forest Ranch in particular.

Now some of what was written might have been tongue-in-cheek, one can never be sure when it comes to teenage students. Although his concerns over Foresthill's future, the environment, emergency evacuations, and lawlessness were well and good, his fears of how that would manifest on the Divide were a bit extreme.

His assertion Forest Ranch, or any other capitalist development for that matter, would mean the loss of all our trees and animals leaves one wondering where such a perception comes from? In today's environmental climate projects are put on hold for years to study potential impact, and many times are rejected because of it. And, the studies are not cheap.

As for emergency evacuations, the idea everyone would be incinerated on Foresthill Road isn't true. A call to Placer County's Office of Emergency Services would have revealed evacuations are incremental, not in total. Wildfires burn in stages, not all at once. And, if capital development takes away the trees to build better roads, what's left to burn?

The writer's fear that gangs and drug trafficking would increase with population wouldn't hold true if that upsurge included affluent retirees such as Forest Ranch proposes. Crime is not necessarily a function of size but more a byproduct of culture. When people are doing well the social order improves.

Drugs and gang-like behavior exists in Foresthill today. More people demanding greater services might actually help improve the situation.

As for the author's claim greedy companies are fixated on Foresthill, it would only take a visit to the local Chamber of Commerce to find out that isn't the case. In fact, efforts to try and attract new businesses to the area have met with little success. It has even become difficult to keep the businesses we have

## PHILOSOPHICALLY SPEAK

By Larry Fleenor

Did your last year go by similar to mine? I had some days that seemed to take only seconds to pass through while other days felt like an eon's length before the sun went down on them.

Believe me; it wasn't easy at the end of the year going from homelessness to auto-lessness to joblessness to the hospital emergency room within a mere 90 day period. As 2007 closed, I had little left of my own to cling to for any identification of worldly status, position, or rank.

But, momentary roofs have been placed over my head, a loaned vehicle gets me around for now, financial provisions have made themselves temporarily available, and I'm still physically around to breathe some God-given oxygen.



identity. I will point if those measure a man today's static ultimate fact another's world fluctuation of is not my part absolute judgment.

Today's rag have been an mogul of sorts and could be of influence to by time and see the entire another's journey.

## Letters

Exhibit FE-1  
1 page

whose existence course of history always ensue or is God in the trying to make way we can apply

To me this was in the evolution conscientiousness of a place of belief necessary to sacrifices to gain power beyond

What we have gained from this kind on the part understanding, the aside ignorance. This position is a belief systems with vision screens. It is apparent; there who choose rease forward as a human

I celebrate Christmas if I picked the date  
PS Google

in 435 when the first "Christ mass" was officiated by Pope Sixtus III. This coincided with the date of the celebration by the Romans to their primary god, the Sun, and to Mithras, popular Persian sun god supposedly born on the same day.

The Roman Catholic writer Mario Righetti candidly admits that "to facilitate the acceptance of the faith by the pagan masses the Church of Rome found it convenient to institute the 25th of

number of houses which can be built on the divide. The community must set its own level of tolerance as to the severity of traffic congestion it is willing to accept. The proposed holding capacity of the plan will provide a moderate level of congestion on Auburn-Foresthill Road.

The goal to improve the present road network is desirable and alternate methods of road funding has been explored in conjunction with the General Plan. Both the County and private developers do not have the economic resources to significantly improve the road network. The concept of providing residential density with the idea that the development will improve the road to an acceptable standard is not correct. The number of lots, extensive road improvements costs, and the limited ability of developers to work on off-site improvements will result in an unacceptable situation.

The recreational use of the highways is not considered critical because the times that these people use the roads does not correspond to the peak commute hours. Emergency evacuation on the divide is also not considered critical because of the number of exit routes and a relatively long time to accomplish the evacuation.

In conjunction with the Auburn Reservoir the Federal Government is proposing an improved roadway to connect Colfax with El Dorado County. This route will begin at the north end by following Colfax Foresthill Road, it will cross Auburn-Foresthill Road at the Log Cabin and it will cross the Ruck-A-Chucky bridge into

**Table 5**  
**Forest Ranch Fiscal Impact Study**  
**Foresthill Fire Department Annual Fiscal Revenues Estimate (2003\$)**

Description	Amount
Total Estimated Property Tax Revenue	\$6,199,000
Foresthill Fire Portion of the Property Tax [1]	7.14%
Share of Property Tax Revenue Before ERAF	\$442,646
ERAF Adjustment Rate	10.25%
ERAF Adjustment	\$45,359
<b>Allocated Share of Property Tax Revenue</b>	<b>\$397,000</b>

*"fire\_fund"*

Sources: Placer County Assessor's Office; EPS.

[1] The fire fund factor is based on a weighted average of the 1% property tax allocation for the 071-002 and 071-012 tax areas.

## **FIREFIGHTER COMPENSATION AND TRAINING**

### COMPENSATION

At the request of Forest Ranch Associates, EPS conducted a telephone survey of fire districts in the County on the subject of full-time newly hired firefighters' compensation. For the purposes of this report, compensation includes salary and a 32-percent allocation for fringe benefits. The salaries and fringe benefits—percentage information was supplied by the fire districts. The average compensation for an entry-level firefighter in Placer County is approximately \$37,650 annually, as documented in Table 6.

The average compensation, however, is heavily weighted toward larger fire districts. Smaller fire districts in the Foothills area have limited funding sources, a limitation that does not allow them to pay significantly more than the minimum wage for entry-level personnel. The fire chiefs of the smaller districts reported difficulties with recruiting full-time firefighters and with employees leaving to work for larger districts in surrounding counties.

the  
towns  
of  
McCormick



McCormick County Chamber of Commerce

Web: [www.mccormickcountysc.com](http://www.mccormickcountysc.com)  
e-mail: [mccchamber@wctel.net](mailto:mccchamber@wctel.net)

P.O. Box 938  
McCormick, SC 29835  
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Mr. Douglas Ryan  
PO Box 1044  
Foresthill, CA 95631

Dear Mr. Ryan:

McCormick is the county seat for McCormick County. As of the 2,000 census, the town had 1489 people and the County had a population of 9958. The town of McCormick is relatively isolated from larger cities as a large portion of our 391 square mile County is composed of national and state park and forest land. The nearest major town is Greenwood, South Carolina, about 29 miles away.

You requested a description of the economic impact that the Savannah Lakes development has had on the town of McCormick. Savannah Lakes is a recreation oriented community, populated primarily by retirees located eight miles outside of town. Almost all of McCormick County's increase in population since the 1990 census is attributed to new housing in the Savannah Lakes development. Savannah Lakes has been adding an average of 60 homes a year.

To understand the impact of the retirement community, you need to know that McCormick suffered a major economic blow in the late 1980s when the textile and lumber mills closed. Unemployment soared. Many businesses went out of business. We were becoming a ghost town.

The retirement community breathed new life into the town. Food Lion opened a mid size grocery store, which has caused problems for the independent grocer. We now have a new medical clinic and additional restaurants. Our town shops are all full. But growth has not changed our town's essential small town friendly character.

I invite you to visit.

Sincerely,

Martha D. Hughes,  
Office Manager

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The McCormick County Chamber of Commerce is a public-private \_\_\_\_\_ elected board of directors. It is supported financially by McCormick County, The Town of McCormick, and business and private investors who are interested in the growth of McCormick County.

Letter 12: Douglas J. Ryan, Forest Ranch

**Response 12-A:** Comments made by the Forest Ranch Concept Plan proponents on the Draft Forest Ranch EIR and the previously circulated Draft FDCP EIR are included in the public record.

**Response 12-B:** Studies related to the Forest Ranch Concept Plan project and the previously circulated Draft FDCP EIR are included in the public record.

**Response 12-C:** The Dudek report prepared for the applicant of the Forest Ranch project states that reports generated to date by the Foresthill Public Utility District (FPUD) fall substantially outside the accepted norms of the guidelines for evaluating water supply developed by the State of California. The 2004 SB610 analysis done by the Foresthill Public Utilities District for the Forest Ranch project was the basis for the analysis related to water supply when that project was being separately evaluated by the County. The commenter is in disagreement with the assumptions made in the SB610 analysis. It should be noted that a SB 610 assessment is only required when the County is considering a project which meets the criteria State Water Code 10912 et seq. The FDCP is a policy level document, with the accompanying zoning, but does not constitute the approval of any land use project or entitlement. In addition, the FDCP extends beyond the boundaries of the FPUD and consequently, the County must consider the issue of water availability in the context of the entire plan area. The County has conducted an inquiry into the water availability for all land use conditions pursuant to the need to address such conditions at the policy level and not the project level in accordance with the requirements of CEQA.

The Dudek report also focuses on the fact that the FPUD has sufficient water rights, but the infrastructure is lacking. This information is also presented in the Draft EIR. On page 3-93, the Draft EIR states that the FPUD has adequate water rights and the limiting factor in delivering water is the availability of storage facilities.

**Response 12-D:** The F.P.U.D. does not agree with the analysis presented by Kennedy/Jenks. The District has stated that the 1992 Water System Master Plan is accurate in terms of its analysis of available water supplies and its projection of the water demands for the ultimate development of the District. The District updated the demand figures based on the current number of connections in 2004, so the baseline data is considered current. It is not correct that the analysis is based solely on the 1992 Water System Master Plan. Since the preparation of the Draft EIR the FPUD has adopted a new Water System Master Plan. While some of the assumptions have changed, the conclusions remain similar. Please see responses to Letter 10.

The data from the F.P.U.D. provides evidence confirming the validity of District policy to allow for “consumptive creep” in its Water Supply Reliability Standard. It is speculative to assume that future residential use will not include home farms in the future. In fact, home farms including vineyards, apples and other products are growing in popularity in the foothill region, and this trend is anticipated to continue. The estimate of future water demand must take these types of uses into consideration.

While conservation plans can be effective in reducing water consumption it is not a guaranteed reliable source of water (especially in drought years), and it would be inadvisable to allow development beyond that which could be supported by the existing water supply based on an estimated figure for water conservation.

**Response 12-E:** The commenter statement that the Forest Ranch Concept Plan project site is capable of accommodating a 2000 acre feet water storage reservoir according to the firm of Blackburn Associates of Auburn, California is noted. A storage reservoir has not been proposed and has not been evaluated in this Draft EIR. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-F:** The commenter opinion that certain assumptions within the Foresthill Public Utility District recently adopted Water System Master Plan are not realistic is noted. Assumptions contained in the Water System Master Plan are outside of the purview of the FDCP EIR. This comment does not raise a significant environmental issue that requires a response in this Final EIR. Please see responses to Letter 10.

**Response 12-G:** The commenter reference to water saving technology mandates is noted. This comment is directed to assumptions made by the Foresthill Public Utilities District Water System Master Plan which are outside the purview of the FDCP EIR. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-H:** The commenter concurs with the DEIR conclusion that development within the Forest Ranch Concept Plan component of the FDCP would reduce the potential for wildfire within that area. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-I:** The third paragraph at page 3-68 of the DEIR is amended as follows to provide additional perspective regarding wildfire incident evacuation.

Wildland fires present a serious risk to residents and structures on the Foresthill Divide. The CDF Fire Hazard Severity Classification System was used to map the extreme, high, and moderate fire hazard areas on the Foresthill Divide. Extreme hazard ratings are located in the steep sloping areas along the North and Middle Forks of the American River. High hazard areas generally exist surrounding the Todd's Valley Subdivision and in the Yankee Jim's area. Moderate rating occurs in the existing town site of Foresthill and extending north along Foresthill Road to Baker Ranch on the level areas as well as in the Todd's Valley Subdivision.

Emergency evacuation within the FDCP area would be accomplished in stages correlated to the location and intensity of a wildfire occurrence. Exit routes from the Foresthill Divide would be determined by the appropriate public safety agency in the event of a wildfire incident. Although primary egress from the Foresthill Divide would be by way of Foresthill Road, several less traveled routes exist

along Yankee Jims Road, Iowa Hill Road, Old Foresthill Road, Mosquito Ridge Road, and Ponderosa Way that could be used for evacuation routes.

**Response 12-J:** The comment regarding revenue generation in support of the Fire District that would result from development of the Forest Ranch Concept Plan component of the FDCP is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-K:** The comments regarding support of the Fire District from a portion of property taxes, parcel taxes and ambulance service revenue that would result from development of the Forest Ranch Concept Plan component of the FDCP is noted. The Forest Ranch Fiscal Impact Study conducted by Economic and Planning Systems is included by reference in this Final EIR.

**Response 12-L:** The comment states that levels of service (LOS) appear to be dependent on the methodology employed, particularly on Foresthill Road between Todd Valley and the I-80 interchange. To a degree, this statement is accurate. The traffic analysis documented in the DEIR for that segment of roadway is based on direct application of the “two-lane highway” methodology set forth in Chapter 20 of the current version of the *Highway Capacity Manual* (Transportation Research Board, 2000). That methodology segregates such roadways into two basic types, Class I highways and Class II highways, depending primarily upon the function of the roadway. The portion of Foresthill Road referred to here falls into the Class I category, as it is a relatively high-speed route into and out of the Community Plan area (i.e., it primarily serves through traffic rather than providing local access). The *HCM* method determines directional roadway segment level of service based on a combination of “average travel speed” and “percent time-spent-following,” as described on DEIR pages 3-262 and 3-263. The HCM method specifically accounts for the varying physical characteristics of the study roadways by incorporating adjustment factors for parameters such as lane width, lateral clearance/shoulder width, grades, heavy vehicle percentage, passing lanes percentage, “no passing” percentage, etc. In addition, the DEIR analysis addresses operations in the AM and PM peak hours, when traffic volumes are highest and operational issues are greatest. “Peak hour factors” are also incorporated to describe the traffic flow patterns within the analysis periods.

As described in DEIR Section 3.9 – Transportation and Circulation, this method allows the study roadways to be evaluated on a directional basis, which accounts for varying driving patterns and performance characteristics of vehicles in the uphill and downhill directions. The analysis was based on traffic volume and vehicle classification data collected on Tuesday, May 17, 2005. That data ensured that not only were the most current traffic volumes considered, but also that the analysis incorporated current, accurate information regarding the composition of the traffic on Foresthill Road, particularly with respect to the volume of trucks and other heavy vehicles on the road.

In contrast to the analysis approach documented in the DEIR, the KDA analysis referred to in the comment (which was superseded by the later worked presented in the DEIR and is, therefore, irrelevant to the current planning process) employed a relatively simplistic comparison of total daily roadway volumes (both directions combined) to a set of traffic volume ranges representing the various levels of service. The traffic volume ranges used in the KDA analysis were derived

from information in the Placer County General Plan, with unspecified adjustments to account for the presence of passing lanes on certain sections of Foresthill Road. No other adjustments of the type referred to above were made to account for the specific characteristics of either the roadway or traffic flow patterns on Foresthill Road. Moreover, the traffic volume ranges used in the KDA analysis were based on the 1985 version of the *Highway Capacity Manual*, which was first superseded in 1984, with subsequent revisions to the *HCM* occurring in 1997 and 2000. In addition, the use of a daily traffic analysis addressing both directions combined (rather than the directional, peak-hour analysis documented in the DEIR) fails to identify the specific operational characteristics of the roadway in the critical travel periods. This is important because each direction of travel has different issues in the two peak-hour periods.

Thus, the analysis documented in the DEIR represents a valid evaluation of conditions in the study area, as it employs the most current technical methodology, incorporating specific adjustments to reflect the specific nature of the study area roadways.

The statement summarizing the results of the level of service analysis results is not completely accurate. It says that, "MRO gives today's conditions a D." In fact, according to DEIR Table 3.9-1, the existing conditions LOS on Foresthill Road between the Foresthill Bridge and Todd Valley Road is LOS C or better in both directions and in both peak hours, with one exception. The exception is the westbound segment of Foresthill Road between Spring Garden Road and Todd Valley Road (West), which was found to operate at LOS D under existing conditions. In summary, the analysis found all of the pertinent roadway segments to be operating at acceptable levels of service, under the proposed Community Plan's level of service policy.

The specific comments regarding the LOS findings are somewhat unclear, as the results mentioned are not consistent with the DEIR, and no specific references to page numbers or table numbers are provided in the comment. For example, the comment states that, "KDA reports that addition of a small passing lane would keep a LOS C rating even at build out. MRO...indicates that the road would barely maintain a LOS D rating." Assuming that the "buildout" referred to here is buildout of the Community Plan (rather than the Forest Ranch Concept Plan project), DEIR Tables 3.9-19 and 3.9-22 show that Foresthill Road between the Foresthill Bridge and Todd Valley Road (West) would generally operate at LOS E or F (with one eastbound segment at LOS D in the PM peak hour under the "Without Forest Ranch" scenario). For both scenarios, mitigation measures were identified, but because those measures were deemed infeasible due to lack of the needed funding, the impact under Community Plan buildout conditions was found to be significant and unavoidable.

The comment also indicates that a finding of LOS D represents a "significant and unavoidable" impact. This is not accurate, however, as the Foresthill Divide Community Plan proposes a level of service policy (Policy 5.A.1-1) under which operation at LOS D would be considered acceptable on Foresthill Road.

Finally, with regard to the assertion that, "...the meaning of LOS categories changes over the years," clarification may be in order. In reality, the definitions of the LOS categories remain largely consistent from one version of the *Highway Capacity Manual* to the next, even when methodologies change, as described above. Roadway and intersection analysis methodologies

are constantly being evaluated and refined, however, which sometimes results in changes to the LOS results. The desired notation regarding changing methodologies is unnecessary, as the “analysis of the original general plan update” was superseded by the current work and that previous analysis is no longer relevant.

**Response 12-M:** The comment suggests that the DEIR should note the approximate amount of time during the day during which Foresthill Road will operate at LOS D in the year 2030. The suggested information is unknown, and no basis exists upon which to base such an estimate. As noted above, operation at LOS D is considered acceptable under Policy 5.A.1-1 proposed as part of the FDCP.

**Response 12-N:** The comment suggests that the DEIR should state that the westbound travel time from Foresthill to Auburn on lower Foresthill Road will be unchanged with the addition of 0.3 miles of passing lane assigned exclusively to the Forest Ranch Concept Plan project in connection with implementation of Mitigation Measure 3.9-2a. The additional passing lane referred to here would be located between the Foresthill Bridge and Spring Garden Road. The desired statement is not accurate, however, as that mitigation measure calls for addition of a total of 0.5 mile of passing lane, not just the 0.3 mile referred to in the comment. The Forest Ranch Concept Plan component of the FDCP is 100 percent responsible for 0.3 mile of passing lane and 23 percent responsible for the remaining 0.2 mile. If the funding for the remaining 77 percent of the 0.2-mile passing lane section is not found, the mitigation measure will not be implemented (which is why the impact would remain significant and unavoidable, as described in the DEIR). In addition, Mitigation Measure 3.9-2b calls for an additional 0.2-mile of westbound passing lane between Spring Garden Road and Todd Valley Road (West). Therefore, even if Forest Ranch Concept Plan project constructs the 0.3 miles of passing lanes referred to in the comment, unless the other measures described here are also completed, the traffic impact identified in the DEIR will not be fully mitigated.

**Response 12-O:** For each time frame, the DEIR specifically addresses conditions “Without Forest Ranch” and “With Forest Ranch.” The “With Forest Ranch” mitigation measures identify the specific level of responsibility to be assigned to the Forest Ranch Concept Plan project. In some cases, the Forest Ranch Concept Plan project has been assigned 100 percent responsibility (because the particular mitigation measure was found to be necessary solely in connection with that development). In other cases, the Forest Ranch Concept Plan project responsibility is less than 100 percent because the need for the mitigation measure results from the combination of Forest Ranch Concept Plan and non-Forest Ranch Concept Plan traffic. In short, implementation of the mitigation measures identified in connection with the “With Forest Ranch” analysis scenarios would satisfy that project’s obligations. Shortly after the adoption of the Foresthill Divide Community Plan, it is anticipated that an updated traffic mitigation fee will be adopted based on a capital improvement program that contains all of the improvements required to mitigate the impacts identified in the DEIR for the plan horizon. With the adoption of the updated traffic impact fee, the County will collect payment at the time of building permit irrespective of whether future retirement community residents are current Foresthill residents or not.

**Response 12-P:** The comment pertaining to population impacts with and without the Forest Ranch Concept Plan component of the FDCP is noted. The comment regarding job creation that could result from implementation of the Forest Ranch Concept Plan component of the FDCP is supported by the Draft EIR and is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-Q:** The comment states that “the report assumes all non-Sugar Pine surface water will dry up for the entire duration of a drought.” This statement is not found in the DEIR. It is assumed the commenter is referring to the recently adopted Foresthill Public Utilities District Water System Master Plan. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-R:** The comment references an assumption within the Foresthill Public Utilities District Water System Master Plan that underground water resources will be unavailable during a drought and the lack of inclusion of the two Public Utility District wells in the Water System Master Plan. Commenter disagreement with the assumption regarding groundwater availability during a drought periods and lack of inclusion of the District’s wells in the Master Plan is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-S:** Commenter disagreement with assumptions within the Foresthill Public Utilities District Water System Master Plan regarding existing well owner conversions to District water and the Water System Master Plan assumption that the entire District will be supplied with water from the Sugar Pine Reservoir is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-T:** Commenter disagreement with comparison of the Foresthill Public Utility District with four other districts at lower elevations in the Water System Master Plan is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-U:** Commenter disagreement with the rationale employed in the Foresthill Public Utility District Water System Master Plan that average water consumption by single family residences will continue to increase is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-V:** Commenter disagreement with per capita water consumption reduction percentages used in the Foresthill Public Utility District Water System Master Plan is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-W:** Commenter disagreement with water demand calculation methodology employed in the Foresthill Public Utility District Water System Master Plan resulting from an overestimation of residences to be built in the TPZ zone found in the 1992 Water System Plan is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-X:** Commenter disagreement with water demand calculation methodology employed in the Foresthill Public Utility District Water System Master Plan resulting from use of average water use figures in lieu of median figures is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-Y:** Commenter reference to unavoidable adverse environmental effects from development of the Sugar Pine Reservoir as reflected in the 1976 Sugar Pine EIR is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-Z:** The comment regarding annual rainfall and runoff requirements to meet Foresthill's water needs is noted. This comment does not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-AA:** The comments expanding on the DEIR discussion regarding fire and ambulance services are noted. These comments do not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-BB:** The comments expanding on the DEIR discussion regarding fiscal surplus that will be experienced by the Foresthill Fire Protection District if the Forest Ranch Concept Plan component of the FDCP is approved and ultimately developed are noted. These comments do not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-CC:** The comment refers to the "existing conditions" traffic counts at the I-80 interchange intersections (specifically with regard to the volume of traffic on westbound Foresthill Road east of Lincoln Way), which were conducted on August 20, 2004, and compares those volumes to earlier data, collected by Forest Ranch proponents in summer 2001. The Forest Ranch proponent counts are now seven years old and are three years older than the data used in DEIR analysis. As noted in the comment, the DEIR traffic volume data represents somewhat higher volumes than the Forest Ranch proponent data. The August 2004 data was used in the DEIR analysis at the request of Placer County staff, with the intent being to evaluate a conservative case involving a reasonable volume of recreational traffic in addition to the typical traffic generated by commuters and others. As the Forest Ranch proponent data demonstrates, traffic volumes fluctuate over time, with the more-recent DEIR data being somewhat higher than the earlier Forest Ranch proponent data.

**Response 12-DD:** The comment suggests that the differences in existing traffic volume data referred to in Comment 12-CC mean that traffic volumes for the year 2030 are overstated. However, the existing conditions traffic volumes have no bearing on the year 2030 traffic projections. As described on DEIR page 3-279, the year 2030 "cumulative no project" traffic volume forecasts at the intersections were developed (by Placer County staff) using the Placer County General Plan travel demand forecasting model, so as to account for growth not only in the Foresthill Divide Community, but also in the Auburn-Bowman Community Plan area as well as throughout the region. Traffic volume forecasts for the FDCP and the Forest Ranch Concept Plan project were then developed using trip generation factors specifically tailored to each of

those land use plans. Those “project” traffic volumes were added to the “no project” volumes to create the “with project” values (both with and without Forest Ranch). As such, the existing traffic volumes at the I-80 interchange were not components of the year 2030 traffic projections. Thus, even if the existing volumes were to represent higher-than-average activity, this would not necessarily affect the results of the traffic forecasting process for the year 2030. The suggested additional analysis, which would be aimed at determining whether the mitigation measures identified in the DEIR are needed, is unnecessary.

**Response 12-EE:** The comments regarding determination of traffic mitigation fee responsibility relative to recreational travel impacts and retirement community impacts within the FDCP is noted. These comments do not raise a significant environmental issue that requires a response in this Final EIR.

**Response 12-FF:** Transportation related studies pertaining to the Forest Ranch Concept Plan component of the DEIR and correspondence between the Forest Ranch Concept Plan project proponents and Placer County pertaining to traffic issues are included by reference as part of this Final EIR. Other studies related to the Forest Ranch project and the previously circulated Draft FDCP EIR are also incorporated into the public record with exception of the 2004 SB 610 Water Supply Assessment for the Forest Ranch project that was the basis for the analysis related to water supply when that project was being separately evaluated by the County. See Response 12-C for further discussion of the SB 610 Water Supply Assessment.