

November 21, 2011

Via Electronic and Overnight Mail

Melanie Jackson
Placer County
3091 County Center Drive, Suite 190
Auburn, CA 95603

Re: Belcara Planned Development: Initial Study and Mitigated Negative Declaration

Dear Ms. Jackson:

On behalf of Friends of North Fork (“Friends”), we have reviewed the Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration (“MND”) prepared in connection with the proposed Belcara Planned Development (“Project”) in Placer County. We submit this letter to express our legal opinion that: (1) the MND for the proposed Project fails to comply with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* (“Guidelines”), and (2) the County must prepare an environmental impact report (“EIR”) before proceeding with the Project.

The MND fails to include the information and analysis necessary to evaluate the Project’s impacts: It does not provide sufficient evidence or analysis to support its conclusions and defers analysis of many environmental impacts. Similarly, many of the so-called mitigation measures proposed in the MND are nothing more than general assertions that something will be done in the future about the Project’s significant environmental impacts.

At the same time, what little information the MND does provide makes clear that there is a fair argument that the Project—a 39-unit subdivision on undeveloped forested and agricultural land surrounded by a park and 2,000 feet from the scenic North Fork of

the American River—will have significant impacts on the environment. Indeed, the MND admits that the applicant will remove 12 acres of vineyards and grade 27.3 acres of the site for construction of roads, homes, and other improvements. MND at 2. Furthermore, the Project will add to cumulatively significant environmental impacts resulting from a number of past, present, and future projects in the region.

The Project is also fundamentally inconsistent with the Foresthill Divide Community Plan (“Community Plan”). Tellingly, the Community Plan states that the “County shall not approve the development of isolated, remote, gated and/or walled residential projects.” Policy 3.B.3-5. As a gated and remote subdivision, the Project clearly conflicts with this mandate. It also runs afoul of numerous other provisions in the Community Plan designed to protect the region’s unique aesthetic and recreational resources. Thus, approval of the Project and adoption of the MND would violate not only CEQA, but the State Planning and Zoning Law, Government Code section 65000 *et seq.*, as well. For all of these reasons, the County must revise the Project and prepare an EIR.

I. Legal Standard

It is well settled that CEQA establishes a “low threshold” for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. *The Pocket Protectors v. City of Sacramento*, 124 Cal. App. 4th 903, 928 (2005). CEQA provides that a lead agency may issue a negative declaration and avoid preparing an EIR only if “[t]here is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” Pub. Res. Code § 21080(c)(1). An initial study must provide the factual basis, with analysis included, for making the determination that no significant impact will result from the project. Guidelines § 15063(d)(3). In making this determination, the agency must consider the direct and indirect impacts of the project as a whole (Guidelines § 15064(d)), as well as the project’s growth-inducing and cumulative impacts. *See City of Antioch v. City Council of Pittsburg*, 187 Cal. App. 3d 1325, 1333 (1986).

An agency must prepare an EIR whenever it is presented with a “fair argument” that a project may have a significant effect on the environment, even if there is also substantial evidence to indicate that the impact is not significant. *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 75 (1974); Guidelines § 15064(f)(1). Where there are conflicting opinions regarding the significance of an impact, the agency must treat the impact as significant and prepare an EIR. Guidelines § 15064(f)(1); *Stanislaus Audubon Soc’y v. County of Stanislaus*, 33 Cal. App. 4th 144, 150-51 (1995). Further, where the agency fails to study an entire area of environmental impacts, deficiencies in the record

“enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296, 311 (1988).

II. The MND’s Description of the Project Is Inadequate.

The description of the Project is thoroughly inadequate in large part because the Project itself has not yet been designed. *See* MND at 5 (“The project will be designed and developed to be consistent with the Community Plan policies that address viewshed protection in the vicinity of the American River canyons.”) Any reasonably complete description of the Project would have given the public and decisionmakers a sense of what this residential subdivision would look like, how it would operate, and how it would mesh with the surrounding uses. The purported project description here does none of this. It is effectively no description at all; it is merely a suggestion of the applicant’s general conceptual scheme for development.

The MND does not include the Project’s “Improvement Plan,” which will show all pertinent topographical features both on and off site; existing and proposed utilities and easements; landscaping and irrigation facilities within the public right-of-way (or public easements); landscape plans; and grading and drainage improvements. MND at 15. The MND implies that building envelopes have already been selected, but the only map that possibly shows the building envelopes (Exhibit A) is too small to read. The MND must identify these plans now to allow for meaningful impact analysis.

Similarly, the MND does not include an adequate description of the drainage improvements. For example, the MND states that storm drainage from on- and off-site impervious surfaces (including roads) will be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, yet the MND does not provide any information regarding the location of these on and off-site improvements. MND at 15, 22.

Finally, the MND fails to provide any information relating to the proposed septic systems. The County must describe, for example, the type of septic systems that the homes will use and identify the minimum usable sewage disposal area for the primary and backup leach field area for each sewage system.

III. The MND'S Description of the Project Setting Is Inadequate.

CEQA requires that an initial study contain “an identification of the environmental setting.” Guidelines § 15063(d)(2). “[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible.” *County of Amador v. El Dorado County Water Agency*, 76 Cal. App. 4th 931, 953 (1999). Decisionmakers must be able to weigh the project’s effects against “real conditions on the ground.” *City of Carmel-by-the-Sea v. Board of Supervisors*, 183 Cal. App. 3d 229, 246 (1986).

Here, the MND’s description of the Project setting omits essential information. The County must provide a summary of this information in the MND itself, regardless of whether it can be gleaned from the documents referenced in the MND. Such information includes, but is not limited to:

- A description of the site’s existing uses (i.e., the location of the two homes and the 25 acres of vineyards).
- A jurisdictional delineation showing the location of on-site wetland areas.
- A description (textual and photographic) of the site’s ridgelines.
- A description (textual and photographic) of the site’s location compared to the North Fork of the American River and the Auburn State Recreation Area.
- A description (textual and photographic) of the Project’s proximity to Foresthill Road, a scenic corridor in the Community Plan.
- A description of the existing water quality in the American River watershed.
- The specific location and type of the trees to be removed and whether they provide nesting sites for birds or bats.
- A description of the existing hydrological and hydraulic conditions of drainages in the vicinity of the Project.
- A description of Foresthill Public Utility District’s existing water supply and demand.
- A detailed description of any and all sensitive receptors in the Project area.
- A description of the visual character and appearance of the community and the proposed Project site, including existing development in the Project vicinity. This would necessarily include photographs and maps of the Project site and vicinity.
- A description of the Community Plan, including the goals and policies that would be relevant to the proposed Project site and applicable to the proposed Project, and a description of the development anticipated for the Project area by the Community Plan.
- The identification of existing noise levels at and around the Project site.

- The groundwater resources on the Project site and in the overall community.
- A description of existing public services such as fire and police service, including the adequacy of existing staffing levels and facilities and typical response times.
- A description of the area's potential wildfire risk.
- A description of existing school facilities and statistics regarding student enrollment and potential overcrowding conditions.
- A description of existing utilities in the area including, for example, the available capacity of Western Regional Sanitary Landfill and the availability of water supplies of the Foresthill Public Utility District.
- A description of the soils and their ability to accommodate septic systems.
- A description of existing recreational uses in the area, including parks, trails and the American River.
- A description of the existing transportation network, including information such as level of service, speed limits, and existing accident rates on area roadways and intersections. Information must also be provided regarding line-of-sight information for the proposed subdivision access points along Foresthill Road. This information should be provided for the snow and non-snow season.

IV. The County Must Prepare an EIR that Analyzes the Potentially Significant Impacts of the Proposed Project.

A. There Is a Fair Argument that the Project Will Have Significant Aesthetic Impacts.

Under CEQA, it is the state's policy to "[t]ake all action necessary to provide the people of this state with . . . enjoyment of *aesthetic*, natural, scenic, and historic environmental qualities." Pub. Res. Code § 21001(b) (emphasis added). Thus, courts have recognized that aesthetic issues "are properly studied in an EIR to assess the impacts of a project." *The Pocket Protectors*, 124 Cal. App. 4th at 937 (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics). "A substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA." *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water District*, 116 Cal. App. 4th 396, 401 (2004). As explained by the court in *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas*, 29 Cal. App. 4th 1597, 1606 (1994), it is "self-evident" that replacing open space with a subdivision will have an adverse effect upon "views and the beauty of the setting."

The proposed Project is located on the rim of the highly scenic North Fork of the American River (the “North Fork”). Portions of the North Fork are a California designated Wild and Scenic River (1972) and a Nationally designated Wild River (1978). The portion of the river closest to the Project is eligible for National Wild and Scenic River status. U.S. Department of Interior, American River Water Resources Investigation Technical Team’s Inventory and Recommendations for Wild and Scenic River Eligibility and Preliminary Classification, January 7, 1993; <http://www.rivers.gov/wsr-american-north.html>; Foresthill Divide Community Plan at p. 4-2. The Project is also surrounded on three sides by Auburn State Recreation Area, which contains open space, picnic areas, camping sites, and numerous public hiking trails. *See* Exhibit 1 (Auburn State Recreation Area brochure).

Given the area’s stunning landscape, the Community Plan is replete with policies favoring the protection of aesthetic and recreational resources. Policy 4.A.13-2 (“The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.”); Policy 4.A.13-8 (“The County shall minimize impacts of private development on Federal and State open space and recreation lands.”); Goal 3.C.9 (“Protect the visual and scenic resources of the Foresthill Divide as an important quality-of-life amenity for local residents and as a principal asset in the promotion of recreation and tourism.”).

The Community Plan also designates certain areas near the North and Middle Forks of the American River as “Important Viewshed” areas. Not surprisingly given its proximity to the North Fork, half of the Project site is in an area designated as “Important Viewshed” by the Community Plan. The Project proposes multiple homes, septic leach fields, and fuel breaks in this area. Indeed, the fact that the Project proposes development within the “Important Viewshed” area, by itself, creates a fair argument that the Project will have a significant impact on aesthetics. Additionally, as described below, there is ample evidence that the Project will be visible from various public viewpoints throughout the area. Because these impacts are significant, the County must disclose them in an EIR and analyze whether there are alternatives that would avoid such impacts.

1. The Project Will Be “Ridgeline” Development.

The Community Plan is quite clear that ridgeline or hilltop development should be avoided. Policy 3.C.9-1 states that the County should “[a]void locating structures along

ridgelines and steep slopes” in scenic areas, such as “river canyons.” Similarly, Policy 4.A.14-3 requires new discretionary development “on the rim of the American River canyons within the Plan area” to be reviewed to ensure that it will not “unduly intrude into the viewshed of nearby roadways, properties, public trails and recreation lands, and the public and private viewshed of the American River.” *See also* Placer County General Plan Policy 1.K.1 (“The County shall require that new development in scenic areas (e.g., river canyons, lake watersheds, scenic highway corridors, ridgelines and steep slopes) is planned and designed in a manner which . . . [a]voids locating structures along ridgelines and steep slopes . . .”).

The Project site is characterized by “rolling topography, ranging from moderate slopes along ridge tops to steep slopes in the western portion of the site.” MND at 1. Although the single topographic map included in the MND is nearly impossible to read, it appears that the Project’s homes will be located on the highest areas of the Project site, making it likely that they will be visible from multiple public viewpoints. *See* Exhibit A to MND. For example, Exhibit 28 shows a home on the ridgeline at the nearby Eagle Ridge development. This home is visible from multiple public viewpoints, including trails and the river. At the very least, the County must provide the public with legible topographic maps that clearly show the positions of homes with respect to the ridgeline and identify the hilltops and their elevations.

2. The Project Will Be Visible From the North Fork.

The MND concludes that the Project’s homes will not be visible from the North Fork. MND at 4. However, the MND fails to adequately explain why this is the case. First, the MND claims that Exhibit E shows that no homes will be visible from the river, but the exhibit does not contain nearly enough information to support that conclusion. Exhibit E, a “visual impact analysis,” appears to evaluate whether home 16 can be seen from one specific point on the river and whether homes 17 and 20 can be seen from another specific point on the river. The analysis also improperly evaluates the view from the nearest edge of the river, rather than the centerline, as the MND claims. A proper analysis would show whether *any* of the homes could be seen from *any* location along the river.

The MND also fails to explain or properly label the three “important viewshed overlay” maps (Exhibits B, C, and D). Thus, it is entirely unclear what these maps show or how they support the MND’s conclusion that no homes will be visible from the North Fork. In fact, assuming that the map labeled “visibility score – hydro” measures visibility

from the river, much of the Project—both inside and outside the “Important Viewshed” area—will be visible from the river. Ex. D to MND.

Indeed, as shown on the viewshed analysis map attached to this letter as Exhibit 2, the Project will be visible from the river. The County generated this map in 2010 to evaluate views from the river. The map shows the visibility of areas from all points on the river—the more visible the area, the more red it appears on the map. Friends has drawn a black box on the map to indicate the approximate location of the Project. Because much of the area inside the black box is red, orange, or yellow—including the parts of the Project site that will have homes—this map demonstrates that the Project will be visible from the river.

3. The Project Will Be Visible from Auburn State Recreation Area and Public Trails.

The Project will also be visible from numerous public trails near the site, including Codfish Falls Trail, Long Point Fuel Break Trail, Drivers’ Flat Road, and Ponderosa Way. Under CEQA, an agency must prepare an EIR when there is fair argument that a project will affect views from public trails. *Ocean View Estates Homeowners Ass’n, Inc.*, 116 Cal. App. 4th at 402 (requiring an agency to prepare an EIR because the petitioner presented “evidence from which a fair argument can be made that the [project] will be visible from public trails.”).)

As shown by the Auburn State Recreation Area trail maps attached as Exhibits 1 and 3 to this letter, Codfish Falls Trail is on the other side of the North Fork Canyon. Even if the slope of the canyon makes it impossible to see the Project from the river, as the MDN claims, the Project will still be visible from the other rim of the canyon and from Codfish Falls Trail. Exhibits 22, 23, and 24 are photographs showing the Project site from Codfish Falls Trail. These photographs show that any development on the ridgeline will negatively impact the views from the other side of the canyon.

Indeed, the viewshed analysis map attached to this letter as Exhibit 4 shows that Project will be visible from public trails in the vicinity. Again, the County generated this map in 2010 to evaluate views from public trails, and the more visible the area, the more red it appears on the map. Exhibit 4 shows that the Project site, depicted by a black box, is highly visible from public trails. The MND does not even mention this as a possible visual impact, let alone analyze it. The County should further analyze whether the Project will be visible from the public trails in the area, including Long Point Fuel Break trail, Codfish Falls trail, Foresthill Divide Loop trail, French Hill trail/road, McKeon-

Ponderosa Way trail, American Canyon trail, Wendell Robie trail, Dead Truck trail, and Western States trail. The County should also analyze whether the Project will be visible from nearby campgrounds.

4. The Project Will Be Visible From Foresthill Road.

The MND summarily dismisses the potential significant impact on views from Foresthill Road, which is designated as a scenic corridor in the Community Plan. MND at 4. The MND calls for nothing more than a 50-foot landscaped buffer and the use of existing trees and vegetation as screening between the roadway and the development. MND at 4. Given the Project's proximity to Foresthill Road, it is quite likely that the Project will be visible from the road.

Under Policy 3.C.1-12, the applicant must "provide a *minimum* 50 foot wide landscaped area adjacent to Foresthill Road." However, the MND cannot claim that there is a less than significant impact just because it has required the minimum buffer mandated by the Community Plan. *Communities for a Better Env't v. California Res. Agency*, 103 Cal. App. 4th 98, 113 (2002) (holding that compliance with regulatory standards does not satisfy the fair argument test). The MND must explain which trees will be retained and how this will ensure the Project will not have a significant impact on this scenic road.

5. The Mitigation Measures Imposed by the MND Fail to Mitigate the Aesthetic Impact to a Level of Insignificance.

If there is a fair argument that any proposed mitigation measures will not reduce environmental impacts to a less-than-significant level, then an agency is required to prepare an EIR. *San Bernardino Valley Audubon Society v. Metropolitan Water District*, 71 Cal. App. 4th 382 (1999). The mitigation measures imposed in the MND will not reduce the aesthetic impacts to a less than significant level because they improperly defer meaningful mitigation to a later time.

For example, instead of requiring all lots to be located outside the Important Viewshed area, the MDN states only that "building envelopes within the Important Viewshed area . . . shall be reviewed and approved by the Placer County Development Review Committee through the Placer County Design Review process to ensure that visual impacts resulting from proposed structures and lighting are minimized to the maximum extent possible." MND at 6. A significant aesthetic impact, however, may remain, even after the design review process minimizes visual impacts. Thus, without

knowing what design features will be incorporated into the Project as part of the design review process, the MND cannot conclude that some unknown future mitigation will reduce aesthetic impacts to an insignificant level.

In 2007, the California Department of Parks and Recreation (“DPR”) raised many similar concerns in regards to the proposed Dreisbach project, another residential subdivision near the Belcara property. *See* Exhibit 5 (Letter from California Department of Parks and Recreation, August 8, 2007). DPR noted that the Dreisbach project would be highly visible in the North Fork Canyon because, like the Project here, it would be built on the rim of the North Fork. Exhibit 5 at 1. According to DPR, the County improperly deferred mitigation of the project’s aesthetic impacts by stating that there would be future review of the proposed homes to minimize visibility from public viewpoints. Exhibit 5 at 1.

Unfortunately, the MND makes the same mistake, deferring meaningful analysis and mitigation to a later time by punting the issue to the Development Review Committee. This deferral violates CEQA’s requirement that the impacts of a proposed project be disclosed at the earliest possible time and always before the decisionmaker considers whether to approve the project. In particular, negative declarations cannot rely on the presumed success of mitigation measures that have not been formulated at the time of project approval, and any determination that a significant impact would be reduced below significance based on deferred analysis and mitigation is invalid. *See Sundstom*, 202 Cal. App. 3d at 306-307; *Oro Fino Gold Mining Corporation v. County of El Dorado* 225 Cal. App. 3d 872, 885 (1990).

The MND also states that all structures shall be constructed “below the tree canopy height of the surrounding vegetation, including oak woodlands.” MND at 6. However, the effectiveness of this measure is limited given that the fire mitigation measures require that each home be surrounded by a defensible space buffer. *See* Policy 3.D.13-17. The MND must explain how these two mitigation measures will work together to avoid both significant aesthetic impacts and wildfire risks. Vegetative cover will be needed to avoid significant visual impacts even with the tasteful non obtrusive design of homes. Without ongoing enforceable funded management of the vegetation on the Project site to reduce fire risk and preserve public views, the Project will result in both significant aesthetic and wildfire impacts.

Despite the importance of the area’s aesthetic resources, the County failed to use the most obvious mechanism for determining whether the Project will be visible from the river or other public areas: storey poles. Rather than guess about the visibility of the

Project, the County should require the installation of storey poles so that decisionmakers and the public can see the true visual impact of the Project.

B. There Is a Fair Argument that the Project Will Have Significant Agricultural Impacts.

The Project site currently contains 25 acres of vineyards, 12 of which will be destroyed by the Project. The MND concludes that there will not be a significant impact and that no mitigation is required because half of the vineyard acreage will remain in production. The California Department of Conservation has designated the Project site as “Unique Farmland.” As such, unless the County shows otherwise, loss of 12 acres of “Unique Farmland” is a significant impact. *See* Guidelines, Appx. G.

The MND also concludes that the loss of these 12 acres will not “trigger a significant environmental effect or a need for mitigation measures because the residential use of the property is consistent with the property’s zoning and the intent of the Foresthill Divide Community Plan Designation of Rural Estate.” MND at 7. However, compliance with zoning and plan designations does not mean that a project has no significant impact or requires no mitigation. *Communities for a Better Env’t*, 103 Cal. App. 4th at 113. Furthermore, CEQA requires the County to compare the impacts of the Project to the existing baseline of 25 acres of vineyards, not hypothetical conditions allowed under the Community Plan. *Env. Planning & Info. Council v. County of El Dorado*, 131 Cal. App. 3d 350, 358 (1982). Because the loss of 12 acres of “Unique Farmland” is a significant impact, the County must prepare an EIR.

The loss of these 12 acres runs also afoul of the Community Plan’s many goals and policies directed toward preserving agricultural resources. *See* Policy 4.A.4-1 (“The County shall protect agricultural areas from conversion to non-agricultural uses.”); Policy 4.A.4-2 (“The County shall identify agricultural lands within the Plan area and protect these lands from incompatible development.”); Policy 4.A.4-3 (“The County shall encourage continued and, where possible, increased agricultural activities on lands suited to agricultural uses, while balancing the preservation of the Divide’s natural resources.”).

Furthermore, even the remaining 13 acres of vineyards will be significantly impacted by the Project. First, the MND states that these 13 acres will be “dedicated” to agricultural use, but it provides no details about what that means. MND at 7. Will these acres be subject to a conservation easement? If so, who will own the easement? The County must provide these essential details.

It also appears that the remaining 13 acres of vineyards will be in the backyards of the proposed homes. The MND states that “the lot area outside of each building envelope will be dedicated to agricultural use for continued cultivation of the vineyards” and that all residents will be subject to a “Vineyard Operations and Maintenance Plan.” MND at 7. Placing agricultural conservation easements on small parcels adjoining residential uses does not facilitate commercial agriculture. *See* Policy 4.A.4-4 (“Maintain agricultural lands in large parcel sizes to retain viable agricultural units.”)

Given their proximity to people’s residences and their small size, such easements are also costly and difficult to monitor and enforce. The City of Livermore and a local land trust recognized this difficulty in a cooperative agreement to share the costs of monitoring such agricultural easements on small parcels adjacent to residences within the city. *See, e.g.*, Exhibit 6 at 9 (Excerpts from Cooperative Agreement Between South Livermore Valley Agricultural Land Trust and City of Livermore for Administration of Agricultural and Open Space Conservation Easements). These practical difficulties mean that even with conservation easements over the proposed residences’ yards, cultivation of crops will not continue; instead, these areas will likely revert to suburban yards.

Finally, locating commercial-scale agricultural operations next to homes is likely to create numerous land use conflicts, such as those due to pesticide drift, light, and noise. Indeed, the Community Plan requires that there be “clear boundaries between residential and agricultural areas” (Policy 4.A.5-1) in order to “[m]inimize existing and future conflicts between agricultural and non-agricultural uses in agriculturally-designated areas” (Goal 4.A.5). The Project’s proposed placement of working vineyards managed by a third party next to residential uses conflicts with these goals and policies. The County must require an appropriate buffer between any residential and agricultural uses. As currently proposed, the Project will result in significant agricultural impacts, both because of the loss of agriculture and the significant impacts associated with the resulting land use conflicts.

C. There Is a Fair Argument that the Project Will Have Significant Biological Impacts.

The Project will have numerous significant biological impacts, all of which the MND downplays or completely ignores. Indeed, it is hard to imagine how a 39-unit subdivision on largely undeveloped and agricultural lands would not have a significant impact on biological resources. The MND itself shows that the Project will negatively impact special-status species, various forest plant communities, and wetlands.

1. The Project Will Likely Impact Special-Status Species.

The MND acknowledges that two special-status species listed under the state and federal Endangered Species Acts—the Layne’s ragwort and valley elderberry longhorn beetle—have potential to occur on the Project site. After noting that neither of the species was “observed” during the June 2007 site visit, the MND says nothing more about them and proposes no mitigation measures to avoid potential impacts. The MND does not explain how the survey was performed, whether June is the proper season to conduct a survey for these species, or whether a survey conducted four years ago is an appropriate indicator of current conditions. Without more explanation about why these species do not occur on the site, there is a fair argument that the Project, which will require grading of 27.3 acres for construction of roads, homes, and other improvements, will have a significant impact on these species.

Similarly, the MND admits that a “variety of special-status bird species may nest on the project site including white-tailed kite, Cooper's hawk, golden eagle, California spotted owl, long-eared owl, Lewis’ woodpecker, chipping sparrow, black-chinned sparrow, lark sparrow, Bell’s sage sparrow, and Lawrence's goldfinch.” MND at 11. The MND also admits that “Project development may directly or indirectly affect nesting of these species, their migratory corridors, and foraging habitat for these and other non-nesting species.” MND at 11. However, the MND proposes mitigation only for raptors. Even if those mitigations measures were sufficient for raptors, no mitigation is proposed for non-raptors.

The MND also improperly defers mitigation for impacts on bats by stating that a survey will be conducted and that if any bats are found, “consultation shall be made with the California Department of Fish & Game to determine the appropriate course of action.” MND at 11. Conducting surveys and consulting with other agencies is not mitigation. Such action alone does not ensure the Project will not significantly impact the bats on the Project site.

2. The Project Will Cause the Unmitigated Loss of Forest Land.

The MND contains a jumble of inconsistent and incomplete numbers regarding the Project’s impact on forests. It states that the Project site includes 46 blue oak, 216 black oak, and two canyon live oak trees that qualify as “protected trees” under the Placer County Tree Ordinance. The MND does not mention that the arborist report prepared for the County also identified 17 Douglas fir, 197 ponderosa pine, 2 buckeye, and 4 madrone trees that qualify as protected trees on the Project site. The Community Plan similarly

protects “landmark trees” and supports the preservation of native trees. Policy 4.A.1-5; Policy 4.A.1-4. The MND fails to accurately disclose the number of protected trees on the property or how many of these trees will be cut down or otherwise affected by the Project.

The MND’s analysis of the Project’s impact on forest communities is utterly incomprehensible. It states that 1) “approximately 2.17 acres of the Montane Hardwood and 8.8 acres of Montane Hardwood-Conifer would be impacted by the project,” 2) the applicant will mitigate for “4.92 acres of Montane Hardwood-Conifer,” 3) “[h]ome construction on individual lots and within the building envelopes will impact 6.75 acres of tree canopy,” and 4) “home and sewage construction will occur within the already thinned Montane Harwood community and will impact a total of 10.81 acres.” MND at 12. None of these numbers add up—the County must clearly explain how many acres of which forest communities the Project will impact.

Furthermore, the MND’s mitigation measures for the loss of forest are nearly worthless. The MND first proposes to mitigate for the loss of these acres by way of an unspecified “impact fee.” The MND fails to explain to whom this fee would be paid or how it would be used to ensure the Project has no significant impact on the forest. “Of course a commitment to pay fees without any evidence that mitigation will actually occur is inadequate.” *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors*, 87 Cal. App. 4th 99, 140 (2001).

The MND also proposes to mitigate for the loss of forestland by “establishing a 70 acre set aside green belt area” that “shall be maintained for fire protection including a 300-foot fire break.” MND at 12. It is unclear how a “green belt” intended to mitigate for the loss of forest can also serve as a fire break. In sum, the MND requires no meaningful mitigation even though the Project will destroy acres of forest.

The County should consider imposing mitigation measures that will actually mitigate the effects of the Project on the forest. For example, the County could require the applicant to avoid harming protected trees. The County could also require the applicant to set aside similar forestland of equal or greater acreage.

3. The Project May Affect Wetlands.

Finally, the MND fails to explain why the Project will not have a significant impact on wetlands. The MND claims that because the three wetlands on the property are located outside the proposed development area, there will be no impacts. MND at 12.

However, the MND fails to acknowledge that even if the wetlands are outside the development area, they could nonetheless be impacted by drainage and runoff, especially given the steep slopes of the Project site. Indeed, the Community Plan states that the County should “[d]iscourage direct runoff of pollutants and siltation into existing wetland areas from outfalls serving nearby development.” Policy 4.A.2-3. The MND must provide more detail about the wetlands on the property and explain why they will not be impacted by the Project.

D. There Is a Fair Argument that the Project Will Have Significant Climate Change Impacts.

The MND fails completely to explain why the Project will not have a significant impact on climate change, either individually or cumulatively. The MND’s analysis is entirely circular and conclusory, stating that the Project’s impact on climate change is less than significant because “construction and operational related GHG emissions resulting from the project would not substantially hinder the State’s ability to attain the goals identified in AB 32.” MND at 18.

The MND does not even attempt to quantify the amount of construction-related and operational greenhouse gases that the Project will emit. Nor does the MND acknowledge that construction of the Project will release greenhouse gases due to trees being cut down. Trees take up and store carbon in a process known as carbon sequestration. Exhibit 7 (Climate Action Team Report to Governor Schwarzenegger and the Legislature at 48-49). Carbon that is sequestered is not free in the atmosphere and thus does not contribute to the greenhouse effect. The loss of trees results in less carbon sequestration, which in turn exacerbates the effects of global climate change. Therefore, environmental review of a project, like this one, that will affect large forested areas must analyze the effects of removing trees on global climate change. Specifically, every acre of forestland has the potential to store between 150 and 230 tons of carbon annually. *Id.* Therefore, the MND should have estimated, conservatively, the loss of carbon sequestration from project-related loss of trees. Under CEQA agencies must consider the direct and indirect impacts of the whole project. Guidelines § 15064.

Furthermore, the MND fails to impose any mitigation measures for climate change impacts, despite the abundance of policies favoring these sorts of mitigation measures in the Community Plan. Policy 3.C.7-1 states that “[f]uture land development projects shall promote energy and resource conservation, especially through consideration of alternative energy sources (i.e. passive solar collection) or state of the art energy and

water conservation measures.” Even more on point, Policy 3.C.10-1 requires the County to:

promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

The County’s failure to require any efficiency measures for this development violates not only CEQA, but the County’s own Community Plan provisions adopted earlier this year. Indeed, the MND does not even mention “sustainable,” “green,” or “efficient” building techniques. In 2011, the County can—and must—do much better.

E. There Is a Fair Argument that the Project Will Have Significant Hazards Impacts Due to Fire Risks.

The Project will almost certainly expose its residents to significant fire risks. The California Department of Forestry and Fire Protection has designated the Project site as being located in a “Very High Fire Hazard Severity Zone.” MND at 19. The fire risk is so extreme in these areas that the Community Plan requires developments of more than 10 homes in this zone to be responsible for the costs of maintaining fuel breaks and defensible spaces. Policy 3.D.13-17. The Community Plan also states that the County must require that areas with “extreme and high fire risk” be open or predominately open. Policy 4.A.13-7.

The fire danger at the Project site is extreme even when compared to the rest of the Community Plan area. A 2011 fire study, attached to this letter as Exhibit 8, found that the majority of fires that affect the Community Plan area occur in the southwestern tip of the Community Plan border—near the Project site. Exhibit 8 at 2.

Thus, the Project will clearly have a significant hazards impact because it will “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” Guidelines, Appx. G. The wildland-urban interface is the area or zone where structures and other land development meet or intermingle with wildland or vegetative fuels. According to *Forests on the Edge*—

Housing Development on America's Private Forests, attached as Exhibit 9, as more people move into wildland interface areas, the number of large wildfires impacts homes has escalated dramatically. With homes and other structures in forested areas, ignition risk is increased, firefighting becomes more expensive and more hazardous, and the opportunities to plan for and manage wildfire safety are constrained.

Despite the obvious fire risks, the MND proposes only seven one-sentence mitigation measures, most of which are too poorly described to be meaningful. For example, one sentence states, "Establish a County Service Agreement with the fire district to maintain the Shaded Fuel Break." MND at 19. This measure fails to state *who* will be establishing the agreement and *what* the agreement is. In particular, it fails to explain whether the residents will be responsible for the costs of the defensible space, as required by Policy 3.D.13-17. Similarly, another mitigation measure says, "Development will be subject to other fees per Fee Schedule." MND at 20. Again, this measure is so vague as to be meaningless. How does being subject to an unspecified fee schedule mitigate the risks of fire?

Wildfire is natural and unavoidable in this area, and the incidence of fires will only increase with climate change. *See Exhibit 10 (Dangerous Development, Wildfire and Rural Sprawl in the Sierra Nevada at i)*. That is why experts recommend clustering development in and around existing communities and not building in unsafe locations. *Id.* at 22. While the County can clearly do more to mitigate the risks of fire, the truth is that the Project, by virtue of its location, will have a significant hazards impact regardless of mitigation. The County must acknowledge and disclose this impact in an EIR.

F. There Is a Fair Argument that the Project Will Have Significant Water Quality Impacts.

The Project has the potential to significantly impact the water quality of surrounding water bodies, including the special-status North Fork. As an initial matter, the MND fails to properly identify the baseline conditions because it lacks sufficient information about the existing water quality of the North and Middle Forks of the American River. The Project site may also contain two tributaries to these rivers, but the MND fails to describe these tributaries in any detail at all. MND at 21. The only thing that is clear from the MND is that the Project site currently drains stormwater into these water bodies. MND at 21.

Because it will replace forestland with impervious surfaces and urban uses, the Project will degrade water quality. Stormwater and urban runoff from the Project will

contain “sediment, nutrients, oils/greases, etc.” MND at 22. Additionally, the Project will destroy forests, which are critical to protecting water quality by slowing runoff, stabilizing soils, preventing erosion and floods, and filtering pollutants. *See* Exhibit 9 (*Forests on the Edge – Housing Development on America’s Private Forests*).

The MND fails to explain why the Project will not significantly impact water quality, even though stormwater and urban runoff will undoubtedly make their way into the nearby water bodies. The MND’s analysis of stormwater impacts states only that Best Management Practices will “prevent the discharge of pollutants to stormwater to the maximum extent practicable.” MND at 21. The MND does not explain how or even state that the implementation of Best Management Practices will ensure that stormwater and urban runoff from the Project will not impair water quality in the North and Middle Forks or their tributaries. Nor could the MND come to such a conclusion, given that the exact mitigation measures and final drainage report are yet to be completed. MND at 21. Without this vital information, it is impossible to say whether the Project’s stormwater will have a significant impact on water quality. The County must prepare an EIR because there is a fair argument that these proposed mitigation measures will not reduce water quality impacts to a less-than-significant level. *San Bernardino Valley Audubon Society*, 71 Cal. App. 4th at 382.

Equally troubling, the Project proposes to handle the development’s wastewater with septic systems rather than connect to a wastewater treatment facility. Each home will have a septic system with a leach field on the slope leading into the canyon of the North Fork. MND, Ex. A. Exhibit 29, a soil survey of the Project site, shows that the Project’s rocky soil is inappropriate for septic systems. This exhibit also shows that the Project site is quite steep, further making septic systems likely to pollute ground or surface waters.

The MND fails to adequately analyze the plan for these septic systems by, for example, explaining whether the site is appropriate for septic systems. A January 9, 2008 letter from the County Department of Health and Human Services describes multiple problems with the proposed septic systems, and the MND itself admits that the “installation of new onsite sewage disposal systems is . . . being analyzed as part of this project.” MND at 31. Such analysis must occur now as part of the MND and prior to Project approval. Septic systems can pollute groundwater and nearby surface waters, but the MND does not even consider this possibility on the Project site. Given the potential for significant or cumulatively significant water quality impacts from septic systems, the County must prepare an EIR. A negative declaration is inappropriate where an agency

has failed to “gather information and undertake . . . environmental analysis.” *City of Redlands v. County of San Bernardino*, 96 Cal. App. 4th 398, 406 (2002).

Finally, the MND contains contradictory and confusing statements about how the Project will affect the site’s hydrology. The MND admits that the Project will increase stormwater flows up to 8.4 cubic feet per second in an area that drains to a 24-inch culvert under Foresthill Road. MND at 21-22. The MND says in one place that the Project “proposes to ensure that the quantity of this post development peak flow from the project is, at a minimum, no more than the pre development peak flow,” while saying in the very next paragraph that the impact is not significant because “drainage facilities are generally designed to handle the peak flow runoff.” MND at 21. The MND must clearly explain whether modifications to drainage facilities will be necessary to handle peak flows after construction of the Project and whether such modifications will be feasible.

G. There Is a Fair Argument that the Project Will Have Significant Recreational Impacts.

As discussed above, the Project is located on the rim of the North Fork and is surrounded on three sides by Auburn State Recreation Area. Thus, the aesthetic impacts discussed in Section IV.A will affect the recreational experiences of hikers, hunters, and those boating, rafting, gold panning, or fishing on the river. Instead of the pristine view envisioned by the policies in the Community Plan, recreational users will see a ridgeline dotted with luxury homes.

Additionally, the Project may have a significant impact on recreational resources by cutting off access to existing trails. The MND briefly mentions that there are “existing trail segments onsite.” MND at 12. However, the MND does not explain where these trails are or whether they are publicly accessible. Exhibit 25 is a photograph showing a “No Trespassing” sign that has been placed across the trail that enters the property site at the southwest corner, and Exhibits 26 and 27 show the trail leaving the Project site further north. This trail is depicted as Trail #19 on the Auburn State Recreation Map attached as Exhibit 3. Hikers have used this trail for decades, and the MND must disclose whether public access to this trail and any others on the property will continue, be improved, or be altered.

The Community Plan specifically requires that the County “[p]rovide for the public dedication and construction of trails to become part of the community trail system as lands develop.” Goal 3.B.4; *see also* Policy 4.A.13-3 (“Dedication of easements shall be encouraged or required as lands are developed and built.”). Accordingly, the County

must mitigate any loss of trails by requiring the applicant to provide an easement across existing trails on the property.

H. There Is a Fair Argument that the Project Will Have Significant Water Supply Impacts.

In its analysis of the Project's impacts related to water supply, the MND again violates clear CEQA principles. It lacks any discussion about the Project's water demand, makes unsupported assumptions about the availability of water for the Project, ignores the environmental impacts of providing that water, and fails to identify a back-up supply.

CEQA requires thorough analysis of a project's planned water source. Adequate environmental review determines whether the proposed source is adequate to meet the project's needs, whether that source is reliable, and whether tapping it will cause adverse environmental impacts. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 432 (2007). If a project's proposed water supply is uncertain or unreliable, the CEQA document must identify an alternative water source and consider the environmental impacts of using that source. *Id.*

The MND completely fails to follow this mandate. The first step in a water supply analysis necessarily begins with an identification of the Project's water demand, yet the MND provides no information in this regard. The second step would actually describe the ability of the Foresthill Public Utility District ("District") to meet its existing demands, and then analyze the agency's ability to supply water to the Project in light of existing and projected water demand in the service area. Here, the MND provides none of this information.

While the MND asserts that the District has issued an availability letter, it includes no analysis of whether the District has sufficient supplies to meet Project demand, no analysis of the potential environmental impacts of drawing on those supplies, and no consideration of alternative sources should the District prove unable to meet Project demand. In short, the MND provides none of what CEQA requires.

An analysis of a project's impact on water supply is a critical exercise, not just a bureaucratic hurdle that must be jumped over. Water is an extraordinarily scarce resource, especially in California. In fact, the District acknowledges the politics in other areas of the state may have a negative effect on the community of Foresthill. A recent District newsletter explains,

Southern California has always had water supply problems and even now have their eyes on the Sierras and other water sheds because this is where much of California's water originates. In fact there has already been an attempt to force the FPUD to give up some of its water rights.

See Foresthill Public Utility District Newsletter, Spring 2010, attached as Exhibit 11.

This article refers to an application with the State Water Resources Control Board to appropriate 450 acre feet of water from the District's existing delivery system. The District explains that if this "appropriation" is successful, it could set precedent for larger water claims from powerful Southern California interests. Thus, the availability of water for Foresthill projects is far from clear.

Furthermore, the District is facing severe budget problems. The independent audit reports for the last three years, attached as Exhibits 12, 13, and 14, show that the District ran at an operating loss of \$130,00 in 2008, \$270,000 in 2009, and \$225,000, in 2010. Unless the District makes major changes, it may face financial insolvency, thus impacting its ability to serve the Project with water.

The MND must evaluate the feasibility of the Project's water supply impacts in light of the District's financial problems and the constraints on its ability to meet its current and long-term water service needs. The County cannot approve the Project until it provides a thorough analysis of water demand, the means of meeting that demand, and the environmental consequences of doing so.

I. There Is a Fair Argument that the Project Will Have Significant Traffic Impacts.

The current entrance to the Project site requires vehicles to turn off of a curvy section of Foresthill Road thus creating a significant traffic hazard. As the MND recognizes, the Project "has the potential to increase the impacts to vehicle safety due to the increase in vehicle turning movements." MND at 29. Exhibits 19 and 20 are photographs that show the Project site as one would see it driving east on Foresthill Road. These exhibits show that it is difficult for drivers approaching the Project site from Auburn to see oncoming traffic. Similarly, Exhibit 21, a photograph taken looking east from the Project entrance onto Foresthill Road, shows it is difficult for drivers exiting the Project site to see vehicles driving west on Foresthill Road.

Although the applicant proposes to construct a left turn lane on Foresthill Road, there is little ground available to do anything at that intersection without significant cuts into the hillside. The MND fails to explain whether it is feasible to construct this left turn lane. Because this proposed mitigation may not be feasible, the County must prepare an EIR to evaluate traffic impacts. *San Bernardino Valley Audubon Society*, 71 Cal. App. 4th at 382.

J. There Is a Fair Argument that the Project Will Have Significant Geology Impacts.

The MND fails entirely to disclose or analyze the Project's potentially significant impacts arising from the unstable geologic condition of Foresthill Road at the Project site entrance. Exhibits 15, 16, and 17 are photographs showing serious erosion under Foresthill Road at the Project site entrance. Although the County has tried to fix the problem, there are still issues with water seeping onto the surface of this road from underneath, especially during the winter. The soil survey attached as Exhibit 29 confirms this area will likely remain unstable. Furthermore, as discussed above in Section IV.I, the applicant intends to alter this section of Foresthill Road to accommodate a left turn lane, which will only further destabilize the area. The County must prepare an EIR to evaluate these potentially significant geological hazards.

K. There Is a Fair Argument that the Project Will Have Significant Land Use Impacts.

The MND erroneously concludes that the Project is consistent with the General Plan and Community Plan, and as a result, concludes that the Project will not have a significant impact on land use in the County. MND at 24. However, as shown throughout this letter, the Project is inconsistent with multiple policies in the General Plan and Community Plan. Accordingly, the County must disclose and analyze this significant impact in an EIR. In addition, the MND fails to even consider the Project's consistency with other relevant plans, including the 1992 ASRA General and Resource Management Plan and the State Fire Plan (CDF/CALFire). Nor does the MND address how the Project affects the Sacramento Area COG Regional Housing Needs Allocation and its Blueprint for growth.

L. There Is a Fair Argument that the Project Will Have Significant Cumulative Impacts.

CEQA requires a discussion of the environmental impacts, both direct and indirect, of the proposed project in combination with all "closely related past, present and

reasonably foreseeable probable future projects.” Guidelines § 15355(b); *see also* Pub. Res. Code § 21083(b); Guidelines §§ 15021(a)(2), 15130(a), 15358. The discussion of cumulative impacts must “reflect the severity of the impacts and the likelihood of their occurrence” (Guidelines § 15130(b)), and must document its analysis with references to specific scientific and empirical evidence. *Mountain Lion Coalition v. California Fish & Game Comm’n*, 214 Cal. App. 3d 1043, 1047, 1052 (1989). A lead agency must prepare an EIR if a project’s possible impacts, though “individually limited,” may be “cumulatively considerable.” Pub. Res. Code § 15064(i).

Extensive case authority highlights the importance of a thorough cumulative impacts analysis. In *San Bernardino Valley Audubon*, 71 Cal. App. 4th at 399, for example, the court invalidated a negative declaration and required preparation of an EIR for the adoption of a habitat conservation plan and natural community conservation plan. The court specifically held that the negative declaration’s “summary discussion of cumulative impacts is inadequate,” and that “it is at least potentially possible that there will be incremental impacts . . . that will have a cumulative effect.”

The MND fails entirely to analyze the Project’s cumulative impacts in light of related past, present, and reasonably foreseeable probable future projects. For instance, the existing Monte Verde Estates, Todd Valley Estates, and Eagle Ridge developments are immediately north of the Project on Foresthill Road. Furthermore, there are a number of nearby projects in the pipeline. The Butler Woods/Solar Point (65 proposed homes, 647 acres) and Goudie (187 acres) properties currently have pending parcel application maps. There have also been attempts to develop nearby Foresthill Estates and Forest Ranch. A map showing many of these developments as compared to the location of the Project is attached as Exhibit 18.

In fact, the entirety of Foresthill Road from Auburn to Foresthill is slowly being developed with luxury homes in a piecemeal fashion. Like the Project, many of these existing and proposed developments are or will be visible from Foresthill Road, and some of them are or will be visible from public trails and the North Fork. For example, the Eagle Ridge subdivision contains a number of homes built on highly prominent ridges that are visible from the North Fork. For example, Exhibit 28 is a photograph that shows an Eagle Ridge home built on a prominent ridgeline that is visible from multiple roads, public trails, and the river. In light of these past and future projects, the Project will, at the very least, have a cumulatively significant impact on aesthetics. Furthermore, the Project may also have cumulatively significant impacts on fire risk in the area, water quality, climate change, recreation, and water supply, among other things.

Because the MND does not analyze the potential for cumulative impacts in light of these past and probable future projects, it cannot possibly conclude that there will be no significant cumulative impacts. Accordingly, the County must prepare an EIR to evaluate whether the Project's impacts will be cumulatively significant.

V. Conclusion

For all of the reasons explained above, there is fair argument that the Project will have significant impacts on the environment. The Project also conflicts with numerous policies in the Foresthill Divide Community Plan. Approval of the Project would contravene good public policy and violate CEQA and State Planning and Zoning Law. We therefore urge the County to revise the Project and prepare an EIR.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Tamara S. Galanter
Jaclyn H. Prange

Exhibits:

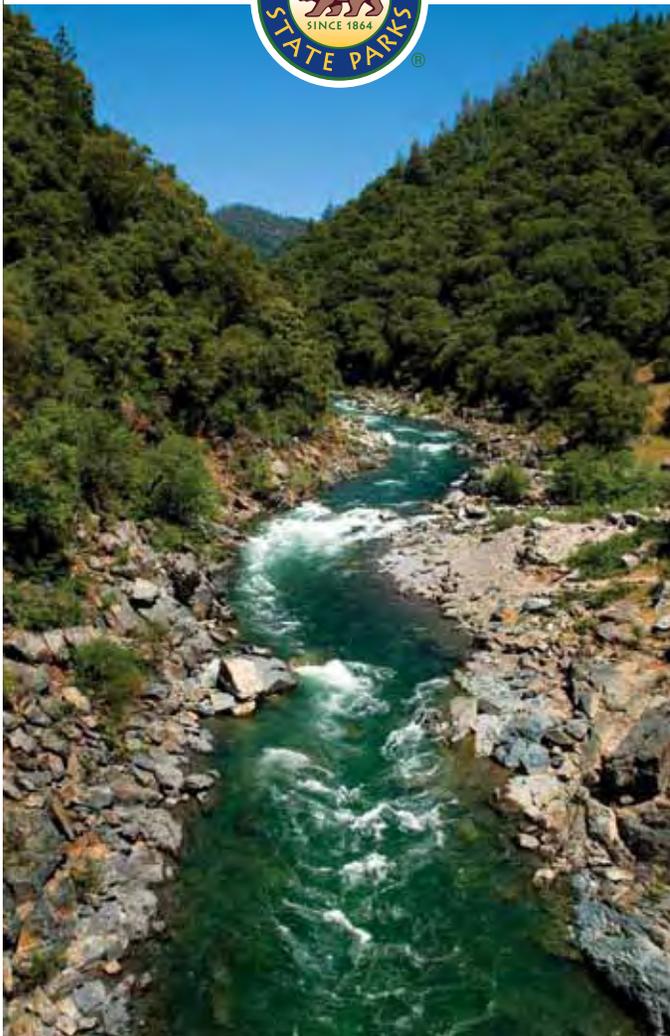
- Exhibit 1: Auburn State Recreation Area brochure
- Exhibit 2: Foresthill vicinity viewshed analysis – river
- Exhibit 3: Auburn State Recreation Area trail map
- Exhibit 4: Foresthill vicinity viewshed analysis – trails
- Exhibit 5: Letter from California Department of Parks and Recreation, August 8, 2007
- Exhibit 6: Excerpts from Cooperative Agreement Between South Livermore Valley Agricultural Land Trust and City of Livermore for Administration of Agricultural and Open Space Conservation Easements
- Exhibit 7: *Climate Action Team Report to Governor Schwarzenegger and the Legislature*
- Exhibit 8: 2011 Fire Study of the Foresthill Divide Community Plan Area
- Exhibit 9: *Forests on the Edge—Housing Development on America's Private Forests*
- Exhibit 10: *Dangerous Development, Wildfire and Rural Sprawl in the Sierra Nevada*
- Exhibit 11: Foresthill Public Utility District Newsletter, Spring 2010

- Exhibit 12: 2008 independent audit report for Foresthill Public Utility District
- Exhibit 13: 2009 independent audit report for Foresthill Public Utility District
- Exhibit 14: 2010 independent audit report for Foresthill Public Utility District
- Exhibit 15: Photograph of Project entrance on Foresthill Road
- Exhibit 16: Photograph of Project entrance on Foresthill Road
- Exhibit 17: Photograph of Project entrance on Foresthill Road
- Exhibit 18: Map of nearby proposed and existing residential development
- Exhibit 19: Photograph of Foresthill Road and Project entrance
- Exhibit 20: Photograph of Foresthill Road and Project entrance
- Exhibit 21: Photograph of Foresthill Road and Project entrance
- Exhibit 22: Photograph of Project site from Codfish Falls Trail
- Exhibit 23: Photograph of Project site from Codfish Falls Trail
- Exhibit 24: Photograph of Project site from Codfish Falls Trail
- Exhibit 25: Photograph of trail entering Project site at southwestern corner of property
- Exhibit 26: Photograph of trail entering Project site at western edge of property
- Exhibit 27: Photograph of trail entering Project site at western edge of property
- Exhibit 28: Photograph of Eagle Ridge home
- Exhibit 29: Soil Survey of Placer County, California

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EXHIBIT 1

Auburn State Recreation Area



Our Mission

The mission of California State Parks is to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.



California State Parks supports equal access. Prior to arrival, visitors with disabilities who need assistance should contact the park at (530) 885-4527. This publication is available in alternate formats by contacting:

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P.O. Box 942896

Sacramento, CA 94296-0001

For information call: (800) 777-0369

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Auburn, CA 95603

(530) 885-4527



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*Deep in California's
legendary gold country,
the spectacular canyons
and clear waters of the
American River draw
hikers, equestrians,
cyclists and river
enthusiasts.*



*A*uburn State Recreation Area is a jewel of a park in the heart of the gold country.

Once crowded with hard-living gold miners, Auburn SRA now offers something for everyone. Whether you prefer a strenuous workout on 100 miles of trails, the thrill of finding “yellow” in your gold pan, or relaxing in one of Northern California’s most beautiful landscapes, you will enjoy the wild beauty of this special place.

Summer temperatures here average from high-80s to mid-90s, and winters are wet, with highs in the mid-50s and lows in the 30s and low-40s. Dress in layers, and bring rain gear between October and April.

Auburn SRA is made up of federal project lands under the jurisdiction of the U.S. Bureau of Reclamation, set aside for the building of the Auburn Dam.

PARK HISTORY

Native People

The Southern Maidu or “Nisenan” were the area’s predominant native group for thousands of years.

The Nisenan hunted and gathered from their established villages. Their winter homes were covered in earth for insulation, and dug partially underground—two to three feet deep. Summer shelters consisted of branches laid over a framework of saplings and covered with brush.

The Nisenan wove baskets for trapping fish and for carrying, winnowing and storing food. Many Nisenan baskets grace museum collections all over the world. The surviving descendants of area

Nisenan are working toward Federal recognition for their tribe.

Gold is Found

In January of 1848, gold was discovered at nearby Coloma on traditional Nisenan lands. Within a few months, the foothill and mountain homelands of the native people were overrun by would-be millionaires. Europeans, Americans and even local residents dug, panned, deluged with high-pressure hoses, dredged and pounded the gold out of any place it might be found.

Within months, mining activity expanded from the Coloma site on the South Fork to the Middle and North Forks, now a part of Auburn SRA. Although early mining created extensive

environmental damage, the damage has since been diminished by natural processes.

A rich array of historic and cultural features can be seen at the park. The Mountain Quarries Railroad Bridge, an early concrete arched bridge, is listed on the National Register of Historic Places. Several historic bridges are still being used in remote areas. California’s highest bridge, the Foresthill Bridge, lies within the park.

The hard rock tunnels on the Middle Fork of the American River were the earliest tunnels of this type constructed in California. Whitewater rafting through one of these tunnels at Tunnel Chute provides an unparalleled experience.



Mountain Quarries Railroad Bridge, circa 1930s

THE AUBURN DAM

Flood control and water storage have been important issues since California statehood. When the Folsom Dam was built in the mid-1950s, a “companion” dam was planned for the ravines and gorges of the American River Canyon that comprise today’s Auburn SRA. In 1966 Congress authorized a dam at Auburn; construction was begun by the U.S. Bureau of Reclamation in 1967.

In the 1970s, concerns emerged about environmental, engineering, and earthquake risks, with rising costs associated with Auburn Dam. As a result, construction was halted in the early 1980s. Although no active construction work is taking place, the Auburn Dam remains a Congressionally authorized project. As an authorized project, the U.S. Bureau of Reclamation

has funded California State Parks' operation of Auburn SRA.

NATURAL RESOURCES

Auburn State Recreation Area has richly varied natural habitats.

Riparian habitat—White alders, willows, Fremont cottonwoods and creek dogwoods line the rivers and streambanks.

Chaparral and foothill woodland—South-facing upper canyon walls support chaparral—small, drought-resistant trees and shrubs. Poison oak grows in the foothill woodlands community, as well as buckeyes, interior live oaks, blue oaks, manzanita, deer brush and toyon.

Mixed conifer—Ponderosa pines, Douglas-fir, California black oaks and madrone cover the north-facing upper canyon walls.

All habitats bloom in spring with acres of wildflowers such as monkey flowers, fiddleneck, Indian paintbrush, larkspur, lupine and brodiaea.

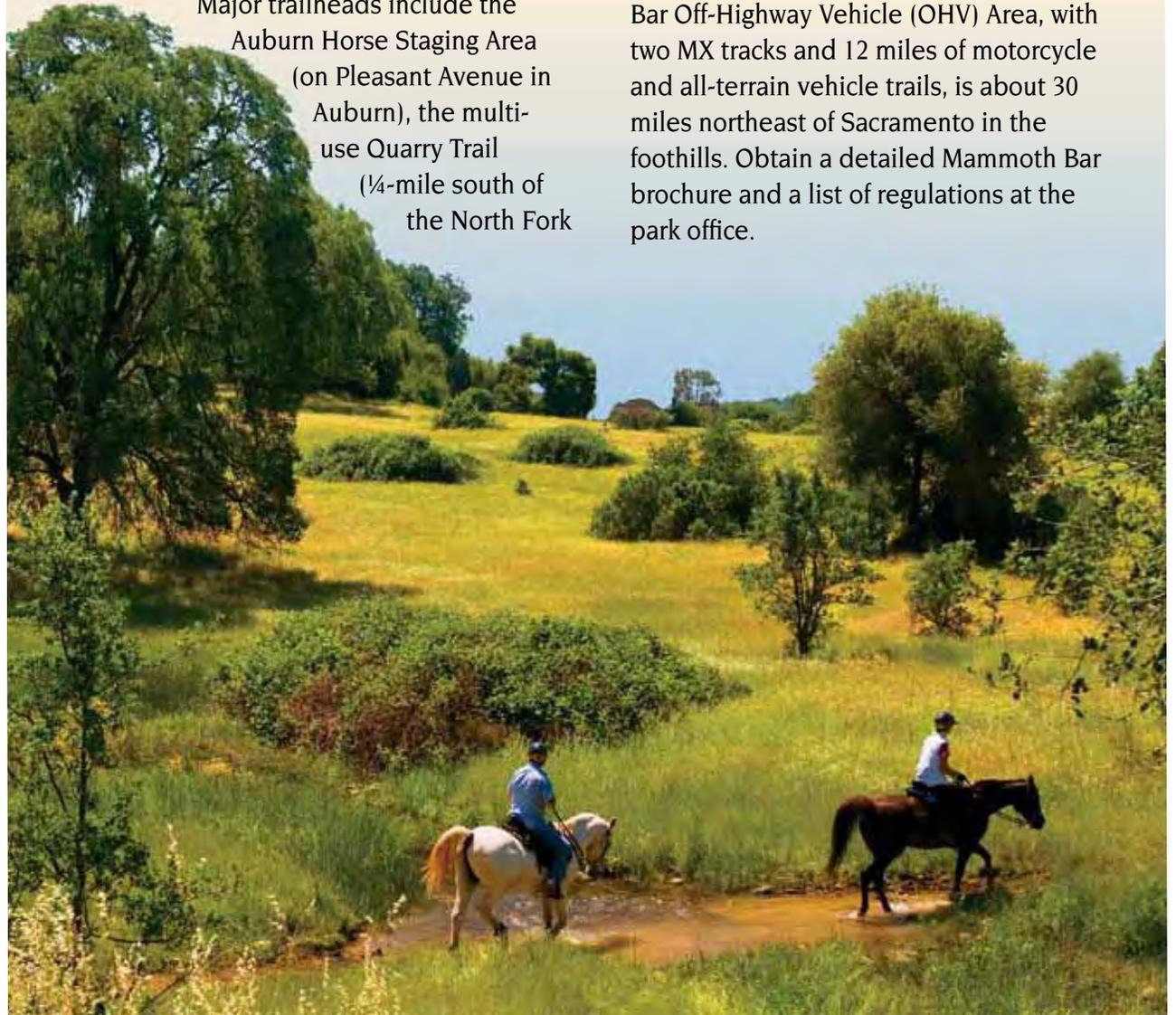
Park Wildlife—Black-tailed deer and rabbits can be seen during the daylight hours, while raccoons, opossums, gray foxes and coyotes rule the night. Black bears, rattlesnakes, mountain lions and bobcats live in the park. The riparian habitat hosts California quail and canyon wrens. Red-tailed hawks and bald eagles soar overhead, seeking their next meal.



RECREATION

Trails—More than 100 miles of mountain biking, hiking and equestrian trails cross the steep canyons and both forks of the American River. About 20 miles of the Western States Trail pass through the park; this trail hosts the world renowned Tevis Cup 100 mile Endurance Horse Ride and the annual Western States 100 Endurance Run.

Major trailheads include the Auburn Horse Staging Area (on Pleasant Avenue in Auburn), the multi-use Quarry Trail (¼-mile south of the North Fork



at Highway 49), the multi-use Olmstead Loop and connector at Cool (behind the fire station), and the multi-use Foresthill Divide Loop Trail.

For your safety, check trail usage signs at each trailhead or fork, and obey all trail regulations. A detailed trail map is available at the park office.

Off-Highway Recreation—The Mammoth Bar Off-Highway Vehicle (OHV) Area, with two MX tracks and 12 miles of motorcycle and all-terrain vehicle trails, is about 30 miles northeast of Sacramento in the foothills. Obtain a detailed Mammoth Bar brochure and a list of regulations at the park office.





Fishing—The Middle Fork is a good place to catch trout and bass. Fishing on the North Fork is only fair due to low flows during warm summers.

Camping—Three primitive campgrounds have no flush toilets, showers or drinking water.

- Mineral Bar Campground—A narrow, paved road leads to 17 campsites on the east side of the North Fork, off the Iowa Hill Road. Campsites are available first-come, first-served.
- Ruck-a-Chucky Camp-

ground—A 2.5-mile gravel/dirt road takes you to five primitive first-come, first-served sites on the Placer County side of the Middle Fork (Driver's Flat Road).

- Lake Clementine Boat-in Campground—Twenty primitive sites, reachable only by boat, have no vehicle access. Make reservations at (800) 444-7275 or visit www.parks.ca.gov.
- River Permit Camping—Some areas outside of designated campgrounds are available for camping by special permit. Get information and permits at the Auburn SRA office. River camping permits are not available between July 1 and October 15.

Gold Panning—Recreational gold panning is allowed only in permanent, running streambeds. There are special restrictions on use of metal detectors. Call the park for specific information.

Swimming and Whitewater Activities—River flows and levels are swift and unpredictable, so please use common sense and proper safety equipment. A wide variety of non-motorized boating opportunities can be found on the North and Middle Forks. The river and canyon scenery are breathtaking, but the river's swift currents are not for beginners. The North Fork and Middle Fork range from a Class II float to a much more dangerous Class VI portage. For a detailed river touring map, contact the Whitewater Recreation Office at (530) 885-4162 or visit <http://american.parks.ca.gov/auburn/whitewater>.

Lake Clementine—Off the Foresthill Road, about two miles from Auburn, the lake has a seasonal boat launch ramp, a marina, boat-in campsites, and a day-use swimming area at the upper end of the lake. Call (530) 885-4527 for boating regulations.

ACCESSIBLE FEATURES

Some accessible features (e.g., parking areas, restrooms, routes of travel) may meet current accessibility guidelines. Visit <http://access.parks.ca.gov> for updates.

PLEASE REMEMBER

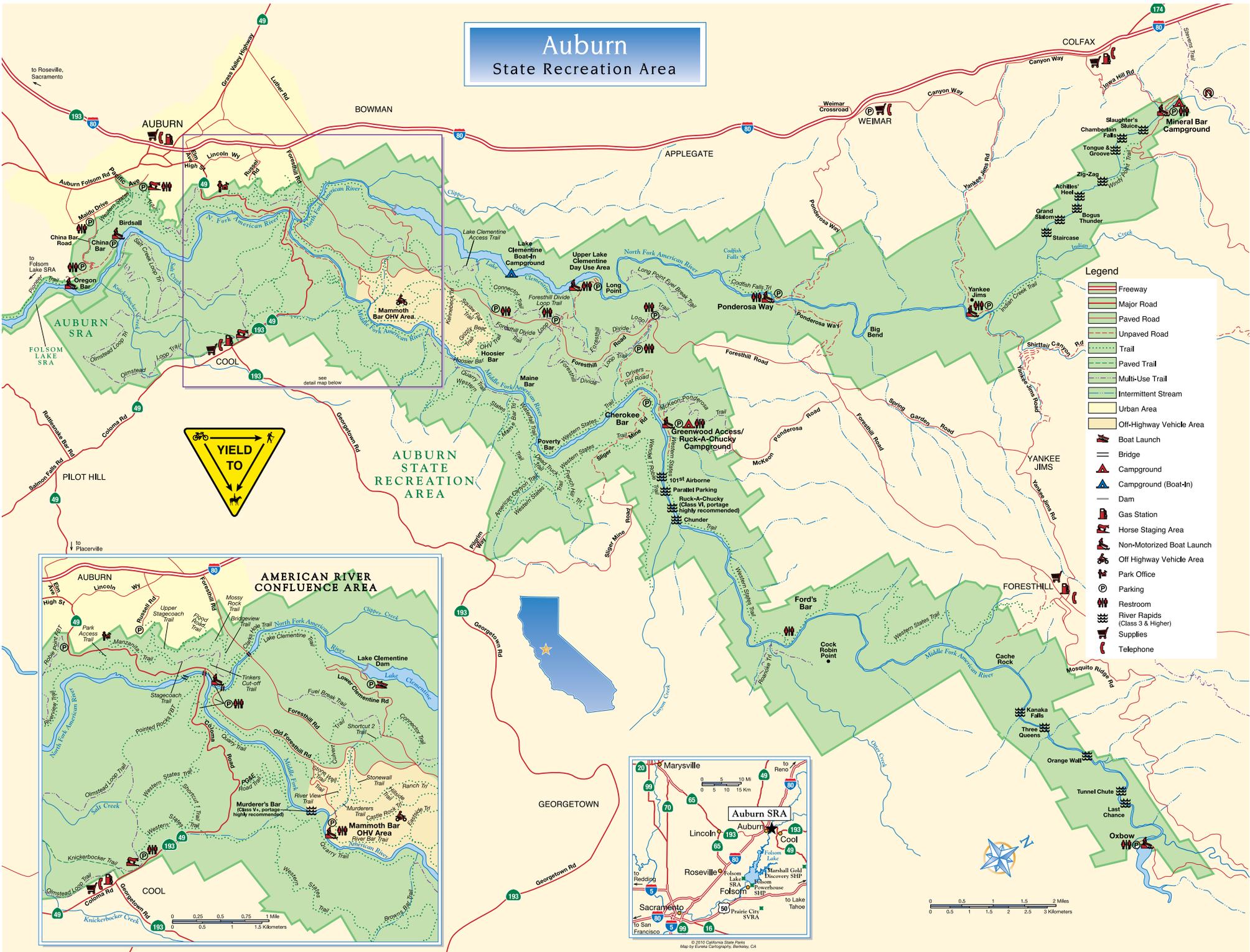
- Carry a trail map, and be aware of the park's steep canyons and extreme heat during the summer.
- All natural and cultural features of the park are protected by law and must not be removed or disturbed.
- Do not hike alone. Wear long pants and be alert for ticks.
- Watch out for mountain lions, rattlesnakes, and black bears.
- Poison oak grows throughout the park.
- Fires may be built only in fire rings provided and must be attended at all times.
- Pets must be under control and on a leash no longer than six feet. They must be enclosed in a tent or vehicle at night.



NEARBY STATE PARKS

- Folsom Lake State Recreation Area, 7806 Folsom-Auburn Road, Folsom (916) 988-0205
- Marshall Gold Discovery State Historic Park, 310 Back Street, Coloma (530) 622-3470
- Empire Mine State Historic Park, 10791 E. Empire Street, Grass Valley (530) 273-8522

Auburn State Recreation Area



- ### Legend
- Freeway
 - Major Road
 - Paved Road
 - Unpaved Road
 - Trail
 - - - Paved Trail
 - · · Multi-Use Trail
 - Intermittent Stream
 - Urban Area
 - Off-Highway Vehicle Area
 - Boat Launch
 - Bridge
 - Campground
 - Campground (Boat-In)
 - Dam
 - Gas Station
 - Horse Staging Area
 - Non-Motorized Boat Launch
 - Off Highway Vehicle Area
 - Park Office
 - Parking
 - Restroom
 - River Rapids (Class 3 & Higher)
 - Supplies
 - Telephone

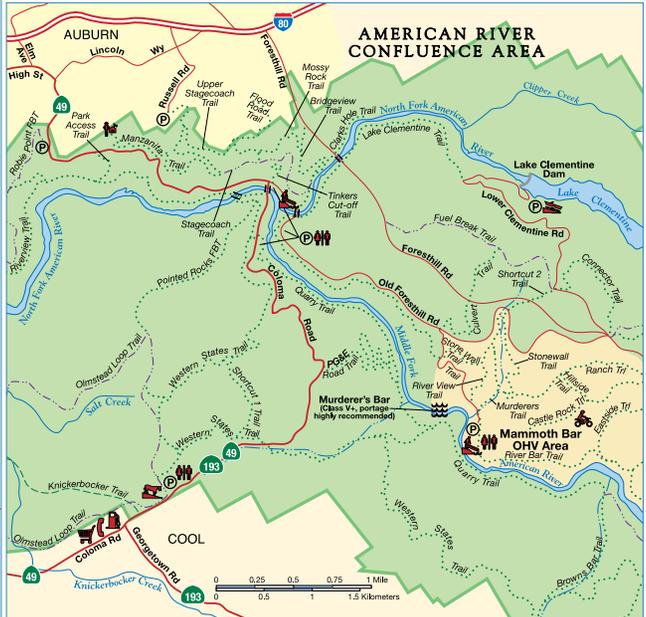


EXHIBIT 2

FORESTHIL

Forest Hill Viewshed Analysis Based on Hydrology (Draft)

LEGEND

-  FORESTHILL DIVIDE CP BOUNDARY
-  RIDGE LINE
-  1-MILE BUFFER OF FDCP
-  HYDROLOGY USED IN VIEWSHED ANALYSIS

VISIBILITY SCORE

-  HIGH : 140
- LOW : 1

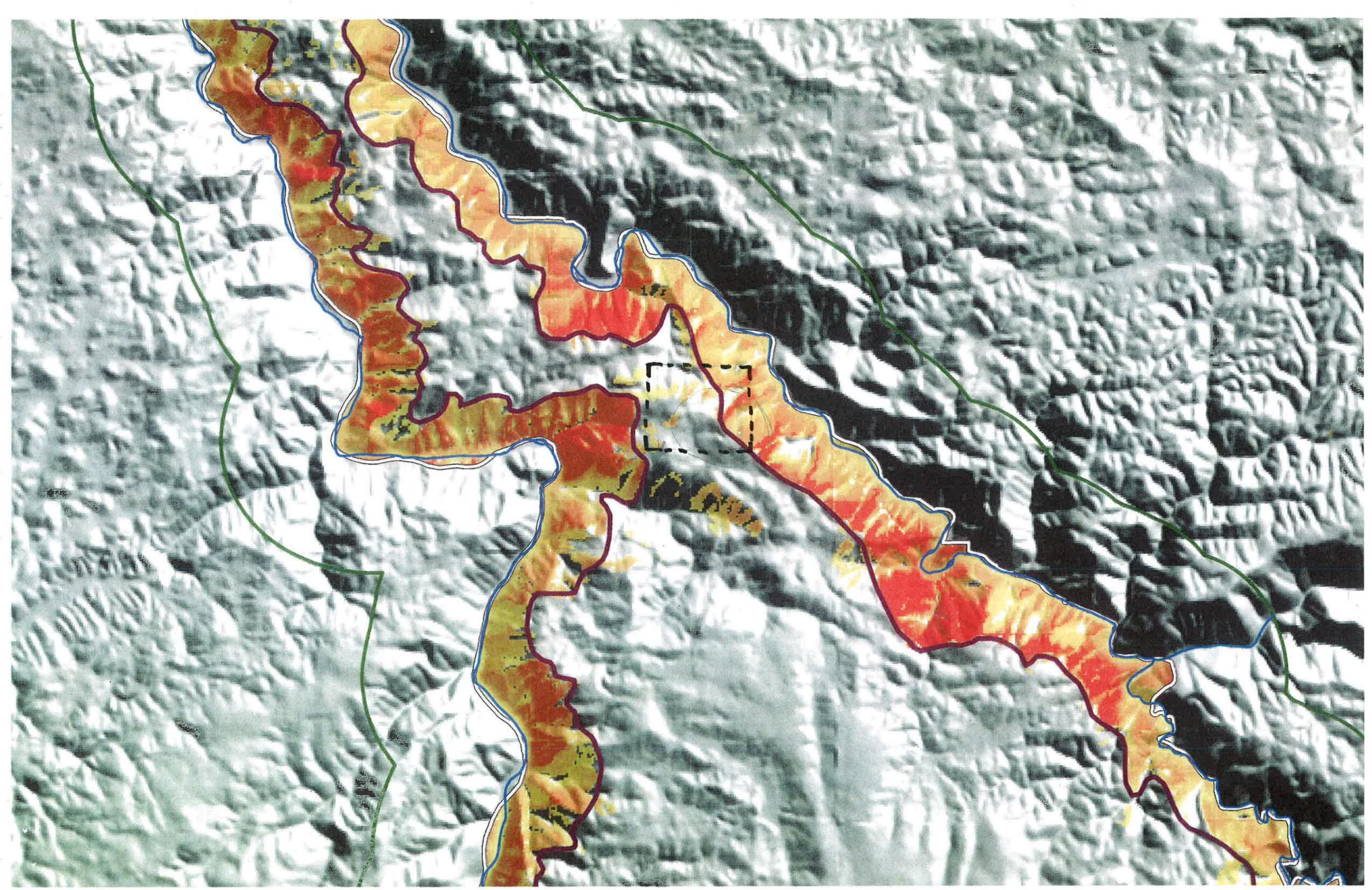


EXHIBIT 3

AUBURN STATE RECREATION AREA
Near Auburn, California



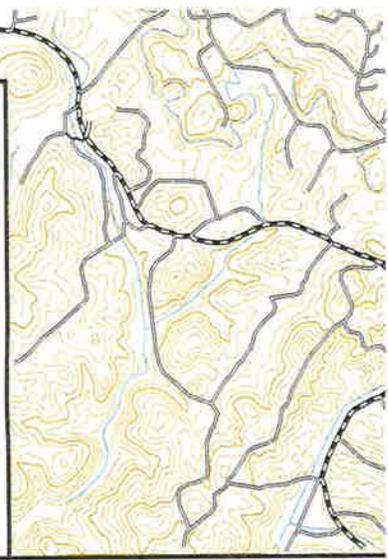
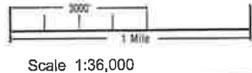
SOWARWE - WERHER
P.O. Box 17
Weimar, CA 95736
sowarwe_werher@usa.net

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MAP KEY

Interstate		AUBURN STATE REC. AREA	
Highway		Ranger Station	
Paved Road		Parking	
Paved Road, Major Access		Telephone	
Unimproved Road		Restrooms	
Paved Road, as Trail Route		Information	
Unimproved Road, as Trail Route		Campground	
Trail Route		Grocery Store	
Water		Gas Station	
Locked gate, on Road or Trail		Day Use	
Contours, 40' intervals		River Mile	



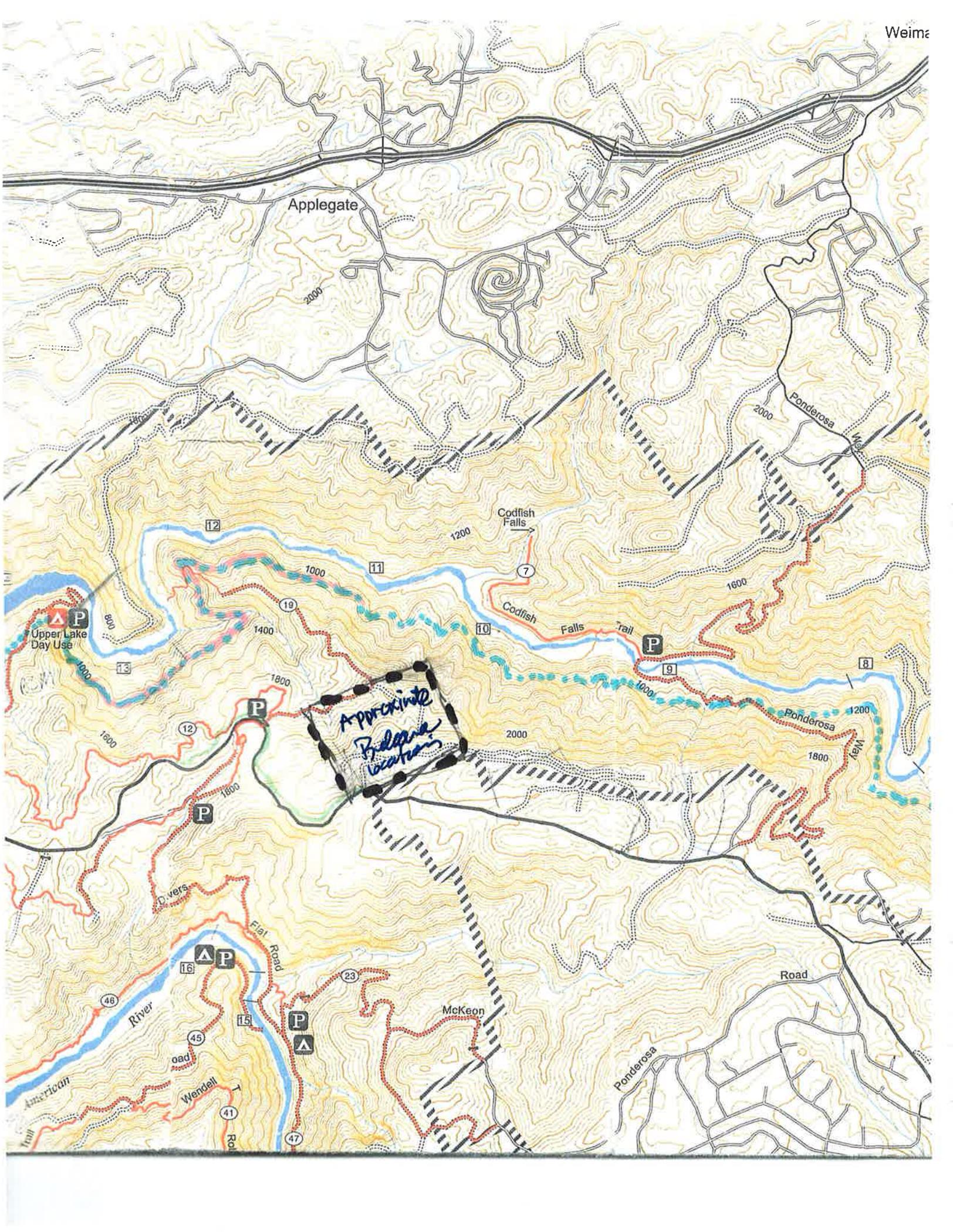
TOPOGRAPHIC TRAIL MAP

HIKING, BICYCLING, EQUESTRIAN, and WHITEWATER ROUTES



#	TRAIL NAME	LOCATION	#	TRAIL NAME	LOCATION
①	American Canyon Trail	Am. Canyon to WST, H	⑤1	Quarry Road Trail	Hwy 49 to Poverty Bar
②	Auburn to Cool Trail	Pleasant Ave to Cool	⑤2	Riverview Trail	Robie Point FBT to WST
③	Bridgeview Trail	A-F Road to Stagecoach	⑤3	Robie Point FBT	Pacific Street to Hwy 49
④	Browns Bar Trail	WST to Quarry Road Trail	⑤4	Shortcut I Trail	WST to WST
⑤	Clarks Hole Trail	Stagecoach to NF Am. River	⑤5	Shortcut II Trail	Clementine Rd to Old Foresthill Road
⑥	Cock Robin Point Trail	CRP to MF Am. River	⑤6	Stagecoach Trail	Russell Rd to Old Foresthill Road
⑦	Codfish Falls Trail	Ponderosa Way to Codfish Creek	⑤7	Stevens Trail	Colfax to NF Am. River
⑧	Confluence Trail	Mammoth Bar Road to Old A-F Rd	⑤8	Tinkers Cut-off Trail	Stagecoach to Hwy 49
⑨	Culvert Trail	Fuel Break Trail to Old A-F Rd	⑤9	Upper Stagecoach Trail	Stagecoach to Flood Road Trail
⑩	Dead Truck Trail	Am. Canyon to WST,	④0	Waterfall Trail	Maine Bar Trail to American Canyon
⑪	Flood Road Trail	Flood Road to Stagecoach	④1	Wendell T. Robie Trail	Sliger Mine Rd to Canyon Creek
⑫	Foresthill Divide Loop Trail	Circumnavigates A-F Rd	④2	Western States Trail	Pleasant Ave to NF Am. River
⑬	French Hill Trail	WST,H to Sliger Mine Rd	④3	Western States Trail	NF Am. River to Hwy 49
⑭	Fuel Break Trail	Clementine Rd to Foresthill Rd	④4	Western States Trail (Tevis)	Hwy 49 to Poverty Bar
⑮	Indian Creek Trail	Yankee Jims Rd to Indian Creek	④5	Western States Trail,	Hwy 49 to Sliger Mine Rd
⑯	Kalleher Trail	Bottle Hill Rd to Volcanoville Rd	④6	Western States Trail (Tevis)	Poverty Bar to Drs Flat Rd
⑰	Lake Clem. Access Trail	Clementine Rd to Lake Clem	④7	West. States Tr (CA st. 1,2 &3)	Drs Flat Rd to Foresthill
⑱	Lake Clementine Trail	Old Foresthill Rd to Clem Rd	④8	Western States Trail	Foresthill to Michigan Bluff
⑲	Long Point Fuel Break Trail	A-F Rd to NF Am. River	④9	Windy Point Trail	Iowa Hill Rd to NF Am. River
⑳	Maine Bar Trail	WST,H to Quarry Road Trail			
㉑	Mammoth Bar OHV Trails	see State Park Handout			
㉒	Manzanita Trail	Canyon Ct. to Stagecoach Trail		Hiking	
㉓	McKeon-Ponderosa Road Trail	M-P Rd to Dr. Flat Rd		Bicycling	
㉔	Mossy Rock Trail	Flood Road Trail to Bridgeview Trail		Equestrian	
㉕	NF MF American Trail	Mosquito Ridge Rd and Back			
㉖	Olmstead Loop Trail	Knickerbocker Flats at Cool			
㉗	Otter Creek Trail	Bottle Hill Rd to Paymaster Mine Rd			
㉘	Park Access Trail	Hwy 49 to WST			
㉙	PG&E Road Trail	Hwy 49 to Quarry Road Trail			
㉚	Pointed Rocks FBT	WST to Olmstead Loop Trail			

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ISBN-10: 0-9666680-1-4
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9 780966 668018



Applegate

2000

Upper Lake Day Use

Codfish Falls

1200

1000

Approximate Baldern location

2000

Ponderosa

1600

1200

1800

Divers

Fiat Road

McKeon

Road

Ponderosa

American River

Wendell

EXHIBIT 4

FORESTHILL V

Foresthill Vicinity Viewshed Analysis Based on Select Trails (Draft)

LEGEND

 FORESTHILL DIVIDE CP BOUNDARY

 EXTENT OF VIEWSHED ANALYSIS

 1-MILE BUFFER OF FDCP

 Trails Used in Viewshed Analysis

 River Centerline

Visibility Score

 High : 141

 Low : 1

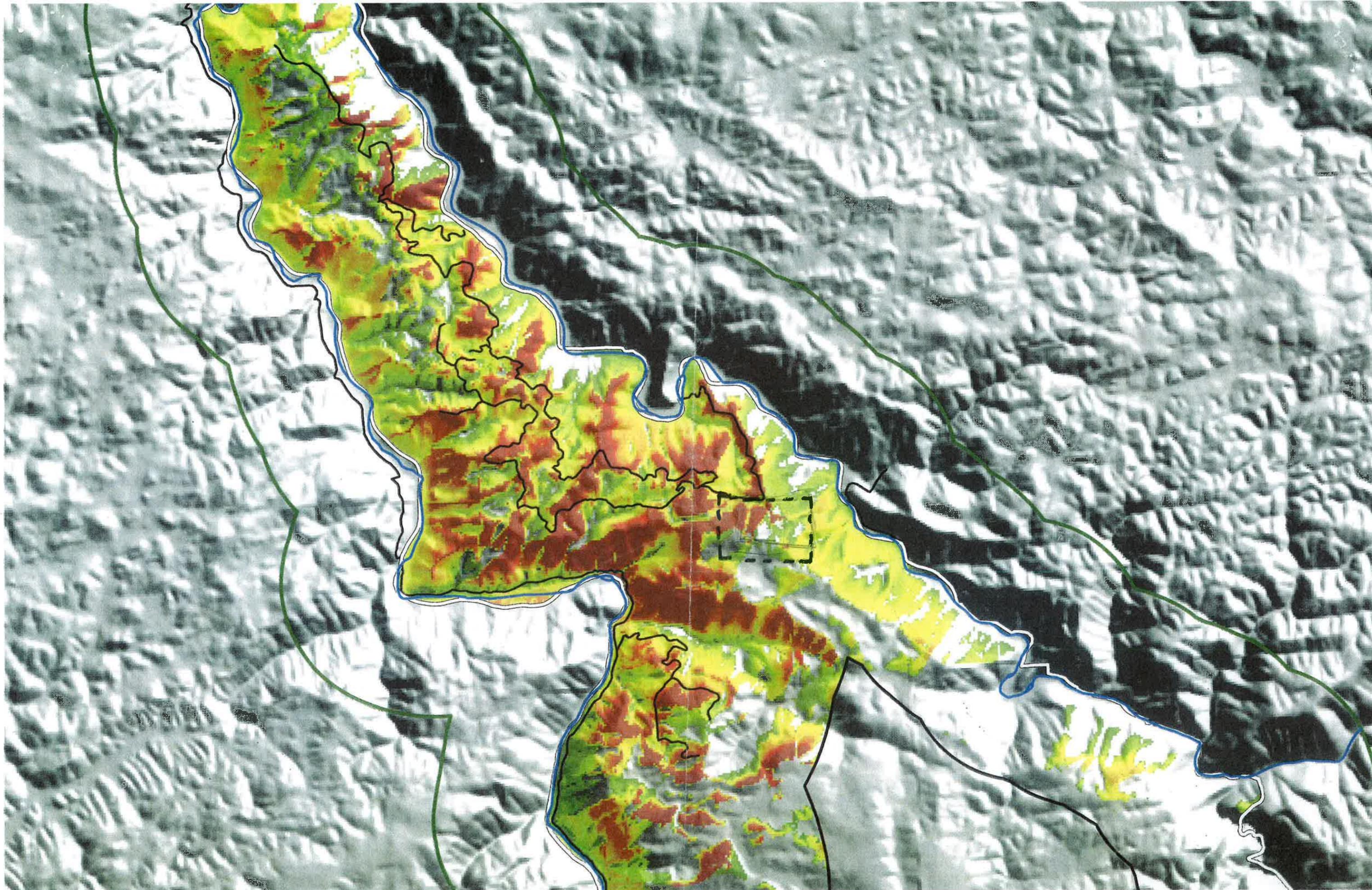


EXHIBIT 5



Gold Fields District
7806 Folsom Auburn Road
Folsom, CA 95630
(916) 988-0205, FAX (916) 988-9062

August 8, 2007

Placer County Planning Commission
Planning Department
3091 County Center Drive, Suite 140
Auburn, CA 95603

Re: Dreisbach Parcel Map Minor Subdivision (PMLD T20050257)

This letter is to express the concerns of the California Department of Parks and Recreation (DPR) regarding the Dreisbach Minor Subdivision. This project is located along the southeastern rim of the North Fork American River Canyon. DPR manages Auburn State Recreation Area (SRA) through a contract with the U.S. Bureau of Reclamation. Auburn SRA lands are located along the North Fork American River on both sides of the Canyon in the vicinity of the project. Additionally, one small parcel of the SRA is located adjacent to the project property. Auburn SRA is a regional natural resource and recreation amenity enjoyed by between 500,000 and one million visitors annually. The scenic resources of Auburn SRA could be impacted by the project.

DPR did receive the Notice of the Public hearing regarding the Dreisbach Minor Land Division at the end of March 2007. We did not provide comments regarding the project at that time. Nonetheless, we hope the Planning Commission will consider our comments and concerns at this time.

DPR is concerned about the potential impacts to the visual resources and scenic quality of Auburn SRA resulting from this subdivision and the subsequent structures that will be that will be permitted by the County for these parcels. The visual resources and scenic qualities of the North and Middle Forks of the American River are an important element of Auburn SRA. The current management document for Auburn SRA, the 1992 Interim Resource Management Plan, identifies the importance of the scenic resources in Auburn SRA and the goal of protecting the viewshed.

DPR has reviewed the Mitigated Negative Declaration and the revised final conditions of approval for the Dreisbach subdivision and we have a few specific questions and concerns below:

-Condition #34 restricts any grading on Lots 2, 3 and 4 below 2200' elevation. DPR understands the desire to restrict grading on the steeper slopes on these lots to prevent erosion. However this will result in the structures being constructed on these properties between 2200' and the ridgeline (approximately 2400') which may make these buildings highly visible in the North Fork Canyon.

-Condition #35 indicates that the Chairman of the Parcel Review Committee will review the design and location of the structures in the building permit process to "determine that it will not have a significant negative impact on the scenic quality of the North Fork American River Canyon." DPR is concerned that this condition seems to defer a CEQA finding of significance to a later date and a process outside of the environmental review conducted and negative declaration prepared for the land division.

-Condition #35 also specifies four criteria which the Chairman of the Parcel Review Committee will review and require the future building plans to meet. DPR has some questions and concerns regarding these criteria.

- 1.) "Structures shall not be located on the Canyon's ridgeline in locations visible from the North Fork of the American River Canyon."

DPR is concerned that it may not be possible to locate structures on these lots so they are not visible from the North Fork American River Canyon. Also DPR would like to understand the intent of this direction. Is the goal to ensure the structures are not visible from anywhere within the North Fork Canyon (rim to river), from the river or from particular viewpoints?

- 2.) "Structures shall be designed in a manner to minimize substantial amounts of glare visible to the North Fork American River Canyon."

What specific standards will the County employ to insure this condition is met? (e.g. - Limit a percentage of the of the exterior building material to low reflective non-polished finishes? Require the use of non-reflective glass?)

- 3.) "All structures shall be designed to maximize the use of natural and other screening measures to minimize visual impacts of graded areas and structures to the North Fork River Canyon."

Again, there seems to be little in the way of specific standards or requirements that will insure the use of natural screening is maximized. Condition #24 directs preparation of a tree survey and arborist report including protected trees, trees to be removed and trees to be saved. However, it is not clear that this survey and report will be coordinated with the review of the building plans and elevations to determine if the use of natural screening will be maximized.

- 4.) "All outdoor lighting shall be designed so that it minimizes light leaving the site (e.g. all lighting will be shielded downward)."

It is unclear from this language if it is a requirement that all exterior lighting is to be shielded downward or if this is just a hypothetical example. If indeed this is a standard that will be

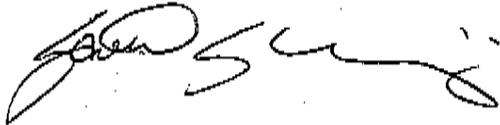
applied to the building plans for these lots, we support this standard.

-Lastly, condition #35 indicates that applicants may be required to provide the Chairman of the Parcel Review Committee with photometric plans, architectural renderings and line of site models. How will the County ensure the project will result in no significant impacts to visual resources without such information?

DPR believes that it is difficult to make a finding that there will not be significant impacts on the scenic quality of the North Fork American River Canyon and Auburn SRA resulting from this land division without being able to review the specific locations of structures, building plans and elevations, and/or conducting some greater analysis of the proposed structures through photo simulations, line-of-sight studies or other means. Given the value and sensitivity of the of the scenic resources of the North Fork American River Canyon, it seems that a specific analysis which clearly demonstrates how scenic resources will be impacted or protected should be part of the environmental analysis and findings for this project and available for the public and agencies to review and comment.

Thank you for considering these concerns and comments. If you have any further questions regarding this matter please feel free to contact myself or District Planner Jim Micheaels, all at (916) 988-0205. Thank you.

Sincerely,



Scott Nakaji, District Superintendent

CC George Rosasco, Senior Planner, County of Placer
Jay Galloway, CA State Parks, Auburn Sector Superintendent

Belara property

IOR *the north and west sections lines are the boundary*

STATE OF CALIFORNIA
REPRESENTED BY THE
DIRECTOR OF PUBLIC WORKS

1802 III SW
(COLFAX)

NORTH FORK AMERICAN RIVER 3.6 MI

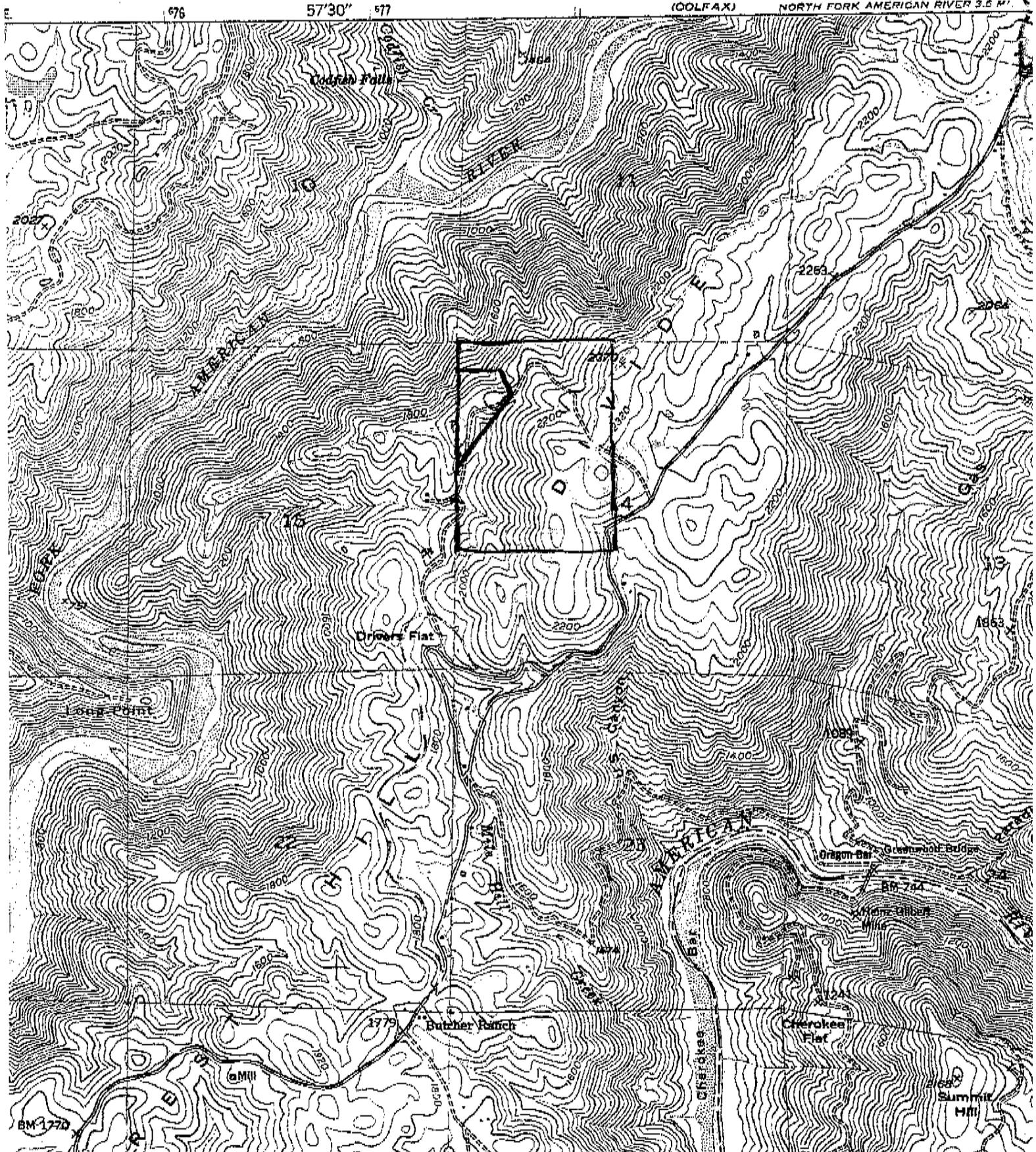


EXHIBIT 6

10/30/02

**Cooperative Agreement Between South Livermore Valley
Agricultural Land Trust and City of Livermore
for Administration of Agricultural and
Open Space Conservation Easements**

02-685

This Cooperative Agreement Between South Livermore Valley Agricultural Land Trust ("Trust") and the City of Livermore ("City") for Administration of Agricultural and Open Space Conservation Easements ("Agreement") is entered into this 25 day of November, 2002.

I. Recitals and General Provisions

- A. Trust Incorporated. Trust was incorporated on September 6, 1994 as an independent, non-profit, public benefit corporation. Trust was established to preserve and protect critical agricultural and open space lands in the South Livermore Valley. Trust was established following the adoption by the County of Alameda in 1993 of the South Livermore Valley Area Plan ("SLVAP"). The SLVAP was developed in cooperation with the Cities of Livermore and Pleasanton and established a goal of substantially increasing the permanently protected, cultivated agricultural land within the South Livermore Valley.
- B. Agricultural Conservation Easements. City adopted the South Livermore Valley Specific Plan ("Specific Plan") on November 17, 1997. The Specific Plan requires that new residential development in the Specific Plan area will make a direct contribution to the expansion and permanent protection of cultivated agriculture in the South Livermore Valley through the planting and maintenance of new agricultural acreage. These planted areas must be placed under permanent agricultural conservation easements naming Trust as grantee. As required by the Specific Plan, these agricultural conservation easements must provide the City the right to exercise independent enforcement of the terms of the easements. Accordingly, City is designated as a third party beneficiary of the rights granted to Trust by these agricultural conservation easements. Following adoption of the Specific Plan in 1997, City and Trust have cooperated in the

V. Exercise of City's Third Party Beneficiary Rights

- A. City as Third Party Beneficiary. When the City is an intended Third Party Beneficiary of an Easement, it is entitled to exercise all rights of Trust in accordance with the terms of the applicable Easement.
- B. Notice of Intent to Exercise Rights. If, with respect to any Easement, City determines in its sole discretion that Trust (a) has approved or consented to a proposed activity or use that is inconsistent with the purpose of the Easement, (b) is not fully or effectively enforcing the obligations of the Grantor, and/or (c) is not fully or effectively exercising Trust's rights pursuant to that Easement, City shall notify Trust in writing of such determination within a reasonable period prior to exercising City's enforcement rights as a third party beneficiary.
- C. Cooperation in Exercise of Rights and Remedies. Unless emergency conditions dictate otherwise, City shall confer with Trust prior to exercising City's enforcement rights as a third party beneficiary to any Easement. Except where there is an immediate threat to the conservation values of the Easement, Trust shall have the opportunity to exercise the enforcement rights proposed to be exercised by the City upon providing the City reasonable assurances of the Trust's intention to enforce. City may thereafter undertake independent enforcement if, in its sole discretion, City determines that the actions by Trust are or may be insufficient to protect the conservation values of the Easement.

VI. Special Provisions for On-Site Easements With Less Than 7.5 Acres.

- A. Small Parcels. Trust and City acknowledge that Easements on small parcels within Specific Plan subareas existing as of the date of this Agreement ("Subareas"), particularly those adjoining residential uses, may impose significant burdens on Trust resources, particularly with respect to future monitoring and enforcement activities. Accordingly, Trust and City wish to minimize the number of Easements established on small parcels within the Subareas, and to share in future monitoring and enforcement costs, through the procedures set forth in this paragraph VI.
- B. Consolidation of Acreage. When an applicant proposes agricultural

planting on and dedication of an Easement over a parcel or parcels under common ownership within a Subarea or Subareas that are smaller than 7.5 acres in total size ("Small Property"), Trust and City shall endeavor to gain the cooperation of landowners and developers to aggregate the Small Property with other parcel(s) in the vicinity to create an Easement that is equal to or larger than 7.5 acres in total size and under common ownership..

- C. Creation of Easement. If the City determines, after Trust and City have undertaken the efforts described in paragraph VI.B., above, that consolidation of parcels into a single Easement larger than 7.5 acres is not feasible, Trust shall approve and City shall accept the Easement over the Small Property. For each Easement created on a Small Property, City agrees to reimburse Trust for one-half of the cost of monitoring and one-half of the enforcement costs associated with the Easement, as set forth in paragraphs VI.D and VI.E, below.
- D. Monitoring Costs. Beginning on September 1, 2003, City shall pay to Trust the sum of \$425 per year for each Easement held by the Trust on a Small Property. The annual payment shall be made no later than October 31 of each year. The amount of the payment shall be adjusted annually in September to reflect changes in the Consumer Price Index. The adjustment shall be based on the Bureau of Labor Statistics San Francisco-Oakland-San Jose Index for all Urban Consumers ("BLS-CPI"). Annual adjustments shall be based on the most recent published semimonthly BLS-CPI (currently August data). The parties agree that the annual payments represent approximately one-half of the annual cost of monitoring an Easement on a Small Property (including direct and overhead costs). Trust shall be responsible for payment of the remaining one-half of monitoring costs. If the actual cost of monitoring varies significantly from this amount over time, the parties agree to consult regarding processing an amendment to this Agreement to revise the amount of the payment from City to Trust.
- E. Enforcement Actions. Trust and City shall consult pursuant to paragraphs IV. and V. of this Agreement regarding potential actions to enforce the Grantor obligations of Easements on Small Properties. If Trust and City agree that an enforcement action is appropriate and that Trust will initiate and pursue the enforcement action, City shall reimburse Trust for one-half

of its enforcement costs, including fees incurred by Trust for attorneys and other outside technical assistance such as surveyors, engineers and biologists. Trust in-house staff time shall not be reimbursed. Trust shall be responsible for payment of the remaining one-half of enforcement costs. Trust's selection of legal counsel and outside technical assistance to undertake the enforcement action shall be subject to City approval, which shall not be unreasonably withheld. If Trust and City agree that City will initiate and pursue the enforcement action, City (i) shall be responsible for its enforcement costs, (ii) shall not be obligated to reimburse Trust for its enforcement costs, if any, and (iii) may select legal counsel and outside technical assistance of its own choosing. In the event that one, but not both, of the parties determines that an enforcement action is appropriate, the party initiating the action shall be responsible for payment of all enforcement costs.

VII. Amendment of Easements.

- A. Cooperation. Trust and City shall cooperate in proposing and/or responding to any proposal to amend any Easement.
- B. Consultation Regarding Amendments. In order to facilitate City's review of material amendments to any Easement pursuant to section 26.e of the Easement, Trust shall consult with City regarding any proposed amendment to any Easement prior to proposing any such amendment to a Grantor and shall notify City promptly upon Trust's receipt of notice from any Grantor of Grantor's intent to seek any material amendment to any Easement. City and Trust shall jointly develop a process for the processing and consideration of proposals for amendment of Easements, including establishment of an application fee to be paid by the Grantor to the Trust.

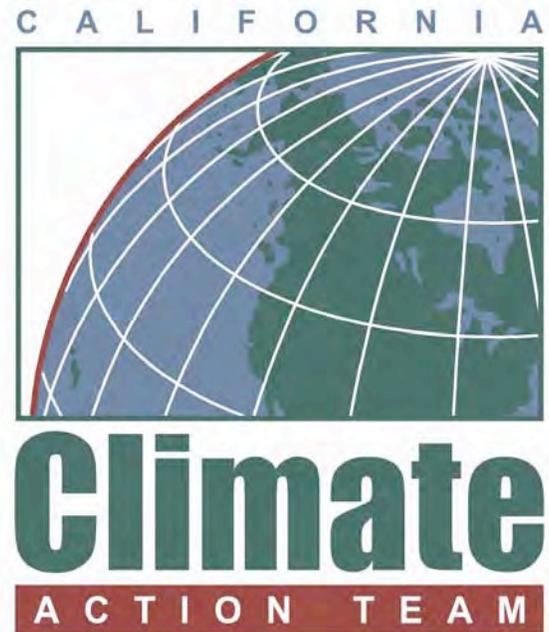
VIII. Notice.

- A. Addresses for Notice. Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to any other party shall be in writing and may be served in any one of the following

EXHIBIT 7

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**Climate Action Team Report to
Governor Schwarzenegger and the Legislature**



March 2006

Municipal Utility Renewable Portfolio Standard	<1	3.2
Municipal Utility Combined Heat and Power	0	<1
Municipal Utility Electricity Sector Carbon Policy	3	9
Alternative Fuels: Non-Petroleum Fuels	TBD	TBD

¹ These estimates are based on best available current information and will be updated as needed.

A summary description of each of the strategies in Table 5-2 is included below:

Forest Management

Strategies for storing more carbon through forest management activities can involve a range of management activities such as increasing either the growth of individual trees, the overall age of trees prior to harvest, or dedicating land to older aged trees. With roughly 4 million acres of private managed forestland in California, changes in forest management can produce significant amounts of climate change emission reduction benefits for the state.

Inclusion of the forest sector in climate mitigation policy can lead to additional local environmental benefits that may help the state’s resources adapt to potential negative effects of climate change. Overall changes in forest management can enhance and protect biodiversity, water quality, and habitat resources that the state will increasingly seek to protect in the advent of climate change.

Forest management projects could be included in a broader multi-sector climate change emission market-based program or climate trust system. In a market-based program, forest management projects could provide offsets that would be purchased by capped entities. In a climate trust program, the state would fund forest management projects and recapture the costs by selling carbon credits to industries needing to reduce their climate change emissions.

The regulatory framework for timber harvesting requires landowners to secure permits from a large number of agencies to meet the requirements of the Forest Practice Act, Endangered Species Act, and Clean Water Act. Together the time and cost of obtaining these permits have led to conversions of timberlands to other uses and made it more difficult and time consuming to implement forest management activities that would increase carbon storage. Simplification of the permitting processes for forest management and timber harvesting would result in additional carbon being stored over a larger number of acres.

Forest Conservation

Conservation projects are designed to minimize/prevent the climate change emissions that are associated with the conversion of forestland to non-forest uses by adding incentives to maintain an undeveloped forest landscape.

California is losing forestland at increasing rates: 35,000 to 40,000 acres of private forestland is converted annually to non-forest uses (Bill Stewart, 2005),

which could contribute as much as 12 million tons of CO₂ emissions annually. Policies designed to minimize or prevent forestland conversion to non-forest uses could provide significant benefits by 1) preventing or minimizing climate change emissions that are associated with increasing forestland conversion in California and 2) maintaining the opportunity to increase forest carbon stocks on these lands through additional sequestration over time.

Forest conservation can also enhance and protect biodiversity, water quality, and habitat resources that the state will increasingly seek to protect from the negative effects of climate change. Finally, in contrast to the other forest sector strategies such as reforestation, the climate benefits of forest conservation are immediate.

Specific actions that can be taken include establishing a state forest conservation program that operates independently from the federal Forest Legacy program; increasing Forest Legacy Program Funding with an \$11 million annual investment that could prevent the conversion of 14,000 acres of forestland. Another step could include directing the Wildlife Conservation Board, the State Conservancies, and other state land acquisition and easement programs to consider climate benefits in evaluating and ranking projects to be funded. Finally, the state could include forestland conservation as an emission reduction project in a broader multi-sector climate change market-based program or climate trust system.

Fuels Management/Biomass

Large, episodic, unnaturally hot fires are an increasing trend on California's wild lands because of decades of fire suppression activities, sustained drought, and increasing insect, disease, and invasive plant infestations. Actions taken to reduce wildfire severity through fuel reduction and biomass development would reduce climate change emissions from wildfire, increase carbon sequestration, replace fossil fuels, and provide significant local economic development opportunities.

Fire management and biomass development projects could be accelerated by establishing a new state goal of thinning, removing, and treating 212,000 acres of public and privately owned forestland annually by 2010, and 275,000 acres by 2020. Such projects would: 1) reduce the intensity of wildfires and their associated climate change emissions; 2) increase the carbon stock of the remaining trees, 3) remove pests that create mortality of live stored carbon and reduce large damaging wildfires, 4) reduce state and local fire suppression costs; 5) provide a source of renewable alternative fuel; and 6) provide significant rural economic development opportunities.

Urban Forestry

This strategy would expand the State Urban Forestry Program. A new state-wide goal of planting 5 million trees in urban areas by 2020 would be achieved through the expansion of local urban forestry programs. At a cost of \$100 per tree, \$500 million would have to be invested by local urban forestry programs to meet this target.

EXHIBIT 8

Fire Study of the Foresthill Divide Community Plan Area

June 14, 2011



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INTRODUCTION

AREA DESCRIPTION

The town of Foresthill is approximately 50 miles north-east of Sacramento along Interstate 80. Located between the North and Middle Forks of the American River, Foresthill was originally established as a gold mining community in 1850. As the gold rush slowed, logging became a primary source of income for the miners. Mills were established all over Foresthill. This industry too became costly, and individuals began working outside of Foresthill in areas like Auburn and Sacramento. Although mining and timber harvesting are no longer the primary source of income in the community, many of the residents continue to commute daily to Auburn and even Sacramento for work. Foresthill Road is the primary road for residents commuting to and from Foresthill. Approximately 6,000 people live in Foresthill. Other towns in the study area include Todd Valley and Michigan Bluff, which include approximately 1,000 more individuals.

Foresthill Divide is a ridge that separates the North and Middle Forks of the American River. The topography of the area is complex, ranging from approximately 600 feet above sea level to 5,500 feet along the eastern boundary. With complex terrain comes complex vegetation and weather systems. Some areas have chaparral, montane hardwood conifer, black oak, and incense cedar, while others are dominated by ponderosa pine, Douglas fir and white fir. Winters in Foresthill can be cold; lows average 35°F. The average high in December and January are 55° and 56° F, respectively. July is typically the warmest month, with average highs in the 90s. Most of the precipitation comes between November and March, peaking in January with 8.77 inches. The summers are typically dry, and July receives less than 0.2 inches of precipitation on average.¹

Following the December 2009 revision and adoption of the Forest Hill Community Plan, two community groups, Foresthill Residents for Responsible Growth, Inc. (FROG) and Friends of the North Fork (Friends), filed a CEQA claim, challenging the adequacy of the environmental analysis and requiring a review of fire/emergency services. As part of a legal agreement, the county was tasked with contracting a third party consultant to review the existing emergency service plans to evaluate the efficacy of existing emergency and evacuation plans. Through dialogue with local fire and emergency services personnel, the most likely fire scenarios that could affect the Plan Area were discussed. Fires were ignited in predetermined places and let burn, unsuppressed, for eight hours in several simulated computer models. Using the results of the models, Anchor Point was able to evaluate the potential impact fire could have on the area.

FIRE HISTORY

Within Foresthill, CAL FIRE and the USFS are the primary agencies responsible for wildland fire suppression. The Foresthill Fire District provides mutual aid. The majority of fires in the area come from human ignitions, especially along Foresthill Road. Motor vehicle accidents and ignitions from equipment are most common. According to the 2005 ERT, lightning accounts for less than 15% of the large fires.²

¹ "Average Weather for Foresthill, CA – Temperature and Precipitation," 8 June 2011. <<http://www.weather.com/outlook/health/fitness/wxclimatology/monthly/graph/USCA0390>>.

² Steve Holl Consulting, "West Slope Sierra Nevada Placer County CWPP," March 2008: 2-5.

The majority of the fires that impact the community occur in the valley below Forest Hill Divide, especially in the southwestern tip of the Community Plan Area. There have not been many significant fires actually on the divide, and fires rarely spread from the river valley to the communities above. There have been large fires in the vicinity of Foresthill, but none have directly impacted the town in the last 50 years.

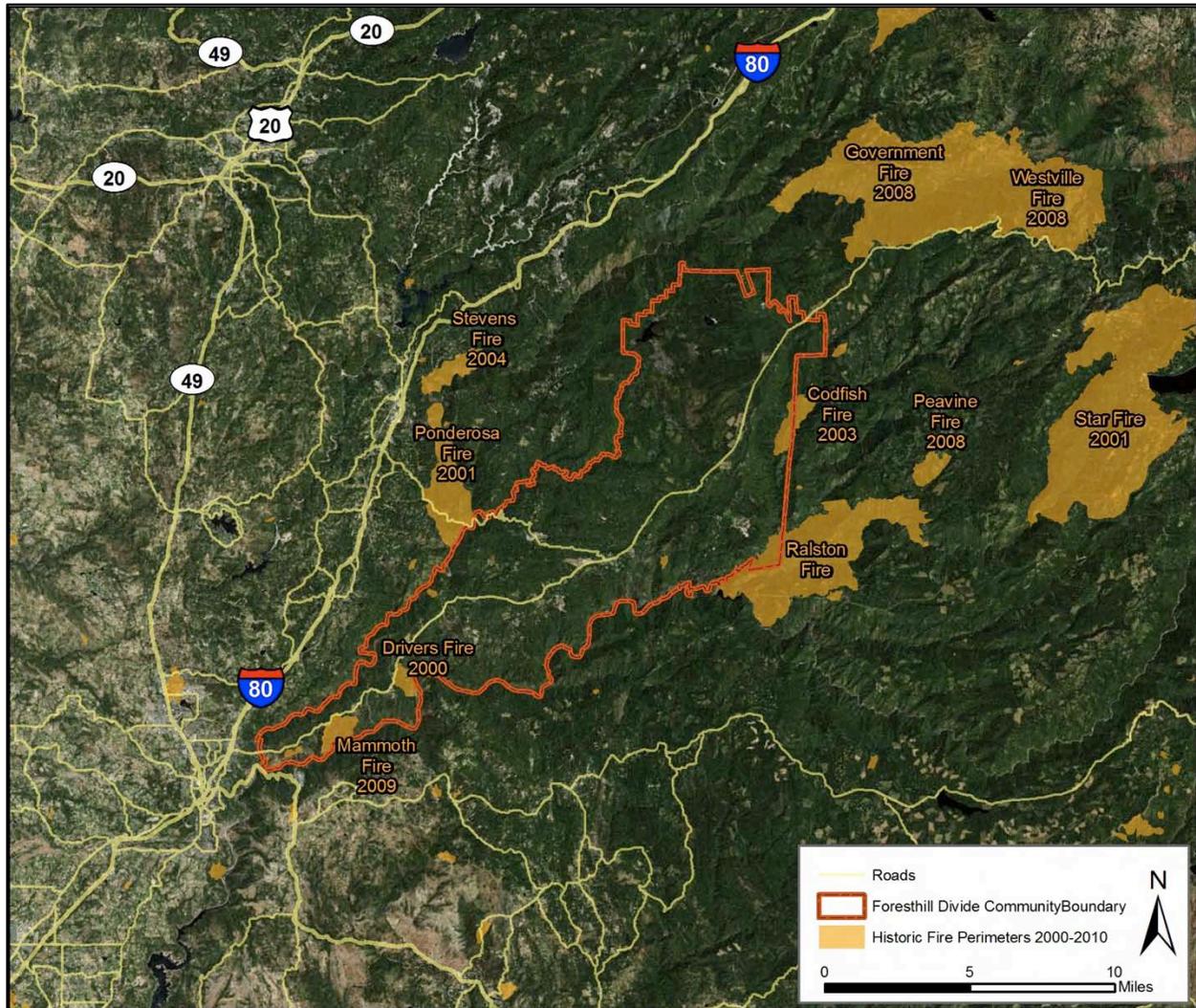


Figure 1. Perimeters of fires within the study area over the last 10 years.

Second to humans, lightning is a common cause of *small* fires in the area during the summer months. During these storms, a single tree is generally struck along a ridgeline. Fires occurring at the top of a peak or along a ridgeline are typically wind-driven events, but since there is a fairly dense forest, the wind is greatly reduced, thus reducing rates of spread and fire size. Camping and other recreational activities are typically responsible for the fires that begin along the American River. Because of the vegetation type and steep slopes, fire can move quickly from the river up to the canyon rim. Prolonged drought in combination with an ignition source, and hot, dry conditions could result in a faster moving fire that could cover a large area.

RESULTS & DISCUSSION

OVERVIEW OF FIRE BEHAVIOR IN PROJECT AREA

The higher elevations within the community area experience greater rain and snowfall than the lower elevations to the southwest. As a result, the wildland fuels are not as dry and do not typically produce extreme fire behavior. The probability of ignition is lower, and so is the rate of spread (ROS). The ground is typically shaded by large ponderosa pines with Douglas fir in the understory, so surface fuels on the forest floor remain moist. There is a separation of the overstory canopy and understory vegetation that reduces the potential for fire spreading into the tree canopies and transitioning to torching or active crown fire. The slopes are gradual to almost flat, which slows fire spread and lessens flame lengths.

In contrast, the lower elevations are drier and windier. The fuels are primarily grass and shrubs that are not sheltered from the wind and will allow for rapid fire spread. Chaparral vegetation, found on the steep slopes along the canyons west of the Middle Fork of the American River is of particular concern because the associated shrubs have volatile oils that burn extremely hot and can burn intensely. Rates of spread are between 2-4 miles per hour and flame lengths are predicted to reach 40 feet or more as the fire burns through the canopy of these dense shrubs.

The predominant wind direction in the study area is southwest and influenced by the river corridors. This means that fires initiating in the study area are pushed in a northeast direction. While wind has an impact on the direction and rate of spread, topography also has a large influence on fire spread. A fire starting at the bottom of a steep slope preheats the fuels further up the slope, drying them out and making them more susceptible to burning. As a result, fire has the potential to travel rapidly uphill. This pattern is typical of the area, and the combination of wind and topography has been observed on many of the fires that have burned near Foresthill.

ANALYSIS

The study area was analyzed using three different modeling methodologies. (See Appendix A for a more detailed explanation on the methodologies.) The modeling was based on an extreme fire weather day with winds blowing uphill at 20 miles per hour (identical to the Auburn or 49 Fire, which started on August 30, 2009). The fires were set to burn for four hours without any suppression activities in Analysis Two and Three. It should be noted that these conditions are rare and more likely to be experienced in the valleys than on the Divide. In addition, it would be rare for a fire to burn freely without suppression efforts for more than 30 minutes in this area. The base layer that is used for modeling does not account for structures, type of home construction, road types, widths, and other man made features and hazards. These can affect both the rate and behavior of the fire and evacuation efforts.

Analysis One: FlamMap

Predicted fire behavior using the fire weather parameters mentioned above was modeled on the entire study area on a cell-by-cell basis. This assumes that every cell is ignited and does not depend on time. This allows for comparison of all areas under identical environmental conditions. This method is best for looking at the adequacy of the evacuation centers since it predicts an ignition in the cells that surround the structure. Fuels reduction prescriptions can be written to mitigate areas of concern.

Although eight evacuation centers are identified, three are recommended for use as shelters for 24-48 hours. These centers and associated lands are similar to safety zones used in wildfire suppression. A safety zone is defined as an area where an individual can survive without any additional protection from the fire. A formula is used to calculate the minimum area needed to be safe from the radiant intensity of the heat generated from a given flame length (Table 1).³

Flame Height (ft)	Separation Distance (firefighters to flames, ft)	Minimum Area Needed (acres)
10	40	1/10
20	80	1/2
50	200	3
100	400	12
200	800	46

Table 1. Required safety zone areas given specific flame lengths.

The flame lengths around the centers listed below were a maximum of 11 feet. If the trees around these buildings were to torch then they would have 50-60 foot flame lengths. Using the table above, a 3-acre radius is needed for a worst-case scenario. The acreages of the evacuation centers listed below are larger than the required minimum area and would be a safe place to shelter if proper mitigation and defensible space were implemented.

Evacuation Center	Approximate Acreage
Foresthill High School/Old GP Mill Site	105
Foresthill Middle School	12
Foresthill Elementary School	6

Table 2. Acreages of identified evacuation centers.

This landscape analysis is also useful for evaluating fuel break treatment projects that have been completed in the study area. There was a drastic decrease in flame lengths and rates of spread where fire was modeled over the existing shaded fuel breaks. Additionally, the fuel breaks reduce the chance of crown fire initiation.

³ Incident Response Pocket Guide, January 2010, pg. 7

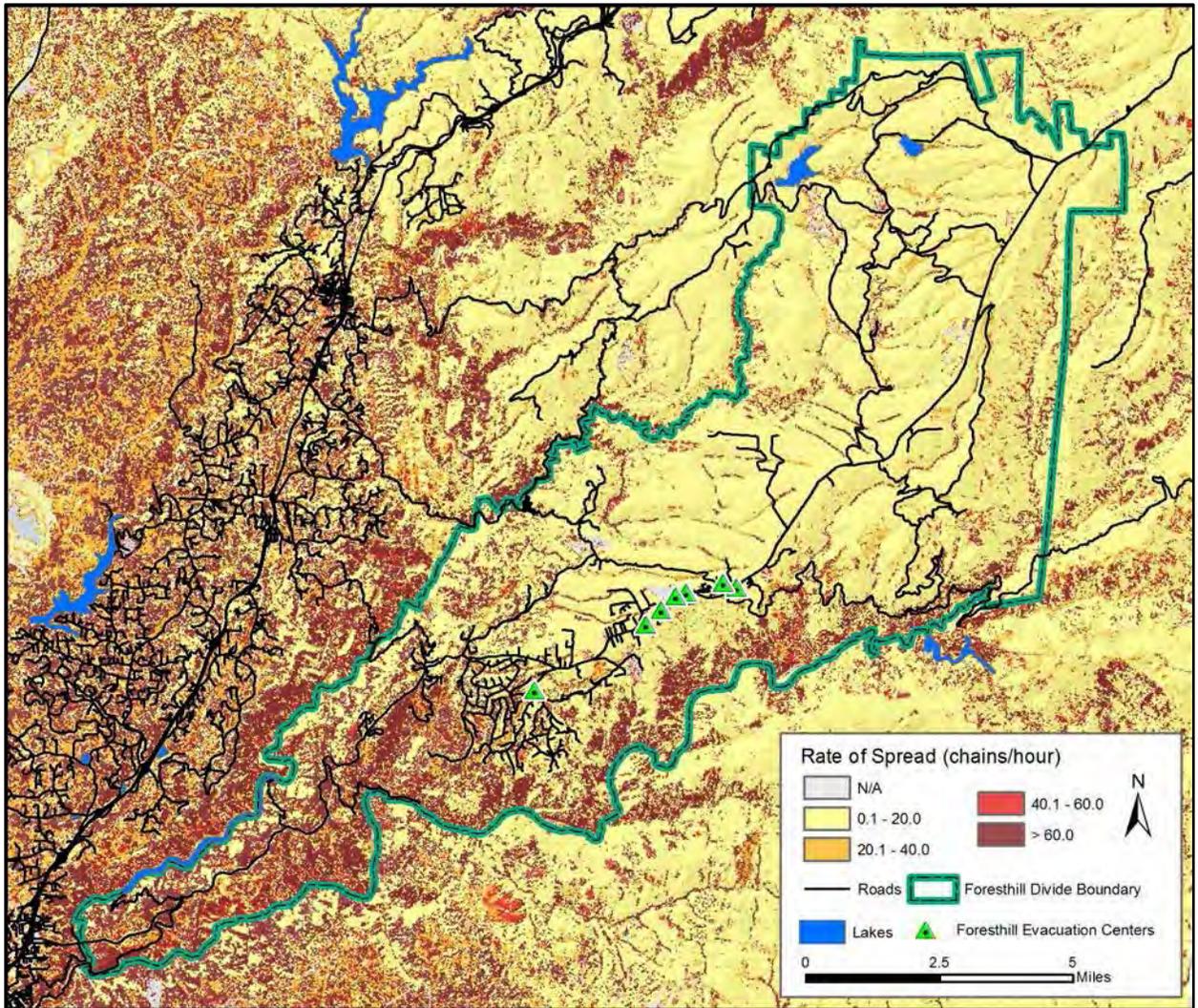


Figure 2. Predicted rates of spread from FlamMap model using extreme weather inputs.

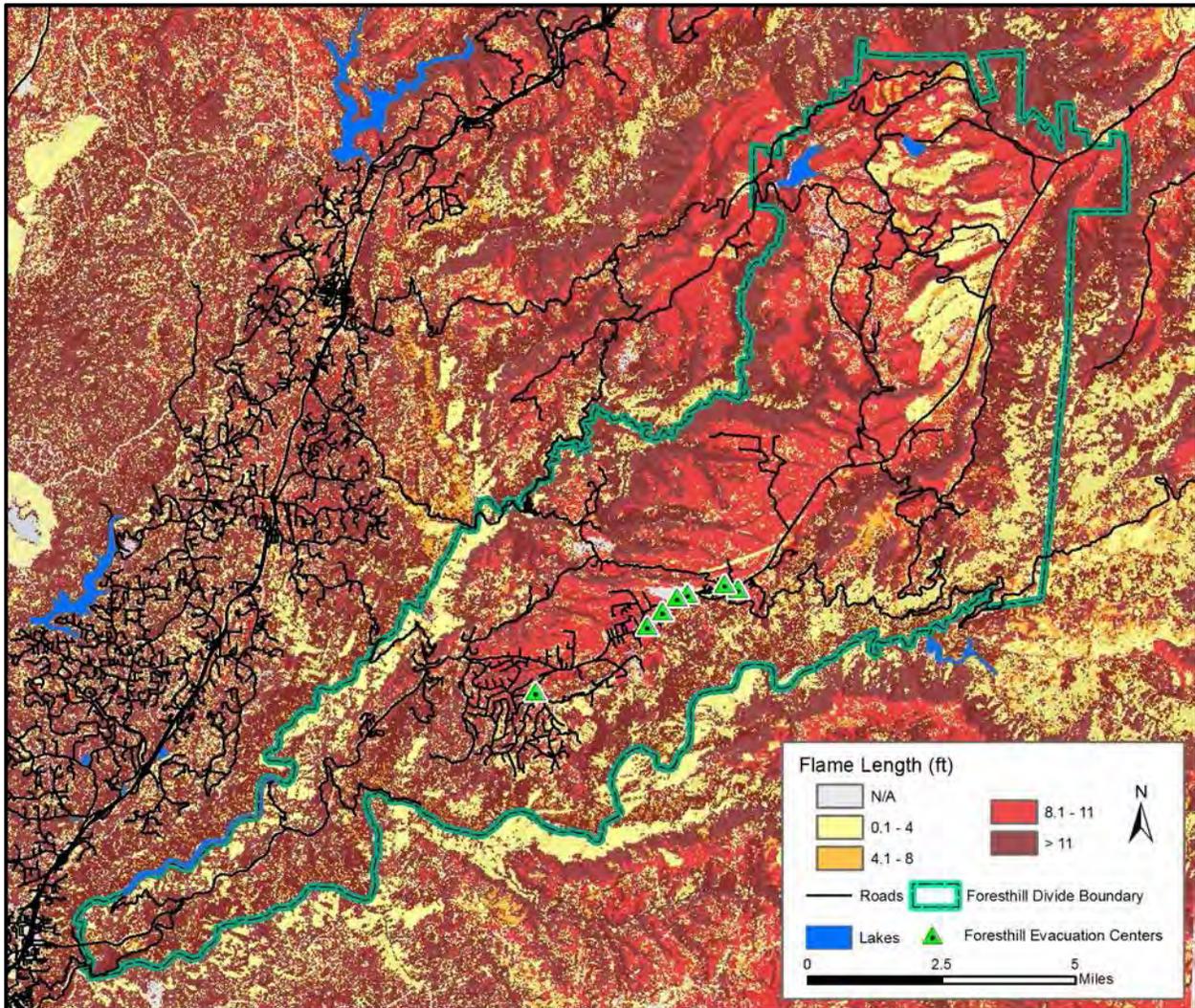


Figure 3. Predicted flame lengths from the FlamMap model, using extreme weather inputs.

Analysis 2: FARSITE

Seven ignition points were modeled using the extreme fire weather parameters mentioned above. The first name of the points represents the value at risk that is threatened, while the second name is the location of the ignition source. The fires were set to burn for four hours without any suppression activities. These ignitions were chosen because they are believed to be areas where recreational use may increase the probability of a fire start and/or because the values at risk that are threatened. The time of arrival (TOA) outputs were overlaid onto the landscape to show their predicted impact.

The Devil's Canyon ignition shows minimal fire activity. In the mixed conifer/pine forest the fire slows down drastically due to wind-sheltering and the north-facing slope that is typically wetter. If left to burn the fire would reach a band of shrubs that would have higher flame lengths and faster rates of spread. Ember spotting would be expected as the fire reaches the rim as a result of being exposed to the ridge top winds. The fire would not reach the rim until being allowed to burn unhindered for four hours. This scenario would allow time to evacuate the Yankee Jims area to Foresthill Road.

Both ignitions modeled on top of the divide (Blackhawk Road and Thomas Road) moved uphill to the northeast at a slow rate of spread and had moderate to high flame lengths. The most active fire behavior would be experienced along the riparian drainage. Torching of individual or groups of trees is also predicted. Some embering causing spot fires ahead of the main fire would also be expected. The east flanks of the Thomas Road ignition point do not reach Foresthill Road even after four hours. The Blackhawk Road ignition is modeled as a line of fire, which explains the elongated shape. Ignitions on the divide are not predicted to cause large evacuations other than in the particular neighborhood where the fire is located. Again, it should be noted that the modeling does not account for man-made hazards such as home construction and other infrastructure that can influence evacuation times or suppression efforts.

The four ignitions on the east side of the Plan Area show the most active fire behavior. These fires have very fast rates of spread and long flame lengths. Fires in this area are burning primarily in chaparral vegetation on steep slopes. There is active crown fire predicted and heavy ember cast causing spotting ahead of the main fire. The fire's rate of spread would likely be reduced as it crests the ridge and burns into the mixed conifer forest.

The Todd Valley/Gas Canyon ignition is predicted to reach McKeon Ponderosa Way on the canyon rim after three hours but does not reach the majority of the homes in Todd Valley even after four hours. The main fire reaches Foresthill Road and Shady Oak Drive after four hours as well. The TUA analysis (#3) predicts much less time to reach the rim. Given the spotting ahead of the main fire, it is possible that Foresthill Road could be impacted within an hour, as could Todd Valley; however, the rate of spread on the Divide would be reduced to less than a $\frac{1}{4}$ mile an hour. This should allow enough time for residents to reach the primary evacuation centers to the northeast. Evacuating southwest on Foresthill Road is not recommended, as spots could roll further downslope and then burn back up the steep slopes towards the road.

The Todd Valley/CAL 2 ignition reaches approximately $\frac{1}{4}$ to $\frac{1}{2}$ mile below Todd Valley Road and Patent Road after four hours and does not impact any communities. This should provide enough time to evacuate to the southwest on Foresthill Road.

The High School/Baltimore Mine ignition reaches approximately $\frac{1}{2}$ mile from the nearest home and Baltimore Mine Road after four hours. It does not impact any communities, and it is approximately $\frac{3}{4}$ mile from Foresthill Road and the High School. This should allow enough time to evacuate to the southwest on Foresthill Road.

The Michigan Bluff/Circle Bridge ignition reaches approximately $\frac{1}{3}$ to $\frac{1}{2}$ mile from Michigan Bluff and Gorman Ranch Road after four hours. Both Gorman Ranch Road and Mosquito Ridge Road would be at risk from rolling debris that could start another fire that could run up one of the steep canyon drainages to the southwest. Enough time should be present to allow evacuation to the southwest on Foresthill Road.

Basing all decisions on this series of ignitions is not recommended, as a fire might start anywhere along the canyon slope and change the times of arrival. It is critical that the incident commander make these calls during the incident based on current and predicted fire behavior.

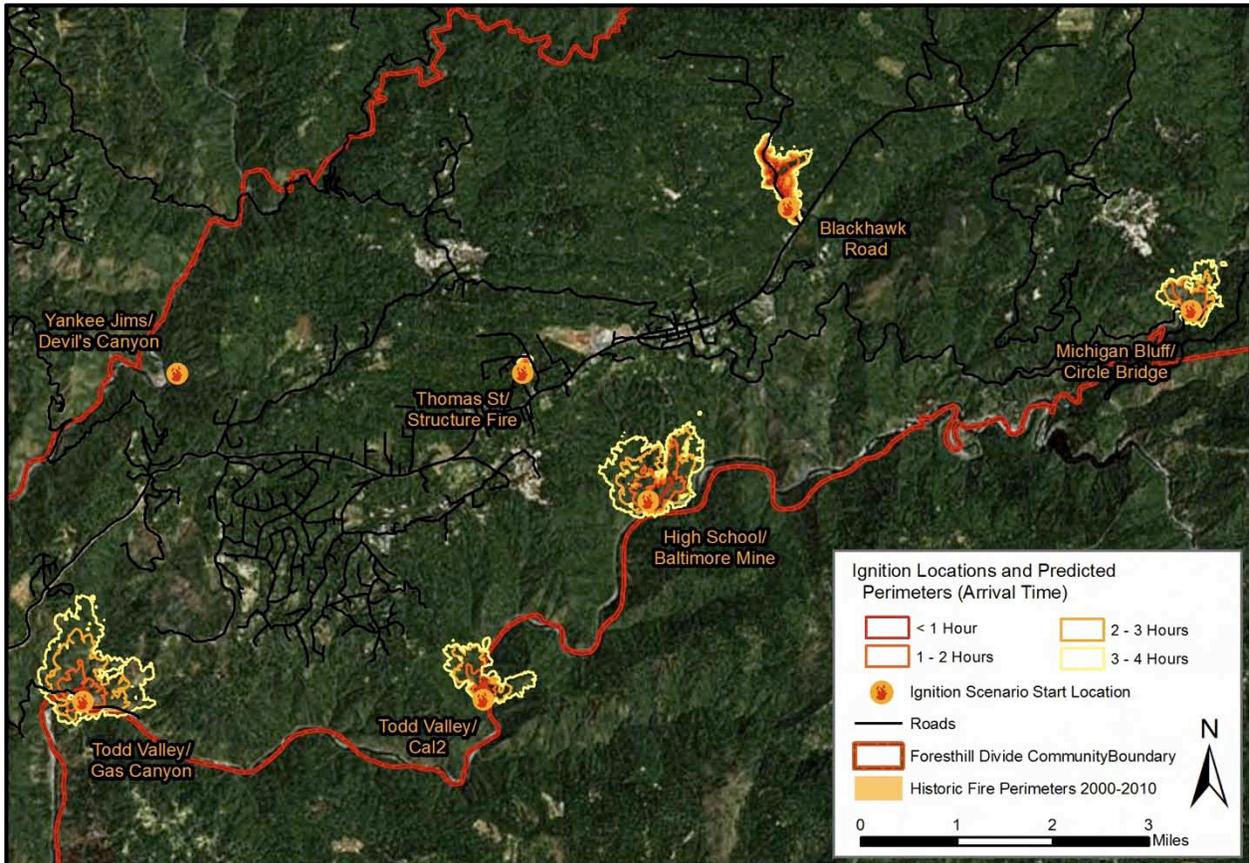


Figure 4. Ignition locations and predicted perimeters of fires after burning for four hours without suppression.

Analysis 3: ArcGIS/FlamMap

The time until arrival map (TUA)™ shows the time it would take a fire to reach a specified values at risk. Rate of spread predictions are the underlying input to calculate arrival times. Each point on the map, represented by the colors in the legend, has an arrival time associated with it that represents the fastest route that a fire could reach the community of concern. This method may represent an overestimation of arrival times (quicker than actual) due to assumptions inherent in the modeling software. The TUA analysis is new and is only used as a support tool for the other analyses.

The values at risk chosen were the communities of Foresthill, Michigan Bluff, and Todd Valley. Foresthill Road was chosen since it is the primary evacuation route. Specific analysis of every point potentially affected is not feasible, but general interpretations of the outputs are discussed below.

Foresthill (community)

An ignition from most points along the Middle Fork of the American River would take 3-4 hours to reach this community. The TOA maps support this as well. This predicts that it would take 8+ hours for a fire from Todd Valley to reach any of the designated school evacuation centers. It can be expected that suppression actions would be taken within an hour and therefore it is unlikely the fire would reach the community.

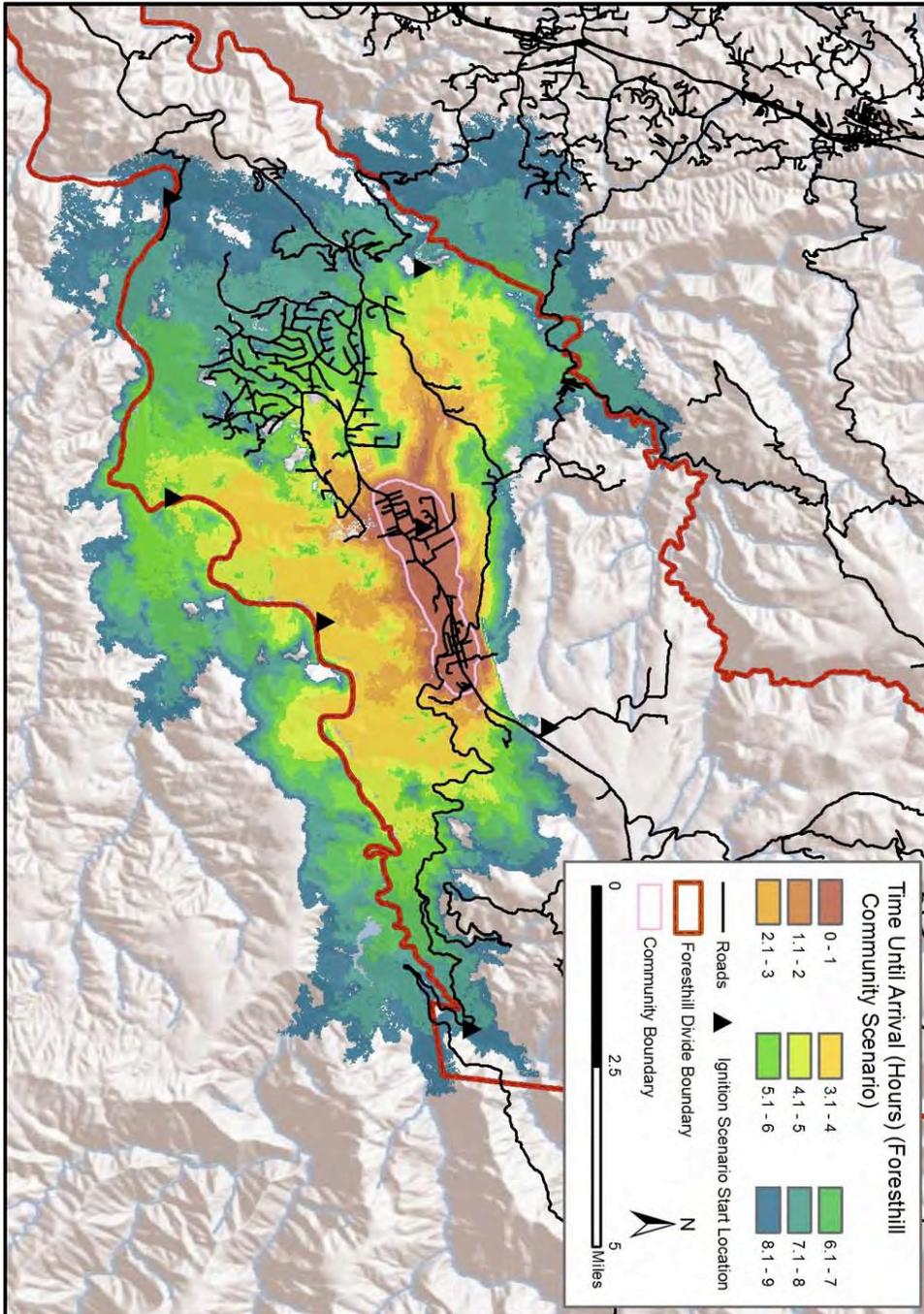


Figure 5. Time until arrival to Foresthill (community).

Michigan Bluff

Fires from most points along the Middle Fork of the American River would take 3-4 hours to reach this community. There is little threat from a fire along or west of Foresthill Road. As a result, evacuation is not needed, but if it was, residents would have ample time to leave.

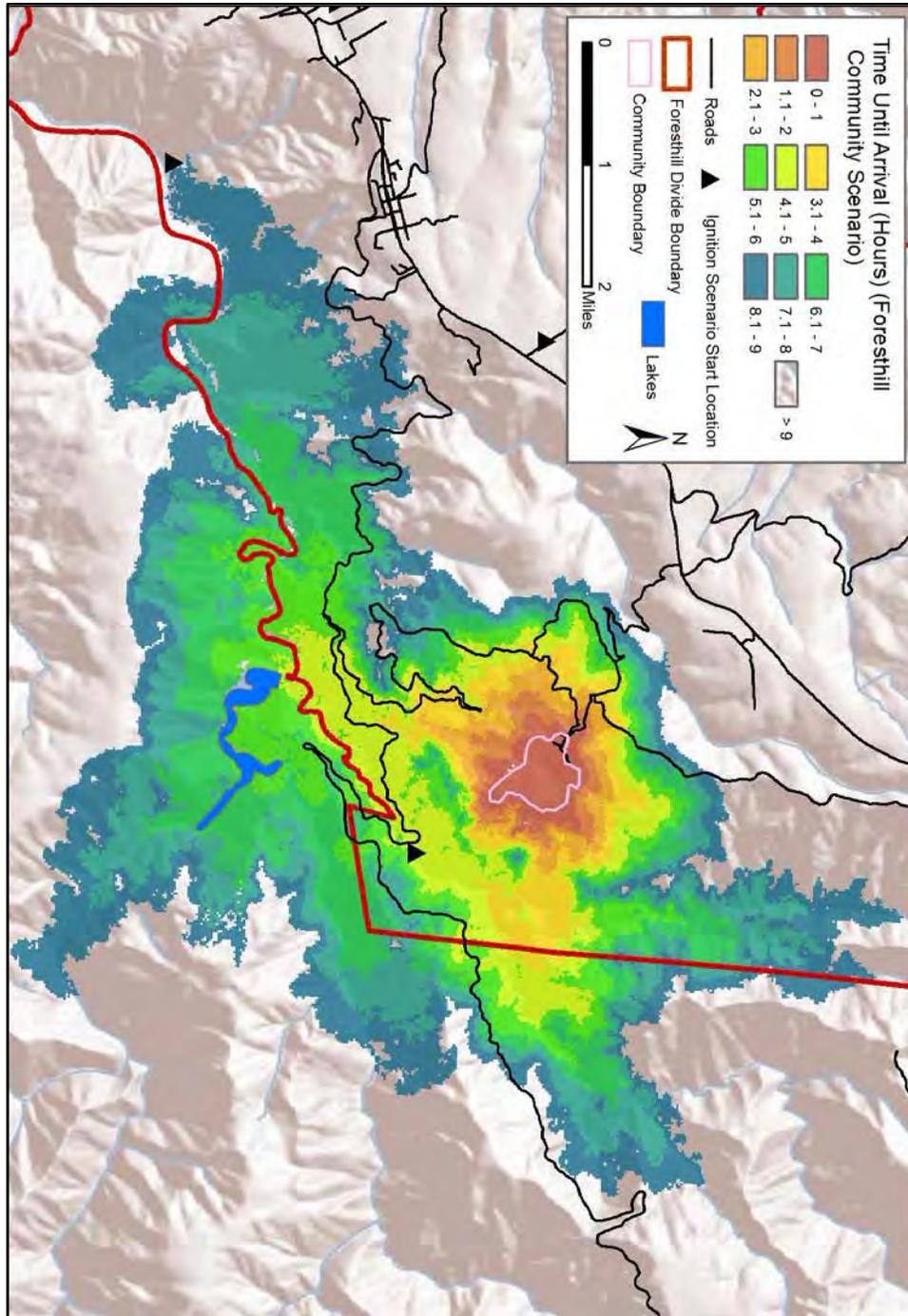


Figure 6. Time until arrival to Michigan Bluff.

Todd Valley

Fires from most points along the Middle Fork of the American River would take 1-2 hours to reach this community. It would take two hours from the Drivers Flat Road. This is supported by the TOA analysis. There is little chance of a fire in the Spring Garden/Yankee Jims Road reaching this community.

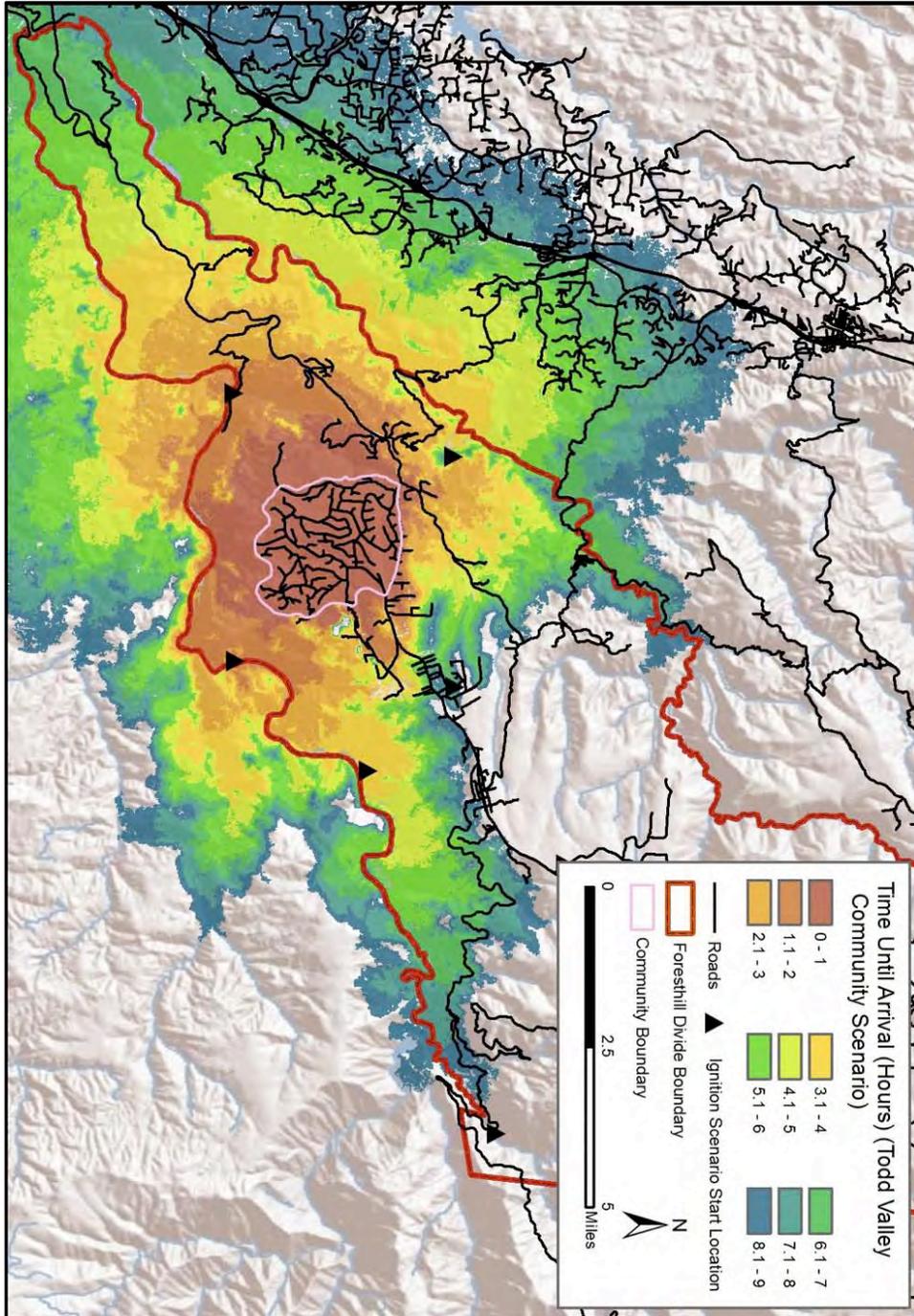


Figure 7. Time until arrival to Todd Valley.

Foresthill Road

Fires from most points along the Middle Fork of the American River would take 6+ hours to reach the road on the northeast end of the study area, beginning at Foresthill and going north through the town of Foresthill. Fires from the North fork of the American River would take over eight hours to impact the road. There is little threat and sufficient time to evacuate communities. As the road descends southwest, the TUA is decreased to an hour from the intersection of Moshiron Drive and Ponderosa Way. It is not surprising that the largest threat from fire is in the lower elevations where there are open mixed scrub/chaparral stands. This is supported by all the other analysis as well. It would not be recommended to drive down Foresthill Road if there was a fire below this intersection given these extreme conditions. This also further supports the recommendation that the Todd Valley community and others in the lower Divide evacuate northeast to the evacuation centers rather than to the south west.

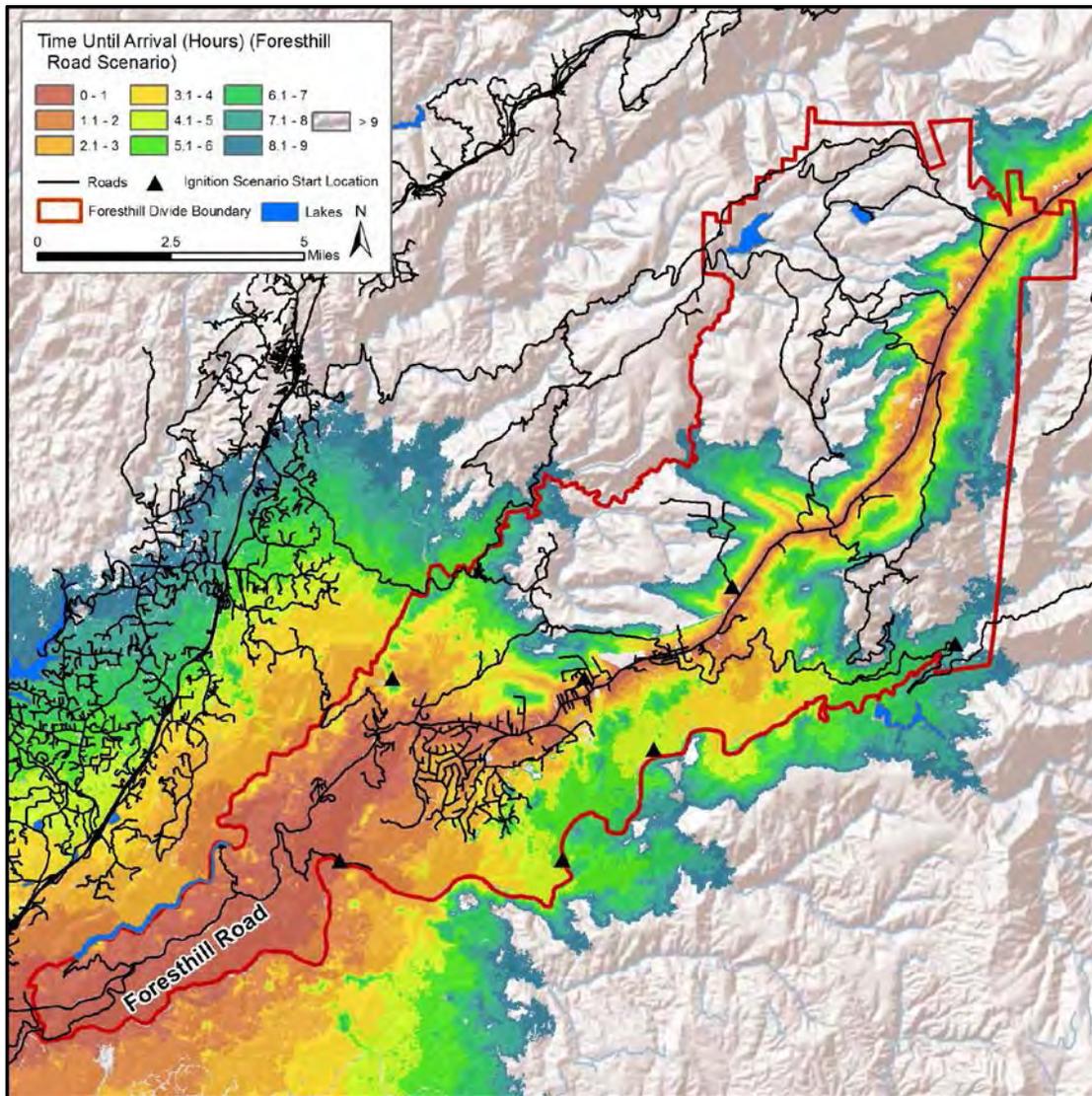


Figure 8. Time until arrival to Foresthill Road.

EVALUATION & IMPROVEMENT OF EXISTING PLANS

As part of this study, existing emergency and land use plans were evaluated to determine if they adequately addressed evacuation planning and the needs of the community in the event of a wildland fire. A multitude of plans exist at various scales, including the county-level to the fire district level. Descriptions of the plans and ways they can be improved are detailed within this section.

LOCAL HAZARD MITIGATION PLAN

The Local Hazard Mitigation Plan (LHMP) is a county-level plan, which includes 15 additional Annexes that address smaller geographical areas within Placer County. This plan is required and must be updated every five years for Placer County to remain eligible for federal disaster mitigation funding. The goal of the plan is to reduce the damages from natural emergencies, including flooding, earthquakes, and other severe weather, not just wildfire.⁴ Because of the scale of this plan and because it is not specific to wildfire, it should not be expected to address evacuation concerns of the communities within Foresthill Divide. It would not be appropriate to add language to this plan that is consistent with the level of detail provided by this assessment. Since multiple natural hazards are being addressed within the Annex, including evacuation routes and centers would likely make the document cumbersome and unusable.

FORESTHILL DIVIDE COMMUNITY PLAN

The Foresthill Divide Community Plan (FDCP) is written at a smaller scale, but does not address local hazards and mitigation. Instead, it consists of a community development, resource management, and transportation and circulation element. Overall, it is designed to address land-use and growth issues facing the community so they can plan over the next 20 years.⁵ Since this is not a hazard and mitigation plan, there is no reason to add additional language regarding evacuation routes and centers, nor should it detail actions to mitigate wildfire risk. At this point, there is no reason to amend the existing plan.

COMMUNITY WILDFIRE PROTECTION PLAN

The only plan specific to wildfire is the Community Wildfire Protection Plan for the West Slope of the Sierra Nevada in Placer County. The CWPP was completed in March 2008. While specific to wildfire, the document includes three Fire Safe Councils: Foresthill/Iowa Hill FSC, Greater Auburn Area FSC, and Placer Sierra FSC.⁶ The level of detail in this plan is more than adequate for the geographical region it covers; however, adding more detail would further complicate the document. Since the document adheres to the Healthy Forests Restoration Act (2003), it includes details on fuel treatments, summarized below. The existing fuel breaks can be seen in Figure 9.

⁴ “Local Hazard Mitigation Plan,” 8 June 2011.

<<http://www.placer.ca.gov/Departments/CEO/Emergency/Final%20Hazard%20Mitigation%20Plan.aspx>>

⁵ “Foresthill Divide Community Plan,” 8 June 2011.

<<http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/CommPlans/FDCP.aspx>>

⁶ “Community Wildfire Protection Plan for the West Slope of the Sierra Nevada in Placer County. 8 June 2011.

<<http://www.placerfirealliance.org/Documents/CWPP%20Final.pdf>>

Fuel Treatments

As identified in the CWPP for the West Slope of the Sierra Nevada in Placer County document, the Foresthill/ Iowa Hill Fire Safe Council has been working on projects since 1998. In addition to the 3,200 acres that have already been treated, the CWPP proposes 775 additional acres of fuels reduction projects. Descriptions of three of the projects are found below. For specific information on the all of the fuel projects and locations identified, see pages 4-3 through 4-6 in the CWPP document.

Finning Mill Road, Pipeline, and Todd Valley Shaded Fuel Breaks

The Finning Mill fuel break is along Finning Mill Road, north of Foresthill. The vegetation along Finning Mill has been thinned 150' on either side of the road, creating a 300' shaded fuel break. Because this project is anchored into a road, it is even more effective as a place to begin suppression tactics, like air operations. Other work associated with Finning Mill includes 300' fuel breaks along several ridges. There is a 10-year maintenance plan, which is being conducted by the private landowner.

Todd Valley represents the most concentrated residential development in the wildland/urban interface in the county. The 35,000 acre Auburn State Recreation Area (ASRA) provides recreational opportunities to over 900,000 visitors per year. With increasing use comes the potential for an increase of human caused fires. According to the Cal Fire (formerly CDF), ASRA was the source of 125 ignitions in the period 1990-2005. To help mitigate this risk, the pipeline and Todd Valley shaded fuel breaks have been completed. The result of this project is a 137 acre modified shaded fuel break: a defensible location to be used by fire suppression resources in the control of oncoming wildfires and prevent wildfire spread by removing hazardous fuels in a tactical area. The fuel break between the ASRA and these communities protects residents and property from wildfire originating in the ASRA and the ASRA from wildfire originating in the communities. The shaded fuel break is constructed on private lands adjacent to Bureau of Land Management (BLM), Bureau of Reclamation (BOR) lands and U.S. Forest Service Tahoe National Forest (USFS) lands. A large percentage of the property owners on these private lands have been in full support of the project as documented by their participation in the Fire Safe Council survey and public meetings associated with the planning processes.

The treatment prescriptions, found within the grant write-ups, are similar for all of these projects: vegetation modification comes from reducing the fuels from the lowest canopy layers to recreate a forest with old-growth characteristics. Trees 10 inches and larger at breast height have been left, while smaller trees were removed. Some saplings were left with 20'x20' or 30'x30' spacing. All shrubs were removed in the understory. A track masticator was used to chip/mulch small trees and shrubs. The trees that were left were pruned to a height of 12', with no more than 50% of the live crown removed.

Additions to these projects have been proposed, but are not occurring at the time of this report. When funding is secured, the Foresthill Fire Safe Council is planning on executing the additional work.

Federal Fuels Treatments

Federal fuels reduction projects are occurring throughout the study area. The majority of these projects are north east of Foresthill and Michigan Bluff, since this is where the Forest Service owns property. Additional work is being done to the west of Michigan Bluff. Prescriptions for the projects are similar to the shaded fuel breaks described above, but often include burning as well. Understory vegetation is cut and chipped, and a low-intensity prescribed fire is frequently used to remove additional surface fuels.

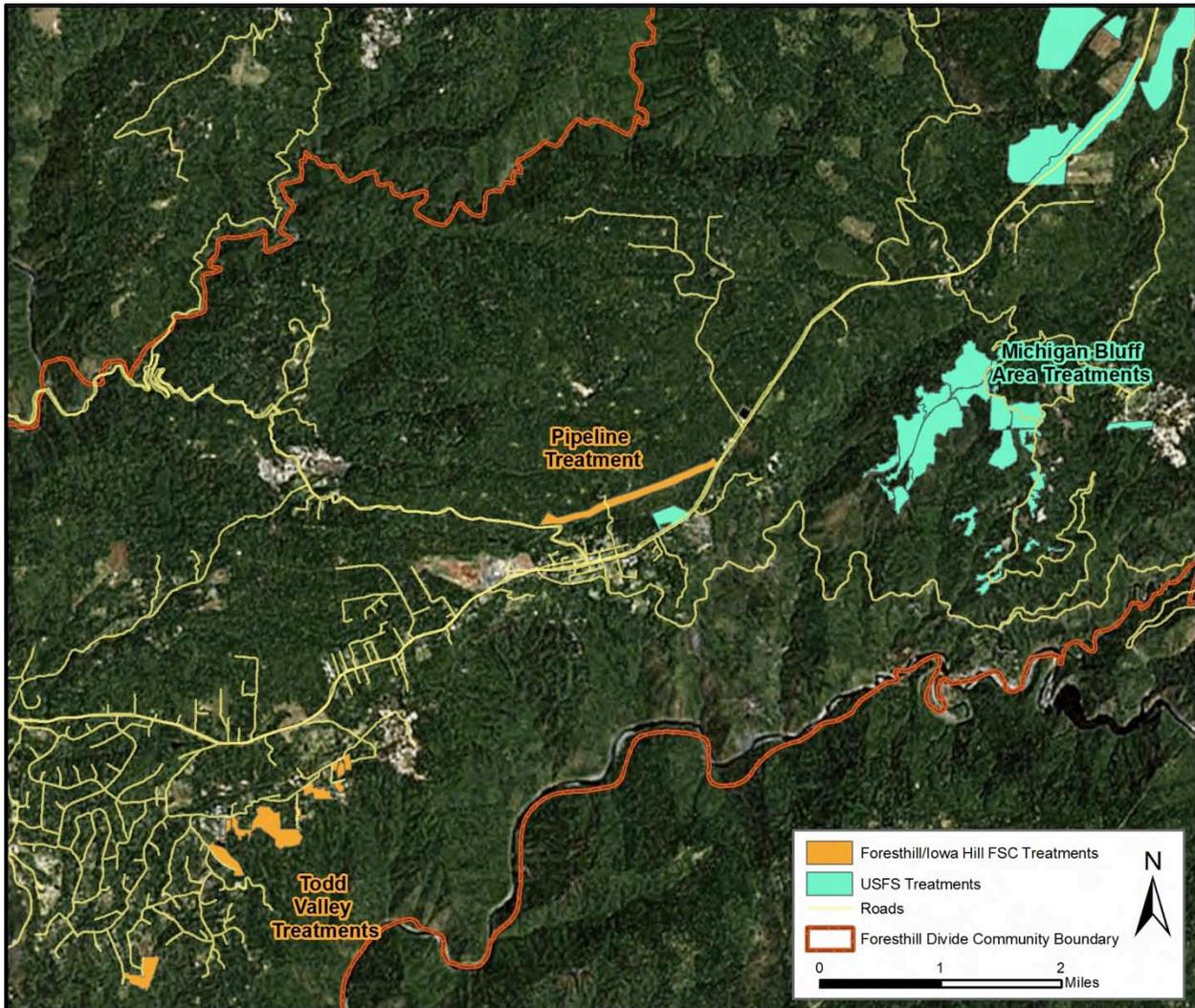


Figure 9. Existing fuel treatments within the Foresthill Divide Plan Area.

Although the part of the CWPP specific to the Foresthill Iowa Hill FSC has details on fuel reduction projects and risks associated with the area, no fire behavior modeling was done exclusively for the Foresthill Divide/Iowa Hill Divide. Furthermore, the scale at which the fuels and fire susceptibility were modeled is not fine enough to address the adequacy of existing evacuation routes, nor were evacuation issues mentioned in the plan. When the plan is revised, language that speaks to the lack of secondary evacuation routes, as well as updated information on existing and completed fuel breaks, and additional work that will be done within the Foresthill/Iowa Hill Divide FSC responsibility area should be added.

If adding this information makes the document unwieldy, consider creating a standalone document that details the work only for the Foresthill/Iowa Hill Divide FSC. See the Additional Recommendations section within this report for details on what information to include in such a document.

FORESTHILL DIVIDE/IOWA HILL DIVIDE EMERGENCY PLAN

Of all of the plans evaluated, the Foresthill Divide/Iowa Hill Divide Emergency Plan was written at the most appropriate scale to address the community's concerns. Specific areas of interest are addressed, including evacuation planning within Todd Valley and evacuation centers for the entire plan area.

Evacuation Routes

There has been little specific evacuation planning done in the study area, with the exception of Todd Valley. Overall, information on evacuation for the area is vague, and the Foresthill Divide and Iowa Hill Divide Emergency Plan states, "In Unified Command, the decision to evacuate or to prioritize evacuations is made after consultation between discipline (fire and law) ICs. Placer County Sheriff's Office (PCSO), working with the other agencies at the ICP or the EOC, executes the actual evacuation(s)." There are references made to predetermined "evacuation zones", but these are not further discussed in the plan.

California Highway Patrol (CHP) is responsible for traffic control in the event of a wildfire, after the IC has established evacuation priorities. The primary surface streets and roads are what comprise the main evacuation routes. Depending on where the fire starts and the direction it is traveling, the IC and CHP are tasked with identifying, which evacuation routes are viable and what areas need to be evacuated, if any.

This plan identifies evacuation planning that has occurred in the Todd Valley Community, including the actual routes of travel to be taken within the community. In addition to being identified on a map, there are large signs with the letter 'E' and an arrow, directing residents out of the sub-division. Eight evacuation zones within Todd Valley have been determined, and fire roads listed as "limited access" have been mapped.

Foresthill Road is the primary evacuation route for residents in the area. After discussion with local firefighters and residents, it was determined that none of the following roads were adequate evacuation routes: Finning Mill Road, Ponderosa Way, Spring Garden Road, and Yankee Jims Road. Fire modeling, in combination with road conditions, reveal the danger of using Mosquito Ridge Road, Gorman Ranch Road, Drivers Flat Road, McKeon Ponderosa Way and others to the east, if there was a fire below. These roads are typically one-lane, dirt, have grades greater than 15%, may require 4-wheel drive vehicles, have extremely steep slopes on either side, and require crossing unrated and/or condemned bridges. While local authorities are familiar with the quality of these roads, incoming resources are not. Information regarding the hazards relating to the inadequate roads should be identified in the plan so incoming resources, including fire and law enforcement, know to not send residents or emergency apparatus down these paths.

Another issue to consider when discussing evacuation within the existing plan is the high number of elderly, disabled, and low-income individuals who may not have transportation during an evacuation. No mention is made as to how this issue will be handled in the case of a wildfire emergency. More detailed information as to how these members of the population will be accommodated is necessary within the plan.

Evacuation Centers

Eight evacuation sites have been identified in the Community Plan. They include: Canyon View Assembly of God, Calvary Bible Church, the Church of Latter Day Saints, Foresthill Elementary and Middle Schools, Foresthill Memorial Hall, and the Old Georgia Pacific Mill/Foresthill High School area. Of these centers, the schools have large irrigated fields surrounding them and are built with more fire resistant construction. The Old Georgia Pacific Mill and high school are directly adjacent to one another, thus creating the largest evacuation area in the study area. The churches and memorial hall do not have the same amount of vegetation clearing around them, or the same construction type that provide for protection from flames and embers. Because of these differences, they are intended to be used as meeting places for residents; the intent is to ensure families are together before potentially having to evacuate. Overnight housing, including food and water, is not the objective of these locations. The schools and the Old Georgia Pacific Mill are able to provide shelter for displaced residents. While they currently do not have adequate supplies to support residents, with the assistance of the Red Cross, the goal is to be able to provide shelter for 24 to 48 hours. The details of these plans, including analysis of the buildings, are available from the Foresthill Fire Protection District and from the Auburn Red Cross, but the information is not published in any formal plan.

Evacuation sites being used for fire equipment are a concern to the residents in the study area. Upon evaluation, it was found that during the American River Complex, the old mill site was used as an incident command post (ICP). Since the fire was 11 miles away from Foresthill, the area was not needed for an evacuation center.

Although the evacuation centers are identified in the Foresthill Divide/Iowa Hill Divide Emergency Plan, there are no details on what should be expected from each center. Not every building is adequate for sheltering-in-place, and residents should not expect to get supplies from these places. Other centers are capable of housing people for 24-48 hours, but again, there are no details regarding this information in the plan.

ADDITIONAL RECOMMENDATIONS

CREATE A WILDFIRE PLAN EXPLICIT TO FORESTHILL DIVIDE

Following the examination of the existing plans pertaining to Foresthill Divide, it has been determined that there are not many changes that are required of these documents. The issue is that the additional detailed information desired by residents and fire personnel do not belong in any of the existing plans, either because of scale or intent. All-hazard plans address too large a variety of potential hazards to be able to focus on wildfire issues specifically. Operational tactics for a flood are different than for a wildfire, and it is difficult for a countywide all-hazard plan to adequately address the differences within a single plan. The limitations of existing plans can be resolved by creating a wildfire-specific document, such as a CWPP, that will tackle concerns like evacuation routes, evacuation centers, detailed fuel projects, and actions that can be taken by individual homeowners. The information and analysis that is being requested by the residents of Foresthill Divide fits within the context of a wildfire plan or CWPP.

The biggest concern to the majority of residents is the safety of their families and themselves, so knowing when and how they should be evacuated needs to be a primary focus of a wildfire plan. There are NOT viable secondary evacuation options to the west or east. The most effective way to mitigate this risk is to critically evaluate whether evacuations are necessary. For many of the fire scenarios presented in this study, evacuating residents is not essential, and doing so may actually put them at a greater risk. If required, aggressive fuels treatments along Foresthill Road and specifically the lower portion of the road are the most proactive approach to creating a safe evacuation route out of Foresthill Divide. Fuels reductions on either side of the road will do more to protect residents who are evacuating and incoming emergency crews during a wildland fire than anything else. When considering future growth, it is unlikely that additional vehicle pullouts or lanes will be more effective at providing a safe way out compared to thinning and maintaining fuels reduction along the sides of the road. They will most certainly be more cost-effective than widening the road. The east side of the plan area along the top rim of the canyon is another area that should be considered for fuel treatments. Reducing the fuel load where the fire behavior is most extreme along the ridge line would be beneficial in diminishing the rates of spread and flame lengths. This would also provide firefighters with anchor points to begin their suppression efforts or serve as a target for air tanker drops. Currently there are plans to extend several of the shaded fuel breaks around Foresthill and Todd Valley. Using the fire behavior modeling done for this study, further evaluation and extension of these projects will act to further protect values at risk from wildfire. Existing treatments around Todd Valley, identified in the CWPP, should be considered a priority. These treatments should be further evaluated to determine sections where it would be beneficial to widen the 300' area or remove more trees than stated in the existing prescriptions. Exact locations and prescriptions of where efforts should be focused are aspects of a detailed wildfire plan.

Defensible space for all evacuation sites is the most important action that can be taken to create safe evacuation centers/safety zones. Detailed information on how to create defensible space is also an aspect of a wildfire plan, and each center should be analyzed in-depth in an appropriately scaled fire plan. Removing fuels around these buildings will minimize the potential of direct flame impingement or of ember-cast causing structure loss. Following defensible space, actions to reduce structural ignitability are the next important action. Installing screens over vents, having double-pane windows, using fire resistant construction materials like stucco, cement, and

having Class A roofing materials are all features that will help protect all structures, not just designated evacuation centers. It is important to understand that buildings could ignite from embers some distance away, but if the safety zone is adequate it could be patrolled and any ignition extinguished. It is recommended to turn on lawn sprinklers and commit at least one engine crew to patrol and maintain communication. See the CAL FIRE document *General Guidelines for Creating Defensible Space* to learn about the details on how to reduce the flammability of structures. If the correct mitigation measures are taken, all of the sites identified have the potential to serve the Foresthill community at some level. A wildfire plan would not only address structural ignitability, but it could also clarify what sites residents should go to, and whether the site was intended as a meeting site or actual shelter for an extended period.

To adequately address the concerns of the residents in Foresthill Divide, an additional document needs to be put together that speaks solely to wildfire and at a scale that is applicable for their needs. Residents need to know whether or not to evacuate if there is a fire, and if so, where to meet their family or where to go for long-term support. Community participation during the process will ensure that all concerns are addressed. Preparedness planning at this scale can help reduce panic during a confusing and stressful situation, creating a safer environment for residents and emergency service providers.

PUBLIC EDUCATION

One of the most valuable actions that can reduce the threat of wildfire is to educate the public on fire safety and current fire danger. The following recommendations should be implemented or maintained if already in place. Since the area around Foresthill has such a high quantity of public lands, putting up fire danger signs along Foresthill Road and along other roads that lead into the National Forests is an initial step to creating awareness. In addition to fire danger signs, posting flyers in local businesses and at campsites with fire safety tips are ways to raise public awareness regarding wildfire. Firefighters should be equipped with pamphlets that they can hand out to campers and other recreationalists in the study area. Increased presence of rangers or firefighters, and the opportunity to become educated on wildfire prevention should minimize the number of human-caused ignition that pose one of the greatest risks to residents in Foresthill, Todd Valley, and Michigan Bluff.

All of the actions mentioned in the additional recommendations section of this report are items that would be valuable to include in a wildfire plan or CWPP. Incorporating these recommendations and analyses into a single document would be one of the greatest benefits to both residents and fire officials in Foresthill Divide.

Recommendations in this document are not prescriptive, but are intended to assist in the identification of possible solutions or mitigation actions to reduce the impact of wildfire on values at risk. The views and conclusions in this document are those of the authors and should not be interpreted as representing the opinions or policies of any governmental entity or fire agency, signatory companies, Placer County or the United States Government. The methodology used is proprietary and as such may not match with other existing hazard and risk ratings. In the event the language of this document conflicts with any regulatory documents, policies, or local laws, this document does not supersede any regulatory documents, local laws, or policies.

METHODOLOGY APPENDIX

Three different modeling techniques were used to test the efficacy of evacuation plans and routes. Each of the models is described below using the direct language from their associated websites.

The **FlamMap** fire mapping and analysis system (Finney 2006; Stratton 2006) is a PC-based program that describes potential fire behavior for constant environmental conditions (weather and fuel moisture). Fire behavior is calculated for each pixel within the landscape file independently, so FlamMap does not calculate fire spread across a landscape. Potential fire behavior calculations include surface fire spread (Rothermel 1972), crown fire initiation (Van Wagner 1977), and crown fire spread (Rothermel 1991). Dead fuel moisture is calculated using the Nelson model (Nelson 2000) and FlamMap permits conditioning of dead fuels in each pixel based on slope, shading, elevation, aspect, and weather.

Because environmental conditions remain constant, FlamMap will not simulate temporal variations in fire behavior caused by weather and diurnal fluctuations as FARSITE does. Nor will it display spatial variations caused by backing or flanking fire behavior. These limitations need to be considered when viewing FlamMap output in an absolute rather than relative sense. However, outputs are well-suited for landscape level comparisons of fuel treatment effectiveness because fuel is the only variable that changes. Outputs and comparisons can be used to identify combinations of hazardous fuel and topography, aiding in prioritizing fuel treatments.⁷

FARSITE (Fire Area Simulator) is a model for spatially and temporally simulating the spread and behavior of fires under conditions of heterogeneous terrain, fuels, and weather. It uses existing fire behavior models for surface fire spread (Rothermel 1972), crown fire initiation (Van Wagner 1977), and crown fire spread (Rothermel 1991), post-frontal combustion (Albini and others 1995; Albini and Reinhardt 1995), and dead fuel moisture (Nelson 2000).⁸

Seven ignition points were modeled under the extreme fire weather parameters mentioned below. The fires were set to burn for four hours without any suppression activities. These ignitions were chosen because they are believed to be areas where recreational use may increase the probability of a fire start and/or because the values at risk threatened. The time of arrival (TOA) outputs were overlaid onto the landscape to show their predicted impact.

FireFamilyPlus is a comprehensive Windows-based program that analyzes and summarizes an integrated database of fire weather and fire occurrence. It combines the functionality of the programs PCFIRDAT, PCSEASON, FIRES, and CLIMATOLOGY. FFP can be used to calculate fire danger rating indices and components, summarize both fire and weather data, and offers options to jointly analyze fire and weather data. The program can display data, compute values, and statistically analyze data in graph or report form.

⁷ "FlamMap Overview," 8 June 2011, <<http://www.firemodels.org/index.php/flammap-introduction/flammap-overview>>

⁸ "FARSITE Overview," 8 June 2011, <<http://www.firemodels.org/index.php/farsite-introduction/farsite-overview>>

Time Until Arrival TM

Based on rate of spread predictions, time until arrival maps show the time it would take a fire to spread to the NEAREST edge of a value at risk (community or road) assuming an ignition were to occur anywhere on the map. The analysis takes into account the possibility that the quickest route between an ignition and a value at risk may not be a straight line. It is, however, the fastest based on rate of spread predictions over the various potential paths between the values at risk and every cell on the map. This method may represent an overestimation of arrival times (quicker than actual) due to assumptions inherent in the modeling software. This over-estimation is an effort to err on the side of caution when pre-planning for potentially life-threatening situations.

Areas of concern in this study are either designated based on the presence of values at risk (i.e. Todd Valley, Foresthill, and Michigan Bluff) or on evacuation route concerns (i.e. Foresthill Road).

Modeling Limitations and Discussion

All models have assumptions and limitations. Modeling results should always be used with caution and with as much understanding of the weaknesses as possible. Only trained individuals should interpret the outputs for best results.

Weather conditions are extremely variable and all possible combinations cannot be accounted for. These outputs are best used for pre-planning and not as a stand-alone product for tactical planning. Whenever possible, fire behavior calculations should be done with actual weather observations during the fire. The most current Energy Release Component (ERC) values should also be calculated and distributed during the fire season to be used as a guideline for fire behavior potential.

Crown fire activity, rate of spread, flame length and time until arrival are derived from the fire behavior predictions. A limitation of FlamMap is that crown fire is not calculated for shrub models. The best method of determining the probability of crown fire in shrubs is to look at the flame length outputs and assume that if the flame length is greater than $\frac{1}{2}$ the height of the plant, it will likely torch and/or crown.

REFERENCE WEATHER USED IN THE POTENTIAL FIRE BEHAVIOR EVALUATION

Climate and fuel moisture inputs for FlamMap were created by using data collected from a Remote Automated Weather Station (RAWS). The Pilot Hill RAWS was used to capture the climate for the project. Although it is some distance from the study area it is representative for fires in the valley and would capture the most extreme conditions possible.

Latitude (dd.ddddd)	38.8317° N
Longitude (dd.ddddd)	121.009° W
Elevation (feet)	1249

Table 3. Pilot Hill RAWS (42609) information.

Weather conditions found during the 49 Fire or Auburn fire were used to capture an extreme fire day (in terms of fuel moistures). This fire began on August 30, 2009 and was representative of a worst-case scenario. The modeling software was initial calibrated using these weather conditions and the perimeter of this fire.

Extreme Weather Conditions	
Variable	Value
*20 ft Wind Speed Upslope	20
**Herbaceous Fuel Moisture	30
**Woody Fuel Moisture	60
1-hr Fuel Moisture	2
10-hr Fuel Moisture	3
100-hr Fuel Moisture	5

Table 4. Input wind and fuel moisture parameters from FireFamilyPlus used for fire behavior models

*Winds blowing uphill.

**Live fuel moistures are not calculated accurately from RAWS, so a standard extreme fuel moisture set was used for live woody fuel moisture and live herbaceous fuel moisture. For standard values, see Scott and Burgan pg. 18 (2005).⁹

Winds

Upslope winds were used instead of directional winds for the FARSITE and FlamMap scenarios because aligning slope and wind will give the worst-case results. Directional winds would favor one aspect over another and would show lower fire behavior on the leeward aspects.

⁹ Scott, J.H. and R. Burgan. 2005. *Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rothermel's Surface Fire Spread Model*, United States Department of Agriculture Forest Service, RMRS-GTR-153.