

**AMADOR WATER AGENCY
RESPONSES TO COMMENTS MEMORANDUM
ON THE INITIAL STUDY / PROPOSED MITIGATED NEGATIVE
DECLARATION FOR THE GRAVITY SUPPLY PIPELINE PROJECT**

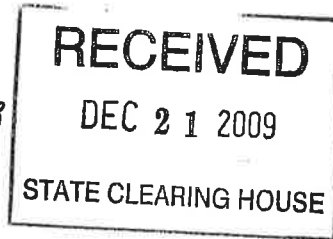
This memorandum contains the comment letters and responses to each letter that were received on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Gravity Supply Pipeline Project. Following each comment letter is a response by the Amador Water Agency (Agency) that is intended to either; supplement, clarify, or amend information provided in the IS/MND and/or refer the reader to the appropriate place in the IS/MND where the information can be found. Comments that are not directly related to environmental issues may be discussed or noted for the record. Where text changes in the IS/MND are warranted based upon comments, those changes are generally included as part of response to comment.

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
PHONE (209) 948-7112
FAX (209) 948-3670
TTY 711



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*Clear
12.28.09
e*

December 21, 2009

10-AMA-88/49-PM Various
Gravity Supply Pipeline (GSP)
SCH 2009112064 (MND)

Gene Mancebo
Amador Water Agency
12800 Ridge Road
Sutter Creek, CA 95685

Dear Mr. Mancebo:

The Department of Transportation (Caltrans) appreciates the opportunity to review the Initial Study and Proposed Mitigated Negative Declaration for the Gravity Supply Pipeline Project (GSP), prepared November 2009 for the Amador Water Agency. The proposed GSP comprises 40.1 acres and would begin at a new intake structure at Pacific Gas & Electric Company's Tiger Creek Regulator Reservoir and end at the existing Buckhorn Water Treatment Plant in Pioneer, at State Route (SR) 88 in Amador County.

- An Encroachment Permit will be required for work (if any) done within the Caltrans right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy Caltrans' environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect Caltrans' ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.

1-1

- We encourage you to contact the Native American Heritage Commission, 915 Capitol Mall, Room 364, Sacramento, CA 95814, (916) 653-4082 for advice on consulting with Native Americans regarding any cultural concerns within the project area.

1-2

If you have any questions or would like to discuss these comments in more detail, please contact Kathleen McClafin at (209) 948-7647 (email: kathleen_mcclafin@dot.ca.gov) or me at (209) 948-7112.

Sincerely,

DANIEL H. BREWER, Chief
Office of Rural Planning and Administration

c: Scott Morgan, State Clearinghouse



ARNOLD SCHWARZENEGGER
GOVERNOR

December 29, 2009

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

Gene Mancebo
Amador County Water Agency
12800 Ridge Road
Sutter Creek, CA 95685

Subject: Gravity Supply Pipeline
SCH#: 2009112064

Dear Gene Mancebo:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 28, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

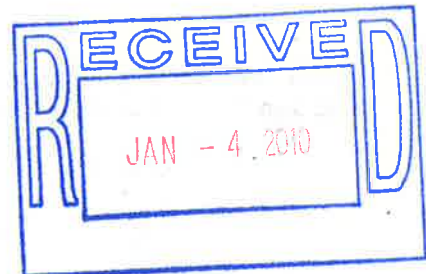
These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency



Document Details Report
State Clearinghouse Data Base

Letter 1

SCH# 2009112064
Project Title Gravity Supply Pipeline
Lead Agency Amador County Water Agency

Type MND Mitigated Negative Declaration
Description NOTE: Extended to Dec. 28, 2009 per lead.

The Amador Water Agency is proposing to construct and install a raw water Gravity Supply Pipeline (GSP) for the purpose of improving efficiency in the delivery of municipal water supply to its Central Amador Water Project (CAWP) service area. The GSP would commence at a new intake structure to be constructed at PG&E Company's Tiger Creek Regulator Reservoir, and end at the Agency's existing Buckhorn Water Treatment Plant in Pioneer for treatment of raw water prior to distribution for municipal uses within the CAWP service area.

Lead Agency Contact

Name Gene Mancebo
Agency Amador County Water Agency
Phone (209) 223-3018 **Fax**
email
Address 12800 Ridge Road
City Sutter Creek **State** CA **Zip** 95685

Project Location

County Amador
City
Region
Lat / Long 38° 26' 43" N / 120° 29' 52" W
Cross Streets SR 88 and Hwy 49
Parcel No. multiple parcels
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 88
Airports
Railways
Waterways Tiger Creek, North Fork Mokelumne River
Schools
Land Use A-E 10, Agricultural Estates; A-T, Agricultural Transition; G-F, General Forest; O-F, Open Forest; and R-S, Residential Suburban

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Economics/Jobs; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Department of Health Services; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission

Date Received 11/19/2009 **Start of Review** 11/19/2009 **End of Review** 12/28/2009

LETTER 1: DEPARTMENT OF TRANSPORTATION, DANIEL BREWER

Response to Comment 1-1

The Agency will obtain an Encroachment Permit for any work done within the Department of Transportation right of ways or State highway system. The Plans and Specifications for the proposed GSP are in standard units.

Response to Comment 1-2

The comment is noted and the Agency extends its gratitude to the Department of Transportation for suggesting consultation with the Native American Heritage Commission.

As discussed under Item 5, Cultural Resources (b) page 5-40 of the IS/MND, PBS&J cultural resources staff requested the Native American Heritage Commission (NAHC) to search its sacred lands database to determine if any Native American cultural resources are located on or near the project site. The NAHC response letter stated that the search of the sacred lands database indicated the presence of Native American resources in the immediate project area and nearby locales. The NAHC letter also included a list of Native American organizations and individuals who may have knowledge of cultural resources in the project area. Letters that included a brief description of the project and a project map were sent to each organization / individual identified on the NAHC list. As of the public review period (November 21, 2009 – December 28, 2009) PBS&J did not receive responses from tribal representatives indicating the presence of Native American cultural resources in the project area. As of January 25, 2010, PBS&J has received no responses from tribal representatives indicating the presence of Native American cultural resources in the project area.

Please refer to Mitigation Measures CUL 1, 2, and 3, which require that the contractors be instructed on the presence of archeological or paleontological indicators and, in the case of discovery, require them to cease work and retain a qualified paleontologist.

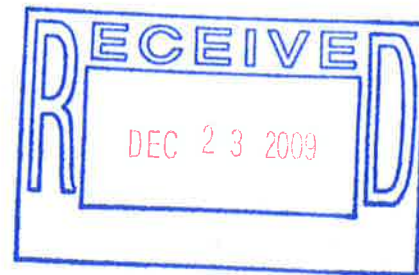


California Natural Resources Agency
DEPARTMENT OF FISH AND GAME

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMON, Acting Director



North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
<http://www.dfg.ca.gov>



December 22, 2009

Gene Mancebo
Amador County Water Agency
12800 Ridge Road
Sutter Creek, CA 95685

Dear Mr. Mancebo:

The Department of Fish and Game (DFG) has reviewed Amador Water Agency's proposed Mitigated Negative Declaration (SCH#2009112064). The project consists of a plan to construct a 6.57 mile long raw water Gravity Supply Pipeline project to serve the Central Amador Water Project. The project is located between Tiger Creek Regulator Reservoir and the Buckhorn Water Treatment facility, in Amador County.

Wildlife habitat resources consist of primarily forest habitat, including mixed conifer and oak woodlands. Significant natural resources include habitat for sensitive species. Additionally, the pipeline project crosses several watercourses including Mill Creek, Antelope Creek, Tiger Creek, and other unnamed tributaries.

In addition to the other biological mitigation measures contained in the MND, the DFG recommends that Mitigation Measure Bio 2 and Bio 6 be revised to include the following:

- 1. Prior to construction, Amador Water Agency shall retain a qualified biologist to conduct an amphibian survey for foothill yellow-legged frogs of the construction site following protocols approved by the DFG. The survey should be designed for seasonally appropriate identification of foothill yellow-legged frog life stages, including adult number, oviposition sites, tadpole rearing areas, and juveniles. If frogs are found during the pre-construction survey or during construction activities, then further mitigation is required. 2-1
- 2. Prior to construction, the project proponent shall conduct a survey of the pipeline route for nesting raptors. The survey shall be conducted by qualified biologists during the appropriate time of year and follow a survey protocol approved by the DFG. 2-2
- 3. If a raptor nest is discovered on or adjacent to the pipeline route then the project proponent shall establish a ¼ mile temporary disturbance buffer around the nest until the project proponent has consulted with DFG and established measures that avoid or minimize disturbance to the nest. At a minimum, these measures will include a buffer area sufficient to avoid disturbance to the nest and a full time biological monitor with stop-work authority. 2-3

If these recommendations are not included as a condition of project approval the DFG recommends that a draft Environmental Impact Report (DEIR) be prepared. The DEIR should discuss and provide mitigation for the following concerns:

1. The project's impact upon fish and wildlife and their habitat.
2. The project's impact upon significant habitat such as wetlands including vernal pools and riparian habitat. The project should be designed so that impacts to wetlands are avoided. Mitigation should be provided for unavoidable impacts based upon the concept of no net loss of wetland habitat values or acreage.
3. The project's impact to special status species including species which are state and federal listed as threatened and/or endangered.
4. The project's growth inducing and cumulative impacts upon fish, wildlife, water quality, and vegetative resources.
5. The DEIR should provide an analysis of specific alternatives, which reduce impacts to fish, wildlife, water quality, and vegetation.
6. The DEIR should contain an evaluation of the proposed project's consistency with the applicable land use plans, such as General Plans, Specific Plans, Watershed Master Plans, Habitat Conservation Plans, etc.

The DEIR should consider and analyze whether implementation of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the DFG under section 1600 et seq. of the Fish and Game Code. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and water courses. Impacts triggering regulation by the DFG under these provisions of the Fish and Game Code typically result from activities that:

- Divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake;
- Use material from a streambed; or
- Result in the disposal or deposition of debris, waste, or other material where it may pass into any river, stream, or lake.

In the event implementation of the proposed project involves such activities that will result in reasonably foreseeable substantial adverse effects on fish or wildlife, a Lake or Streambed Alteration Agreement (LSAA) will be required by the DFG. Because issuance of a LSAA is subject to review under the California Environmental Quality Act (CEQA), the DEIR should analyze whether the potentially feasible mitigation measures set forth below will avoid or substantially reduce impacts requiring a LSAA from the DFG.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

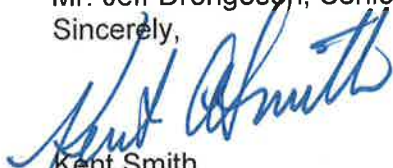
Mr. Mancebo

3

December 16, 2009

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Staff Environmental Scientist, telephone (209) 369-8851 or, Mr. Jeff Drongesen, Senior Environmental Scientist, telephone (916) 358-2382.

Sincerely,



Kent Smith
Acting Regional Manager

cc: Messrs. Kent Smith, Dan Gifford
Department of Fish and Game
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

LETTER 2: DEPARTMENT OF FISH AND GAME, KENT SMITH**Response to Comment 2-1**

As presented under Item 4, Biological Resources (a) Mitigation Measure BIO 2 on page 5-32:

The Agency shall retain a qualified biologist to conduct pre-construction surveys for foothill yellow-legged frogs. If no frogs are found during the survey, then no further mitigation would be required.

If foothill yellow-legged frogs are found, then the Amador Water Agency or their representative shall contact CDFG prior to disturbance of the area to discuss their strategy for preventing the loss of individuals of this species. Since disturbance in the bed of the creeks where this species may occur will be temporary, and limited to the duration of construction, it is likely that CDFG will require only that any foothill yellow-legged frogs found in the area be moved to nearby suitable habitat, out of harm's way, and to provide a biological monitor during construction in the creek beds to prevent any foothill yellow-legged frogs from moving into the disturbance zone during construction. Other possible measures may include seasonally timed work in the stream channels, implementation of best management practices (BMPs) to ensure the stream's water quality does not degrade, and restoration of the stream bed to as close to its original state as possible. These measures will mitigate potential impacts to foothill yellow-legged frog through ensuring that individual frogs are not harmed during construction, and that habitat is restored to pre-construction conditions.

The Department of Fish and Game (DFG) recommends the following measures be incorporated into Mitigation Measure BIO 2.

Prior to construction, the Amador Water Agency shall retain a qualified biologist to conduct an amphibian survey for foothill yellow-legged frogs of the construction site following protocols approved by the DFG. The survey should be designed for seasonally appropriate identification of foothill yellow-legged frog life stages, including adult number, oviposition sites, tadpole rearing areas, and juveniles. If frogs are found during the pre-construction survey or during construction activities, then further mitigation is required.

The Agency acknowledges the potential to impact yellow-legged frogs during construction activities; as such, Mitigation Measure BIO 2 will be revised to include the recommendations of the DFG. The complete revised mitigation measure will be listed in the final Mitigation Monitoring and Reporting Plan prior to adoption of the IS/MND.

Response to Comment 2-2 and 2-3

As presented under Item 4, Biological Resources (d) Mitigation Measure BIO 6 on page 5-36:

Avoid Trees During Nesting Season. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 14 days prior to the proposed removal of trees or shrubs, or before other construction activity that could potentially disturb nesting birds in nearby trees or shrubs (i.e., within 50 feet of trees or shrubs). Survey results

shall be valid for 21 days following the survey. The area surveyed shall include all construction areas within 50 feet of the project alignment.

Protect Birds in the Event of Nest Discovery. In the event that an active nest is discovered in the areas to be cleared, or in trees or shrubs within 50 feet of construction boundaries, the Agency shall delay construction in the vicinity of active nest sites during the breeding season (February 1 through August 31) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance measures shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined by the qualified biologist, but shall be a minimum of 100 feet. The buffer zone shall be delineated with highly visible temporary construction fencing.

These measures will mitigate potential impacts to nesting raptors and other migratory birds through avoidance of construction, or ensuring that active nests are identified prior to construction and protected from disturbance through the project completion.

The Department of Fish and Game (DFG) recommends the following measures be incorporated into Mitigation Measure BIO 6.

Prior to construction, the project proponent shall conduct a survey of the pipeline route for nesting raptors. The survey shall be conducted by qualified biologists during the appropriate time of year and follow a survey protocol approved by the DFG.

If a raptor nest is discovered on or adjacent to the pipeline route then the project proponent shall establish a 1/4 mile temporary disturbance buffer around the nest until the project proponent has consulted with DFG and established measures that avoid or minimize disturbance to the nest. At a minimum, these measures will include a buffer area sufficient to avoid disturbance to the nest and a full time biological monitor with stop-work authority.

The Agency acknowledges the potential to impact nesting birds during construction activities; as such, Mitigation Measure BIO 6 will be revised to include the recommendations of the DFG. The complete revised mitigation measure will be listed in the final Mitigation Monitoring and Reporting Plan prior to adoption of the IS/MND.

Bill Condrashoff - 11180 Ranchette Dr. Jackson CA 95642 - 209-257-1208

December 28, 2009

Amador Water Agency
General Manager
12800 Ridge Road
Sutter Creek CA 95685

Re: Comments on *Initial Study and Proposed Mitigated Negative Declaration for the Gravity Supply Pipeline Project*

Dear Gene,

I decided to put my comments in writing on the *Initial Study and Proposed Mitigated Negative Declaration for the Gravity Supply Pipeline Project*. That way there will be a written record of my questions and concerns for the AWA Board and the public to review. These are in page order of the document.

Page 5-5 Last Paragraph states “SR 88 along the southern border of the county.”

Question 1: SR 88 does not travel along the southern border of the county. Please correct the discrepancy.

3-1

Page 5-6 Paragraph 1 states “As stated above, State Route 88 is a designated Scenic Highway from Jackson to the Dew Drop Ranger Station, which is not within the areas of construction.”

Question 2: Figure 5-1 (map) shows the construction area on State Route 88 in Buckhorn which is within the described stretch of Scenic Highway. Please correct the discrepancy.

3-2

Page 5-7 and 5-8 Last Paragraph discusses the response to question 2c in the checklist above. The discussion does not include the possibility of this pipeline supplying water to the customers along the Amador Canal. Because there is a potential to convert the Amador Canal water supply from raw water to treated water, there is the potential to convert farmland along the Amador Canal to non-agricultural uses.

Question 3: To fully answer question 2c. on page 5-7, please include this possibility in the discussion.

3-3

Page 5-49 Mitigation Measure HAZ1 states “If evidence of soil, groundwater, or surface water contamination is found during construction, work in the affected area shall stop and the Amador County Environmental Health Department shall be notified immediately.”

Question 4: How are we checking for evidence of contamination, and who will be looking for that evidence?

3-4

Page 5-50 Paragraph 1 states “However, access on public roads would be maintained in accordance with standard traffic control practices, which would be subject to California Department of Transportation and Amador County approvals. Therefore, only minor delays or controlled single-lane traffic would be encountered.”

Question 5: Standard traffic control practices allow for up to 20 minute delays, which I do not consider minor. If there are no detour options, that can total 40 minutes per round trip. I recommend having road openings at regular, predefined intervals to allow residents to plan their trips accordingly.

3-5

Page 5-50 Last Paragraph states “The Agency shall ensure that contractors do not store or use combustible materials or result in sparks from welding during the summer construction period.”

Question 6: This sentence is unclear. Does this mean no welding in summer, or no sparks in summer? If the latter, how does one weld without sparks?

3-6

Page 5-56 Second Paragraph states “About 29,214 feet of the alignment would be installed along roadways. Roadway installations would be resurfaced following construction and there would be no change in land use or amount of impervious surfaces that could contribute to pollutant build-up and washoff during rain event.”

3-7

Question 7: My understanding is that much of the pipeline will be above ground with concrete mounts which are impervious surfaces. Please explain the discrepancy.

Page 5-56 Fourth Paragraph states “The propane tank would be located outside; however, there would be no risk to water quality from leaks or spills because propane is a gas and leaks/spills would disperse to the atmosphere.”

3-8

Question 8: Gases are soluble in water. A major propane spill could result in gas dissolved in the drinking water. Please address this issue.

Page 5-60 First Paragraph states “Although a potential pipeline break could discharge water to groundwater, the likelihood of a substantial leak is small, the quality of water discharged would be similar to natural drainages in the Tiger Creek watershed, and quantity of water discharged would be small in comparison to groundwater volume.”

3-9

Question 9: The Amador Transmission Pipeline had two substantial leaks due to faulty construction. One caused an enormous hole in a roadway. Because it was in a roadway, it was discovered quickly. A major leak in remote area could cause enormous damage before being detected. Please address this possibility.

Page 5-61 First Paragraph states “As such, due to the complex regulatory oversight and inspection procedures, the likelihood of a Tiger Creek Regulator Dam failure is remote and impacts associated with dam failure inundation would be *less than significant*.”

3-10
a
b

Question 10: Please supply dam quality information from this complex oversight, such as PG&E inspection reports, regulatory reports that describe the condition of the dam, etc. What is the contingency plan if the dam ever needs to be replaced?

Page 5-62 Last Paragraph states “The proposed pipeline would be located underground in undeveloped areas and along roads and fence lines.”

3-11

Question 11: AWA Staff has stated that substantial sections of the pipeline in undeveloped areas will be above ground. Please confirm that the entire length of the pipe in undeveloped areas will be underground. If the pipe will not be underground in undeveloped areas, please account for its environmental effects.

Page 5-66 First Paragraph states “The proposed pipeline conveyance system simply transports water via gravity and would not produce noise because it is an underground pipeline buried to 4–6 feet below ground surface.”

3-12

Question 12: AWA Staff has stated that substantial sections of the pipeline in undeveloped areas will be above ground. Please confirm that the entire length of the pipe in undeveloped areas will be underground. If the pipe will not be underground in undeveloped areas, please account for its environmental effects.

Page 5-69 Fourth Paragraph states “*Hours of construction activity shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to 7:00 p.m. on Saturdays, and no construction on Sundays and holidays.*”

3-13

Question 13: Some people sleep during the day due to nighttime occupations. How will we mitigate for those people?

Page 5-70 Last Paragraph states “As proposed, the project would allow the Agency to deliver reliable surface water supplies to existing customers, and other potential residences in the CAWP that currently use private wells for domestic water purposes. In addition, the proposed project could accommodate new development in the CAWP service area to the extent additional capacity in the GSP would not exceed the raw water diversions allowed under Permit 17579.”

3-14

Question 14: The project has a design capacity of 5cfs. Although the current permit allows diversion of up to only 3cfs, Amador Water Agency has applied for a permit to increase this. Therefore the effects of this potential increase in capacity should be studied.

Page 5-71 Last Paragraph states “As presented above, the growth projection analysis estimates the maximum allowable build-out within the CAWP at 13,544 new connections or approximately 3,156 afy (2.8 mgd) in new demands. Peak day demands would be greater, and are calculated at 5.35 mgd or 8.28 cfs using a peaking factor (peak day to average day ratio) of 1.9. The proposed project is sized to convey 5 cfs of raw water from the Regulator Reservoir; currently, the Agency diverts an average of 2 cfs. With this understanding, the proposed GSP allows the Agency to meet current demands in the CAWP and some incremental growth projected in the approved General Plan but would not accommodate peak day demands of 8.38 cfs associated with build-out in the CAWP service area.”

3-15

Question 15: The old pumping system will remain operational. With the GSL and the old pumping system combined, we will be able to accommodate peak day demands for buildout. Please indicate the peak daily capacity of the two systems combined.

a

Question 16: Why do you use 8.28cfs and 8.38cfs for peak day demand within the same paragraph?

b

Question 17: According to CAWP Will Serve List from March 2009, average use on the CAWP system is 400gpd/edu and peak use is 500gpd/edu. Therefore the peaking factor on this system is 1.25. Yet this paragraph references a peaking factor of 1.9. Please redo these calculations with the correct peaking factor of 1.25.

c

Page 5-71 Last Paragraph states “In addition, the Buckhorn WTP has a rated capacity of 3 mgd (4.64 cfs) with a reliable capacity of 2 mgd or approximately 3.1 cfs. Applying the same peaking factor of 1.9, peak day demands are calculated at 5.87 cfs or approximately 3.0 mgd.”

3-16

Question 18: 3.0mgd does not equal 5.87cfs. Please correct the mistake.

a

Page 5-72 First Paragraph: “As calculated in this analysis, the treatment capacity at the Buckhorn WTP can produce adequate supplies for existing CAWP customers and some incremental growth projected in the approved General Plan but would not accommodate peak day demands associated with build-out in the CAWP service area.”

Question 19: I believe peak day demands could be accomodated if the 1.25 peaking factor were used in the calculations. Please verify.

b

Page 5-72 First Paragraph: “As such, the proposed project by itself or in combination with production capacity at the Buckhorn WTP does not have the capacity to facilitate growth within the CAWP service area. Notably, as stated above, Permit 17579 limits annual consumptive use to 1,150 afy. Therefore, the proposed project would have no direct or indirect effect on the area's population or growth and the impact would be *less than significant*.”

3-17

Question 20: The project has a design capacity of 5cfs. Although the current permit allows diversion of up to only 3cfs, Amador Water Agency has applied for a permit to increase this. Therefore the effects of this potential increase in capacity should be studied.

Page 5-73 Last Paragraph states “The conveyance capacity and reliability of the CAWP system would be improved, but installation of the GSP is not expected to directly or indirectly induce population growth in the area. As discussed in Population and Housing (Item 12) of this IS, the project accommodates current water demands in the CAWP and an incremental amount of the potential growth but due to pipe sizing and capacity limitations at the Buckhorn WTP the proposed project would not result in growth-inducing effects and, therefore, the project would have a *less-than-significant impact* on public services.”

3-18

Question 21: The project has a design capacity of 5cfs. Although the current permit allows diversion of up to only 3cfs, Amador Water Agency has applied for a permit to increase this. Therefore the effects of this potential increase in capacity should be studied.

Page 5-76 First Paragraph states “The proposed GSP pipeline construction also would occur along Tiger Creek Road, which is accessible only by PG&E and Agency staff – the general public is permitted on the road.”

3-19

Question 22: Please clarify. Is access only by PG&E & Agency staff, or is the public permitted on the road?

Page 5-77 Second Paragraph states “However, access to public roads would be maintained in accordance with standard traffic control practices, which would be subject to Caltrans and Amador County approvals. Therefore, only minor delays or controlled single-lane traffic would be encountered. Private driveways and roads would be handled on an individual basis by contacting each property owner to determine the needs for access.”

3-20

Question 23: Standard traffic control practices allow for up to 20 minute delays. If there are no detour options, the delays can total 40 minutes per round trip (which I do not consider minor). I recommend having road openings at regular, predefined intervals to allow residents to plan their trips accordingly.

Page 5-79 First Paragraph states “The proposed project would change the point of re-diversion of surface water from the Afterbay Reservoir to the Regulator Reservoir.”

3-21

Question 24: The project will add a point not change the point of re-diversion. Please correct.

Page 5-79 First Paragraph states “The proposed project does not generate wastewater; as such, it would not exceed the applicable requirements of the CVRWQCB. Therefore, *no impact* would occur.”

3-22

Question 25: The increase in capacity of the proposed project will increase the amount backwash water to be disposed of. Please study this issue.

Page 5-79 Second Paragraph states “Therefore, new or expanded treated water facilities would not be required.”

3-23

Question 26: The project has a design capacity of 5cfs. To fully utilize the capacity of the GSP, new or expanded treated water facilities will be required and therefore should be studied.

Page 5-79 Last Paragraph states “The proposed pipeline would be sized to accommodate current water demands in the CAWP service area. As stated in the Project Description, the Agency determined the GSP would also be sized to meet the demands of potential connections resulting from subdivided parcels in the CAWP.”

3-24

Question 27: Which is it? Is the project sized for current water demands or for the demands of potential subdivisions? Please explain.

Page 5-80 First Paragraph states “The proposed project does not generate wastewater; as such, it would not contribute to the existing wastewater systems or facilities. In this case *no impact* to existing wastewater treatment systems would occur.”

3-25

Bill Condrashoff - 11180 Ranchette Dr. Jackson CA 95642 - 209-257-1208

Question 28: Currently CAWP has marginal capacity to dispose of its backwash water. The increase in capacity of the proposed project will increase the amount backwash water to be disposed of. Please study this issue.

3-25
(cont.)

Page 5-80 Last Paragraph states “Construction of the proposed pipeline would involve excavation of an area approximately five feet deep by five feet wide over the length of the pipeline. However, the excavated material along with some engineered material would be used to fill the trench area after installation of the pipeline. Any excess soil would be spread and compacted in the area immediately adjacent to the pipeline alignment. It is expected that solid waste generated during construction activities would be minimal (e.g., cardboard, wood scraps, plastic straps, etc.) and would be disposed of by the Agency’s contractors or in local construction-material dumpsters. Operation of the pipeline would not generate solid waste. Therefore, the project would result in *lessthan-significant impacts*.”

3-26

Question 29: There are substantial amounts of arsenic-contaminated soil in the county. Has AWA tested soils along the GSP alignment for arsenic?

a

Question 30: If there is arsenic, would we be able to put the soil back in the trench as described? I’m sure you remember that on Broad Street we were not allowed to do this, and had to truck out the contaminated soil at great expense.

b

Page 5-82 Second Paragraph states “Secondly, the Agency’s raw water diversions would be moved upstream to the Regulator Reservoir, enhancing upstream storage capacity, which under certain hydrologic conditions (i.e. below-normal precipitation) could help PG&E maintain in-stream flow releases below the Afterbay as required by its FERC license. As a result of the proposed project, PG&E will have enhanced supplies available to maintain its in-stream flow requirements without having to release additional flows to accommodate the Agency’s current downstream diversions from the Afterbay. In terms of watershed management, reservoir storage ultimately improves the region’s water supply conditions and conjunctive use potential, which allows the Agency and other water providers in the watershed with opportunities to improve supply reliability. Thus, with that understanding the project will have no impact on long-term goals for short-term benefits.”

3-27

Question 31: Please explain with illustrations and numerical data how changing the diversion point helps PG&E maintain in-stream flows and enhances storage capacity.

Sincerely,



Bill Condrashoff, Amador Water Agency Board President

**LETTER 3: BILL CONDRASHOFF, DIRECTOR AGENCY, 11180 RANCHETTE DRIVE,
JACKSON, CA****Response to Comment 3-1**

The Commenter notes that SR 88 does not travel along the southern border of the county. While SR 88 does travel near the southern border of the County in the area of the project, an error was made in the location of scenic highway designation. SR 88 is an officially designated scenic highway along the northern border of the county, between Dew Drop Ranger Station and Kirkwood. Between Jackson and the Dew Drop Ranger Station, SR 88 is merely eligible for scenic designation.

The first sentence of the second bullet point under Item 1, Aesthetics discussion on page 5-5 of the IS/MND is revised to read:

SR 88 along the northern border of the county.

Response to Comment 3-2

The Commenter is correct; State Route 88 from Jackson to the Dew Drop Ranger Station is within the areas of construction. As proposed, construction of the GSP would cross SR 88 in Pioneer near the Buckhorn WTP.

The first sentence under Item 1, Aesthetics (a-c) on page 5-6 of the IS/MND is revised to read:

As stated above, State Route 88 is a designated Scenic Highway from the Dew Drop Ranger Station to Kirkwood, along the northern border of the county, which is not within the areas of construction. Where the proposed project crosses SR 88, near Silver Drive, SR 88 is eligible for designation as a scenic highway, however it has not yet officially been designated as such.

The Commenter is referred to Response to Comment 3-1.

Response to Comment 3-3

The proposed project consists of the installation and operation of an intake structure at PG&E's Tiger Creek Regulator Reservoir and an underground raw water conveyance pipeline connected to the Buckhorn WTP in Pioneer for the benefit of the Central Amador Water Project communities. The water conveyed through the pipeline is diverted from the North Fork Mokelumne River pursuant to water right permit 17579. That permit has a defined share of use, which does not include farmlands along the Amador Canal. A petition to expand the place of use would have to be submitted to the State Water Resources Control Board ("SWRCB") and approved by the SWRCB to include said lands along the Canal. Such a petition is not proposed as part of the GSP Project.

Response to Comment 3-4

The Agency will develop and use a Hazardous Materials Safety Plan (HMSP), similar to the HMSP developed for the Plymouth Pipeline Project – adherence to the protocols in the HMSP would ensure proper procedures are followed during construction activities. The contractor is responsible for implementing the HMSP while the primary party for monitoring will be the Amador County Environmental Health Department.

Response to Comment 3-5

Public roads would be maintained in accordance with standard traffic control practices, which would be subject to California Department of Transportation and Amador County approvals.

Traffic Control Plan(s) will be submitted to the California Department of Transportation and Amador County Transportation and Public Works. These responsible agencies will review and approve the Traffic Control Plan(s) within their respective jurisdictions. These responsible agencies have “standard traffic control practices;” therefore, the specifics of the Traffic Control Plan(s) are wholly within the control of these responsible agencies and not analyzed in this IS/MND. The Silver Lake Pines and Sierra Highlands Subdivisions, where the majority of the residents located along the route live, have multiple points of access to SR 88. These residents would have the option of using one of the alternate ingress/egress points to the subdivision rather than be detained by traffic control. Commenter’s recommendation of having roads open at predefined times noted and will be investigated.

Response to Comment 3-6

Under Item 7, Hazards and Hazardous Materials (h) on page 5-50 of the IS/MND HAZ 2 is revised to read:

The Agency shall ensure that contractors do not store or use combustible materials at or near welding activities that may result in fires or result in sparks from welding during the summer construction period. The Agency shall require the Contractor to develop a fire safety plan that complies with the requirements contained in the Plans and Specifications for the proposed GSP project.

The complete revised mitigation measure will be listed in the final Mitigation Monitoring and Reporting Plan prior to adoption of the IS/MND.

Response to Comment 3-7

Only 607 lineal feet out of 34,707 lineal feet of the pipeline (1.75%) will be above ground. 267 lineal feet of the total above ground installation represent creek crossings, which have a combined exposed footing area of approximately 560 square feet.

Only 340 lineal feet of the entire 34,707 lineal feet of pipe installation will include use of concrete saddles. As discussed on pages 4-2 through 4-5 of the Project Description in section 4 of the

IS/MND, 6.57 miles of buried raw water gravity-flow pipeline commencing at the Regulator Reservoir and ending at the Buckhorn WTP. The GSP would be installed in a trench, roughly 5 or 6 feet below ground surface with approximately 3 to 4 feet of cover.

Response to Comment 3-8

As discussed in Item 8, Hydrology and Water Quality on page 5-56 of the IS/MND, the propane tank would be located outside; however, there would be no risk to water quality from leaks or spills because propane is a gas and leaks/spills would disperse to the atmosphere. If the propane tank were to develop a leak, it is being sited a sufficient distance from the Regulator Reservoir so that in event of an accidental leak in the propane tank, the gas would disperse into the atmosphere before it could enter the Regulator Reservoir. The Plans and Specifications for the proposed project identify the applicable building code standards for the installation of the propane tank.

Response to Comment 3-9

The proposed GSP would be equipped with SCADA controls that provide alarms should any substantive difference in flow develop during raw water conveyance between the intake structure at the Regulator Reservoir and outlet at the Buckhorn WTP. System operators would be alerted and the system would automatically shut down before a significant quantity of water would be discharged.

Response to Comment 3-10 (a) and (b)

(a) As discussed in Item 8, Hydrology and Water Quality on pages 5-60 and 5-61 of the IS/MND, PG&E operates the hydropower facilities at the Tiger Creek Regulator Dam. The Federal Energy Regulatory Commission (FERC) regulates the hydropower operations and the safety of these facilities. FERC requires periodic inspections by an independent consultant under Part 12(D) of its regulations. The Dam Safety Performance Monitoring Program, Chapter 14 of the FERC Engineering Guidelines, now includes guidance for Potential Failure Mode Analyses (PFMA), which is to be carried out as part of the Part 12(D) Independent Consultant's Inspection Report. The purpose of the PFMA is to ensure that potential failure modes are properly identified and addressed. It is the ongoing responsibility of a licensee to ensure that its projects are operated and maintained in compliance with FERC regulations and the terms and conditions of its license. Licensees must also develop public safety plans and install and maintain safety devices necessary to adequately warn and protect the public of potential dangers related to project lands and waters.

(b) If the Regulator Reservoir Dam should require substantial work or require replacement, the Agency would divert water from Tiger Creek Afterbay and use the current pump station and conveyance system.

Response to Comment 3-11

Please refer to Response to Comment 3-7 above.

Response to Comment 3-12

Please refer to Response to Comment 3-7 above

Response to Comment 3-13

These construction hours are generally accepted hours of operation. The majority of the project is located in undeveloped areas, where no homes and occupants would be disturbed by construction activities. The majority of the population sleeps during the hours outside of the proposed hours of operation. No specific mitigation measures are proposed for individuals that may sleep during the construction hours proposed for the project; Agency staff will advise property owners in advance of the anticipated construction schedule in their vicinity and duration of construction.

Response to Comment 3-14

As discussed in the Project Description on page 4-1 of the IS/MND, the Agency currently holds Water Right Permit 17579 for the CAWP system. Permit 17579 authorizes:1) direct diversion of 3 cubic-feet per second (cfs) year-round, not to exceed 1,150 acre-feet annually (afa) from the North Fork Mokelumne River at the Tiger Creek Afterbay; and 2) diversion to storage of 1,600 acre-feet in the Lower Bear River Reservoir between October 1 and July 15. The place of use (POU) under this permit allows water to be used for municipal purposes within the CAWP service area. The maximum annual use to date has been 1132 acre-feet in 2006, which is only 18 acre-feet short of the maximum authorized amount.

As a result, the Agency has a pending application with the SWRCB to increase the direct diversion amount by 1050 acre-feet and the storage amount by 1400 acre-feet. The SWRCB will require an environmental review of the effects of these proposed increased diversions. This separate environmental review has not yet commenced. Please refer to the response to the comments of the Foothill Conservancy.

Response to Comment 3-15 (a), (b) and (c)

(a) The proposed project does not include operating the existing pump station conveyance system and proposed GSP being used simultaneously. The conditions of water right permit 17579 would preclude diverting and running the existing conveyance system and the proposed GSP in excess of 5 cfs.

(b) The fourth sentence in the last paragraph under Item 12, Population and Housing (a) on page 5-71 of the IS/MND is revised to read:

With this understanding, the proposed GSP allows the Agency to meet current demands in the CAWP and some incremental growth projected in the approved General Plan but would not accommodate peak day demands of ~~8.38~~ 8.28 cfs associated with build-out in the CAWP service area.

(c) The annual diversion of water for use averaged 1,102 acre feet for the years 2004-2008 with a peak diversion in 2006 of 1132 acre feet. The CAWP service area includes 4020 parcels. 3504 parcels are currently using water and 516 are paying fees, but not currently taking service. Based on the peak use year of 2006, each current parcel using water has an average annual use of 0.323 acre feet. Using the five year average diversion of 1,102 acre feet, the average annual use of water parcel is 0.315 acre feet per parcel or a daily average use of 281 gallon per day per parcel.

The Buckhorn Water Treatment plant, which provides treated water to the CAWP service area, produced an average of 0.958 million gallons per day for the period 2005-2009. In 2006, the plant produced an average 1.011 million gallons per day (MGD). In 2006, the peak day production for the plant was 1.726 MGD. This peak day production would require a constant flow of 2.67 CFS. The recorded peak day to average day ratios for the plant from 2005 to 2009 averaged 1.71 with a maximum ratio of 1.82 occurring in 2005. To project future peak day demands based on average annual water demands, the ratio of 1.82 is used to ensure that peak demands can be meet.

The 2009 memorandum projecting future demand based on land use designation, estimated a total annual demand of 3156 acre feet (2698 + 458). This is a daily average of 8.65 acre feet (AF) or 2.82 MGD. Based on the peak to average day ratio (1.82), the peak day use of 5.13 MGD can be calculated. This demand does not include water needed for cleaning filters and other unaccounted for water in the distribution system. Based on the 2007/2008 water production for the plant, 4.61% of the water produced is needed for cleaning filters. Including water for cleaning, 5.36 MGD is needed to serve the projected demand. 5.36 MGD requires a flow rate of 8.3 CFS over a 24 hour period.

Response to Comment 3-16 (a) and (b)

(a) The sixth sentence in the fifth paragraph under Item 12 (a) shall be deleted.

~~Applying the same peaking factor of 1.9, peak day demands are calculated at 5.87 cfs or approximately 3.0 mgd.~~

(b) Please refer to Response to Comment 3-15 above.

Response to Comment 3-17

Please refer to response 3-14 and response to comments of the Foothill Conservancy.

Response to Comment 3-18

Please refer to response 3-14 and response to comments of the Foothill Conservancy.

Response to Comment 3-19

Tiger Creek Road is an Amador County-maintained road from State Route 88 (SR 88) to Stephanie Way. The road is also accessible to local residents from SR 88 to McKenzie Drive. The sixth sentence in the first paragraph under Item 15, Transportation/Traffic (a, b) on page 5-76 of the IS/MND is revised to read:

The proposed GSP pipeline construction also would occur along Tiger Creek Road. Tiger Creek Road is County maintained from State Route 88 to Stephanie Way. PG&E owns Tiger Creek Road below Stephanie Way, but allows residents to use the Road down to McKenzie Drive. Beyond McKenzie Drive, Tiger Creek Road is primarily accessed by PG&E and Agency staff, although PG&E allows some public access of this portion of the road for recreational purposes.

Response to Comment 3-20

Please refer to Response to Comment 3-5 above.

Response to Comment 3-21

The first sentence in the first paragraph under Item 16, Utilities and Service Systems (a) on page 5-79 of the IS/MND is revised to read:

The proposed project add points of direct diversion and redirection of the North Fork Mokelumne River Water. The proposed project would change the primary point of diversion of surface water from the Tiger Creek Afterbay Reservoir to the Regulator Reservoir. The Buckhorn Water Treatment Plant (WTP) is designed for an ultimate capacity of 5 mgd, which exceeds the capacity of the GSP. The existing Waste Discharge Requirements (WDR) for the Buckhorn Water Treatment Plant account for the ultimate design capacity of the WTP. The WDR's were environmentally reviewed.

Response to Comment 3-22

The Buckhorn Water Treatment Plant is designed for an ultimate capacity of 5 mgd, which exceeds the capacity of the GSP. Please refer to response 3-21.

Response to Comment 3-23

The Buckhorn WTP has a reliable capacity of 2 million gallons per day, considering backwash, cleaning and other operational issues. The expansion of the Buckhorn WTP will require environmental review and is not a part of this project

Response to Comment 3-24

Under Item 16, Utilities and Service Systems (d), the fourth sentence on page 5-79 of the IS/MND is revised to read:

The proposed GSP pipeline will accommodate the current water demands in the CAWP service area. See also 3-14 and response to comments of the Foothill Conservancy.

Response to Comment 3-25

Please refer to response 3-22 and 3-21.

Response to Comment 3-26 (a) and (b)

The soils testing did not reveal the presence of arsenic in the area of the proposed GSP.

Response to Comment 3-27

The sentences referenced by the Commentator are stricken.

RECEIVED

DEC 28 2009

AMADOR WATER AGENCY

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December 28, 2009

Gene Mancebo
Interim General Manager
Amador Water Agency
12800 Ridge Road
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RE: Comments on the Gravity Supply Pipeline Project Initial Study and Proposed Mitigated Negative Declaration.

Dear Mr. Mancebo and Members of the Board:

I am writing this comment letter on the Gravity Supply Pipeline Project Initial Study and Proposed Negative Declaration on behalf of the Foothill Conservancy. The Foothill Conservancy supports reducing energy use from the Central Amador Water Project water delivery system. However, as explained in this letter, we believe the Initial Study and proposed Negative Declaration for the Gravity Supply Line do not sufficiently consider the growth-inducing impacts of providing far more water to the CAWP service area than will be needed for estimated growth in the region. In addition, the Initial Study does not afford a comparative evaluation of less-impacting alternatives.

4-1

Consequently, proceeding with the Gravity Supply Line as proposed could result in AWA's building excess infrastructure capacity at higher than needed public expense or inducing local growth at levels higher than any other local public agency is currently planning to address.

We therefore recommend that the AWA take one of the following actions:

- 1) Reconsider the capacity of the project and ensure it is sized to meet the water demands of projected growth for the CAWP area in the next 20 years. The growth projection should take into account the amount of growth anticipated for the area for the planning period, considering the *entire* county general plan (not just the maps of the land use element), the Regional Transportation Plan,

4-2

school master plans, community fire plans, community fire-safe plans, current and projected (not past) economic conditions, and other local infrastructure and services planning efforts. And the water supply analysis should be modified so it is clear and easy to understand, which is not the case in the current study.

↑
4-2
(cont.)

Or

- 2) Limit the number of new hookups in the CAWP area in the next 20 years to a number consistent with the growth projections of other agencies, not just the land use maps in the county general plan.

Either action would allow the project to legally proceed with its current level of environmental review.

However, if the AWA chooses not to pursue either of those options, it should prepare a focused EIR on the potentially significant impacts of the project on population and housing, public services, transportation, air quality and greenhouse gas emissions, wildlife, growth inducement, and cumulative impacts, as explained below.

Local infrastructure planning and growth

The Foothill Conservancy is a nonprofit organization that seeks to restore, protect, and sustain the natural and human environment in and around Amador and Calaveras Counties. The Foothill Conservancy believes that by working together we can bring communities to prosperity without needless destruction of that which is unique and special about the area. The Foothill Conservancy vision for this area includes protected scenic quality, conserved forest lands, restored natural diversity of native plants and animals, and balanced economic development that is ecologically and socially sustainable.

The Foothill Conservancy has adopted the Infrastructure Planning and Development Principles listed below:

- The user should pay: The cost of infrastructure expansion or improvements should be born by those who will benefit from and use the infrastructure.
- The cost of infrastructure expansions that are needed solely to accommodate new development should not be borne by existing ratepayers and taxpayers.

- Infrastructure planning should be done in open, inclusive processes that actively involve all affected stakeholders and the public, using methods that will ensure broad participation.
- Infrastructure planning should be based on adopted county and city general plans, not on speculative development that is inconsistent with adopted plans.
- The location, scale, and timing of infrastructure development should be done in a way that does not drive growth beyond what is already planned in local land use plans.
- Infrastructure such as roads, water, and wastewater facilities should not be extended into undeveloped areas unless those areas are contiguous to existing communities and approved for dense development in an adopted county or city general plan.
- When infrastructure facilities are extended across lands not planned for development in order to reach existing communities, connections to those facilities outside of developed communities should be limited.
- Infrastructure agencies should employ demand-side management techniques, including conservation and efficiency, before taking on expensive expansion projects.
- When resources are limited or finite, infrastructure providers should develop and follow smart-growth, demand-side management, and efficiency policies in order to allocate resources based on specified criteria rather than serve all applicants on a first-come, first-serve basis.
- Infrastructure should be developed in a way that works with natural systems and minimizes damage to the natural and built environment.

We encourage you to follow these principles as you continue this project planning process. These principles are more than currently popular platitudes. They are the culmination of wisdom learned through two decades of work by the Foothill Conservancy in the Mokelumne River watershed and involvement in land use and water planning in the region.

Members of our community, including members of the Foothill Conservancy, suffer as local cities and counties routinely approve development projects with significant and unmitigated impacts including traffic congestion, air pollution, declining levels of public services, loss of working landscapes, and harm to fish and wildlife. (Exhibit 1: Kirkwood & Gold Rush EIR excerpts.) The proposed water project would provide the County with additional supplies of water without any enforceable commitment from the County to reduce the impacts of the development that water facilitates. Thus, the proposed project will exacerbate the magnitude and intensity of existing problems suffered as a result of poorly planned development. We strongly encourage AWA to coordinate project planning and impact mitigation for the GSL project with the County's General Plan update and ACTC's Regional Transportation Plan update, as well as emergency services planning underway by the Amador Fire Protection Authority and community fire-safe plans of the Amador Firesafe Council. By working together with the public and other service providers, local entities can identify common growth projections and plan for parallel levels of infrastructure development. These efforts are necessary to promote balanced economic development that is financially, ecologically, socially sustainable as well as fiscally viable.

Detailed comments on the Initial Study

I. An EIR is Required Unless AWA Modifies the Project to Avoid Significant Impacts.

An EIR is required when evidence in the record indicates that the proposed project may have a significant impact on the environment either by itself or cumulatively. (CEQA Guidelines, sec. 15063.) As indicated below, there is substantial evidence in the record that the proposed GSL project (even with the proposed mitigation measures) may have significant impacts on the environment, and thus AWA must prepare an EIR for the project. AWA can avoid preparing an EIR only if it further modifies the project to eliminate the potential for these significant impacts.

II. Development Distribution, Population and Housing.

A. Introduction

As the Initial Study concedes, CEQA requires an analysis of a project's impacts on population and housing. With regard to the GSL project, the impacts of housing and population growth are potentially significant secondary impacts associated with the growth induced by the additional water supplied by the project.

It is well established in case law that an environmental review for an infrastructure project must consider the impacts of the future development that the infrastructure will serve. "Construction of the road way and utilities cannot be considered in isolation from the development it presages." (City of Antioch v. City Council of Pittsburgh (1st Dist. 1986) 187 Cal.App.3d 1325.) "It is obvious that constructing a large interchange on a major interstate highway in an agricultural area where no connecting road currently exists will have substantial impact on a number of environmental factors." (City of Davis v. Coleman (9th Cir. 1975) 521 F.2d 661, 674-675.)

When completing an EIR, the EIR must, "Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. (CEQA Guidelines, sec. 15126.2, subd. (d).)

"It also is settled that the EIR must discuss growth-inducing impacts even though those impacts are not themselves a part of the project under consideration, and even though the extent of the growth is difficult to calculate. The case law supports this distinction. The court in *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325 [232 Cal.Rptr. 507] found that a project required an EIR notwithstanding that the project itself involved only the construction of a road and sewer project which did not in and of themselves have a significant effect on the environment. The court recognized that the sole reason for the construction was to provide a catalyst for further development in the immediate area. It held that because construction of the project could not easily be undone, and because achievement of its purpose would almost certainly have significant environmental impacts, the project should not go forward until such impacts were evaluated in the manner prescribed by CEQA. (*Id.* at pp. 1337-1338.)" (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 368.)

B. The growth-inducing impact analysis in the Initial Study is not adequate.

The Initial Study refers to, but does not include, a water demand study for the service area. (IS, p. 5-71.) There are many potential problems with this analysis.

First, it identified 5-acre parcels that could be changed into five 1-acre parcels, and assumed that they would be based on the land use element maps of the Amador County General plan. The Initial Study does not indicate if the five-acre parcels chosen for this division were suitable for division, or were otherwise constrained by roadway capacity, slope, soil type for septic systems, setbacks from other parcels, state fire-safe standards, or potential to contaminate neighboring wells. In addition, there is no indication of the historic mix of 1-acre and 5-acre parcels in the area. If the area has historically had a steady proportion of 1s to 5s, it is unlikely that the bulk of the 5s will convert uniformly to 1s. AWA should review County Planning and County Assessor records to identify the current mix of 1s to 5s, and to note the degree to which the market is not choosing to develop at maximum density in the CAWP service area. There is no support in the record for assuming that the residential parcels will develop to their maximum density.

Second, the analysis assumed that industrial/commercial parcel would develop to the maximum density. There is no evidence in the record to support this assumption. AWA should review County Planning and County Assessor records to identify the percentage of maximum density at which current industrial and commercial projects have developed, and look at the vacancy rate of developed commercial and industrial buildings, which will also influence the amount of development that will occur on undeveloped parcels. Past development patterns are a better indication of future development patterns than an unsupported blanket assumption of development at maximum density.

A critical mistake in the aforementioned analyses is the presumption that the maximum density in the land use designations in the existing General Plan are an accurate predictor of estimated near-term future development in the CAWP service area. The land use designations in the CAWP service area are not a predictor of estimated future development, but merely of the capacity of the landscape to support a particular range of development density on a specific parcel. Buildout to the maximum density under the general plan is not expected (due to constraints noted above), not planned for with regard to public services or infrastructure, nor even desirable given the potential cumulative impacts.

Third, the analysis ignores the time element of buildout relative to the life of the project. The analysis concludes that buildout of these maximum land use designations under the existing general plan in the CAWP service area would add 11,578 residential connections. (IS, p. 5-71) The question remains—but when? The County has estimated that all unincorporated development in the entire County for the

next 20 years under the existing general plan will be about only 6,246 residential units. (Exhibit 2, Amador County Planning, *Land Use Workbook*, June 2008, p. 39, table 3b.) Similarly, the County has estimated that under the *new* general plan, all unincorporated development in the entire County for the next twenty years would be about only 6,200 residential units. (Exhibit 2, Grijalva, *Memo to State Clearinghouse 7/28/09 re NOP for General Plan EIR*, p. 9.) Even if it one were to assume a generous development split of 50/50 between the Highway 49 corridor and the Highway 88 corridor, that would be about only 3,100 additional residential units in the CAWP service area over the next 20 years. There is no evidence in the record to suggest that any time in the foreseeable future, the CAWP service area will reach the maximum theoretical buildout under the existing General Plan of 11,578 residential units. This number is a false and inappropriate basis for planning infrastructure, and for evaluating the potential impacts of growth associated with providing additional water to the CAWP service area.

Fourth, the above discussion suggests that to avoid building more expensive infrastructure capacity than it needs, AWA would be wise to compare the expected life of the project to the expected development in the CAWP service area. For example, if the pipes will have to be replaced in 30 years, and the service area is only expected to need an additional 4,000 connections in 30 years, there is no reason to spend the extra ratepayer money (or other public funds) to install pipes with a capacity to serve 8,000 connections. The EIR should answer questions like how long as it will take for the area to grow enough to benefit from the huge excess capacity of the project? Will current ratepayers end up paying the price for over-sizing the pipeline, and never get reimbursed by future development? Why doesn't AWA size the pipeline to accommodate growth projected for its useful life, and worry about adding additional capacity at the time of replacement? As noted in our infrastructure planning principles, we believe that the location, scale, and timing of infrastructure development should be done in a way that does not drive growth beyond what is already planned in local land use plans.

Fifth, the Initial Study analysis and conclusion is flawed. The Initial Study analysis concludes that there can be no growth-inducing impact from the project unless it provides water in excess of maximum buildout under the existing General Plan land use designations. (IS, pp. 5-71 to 5-72.) This is incorrect. The baseline condition is the development *at this time*. The future condition is buildout under the additional water supply. If the impacts of that future development are significant, then the water project has a significant impact associated with the growth it induces.

Finally, the Initial Study's analysis regarding the amount of water AWA could provide with the GSL is difficult to follow, and would benefit from clear tables indicating the current number of connections served, the amount of water provided by the GSL, and the number of additional residential and non-residential connections to be served. It is also unclear whether or not the Initial Study takes into account additional water supplies that AWA may bring online (1,050 acre feet a year) if its current water rights application 5647X03 is approved?

We strongly encourage AWA to closely consult with Amador County and other service providers in the CAWP service area *before* investing in infrastructure expansion. The Amador Water Agency should not plan to serve an exaggerated estimate of future development that is not expected to be demanded and not expected to be developed if no other service provider is preparing to provide the necessary parallel services needed for such a level of development.

C. The EIR must more thoroughly evaluate growth-inducing impacts.

When evaluating the potential pattern of development from providing additional water supplies in the Central Amador Water Project service area, there are a number of factors that must be considered including: the amount of additional water, the amount of development it can serve, the past demand for development of the area, the likely future demand for development of the area, the constraints to development in the area, the constraints to density increases in the area, and the likelihood of sprawl.

The Initial Study does identify the amount of additional water that will be provided by the GSL project. The Initial Study indicates that the CAWP area is currently served by 2 cfs of raw water, and the GSL will increase delivery capacity to 5 cfs. (IS, p. 5-71.) Also, since the existing supply system is being retained as a "back up" the infrastructure will have the potential to deliver 7 cfs in the future. According to the analysis, 5 cfs is enough water to serve about an additional 8,180 connections, and 7 cfs is enough to serve about 11,450 connections. The Initial Study estimates that 85.5% of the connections would be residential.

Past growth in the area has been served by only 2 cfs of water, so the project would increase growth potential by 150%. If the additional "backup" system is reinstated for regular use, the project could increase growth potential by 250%. Since the County allows for densities higher than 5-acre lots only when public water supply is available, the water supply would reduce a barrier to increasing development in the CAWP service area. (Exhibit 2, Amador County Zoning Code, sec. 19.24.045.) Thus

the additional water supplied by the project has a very substantial growth-inducing impact.

Also, a different buildout scenario than that in the Initial Study could greatly increase the impacts of development in the area. There is no evidence in the record to support the growth scenario assumption that development in the CAWP service area would proceed by densification of existing 5-acre parcels and maximum development of existing commercial/industrial designated parcels. While such a development pattern would reduce the footprint of future growth and thereby limit some of its impacts, there is no mitigation measure or County policy to direct future growth in this fashion. In the CAWP service area there are parcels larger than 5 acres and designated for development on 10, 20, or 40 acre-minimum lots. (Exhibit 2, Amador County, *2007 Existing General Plan Map*; Amador County, *Alternative A Existing General Plan Map*.) If the GSL project made water were available to such parcels, or even if it caused fewer people to be on groundwater in the area, this would facilitate such large-lot ranchette-style development. This would result in a much larger development footprint in the area, and much broader scale impacts on such things as water quality, air quality, and wildlife habitat.

Thus, there is substantial evidence in the record that the project will have significant growth-inducing effects, and an EIR must evaluate those impacts. In doing so, it would also helpful to consider also the potential factors that could limit future development in the CAWP service area. There are factors suggesting that, with the implementation of reasonable policy constraints, the full extent of this growth-inducing effect will not be realized on the ground.

First, there are constraints in addition to surface water availability that discourage or prevent converting 5-acre lots to many 1-acre lots. As evident from the wetland delineation study attached to the Initial Study, much of the CAWP service area is characterized by a steeply sloping landscape. Many of the 5-acre lots in the CAWP service area are on steep terrain. Thus, much of the space on the divided lot will be consumed by access roads, cut & fill areas, and setbacks, precluding the creation of five 1-acre lots for every 5 available acres. In addition, many of the 5-acre lots are not served by roads that could handle the additional traffic associated with full conversion of the 5-acre lots to 1-acre lots. (Exhibit 3: ACTC, *2004 RTP*, Chapter 4.) Also, there may be limitations on the division of lots that will be served by septic systems, based upon the suitability of the soil, and the proximity to down-gradient neighbors still using wells. (Exhibit 2: Amador County Zoning Code, secs. 14.12.061 – 14.12.063.)

Second, there are additional constraints to buildout of the area. The road infrastructure in the region is not now, nor projected to be, sufficient to meet the needs of so much additional development. As noted below, 6,994 units of residential development would generate more than 66,933 vehicle trips per day. The Regional Transportation Plan does not include the necessary upcountry traffic improvements to serve so much development. In addition, in its current form, the RTP is underfunded by \$128 million. (Exhibit 3: ACTC, 2004 RTP, Chapters 4 & 7.) We know of no school infrastructure development plans to serve such an addition of students in the upcountry area. Similarly, we know of no law enforcement financial plans to provide such an addition of officers to serve in the CAWP service area. Furthermore, since the CAWP area is home to a number of sensitive, threatened and endangered species, protection of their habitat may necessitate some reductions in full buildout of the CAWP service area. (See GSP Project Initial Study, Appendix C.) Finally, efforts to reduce greenhouse gas emissions statewide may result efforts to discourage full residential buildout in areas isolated from job centers. (Exhibit 4, Brown, *Addressing Global Warming Impacts at the Local Level*; ARB, *Climate Change Proposed Scoping Plan*, 2008, pp. 26-27.)

Third, the estimated buildout numbers from the Initial Study are dramatically higher than any other projected demand for the area. For example, the County Planning Department estimates *all* unincorporated development in the *entire* County for the next 20 years under the existing general plan will be about only 6,246 residential units. (Exhibit 2, Amador County Planning, *Land Use Workbook*, June 2008, p. 39, table 3b.) Similarly, the County has estimated that, under the proposed new general plan, *all* unincorporated development in the *entire* County for the next 20 years will be about only 6,200 residential units. (Exhibit 2, Grijalva, *Memo to State Clearinghouse 7/28/09 re NOP for General Plan EIR*, p. 9.) Development in the CAWP would only be a portion of that countywide development.

Thus, an EIR is needed for a detailed *and balanced* evaluation of the growth-inducing impacts of the CAWP project.

III. Public Services

Impacts on local public services including schools and law enforcement can dramatically alter the quality of the human environment and are therefore evaluated in CEQA reviews. Because of the potential for the GSL project to result in increased

growth in the CAWP service area, it is critical to evaluate the potential need for increased school and law enforcement services in the area.

Both the Amador Unified School District and past environmental impact reports have used a K-12 student generation rate of about 0.7 students per single-family unit. (Exhibit 5, City of Jackson, *Jackson Hills Revised EDIR*, pp. 4.11-14.) Given that the GSL would accommodate water for an estimated 6,994 single-family residential units, that would result in a need to house an additional 4,895 K-12 students in the CAWP service area. State Department of Education and other studies indicate that construction costs for housing students range from about \$10,000 – 20,000 per K-12 student. We know of no school district facility master plan that estimates such an expansion of the system in the CAWP service area, and provides a method of raising the capital to construct such facilities. Thus, opening the way for such growth by providing the water supply may result in excessive classroom and playground overcrowding, and have significant adverse impacts on the ability of the school system to provide a free and appropriate education to the students in the district.

Similarly, studies in the region indicate that growth in population results in a need for additional law enforcement personnel, from deputies on patrol, to staff in the DA and Public Defender's office, to judges on the bench, and guards in the jail. For example, a Calaveras County study showed that one additional deputy and one quarter of an additional sheriff's office support staff person is needed for every 1,340 new residents. (Exhibit 6, Calaveras County Sheriff's Office, *Staffing Analysis and Strategic Plan*, pp. 71-72.) The Initial Study indicates that the GSL would provide water to serve 6,994 residences. The County Planning Department estimates that the average residence houses about 1.9 people. (Exhibit 2, Amador County Planning, *Land Use Workbook*, June 2008, p. 38, table 3a.) Thus the water provided to the CAWP service area would support 13,255 residents. This in turn would trigger the need for additional deputies, and additional Sheriff's Office support staff. Again, we do not know of any plan that is in place to fund such an increase in law enforcement services to the area. Thus, opening the way for such growth by providing the water supply may result in shortages of law enforcement services and significant declines public safety in the CAWP service area. The EIR must evaluate this potentially significant impact.

IV. Transportation

Recent local EIRs figure 9.57 vehicle trips per day are generated by each single-family home. (Exhibit 1, Sutter Creek, *Gold Rush Ranch Revised DEIR*, p. 17.) Thus, since the GSL project will facilitate the development of 6,994 single-family homes, it will generate about 66,933 vehicle trips per day in the CAWP service area. The Regional Transportation Plan does not include the necessary upcountry traffic improvements to serve so much development. In addition, in its current form, the RTP is underfunded by \$128 million. (Exhibit 3: ACTC, 2004 RTP, Chapters 4 & 7.) The EIR must evaluate the potentially significant impacts of additional tens of thousands of daily trips on traffic congestion and traffic safety.

V. Wildlife Impacts

As noted in Initial Study Appendix C, the CAWP service area is home to a number of threatened, endangered, and sensitive species. The additional water provided beyond existing growth projections could result in sprawling development of 5, 10, 20, and 40 acre lots across the landscape, with very significant impacts on TES species. In fact, the sprawling scenario is more likely than the compact scenario analyzed in the Initial Study. Sprawl is easier because it involves merely the development of existing lots through the ministerial approval of building permits. Compact development requires speculative attempts to get discretionary approvals for subdivisions from the Board of Supervisors. The EIR must evaluate the impacts on wildlife associated with the growth facilitated by the introduction of the additional water supply by the GSL project.

VI. Alternatives

Since there is a need to do an EIR, AWA will be required to provide a quantitative comparative analysis of the impacts of the alternatives. (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 730-737.)

We hope that you will consider an alternative with a smaller diameter pipe, which would be consistent with projected growth in the CAWP service area. Since the existing system is always available as a backup, it provides a method of accommodating extra growth, should that occur.

We also encourage you to consider an alternative that includes merely upgrading the existing system with more energy-efficient pumps, and perhaps the addition of solar panels to offset the pumps' power use.

To benefit ratepayers, you may also want to explore the feasibility of pumping water during off-peak periods when energy is less expensive. PG&E is looking for ways to use wind energy at night, as evidenced by its pumped-storage proposals in the Sierra. Also, there are both federal stimulus money and energy efficiency grants available to help fund this infrastructure upgrade. (See Exhibit 7, Energy Efficiency Funding.)

VII. Mitigations

When AWA prepares the EIR, you will need to explore ways to mitigate the impacts of the growth facilitated by the additional water provided by the GSL project. (Pub. Resources Code, secs. 21002, 21081, subd. (a); CEQA Guidelines, secs. 15002, subd. (a)(3), 15021, subd. (a)(2), 15126.4, 15091, subd. (a)(1).) We hope that you will work closely with County Planning, ACTC, and the public to develop policies in the ongoing General Plan Update and Regional Transportation Plan Update that can mitigate these impacts.

VIII. Financial Feasibility

CEQA requires that the EIR or another document in the record evaluate the economic feasibility of alternatives and mitigation measures. (CEQA Guidelines, sec. 15131, subd. (c).) We encourage AWA to carefully evaluate the economic feasibility of the proposed project and its alternatives.

Consistent with our infrastructure planning principles, we encourage AWA to carefully apportion project costs so that the cost of facility expansion for new development is born by the beneficiaries of the new development.

Given today's economic and fiscal challenges, decisionmakers are being even more careful to consider the costs as well as the benefits of a decision. Here in Amador County, the Board of Supervisors and the City of Sutter Creek are asking project applicants for fiscal analyses of their proposed development projects. More often now through bond initiatives we are being asked as a taxpaying and ratepaying public, "Do you want to pay this much for enhanced public goods and services?" Nowhere is the issue of cost-effectiveness more critical than in projects that plan for the long-term. These projects involve the largest commitments of public funds over the longest periods of time.

Different alternatives will have different benefits and different costs. If the GSL project ends up having significant and unavoidable impacts, CEQA does require that AWA to balance the environmental costs against the benefits of the project, to determine if a Statement of Overriding Considerations, and project approval, is supported by substantial evidence in the record.

In this instance, it will be incumbent upon AWA quantify and estimate the benefits and costs of the alternative it chooses. We encourage AWA to prepare such a cost-benefit analysis for each of the alternatives. We encourage you to make this analysis available for AWA Board and public review at least 30-days in advance of your decision. With such an analysis, your directors will have information necessary to make a rational decision regarding the choice of alternatives. With such information, the Statement of Overriding Considerations will have the requisite support of substantial evidence and rational argument in the record. (Sierra Club v. Contra Costa County (1992) 10 Cal.App.4th 1212.)

IX. Public Outreach Process

As noted in our infrastructure planning principles, we believe that infrastructure planning should be done in open, inclusive processes that actively involve all affected stakeholders and the public, using methods that will ensure broad participation. While CEQA does not require that an EIR comparatively evaluate the fiscal merits of a project, we encourage AWA to do such a fiscal analysis, and to give ratepayers a way to respond to the results. Your ratepayers deserve to know how much they will pay for different project alternatives, as well as what projects could do to the character of their community and available services and infrastructure by inducing growth. They deserve to have a vehicle to express this concern early in the development of this program. Ultimately, state law provides the ratepayers with the opportunity to challenge future rate increases. Thus, without timely ratepayer input, AWA could find itself adopting and investing in a costly program now, only to find that the ratepayers are unwilling to pay for the program in the future. The appropriate time for determining ratepayer preference is now, before AWA begins to waste precious funds on a costly project.

Conclusions

The California Environmental Quality Act is designed to help local governments identify and mitigate the potentially significant impacts of their actions. We hope that AWA will take these comments to heart and modify the project, as well as

- 1) objectively evaluate the impacts of the proposed project and its alternatives,
- 2) outreach to involve the upcountry community in the decision,
- 3) coordinate mitigation measure adoption and implementation with responsible agencies to avoid growth-inducing impacts and sprawl,
- 4) and ensure that costs of facility expansion are passed onto future beneficiaries and not existing ratepayers.

We trust that AWA will properly address the concerns detailed in this letter, and those of expressed by other commenters. Please notify us of your plans, and if you choose to prepare an EIR rather than modify the project, please let us know when the opportunity is available to provide scoping comments, as well as when the draft EIR is available for public review. Please notify us when AWA intends to make its decision on this project.

We are more than willing to work with AWA on this project and to address the concerns raised in this letter.

Sincerely,



Thomas P. Infusino,

for the Foothill Conservancy

cc: AWA Directors, ACTC, Amador County Sheriff, Caltrans District 10, Amador County Unified School District, Amador County Planning Department, Amador County Environmental Health, Amador Fire Protection Authority, CalFire, Amador Firesafe Council

LETTER 4: Foothill Conservancy, Thomas Infusino, Esq**Responses to Comments 4-1 and 4-2**

The Agency currently diverts water from PG&E's Tiger Creek Afterbay, pumps that water uphill against a static lift of about 1,120 feet for treatment at its Buckhorn Water Treatment Plant, and distributes the treated water to 10 communities in the central portion of Amador County. These diversion and pumping facilities were built over 30 years ago; and the Agency is considering their improvement/replacement. The Agency has evaluated improvements and upgrades to these facilities, the GSP as an alternative conveyance system, and other alternatives. The GSP will convey North Fork Mokelumne River water from PG&E's Tiger Creek Regulator Reservoir to the Agency's Buckhorn Water Treatment Plant. The conveyed water will flow entirely by gravity, thereby eliminating significant power costs and reducing operational and maintenance costs associated with the pump stations, among other benefits.

At present, the Agency has the right to divert no more than 1,150 acre-feet of North Fork Mokelumne River water pursuant to water right Permit 17579 for use in the CAWP service area. That permit specifies the place of use of the water. It cannot be expanded without approval from the State Water Resources Control Board ("SWRCB").

The maximum annual use to date has been 1,132 acre-feet, just 18 acre-feet of water short of the maximum authorized amount. This occurred in 2006. The Agency currently is committed to providing water service for one equivalent dwelling unit at approximately 500 parcels not presently receiving water service. In view of the maximum annual use and these commitments, the Agency is not now providing any new commitments of service. Accordingly, the GSP will not induce growth in the CAWP service area.

The Agency is seeking to augment its CAWP water supply. There is an application pending before the SWRCB to increase the CAWP supply by 1,050 acre-feet of water per year (Application 5647X03). The SWRCB will not act on the water right application until the Agency, as the lead agency under the California Environmental Quality Act, completes an environmental review of the potential effects of the proposed increased diversions. That review has not yet commenced. It will need to address the potential growth inducing effects of the new water supply. It is estimated that if the SWRCB approves Application 5647X03, the additionally approved supply could serve from 3,180 to 4,200 new connections. It is intended that the maximum annual amount of water conveyed through the GSP will be 2,200 acre-feet of water (1,150 acre-feet pursuant to water right Permit 17579, plus 1,050 acre-feet pursuant to the water right permit issued upon approval of Application 5647X03).



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Alpine-Amador-El Dorado-Sacramento Unit
11600 HWY 49
Sutter Creek, CA 95685
(209) 267-5229
Website: www.fire.ca.gov



January 2, 2010

Gene Mancebo, Interim General Manager
Amador Water Agency
12800 Ridge Road
Sutter Creek, CA 95685

Re: Initial Study and Proposed Mitigated Negative Declaration for the Gravity Supply Pipeline (GSP) Project.

To Whom It May Concern:

Please excuse my late reply concerning the Initial Study and Proposed Mitigated Negative Declaration for the Gravity Supply Pipeline Project. I have recently received and reviewed the project and have determined that it is located on timberland as defined by PRC 4526 and is subject to the timber harvest permit requirements of the California Department of Forestry and Fire Protection. The proposed project states that revegetation will occur in the disturbed areas over the cross-country stretches of the GSP alignment, thereby indicating that the conversion of timberland will not occur and a conversion permit is not necessary. However, the potential exists for commercial tree species to be removed in order to facilitate this project. In the event that commercial tree species is harvested and the harvested timber will be sold, bartered, or traded for commercial purposes by the timber owner, then a PUBLIC AGENCY, PUBLIC AND PRIVATE UTILITY RIGHT OF WAY EXEMPTION permit is required. I have enclosed a copy of this permit for your convenience.

5-1

Sincerely,


Signature

STEVE DEBENEDET
Area Forester

PUBLIC AGENCY, PUBLIC AND PRIVATE UTILITY
RIGHT OF WAY EXEMPTION

FOR ADMIN. USE ONLY

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1104.1bc) (12/08)

Ex. # _____

Date Rec'd _____

Date Expires _____

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1104.1(b) or (c): Harvesting of trees in order to construct or maintain a right of way by a public agency, public or private utility that is exempt from the requirements to obtain a Timberland Conversion Permit or file a Timber Harvesting Plan. This notice is not required nor should it be submitted if timber is not sold, bartered or traded for commercial purposes by the timber owner. The timber owner shall complete Items 1 through 5 of this notice and sign below.

1. TIMBER OWNER(S) OF RECORD: Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete Items A, B, C, and D. **For timber yield tax information or for further assistance with these questions call 1-800-400-7115**, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at <http://www.boe.ca.gov>.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate what percentage of timber will be removed during this harvest:

Redwood _____%; Ponderosa/Sugar pine _____%; Douglas-fir _____%; Fir _____%;

Port-Orford Cedar _____%; Cedar (IC, WRC) _____%; Other conifer _____%; Other hardwood _____%.

C. Fuelwood over 150 cords? Yes _____ No _____ D. Christmas trees over 3,000 lineal feet? Yes _____ No _____

2. TIMBERLAND OWNER(S) OF RECORD: Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

3. LICENSED TIMBER OPERATOR(S): Name _____ Lic. No. _____

Address _____

City _____ State _____ Zip _____ Phone _____

4. PUBLIC AGENCY, PUBLIC OR PRIVATE UTILITY REMOVING TREES:

Name _____ Contact Person _____

Address _____

City _____ State _____ Zip _____ Phone _____

PUBLIC AGENCY, PUBLIC AND PRIVATE UTILITY RIGHT OF WAY EXEMPTION, Page Two

5. Designate the legal land description of the location of the timberland conversion and the timber operation. Attach a map showing the location of the timberland conversion and the timber operation. Map shall be a 7 1/2 minute quadrangle or equivalent. In addition, smaller scale maps designating the length of rights of way are acceptable. It is helpful to describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas.

Section(s) (Optional)	Township	Range	Base & Meridian	County	Logging Area Acreage (Estimated)	Assessors Parcel #
_____	_____	_____	_____	_____	_____	_____

Public Resources Code (PRC) Section 4628 and California Code of Regulations (CCR) Title 14 Section 1104.1(b) exempt public agencies from the requirement to file an application for timberland conversion (TLC) or a timber harvesting plan (THP) when they construct or maintain rights of way on their own property or that of another public agency. This exemption extends to easements over lands owned in fee by private parties. This exemption is not available for rights of way granted from one private landowner to another.

If the harvested trees are sold, bartered or traded for commercial purposes a timber operation has occurred per PRC Section 4527, and a notice of exemption is required to be filed by the timber owner. This is true if the timber is owned by the public agency, sold or given by the agency to another party, or the timber is owned by a private landowner subject to a public agency easement. A licensed timber operator is required in order to remove the harvested trees from the property. If the harvested trees are not sold, bartered or traded for commercial purposes, a notice of exemption is not required. The timber owner is responsible to pay all yield taxes for timber harvested. Timber yield tax information can be obtained from the State Board of Equalization, P.O. Box 94979, Sacramento, California 94279-0001.

14 CCR § 1104.1(c) exempts public and private utilities from the TLC and the THP requirements for construction and maintenance of gas, water, sewer, oil, electric and communications rights of way. 14 CCR § 1104.1(d), (e), (f), and (g) contain specifications of allowable right of way widths and supplemental clearances. If the harvest is a timber operation per PRC § 4527, a notice of exemption is required to be filed by the timber owner. A licensed timber operator is required in order to remove the harvested trees from the property. If the harvested trees are not sold, bartered or traded for commercial purposes, a notice of exemption is not required. The timber owner is responsible to pay all yield taxes for timber harvested.

14 CCR § 1104.1 requires that all timber operations conducted according to exemptions granted under this section abide by all operating regulations pertaining to a timber harvesting plan. There are special requirements for timber operations conducted in Coastal Commission Special Treatment Areas, the Tahoe Regional Planning Agency area, and in counties with special rules adopted by the Board of Forestry and Fire Protection. These rules should be reviewed prior to submitting this notice to CAL FIRE.

The following suggestions may help ensure your compliance with the Forest Practice Rules.

1. Timber owners, timberland owners and timber operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Exemption. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. BOX 3066, SO. SAN FRANCISCO, CA. 94080. or from CAL FIRE, Forest Practice Section, P.O. BOX 944246, Sacramento, CA 94244-2460; or from CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
2. Contact the CAL FIRE office listed below for questions regarding the use of this notice.

FILE THIS NOTICE WITH THE NEAREST CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties.	=>	Forest Practice Program Manager CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401
Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties.	=>	Forest Practice Program Manager CAL FIRE 6105 Airport Road Redding, CA 96002
Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties.	=>	Forest Practice Program Manager CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710

SIGNATURE OF THE TIMBER OWNER OR AGENT THEREOF: _____

Printed Name: _____ Title: _____ Date _____

Address _____ City _____ State _____ Zip _____ Phone _____

LETTER 5: DEPARTMENT OF FORESTRY AND FIRE PROTECTION, STEVE DEBENEDET

Response to Comment 5-1

As discussed under Item 4, Biological Resources (b), the proposed pipeline alignment would transverse oak woodlands, which would result in the removal of native black oak and interior live oak trees. Mitigation Measure BIO 3 requires the conservation of oak woodlands through avoidance or replanting. All removed trees will be replaced with similar species in the vicinity of the removed tree. Removed timberland will not be converted to another use. A conversion permit through the Department of Forestry and Fire Protection, therefore is not required. However, if the removed trees are sold, bartered, or traded for commercial purposes, then a Public Agency, Public and Private Utility Right of Way Exemption permit issued by the Department of Forestry and Fire Protection would be required as noted in the comment letter.

bcondra

From: "Bill and Tom of Pioneer" <billandtom@volcano.net>
To: <bcondrashoff@amadorwater.org>
Sent: Wednesday, December 30, 2009 5:01 PM
Subject: Pipeline/pump repair or GSL

Bill,

I thought I could send you my thoughts regarding this large decision under consideration regarding water supply in the Buckhorn area. I would appreciate you sending it along to the other members of the water board.

I do think the enclosure with the latest water bill and information available on this subject has been pretty complete for all the rate payers. Always we have different viewpoints and standards to evaluate it.

I think most of us are concentrating on surviving this economy by making needed changes in our lifestyle and smarter decisions for the long term where needed. If we have to patch something to get by...repair our auto rather than buy, remodel a kitchen rather than replace...we are doing that. To spend \$8000 on new appliances, for example..to save \$50. on a utility bill was an odd justification...we all made..but that was then.

It does seem apparent to me that the somewhat platinum choices many made in many areas of local, county and state governments have come back, in the light of day, to be foolish and wasteful. It always had to be "the best" despite the actual needs. Almost an overkill of a rather contrived problems sometimes..with a price tag we are all paying. (over 40years..but paying).

The water supply system we currently have in place has served this community well and is a pretty basic but effective solution to water supply in our area. I note the need, per the information I have read, to update the pumps for a more efficient delivery system..but didnt note anywhere the supply line, though old, in need of entire replacement. So..I do question that due to lack of information.

I see the efficiency being increased with new pumps..maybe not needing to run them all the time as with the older equipment..and maybe even the power bill being LESS than predicted. I also wonder if, as PG&E is encouraging, we can schedule periods of operation around the peak hours ...as our demand in our small community really does have its down time as well.

I wonder if being lean and efficient is still popular anymore? Is there shame in not going with the large, groundbreaking project? Could we not feel some pride with financial conservatism..and maybe make EXTRA payments on our CURRENT loans.. like the new Buckhorn Treatment Plant , for example..and REDUCE interest debt...by making principal payments.

I just am not a supporter of the GSL ...for the price tag..and the unlimited expense in recompensation of PG&E for something they lost. Let's focus on saving money with an efficient system..not an overbuilt one. The stimulus money is attractive..but a \$380K payment....wow. We dont need a Cadillac...just a Chevy..and a good used one isnt a failure.

Oh...and the upcoming meetings..I wont be there. I have forgone a vacation for 3 years..I now am taking one.... way cut back..but that I will most likely enjoy much more.

So..I hope you know I am just sharing this because I care about our community's financial health.

Tom Hinkley

6-1
6-2
6-3
6-4

LETTER 6: TOM HINKLEY, RESIDENT OF PIONEER, CA

Response to Comment 6-1

As discussed on page 3-1 of the IS/MND, the Agency currently diverts water at PG&E's Tiger Creek Afterbay and pumps the water against a static head of approximately 1,120 feet to the Agency's Buckhorn WTP in Pioneer for treatment and then distribution to its service area. The water is pumped uphill for treatment at great expense to the Agency. Not only would the proposed project reduce Agency costs, it would also enhance reliability, reduce reliance on electric power, and reduce operation and maintenance costs while continuing to meet the water needs of the current customers in the CAWP services area.

Response to Comment 6-2

The comment is noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-3

The comment is noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-4

As described on page 3-1 of the IS/MND, the current water system is not efficient and results in high costs to both the Agency and the end user. The proposed project would enhance the reliability of the water supply system while reducing overall costs. The comment is noted and will be forwarded to the decision makers for their consideration.

TRANSPORTATION AND PUBLIC WORKS

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395 •
Email: PublicWorks@co.amador.ca.us • Website: www.co.amador.ca.us



December 10, 2009

Gene Mancebo
Interim General Manager
Amador Water Agency
12800 Ridge Road
Sutter Creek, CA 95685

RE: Amador Water Agency CEQA Draft, Gravity Supply Line

Dear Mr. Mancebo:

Thank you for the opportunity for staff review of the referenced report. During our review, we noted the following item that needs clarification:

On Pages 5-76, and 5-77, Issue #15 TRANSPORTATION/TRAFFIC Responses a, b, and d refer to Tiger Creek Road as accessible only by PG&E. This is correct for the proposed location of the pipeline, however, Tiger Creek Road is County maintained from State Route 88 to Stephanie Way, and is accessible to residents from SR 88 to McKenzie Drive.

7-1

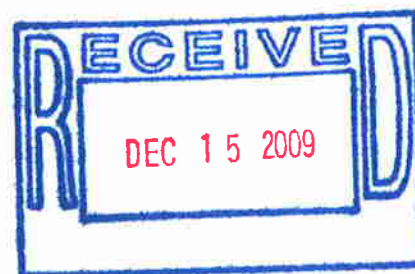
If you have any questions, please contact Roger Stuart of this office.

For Public Works

Kristin R. Bengyel
Interim Director

By: Roger A. Stuart
Roger A. Stuart, Senior Project Engineer

FC: Amador Water Agency – Gravity Supply Line



LETTER 7: AMADOR COUNTY DEPARTMENT OF PUBLIC WORKS, KRISTIN R. BENGUEL

Response to Comment 7-1

As noted in the comment, Tiger Creek Road is an Amador County-maintained road from State Route 88 (SR 88) to Stephanie Way. The road is also accessible to local residents from SR 88 to McKenzie Drive. The sixth sentence in the first paragraph under Item 15, Transportation/Traffic (a, b) on page 5-76 of the IS/MND is revised to read:

The proposed GSP pipeline construction also would occur along Tiger Creek Road. Tiger Creek Road is County maintained from State Route 88 to Stephanie Way. PG&E owns Tiger Creek Road below Stephanie Way, but allows residents to use the road down to McKenzie Drive. Beyond McKenzie Drive, Tiger Creek Road is primarily accessed by PG&E and Agency staff, although PG&E allows some public access of this portion of the road for recreational purposes.

The last sentence in the first paragraph under Item 15, Transportation/Traffic (d) on page 5-77 of the IS/MND is revised to read:

Minor traffic delays may occur on Tiger Creek Road due to construction activities and would be wholly located within the portion under PG&E control. The portion of Tiger Creek Road that is County maintained is situated approximately 4 miles from construction activities.