BEAR CREEK WATER RIGHTS APPLICATIONS
5648XO7 (PARTIAL ASSIGNMENT);
5648 (CHANGE PETITION); AND
31523 (APPLICATION)
FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2006012049

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Condor Project No. 4800A

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1.0 INTRODUCTION

The Bear Valley Master Plan (BVMP) established a plan for residential, commercial, and recreation development on 870 acres in the Bear Valley area on Highway 4 in Alpine County (County), as shown on the Vicinity Map (Figure 1). Securing an additional guaranteed source of water is necessary to support the infrastructure of this development. Applications have been filed with the State Water Resources Control Board (SWRCB), to secure rights to the water from the Bear Creek watershed. This Draft Environmental Impact Report (DEIR) has been prepared to evaluate the direct and reasonably foreseeable indirect environmental impacts which may result with the approval of additional water rights for the existing water system serving the Bear Valley community.

The Project is referred to throughout this document as "Bear Creek Water Rights" or "the Project."

1.1 PURPOSE OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Water is supplied to the development by Lake Alpine Water Company (LAWC), which operates Bear Lake. Bear Lake has a 360 acre-feet (af) capacity, but LAWC's existing water rights only authorize LAWC to divert a maximum of 240 af per year to storage, with a maximum allowable withdrawal of 140 af. LAWC is also authorized to divert up to 41 acre feet by direct diversion. The County of Alpine (the County) and LAWC have filed these documents with the SWRCB: (1) a petition for partial assignment of State-filed Application 5648 held by the SWRCB (Application 5648X07); (2) a petition to change the place and purpose of use and add a point of diversion on State-filed Application 5648; and (3) a companion Application 31523 to appropriate water by permit as a backup in the event the Petition for Partial Assignment of State-filed Application 5648X07 and petition for change of State-filed Application 5648 are not approved.

During the scoping of this Project, it was determined by the County that a Project EIR should be prepared in response to potential hydrological impacts. An Initial Study (IS) was also prepared for the Project to determine if the Project would have any other significant effects on the environment. During IS review, it was determined that there is substantial evidence that the Project may cause significant impacts to biological resources due to habitat alteration; cultural resources disturbance from inundation; hydrology and water quality; public services; and utilities and service systems.

Alpine County is the Lead Agency for the Project.

The DEIR is designed to inform County decision-makers, state agencies, other responsible agencies, and the public of the environmental consequences of the implementation of this proposal. The DEIR has been prepared in conformance with the regulations established by the California Environmental Quality Act (CEQA) and the State CEQA guidelines.

1.2 NATURE AND BACKGROUND OF THE PROJECT

The Bear Valley Master Plan Environmental Impact Report (BVMPEIR) was certified by Alpine County on December 28, 1978. That Project was a modification and enlargement of the existing approved master plan for residential, commercial, and recreational uses located at Bear Valley on State Highway 4 (Highway 4) in Alpine County. At the time of the preparation of the BVMPEIR, part of the development authorized under the approved Master Plan was already constructed.

Water is supplied to the development by LAWC, which diverts water from two blue-line intermittent streams (tributaries to Bear Creek) flowing into the Bear Lake storage area with a dam, and which taps three springs at a rate of 50 gallons per minute (gpm); the springs are located in the upper part of the valley (Figure 6). Water is stored in three storage tanks and in Bear Lake. The water is supplied to local users after passing through a 200 gpm peak flow treatment plant, and the three tanks have a total storage capacity of 600,000 gallons, not including storage at the old Bear Valley Subdivision. (Ref. 4, K, L)

The Department of Health Services, Division of Drinking Water and Environmental Management approved Bear Lake for the dual purpose of providing recreation with body contact and providing a domestic water supply.

The BVMPEIR indicated that existing water supplies were adequate to deliver water to some 900 connections (3,600 people) with some additions to the treatment plant such as an additional filter and pump. Development of the total Project would result in an expected water demand of 396 af per annum (afa), or 319,500 gpd, plus 40 afa for miscellaneous water uses.

Mitigation measures were proposed in the BVMPEIR to address the impact to public services by the proposed additional development. One mitigation measure required the development of guaranteed water sources and the construction of a storage and distribution system adequate to meet State Public Utility Commission General Order No. 103 requirements prior to final approval of any future development. This Project seeks to comply with the mitigation measure to secure a guaranteed water source.

To continue the planned development of Bear Valley, the additional water contemplated for in the BVMPEIR must be obtained. It has been determined that the following sources could provide this water: runoff from the Bear Creek drainage, local springs, groundwater well(s), water conservation, or the upper Stanislaus River.

This Project seeks the new water rights to put the remainder of water that is stored in Bear Lake to beneficial use (approximately 220 af of storage) and direct diversion of an additional 175 afa from Bear Creek for a proposed total diversion of 395 afa. Approval of water rights applications by the SWRCB is required to obtain the additional water necessary for future development expected to be completed by 2014 (Appendix A: Application 5648X07).

1.3 ENVIRONMENTAL REVIEW PROCESS

Alpine County filed a Notice of Preparation (NOP) with the State Office of Planning and Research Clearinghouse and with other governmental agencies and organizations on January 12, 2006 (Appendix C). During the 30-day comment period ending on February 10, 2006, written comments were received and are included as Appendix I of this DEIR.

The Notice of Completion will be filed with the State Office of Planning and Research Clearinghouse indicating that this DEIR has been completed and is available for public review for 45 days pursuant to the requirement of Section 15105 of the CEQA guidelines. Comments on the DEIR may be submitted in writing to:

Brian Peters, Planning Director
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Markleeville, CA 96120
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Brian@pd.alpinecountyca.com.

After the DEIR is reviewed by State agencies (45 days), the comments received will be compiled and response to the comments prepared. The Final EIR will be prepared by compiling the response to comments and incorporating the responses into the DEIR. The Final EIR will be considered for certification by Alpine County.

Alpine County will review the Final EIR for adequacy and consider it for certification pursuant to the requirements of CEQA Section 15090.

1.4 REPORT ORGANIZATION

A Project EIR is an informational document which will inform public agency decision-makers and the public generally of the potential significant environmental effects of a Project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the Project. This project EIR is organized as follows:

Section 1.0 Introduction
This section presents a brief overview of the nature and background of the Project including a discussion of the Project objectives; the purpose of the DEIR and the type of EIR being prepared; the environmental review process; and the report organization. A list of the acronyms used in the document is also included in this section.

Section 2.0 Project Summary
This section provides a general overview of the Project description and location, the proposed actions and the known areas of controversy. There is a summary of the environmental effects found not to be significant, a summary of those environmental effects found to be significant including the mitigation measures proposed and a brief summary of the alternatives to the project being considered that could reduce or avoid the environmental impacts are identified.

Section 3.0 Project Description and Location
This section will describe the location of the Project and its regional setting, background, objectives, and a statement describing the required permits and intended uses of the EIR.

Section 4.0 Environmental Setting, Impacts, Mitigation Measures
Section 4.1 includes a description of the overall physical environmental conditions in the vicinity of the Project.

Section 4.2 includes a discussion of those effects that were not found to be significant and statements briefly indicating the reasons that each effect of the Project was determined not to be significant and was therefore not discussed in detail in the EIR.

Section 4.3 includes a discussion of the potentially significant environmental impacts found to be less than significant. Each impact is divided into subsections presenting an introduction (includes discussions of less than significant impacts), setting, thresholds of significance, analysis of findings, and conclusion.

Section 4.4 includes a discussion of the potential significant environmental impacts, direct and indirect, giving due consideration to both the short-term and long-term effects, that could result from the Project. Mitigation measures that would reduce or eliminate the identified adverse impact are presented. Each impact is divided into subsections presenting an introduction (includes discussions of less than significant impacts), setting, thresholds of significance, and analysis with findings and mitigation measures. Also included is a summary table of the significant impacts, direct and indirect, and the mitigation measures and level of significance of each impact after mitigation.

Section 5.0 Consideration and Discussion of Alternatives to the Proposed Project
This section presents alternatives to the proposed Project, including a discussion of the "No Project" alternative.

Section 6.0 Growth-Inducing Impact
This section discusses how the proposed Project could directly or indirectly lead to economic, population, and/or housing growth.

Section 7.0 References
This section identifies the references, organizations, and persons consulted in this DEIR.

Section 8.0 Report Preparation
This section identifies the lead agency and consultants involved in the preparation of the DEIR.

1.5 ACRONYMS

ACEHD	Alpine County Health Services (Environmental) Department
ACGP	Alpine County General Plan
af	Acre feet
afa	Acre feet per year or annually or per annum
APCD	Great Basin Unified Air Pollution District
BVMPEIR	Bear Valley Master Plan Environmental Impact Report (1978)
BVMP	Bear Valley Master Plan
BVSA	Bear Valley Ski Area
BVSAEIS	Bear Valley Ski Area Environmental Impact Study
BVVFD	Bear Valley Volunteer Fire Department
BVWD	Bear Valley Water District (wastewater)
Caltrans	California Department of Transportation
CVRWQCB	California Regional Water Quality Control Board - Central Valley Region
CBC	California Building Code, 2001
CDF	California Department of Forestry
CDF&G	California Department of Fish and Game
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
Condor	Condor Earth Technologies, Inc.
County	Alpine County
DDWEM	Department of Health Services, Division of Drinking Water & Environmental Management
DEIR	Draft Environmental Impact Report
DHS	California Department of Health Services Division of Drinking Water
DSOD	Department of Water Resources' Division of Safety of Dams
DTSC	California Department of Toxic Substance Control

DWR	Department of Water Resources
EDR™	Environmental Data Resources, Inc.
EIR	Environmental Impact Report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HMBP	Hazardous Materials Business Plan
IS	Initial Study
LAWC	Lake Alpine Water Company (potable water)
MDB&M	Mount Diablo Base and Meridian
NFA	North Fork Associates
NOP	Notice of Preparation
OID	Oakdale Irrigation District
PG&E	Pacific Gas and Electric Company
SNF	Stanislaus National Forest
SSJID	South San Joaquin Irrigation District
SWP	State Water Projects
SWRCB	California State Water Resources Control Board
US EPA	US Environmental Protection Agency
USFS	US Forestry Service
USFS-SNF	US Forestry Service – Stanislaus National Forest
USFWS	U.S. Fish and Wildlife Service
USGS	US Geological Survey
W&B	Wagner and Bonsignore Consulting Civil Engineers
WDR	Waste Discharge Requirements
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant

2.0 SUMMARY

2.1 PROJECT DESCRIPTION AND LOCATION

The Project consists of obtaining water rights for the existing water system for the community of Bear Valley, Alpine County, as evidenced in the filing of the following documents with the SWRCB: (1) a petition for partial assignment of State-filed Application 5648 held by the SWRCB (Application 5648X07); (2) a petition to change the place and purpose of use and add a point of diversion on State-filed Application 5648; and (3) a companion Application 31523 to appropriate water by permit as a backup in the event the Petition for Partial Assignment of State-filed Application 5648X07 and petition for change of State-filed Application 5648 are not approved.

The Point of Diversion is Bear Lake (Reba Dam), located in the USFS-SNF at an elevation of approximately 7,000-feet above mean sea level (msl). LAWC owns and operates the community water system. Water is currently stored in Bear Lake, a 360-af on-stream reservoir constructed in 1965. Bear Lake is also named in Water Right License 11007 (May 5, 1980) for 240 af of storage with a maximum withdrawal of 140 af. LAWC is seeking a new water right to use, for beneficial purposes, the remainder of water stored in Bear Lake and to directly divert an additional 175 acre feet from Bear Creek.

2.2 PROJECT OBJECTIVES

In 1978, approval was granted by Alpine County to allow the expansion of the Bear Valley Master Plan, which included additional residential units, commercial space and recreational facilities. This expansion of the master plan required the development of adequate infrastructure for the support of the new plan.

The objective of the Project is to obtain rights to provide the adequate water source necessary to support the increased development of the master plan, to support the economic base of local businesses, the viability of this mountain community, and the BVSA, and to create potential tax revenues for the small County of Alpine. Approval of the new water rights applications to put the remainder of water that is stored in Bear Lake to beneficial use (approximately 220 af of storage) and direct diversion of an additional 175 afa for a proposed total diversion of 395 afa , would provide a legal, guaranteed water source for the community

2.3 KNOWN AREAS OF CONTROVERSY

The SWRCB issued a public notice on December 7, 2004, that the LAWC and the County had filed the water rights petitions that are the subject of this review, providing background information, a description of the proposed Project, and the procedure and time frame for submittal of protests. The majority of the protests were regarding water rights; however, the following protests citing environmental issues were as follows:

- Delta Water Users Association – Citing potential injury to water rights and water quality impairment. (Protest remains unresolved.)
- DWR – Citing injury to prior rights, specifically potential injury to the operations of SWP when DWR is releasing water to meet the water quality standards in the delta. (Protest remains unresolved.)
- OID – Citing environmental, public interest and public trust issues, including the potential impairment of the ability of OID to meet their needs; protest of water use for snowmaking as reasonable or a beneficial use; dispute that additional water will improve the lake water quality and that LAWC should use better management; and a request that the water rights approval be consistent with the State General Plan. (Protest remains unresolved.)

- CDF&G – Citing impact to fish and wildlife. (Protest withdrawn)
- OID and SSJID – Citing water quality issues, injury to fish and wildlife. (Protest remains unresolved.)

The original letters of protest are on file with the Division of Water Rights.

2.4 SUMMARY OF ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

The IS prepared for the Project (Appendix B) determined that various possible effects of the Project were less than significant or not significant in eleven subject categories: Aesthetics, Agriculture Resources, Air Quality, Geology/Soils, Hazards and Hazardous Materials, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Recreation, and Transportation/Traffic. These impacts are listed in Table 1 below, in compliance with CEQA guidelines Section 15128. The reasons these issues were determined not to be significant are briefly described in Section 4.2.

The IS also identified potentially significant effects of the project in five subject areas: Biological Resources, Cultural Resources, Hydrology/Water Quality, Public Services, and Utilities/Service Systems. These areas were identified in the Notice of Preparation. Upon review in this DEIR it was determined that the project will have less than a significant impact in three of these subject areas: Biological Resources, Cultural Resources and Public Services. Therefore, these three less-than-significant impacts are also listed in Table 1 below, in compliance with CEQA guidelines Section 15128. The reasons these issues were determined to be less than significant are described in Section 4.3.

Table 1
Effects Found To Be Less Than Significant

☒ Aesthetics	☒ Agriculture Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Hazards and Hazardous Materials	☒ Land Use/Planning	☒ Mineral Resources
☒ Noise	☒ Population/Housing	☒ Public Services
☒ Recreation	☒ Transportation/Traffic	

2.5 SUMMARY OF ENVIRONMENTAL EFFECTS FOUND TO BE SIGNIFICANT AND MITIGATION MEASURES

The implementation of the Project has the potential to result in significant environmental impacts. The term “Significant Effect on the Environment” is defined in the CEQA Guidelines (Section 15382) as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. To determine whether the Project would result in a significant effect on the impact, the CEQA Environmental Checklist (Ref. 12) was used to develop “thresholds of significance.” These thresholds are discussed in Section 4.4.3, where the significant impacts are outlined and discussed.

The IS prepared for the Project (Appendix B) identified potentially significant effects of the project in five subject areas: Biological Resources, Cultural Resources, Hydrology/Water Quality, Public Services, and Utilities/Service Systems. These areas were identified in the Notice of Preparation. Two of these subject areas, Hydrology/Water Quality, and Utilities/Service Systems were found to have significant impacts from the project, and are listed in Table 2, below. The significant potential hydrology impact is

from property damage and loss of life from possible dam failure, which is partially mitigated by maintaining compliance with the existing operating permit through the California Division of Safety of Dams (DSOD). The identified significant impact to Public Utilities is the possible need for additional discharge capacity which is fully mitigated by revising Waste Discharge Requirements, when necessary, through the Regional Water Quality Control Board. The reasons these issues were determined to be significant, proposed mitigation measures and the level of significance after mitigation are described in Section 4.4.

Table 2
Effects Found Significant

☒ Hydrology and Water Quality ☒ Utilities/Service Systems

2.6 SUMMARY OF ALTERNATIVES TO THE PROJECT

Section 5.0 contains the evaluation of the comparative merits of the selected alternative projects that could feasibly attain most of the basic objectives of the Project, but avoid or substantially lessen any of the significant effects of the Project, pursuant to CEQA Guideline Section 15126(a). The proposed alternatives could avoid or substantially reduce significant impacts being considered, even if these alternatives would impede to some degree the attainment of the Project objectives, or would be more costly. The proposed alternative Projects discussed are the development of the following:

- Runoff from Bear Creek drainage basin
- Capture of additional spring water
- Groundwater well or well field
- Water Conservation
- No Project

3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The Project is located within the community of Bear Valley, Alpine County, California, on the north side of Highway 4 as shown on Figure 1. The lands are located within the SNF. The Point of Diversion is Bear Lake (Reba Dam) in Alpine County, within the NW¼ of the SW¼ of Section 7, T7N, R18E, MDB&M. The place of use is located within Sections 7 and 18, T7N, R18E, and Sections 12 and 13, T7N, R17E, MDB&M. The Project is located on the USGS Topographic Quadrangle 7.5 Minute Series for Tamarack, California, at an elevation of approximately 7,265 feet. The water source is Bear Creek, tributary to Bloods Creek, thence North Fork Stanislaus River, thence Stanislaus River.

3.2 PROJECT REGIONAL SETTING

The community of Bear Valley is located in Alpine County, California, within the USFS-SNF, located on the west side of the central portion of the Sierra Nevada (Sierran range) Province. The County ranks 50th in size among the 58 California counties. Seven percent of the 465,030 acres located in the County are privately owned. There are approximately 1,190 full-time residents within the County. (Ref. 31) Topographically, elevation within the County varies from 4,800 feet to 11,400 feet above msl. The indicated average mean rainfall for the County is 20.88 inches and average mean snowfall is 89.6 inches. The average mean temperatures are as follows: winter high is 43.5°F and low is 23°F; summer high is 85.1°F and low is 53.3°F.

Bear Lake is a man-made reservoir impounded behind Reba Dam, a spillway and outlet works that discharge to Bear Creek. Below the dam, Bear Creek trends in a north/south–southwestern direction, flowing roughly through the center of the Bear Valley community. Bear Creek is a tributary of Bloods Creek; it intersects Bloods Creek approximately 1.5 miles south-southwest of the Project site and eventually drains (approximately 4.2 miles southwest) into the North Fork of the Stanislaus River in Calaveras County. A private landing strip is located in Bloods Meadow approximately 0.95 mile south of the Project site. Highway 4 is located approximately 0.9 miles south of the Project site and Highway 207 approximately 1.4 miles northeast.

Transportation modes within this Alpine community/region are divided by seasonal conditions: winter conditions of heavy snowfall and summer conditions of warm days and usually cool nights due to elevation. Primary destinations in the winter are second residences, BVSA (formerly operating under Mt. Reba Ski Area up until 1991) located approximately 1 mile north of the proposed Project, and Lake Alpine Recreation area for snowmobiling and cross-country skiing. BVSA is primarily accessed by motor vehicle via Highway 4 to Mt. Reba Road/Highway 207: Highway 207 ends at the ski area. In the summer, the destinations are second residences, Lake Alpine Recreation area for camping and lake access, and other SNF camping/hiking recreational areas. Traffic flow numbers indicate that approximately 70 percent of the Annual Average Daily Traffic (2004) and 75 percent of the Annual Average Daily Traffic (1977) continued past the Bear Valley community.

3.3 PROJECT BACKGROUND

The BVMPEIR was prepared for modifications and enlargement of an existing approved plan for residential, commercial, and recreational uses in the Bear Valley area and was adopted by Alpine County on December 28, 1978. Part of the approved development was already constructed, consisting of the following: single-family homes, condominiums, apartments, lodge rooms (two lodges), commercial floor area, gasoline station, transportation center, elementary school, fire station, post office, sheriff's office, water treatment plant (WTP), sewage treatment plant (WWTP), substations for electric power (PG&E), and telephone (Pacific Bell, now SBC). In 1978, recreational facilities included a small stable, a landing

strip, and six tennis courts south of Highway 4. About 300 vacant lots existed within the developed portion of Bear Valley. The community at that time occupied about half (421 acres, including developed area, lake, sewer plant area) of an 870 acre privately-owned site surrounded by the USFS-SNF.

The proposed Project contemplates the development of the balance of the Bear Valley community, including the following: 230 single-family residential lots; 1,149 lodging, condominium or apartment units (849 condo/apt units; 300 lodge units); expansion of the commercial floor space by 12,500 square feet; new parking areas; an expansion of the sewer system, water systems and roadways; ski lifts for recreation and transportation to Mt. Reba (currently BVSA); expanded recreational facilities – heliport, equestrian center, 26 tennis courts and a visitor's and homeowners' center; lakeside picnic facilities; and open space reservations on environmentally sensitive areas.

The BVMPEIR states that water service is supplied by the LAWC, which taps three springs in the upper part of the valley, developing 50 gpm. The BVMPEIR indicated that water was stored in four storage tanks and in Bear Lake. The water is supplied to local users after passing through a 200 gpm peak flow treatment plant. There are currently three tanks in use, per LAWC. (Ref. 28 and K)

Bear Lake has the storage capacity of 360-af, however, LAWC holds Water Rights License 11007 for 240 af of storage in Bear Lake with a maximum allowable use of 140 af. The DDWEM approved Bear Lake for the dual purpose of providing recreation with body contact and as a domestic water supply source.

The BVMPEIR indicated that at the time an adequate source of water was available to some 900 connections (3,600 people); however, the document states that the continued development was dependent upon developing an adequate source of water.

The Community of Bear Valley was developed on land patented from the USFS in the early 1960's. The LAWC supplies water to the community pursuant to Licenses 10840 and 11007.

License 10840 (Application 20312) authorizes 0.075 cubic feet per second (cfs) by direct diversion from January 1 through December 31 for domestic use with an annual diversion limit of 42 af. License 11007 (Application 21485) authorizes 0.5 cfs by direct diversion from January 1 through December 31 and collection to storage of 240 afa in Bear Lake (Reba Dam) from October 1 to June 1 of the succeeding year for municipal and recreational uses. Reba Dam was built in 1965, with a capacity of 360 af. Pursuant to License 11007, the total amount of water to be placed to beneficial use (direct diversion plus withdrawal from storage) shall not exceed 140 afa. The combined total amount to be taken from the source pursuant to Licenses 10840 and 11007 shall not exceed 182 afa.

On April 19, 1996, LAWC filed a petition for partial assignment of State-file Application 5648. In response to the filing, five protests were filed. The protests from the California Department of Fish and Game and Stockton East Water Company have been dismissed. The remaining protests remain unresolved.

Also in response to the 1996 petition for partial assignment, the SWRCB requested additional information from LAWC supporting its contention that the place of use of State-filed Application 5648 includes or was intended to include the place of use within Alpine County, because the State-Filed Application does not (1) include municipal and recreational purposes, (2) include the place of use in Alpine County, and (3) include the point of diversion at Bear Lake. In 2003, the applicant submitted an amended petition for partial assignment of State-filed Application 5648X07 and a petition to change State-filed Application 5648; the details of the amended petitions and accompanying applications are described in Section 3.4, below.

The project does not involve any new construction work for the diversion or storage of water. The project is to secure water rights through the State Water Resources Control Board for the full amount to be put to use in the future development of the Bear Valley Master Plan. This Project EIR will be used by Alpine County and the SWRCB in the processing and consideration of the Project.

3.4 PROPOSED PROJECT

The Project is composed of the following State Water Resources Control Board Petitions and Applications:

A. Amended Petition for Partial Assignment of Application 5648X07 – This petition amends the original petition filed in 1996 in the following ways: 1) add the County of Alpine as co-applicant; 2) delete snowmaking as a purpose of use; 3) increase the direct diversion annual limit from 139+ afa to 175 afa and reduce the storage amount from 256 afa to 220 afa (the combined direct diversion and storage amount shall not exceed 395 afa); 4) modify the season of diversion, for both direct diversion and diversion to storage, to October 1 through July 31 of the succeeding year, and 5) reduce the place of use. The applicants propose to directly divert from Bear Creek and to collect water in storage at Bear Lake (Reba Dam) for municipal and recreational purposes. The water will be diverted from the Bear Creek watershed at Bear Lake and transferred to the existing treatment facility via an existing 12-inch diameter concrete encased steel pipe with a length of 400 feet. The pipe capacity is 45 cubic feet per second (cfs). Municipal use is expected to increase from 3,618 people in 2004 to 6,156 people by 2014.

B. Petition to Change Application 5648 -- This petition seeks to change Application 5648 in the following ways: 1) the place of use be changed to include the area being served by LAWC in Alpine County; 2) the purposes of use be modified to include municipal and recreational uses; and 3) approval of a point of diversion or re-diversion at Bear Lake within NW1/4 of SW1/4 of Section 7, T7N, R18E, MDB&M.

C. Application 31523 – Application to seek a right to collect water to storage behind the existing Reba Dam (constructed in 1965), which is a 70 foot high dam forming the 360-af capacity Bear Lake reservoir. The reservoir has a surface area of 15 acres. Water will be used for municipal and recreational purposes. Application 31523 is identical to the application accompanying the Partial Assignment for State-filed Application 5648X07.

4.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

4.1 SETTING

The project setting is within the Bear Valley resort development area, which is in a small alpine valley-community, located in Alpine County, California, within the Stanislaus National Forest on the west side of the central portion of the Sierra Nevada (mountain range) Province (Figure 1). Two blue-line, intermittent streams from the western side of the Bear Creek watershed area (Figure 6) are the principal water sources flowing into Bear Lake. The outflow from Bear Lake (Reba Dam) drains into the wide Bear Creek channel traversing through the easterly side of the development, meeting a third intermittent blue-line stream from the eastern side of the Bear Creek watershed. The creek continues through the easterly side development, entering the Bear Valley community store culvert, and continuing through the Highway 4 culvert. South of Highway 4 and west of the private landing strip, Bear Creek intersects the drainage of Corral Gulch (an intermittent blue-line stream) flowing from the west. Bear Creek continues to the confluence with the larger Bloods Creek, located southeast of the private landing strip in the meadow (Figure 2).

This geologic province consists of a basement of Paleozoic and Mesozoic metamorphic terrains that have been intruded by the Sierra Nevada Batholith. The project site and surrounding area has been mapped as Mesozoic undifferentiated granitic rocks, Tertiary volcanic and sedimentary rocks, and Quaternary Period alluvium (Wagner, et al., 1981), Figure 4. Site reconnaissance revealed that granitic rocks, volcanic rocks, volcanic-derived sedimentary rocks, and poorly sorted alluvium were present.

A Biological Assessment was prepared by North Fork Associates, identifying the Montane coniferous forest as the primary vegetation cover in the area. Red Fir (*Abies magnifica*) is the most common tree, but white fir (A*bies concolor*), lodgepole pine (*Pinus contorta* subsp.*murryana*), and Jeffrey Pines (*Pinus jeffreyi*) are also present. The forest is more-or-less open, but pinemat manzanita (*Arctostaphylos nevadensis*), mountain whitethorn (*Ceanothus cuneatus*) and Sierra gooseberry (*Ribes roezlii*) are present as scattered shrubs. Montane coniferous forest trees and shrubs grow immediately along the banks of the channel.

A record search was conducted by the Central California Information Center (December 8, 2005), whereupon it was found that there are several prehistoric and historic resources within the project area, ranging from isolated flakes, lithic scatter, milling features, village midden, to recorded segments of the Carson Valley to Murphy's Emigrant Trail also known as the Big-Trees-Carson Valley Turnpike which include tree blazes and wheel ruts.

The Bear Valley Master Plan (BVMP) includes single-family residential units in the western portion of the development area (north of Highway 4), and multiple family developments along the eastern portion of the planned development area (Appendix J, Master Plan Bear Valley map). On the Master Plan map, single-family units are located along the western side of the lake and multiple family units along the eastern side, with recreational developments (beaches) adjacent to the lake on the northwestern and southwestern sides. The Village (community) Center is shown in the southeastern portion of the development area and includes two lodges, commercial floor area, gasoline station, transportation center, elementary school, fire station, post office, sheriff's office, substations for electric power (PG&E), and telephone (Pacific Bell, now SBC). A water storage tank is located approximately 150 feet east of the lake. The water treatment facility building (unlabeled) is located approximately 40 feet below and to the southwest of the dam outflow. Improved roads traverse the development, located between the up-gradient northern parcels (designated for single-family residences) and the two recreational parcels along the northern boundary of the lake property. Open areas (open space) are indicated along the southern lake property boundary and the area along Bear Creek drainage. State Highway 4 crosses the southern portion

of the Master Plan development. South of State Highway 4, "the Meadow," the development includes tennis courts and ball fields. The undeveloped areas south of State Highway 4 are currently used for grazing in summer; cross-country ski trails in the winter. The BVMP indicates future development of single- and multiple-family development. The waste treatment facilities are located on the southeastern most area of the development. The development area is surrounded by the SNF. An Alpine County Zoning map is shown on Figure 9.

4.2 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

Aesthetics

Bear Lake serves as an aesthetic feature for the community; however it also serves as a reservoir with annual fluctuations. The Project will not result in any physical changes or significant alterations to the existing lake or to the water processing/distribution support facilities. The proposed Project requests the diversion of additional water from the creek for storage, treatment, and distribution, which will result in a change to the water levels than that which would normally occur on a year-to-year basis. The disappearance of water flowing in Bear Creek is a normal annual occurrence and the potential for premature drying of the creek caused by this project (approximately 4 days earlier) is not significant because the time of creek drying can vary by weeks between dry and wet years. The Project would have less than significant to no impact on the aesthetics of the Bear Valley area.

Agriculture Resources

The Project area includes lands currently used for grazing but zoned for planned development south of Highway 4 (Figure 8). The Project will not prevent the use of the land for continued grazing. Though proposed water diversion will result in a diminished surface flow in Bear Creek near the point of diversion, diversions will not occur when surface water is in shortest supply (mid to late summer). Base flow (groundwater) entering the creek bed below the dam has been observed in Bear Creek north and south of Highway 4 and supports surface flows in Bear Creek during times when diversions occur. Virtually all of the water supporting grazing lands is shallow groundwater and diversions from the Project will be less than significant with respect to groundwater. Implementation of the Project will not result in the conversion of any agricultural lands, and impacts to Agriculture are not significant.

Air Quality

The proposed Project is located within the Great Basin Valleys Air Pollution Control District (APCD), which covers the central eastern portion of the Sierran range to the California - Nevada border (Alpine County to Inyo County). No air permitting is required for the operation of the associated water treatment plant (WTP) and none are expected. Implementation of the Project would not conflict with or obstruct the implementation of any air quality plans. The increase in quantity of available water for use at the WTP resulting from the Project will have a less than significant impact on air emissions. It will not violate air quality standards, nor are there any existing or projected air quality violations.

Implementation of the proposed Project will not result in a cumulatively considerable net increase of any criteria pollutant (such as particulate matter) that would reduce the air quality of the area because there will be no changes to the existing water processing facilities or its operational procedures that impact air quality, and because no construction activities are necessary. The Project will have a less than significant impact on generation of ozone precursors. An operating water system is currently in place and does not generate emissions necessary for air permitting. Background levels of ozone or any other criteria pollutant may be present, on average, only a short distance from the vent discharge at the WTP; however, ozone is not a problem within the APCD (Ref. 24). Because the Project proposes no changes to the existing operation of the facility and no construction activities will be required, sensitive receptors will not be exposed to substantial pollutant concentrations. The water stored in the lake and the WTP does not

generate significant objectionable odors. The WTP is located some distance from potential receptors and will not create objectionable odors affecting a substantial number of people making the Project impact less than significant.

Geology and Soils

The BVMPEIR included the current Project site as a portion of the evaluated properties; no extreme geologic changes have occurred since that evaluation. No known active faults or potentially active faults traverse the Project site, nor is the site located within an Earthquake Fault Hazard Zone (Hart and Bryant, 1997). The closest major seismic source is the Genoa Fault (Carson Range fault zone) located approximately 20 miles toward the northeast, where strong ground shaking may result from large magnitude earthquakes on this fault or a number of the active and potentially active regional faults.

The proposed Project would not expose people or structures to potential substantial adverse effects from the rupture of a known earthquake fault. The most recent Alquist-Priolo Earthquake Fault Zoning Map (as of May 1999) issued by the State Geologist does not delineate any Earthquake Fault Zones near the proposed Project site. Most areas of California have the possibility to experience strong seismic ground shaking; however the closest known fault is over 20 miles from the Project site. Reba Dam is routinely inspected by DSOD engineers, with the most recent inspection being September 29, 2005. DSOD concluded that the "dam, reservoir and the appurtenances are judged satisfactory for continued use." DSOD has reported the dam as satisfactory since its first inspection report in 1968. The Project is located in an area surrounded by rocky cliffs skirted by unconsolidated talus and screen material with associated potential for rock falls. There are no known clay deposits, shales or similar rock types that would create conditions for unstable slopes. Liquifiable soils are known to occur in the valley floor. These conditions are not a result of the Project. The Project will not cause geologic materials to become unstable or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The Project does not propose the installation of any wastewater disposal systems that would cause soil saturation and geologic instability. Implementation of the Uniform Building Code for resulting Bear Valley community development will reduce potential impacts from geology and soil to less than significant.

Hazards and Hazardous Materials

Hazardous materials are used at the LAWC-WTP. LAWC had a 2002 Hazardous Material Business Plan with Chemical Inventory in place with Alpine County Health Department, but hazardous materials are no longer stored at the WTP in reportable quantities, thus becoming a less than significant hazard to the public or the environment.

Upon completion of the development, there will be an increase in the amount of materials utilized for water treatment, but, due to recent upgrades within the treatment facility, less hazardous materials will be used. The amounts necessary for treatment will not be stored in large quantities and these materials are subject to regulation by Alpine County Health Department to manage the risk of exposure or release of hazardous materials into the environment.

The Bear Valley School is located approximately 0.46 miles southeast of the WTP. By this distance, the risk of the WTP emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of the existing school is reduced to a less than significant level. The proposed Project is not included on a list of hazardous materials sites (pursuant to Governmental Code Section 65962.5), not located within an airport land use plan, nor within two miles of a public airport or public use airport. An infrequently used private airstrip, located approximately 0.95 miles south of the Project, would be a less than significant risk to the dam or the WTP and its operations. The project would not impair or interfere with an adopted emergency response or evacuation plan, or change or obstruct the main access roadways located on either side of Bear Creek. The Project can be

considered a part on an emergency response plan and help reduce risk of loss, injury, or death involving wildland fires by providing additional water for these types of safety needs. The lack of significant use of hazardous materials and the presence of government regulation to control future use reduce potential impacts from hazardous materials to less than significant.

Land Use/Planning

The Project does not provide any physical changes to the landscape. The Project is consistent with the goals established by the County General Plan designations of Planned Development and its associated zoning. The Project supports the infrastructure for the continuation of the development of the community Master Plan and there is no significant impact from the project on Land Use/Planning.

Mineral Resources

There are no known mineral resources of value to the region or to the residents of the state. There are no locally-important mineral-resource-recovery sites delineated on a local general plan, specific plan, or other land use plan within the Bear Valley community. Implementation of the Project will not adversely affect Mineral resources and impacts from the project on Mineral Resources are not significant.

Noise

There are sensitive noise receptors/uses (inclusive of clinics, hospitals, libraries, residences, schools, etc.) in the vicinity of the proposed Project: Bear Valley School is approximately 0.46 mile southeast of the Project. No construction is indicated for the proposed Project that would increase or temporarily increase the ambient noise levels in the Project vicinity, and no significant change in the existing water treatment operations is expected as a result of the Project. Due to the nature of the Project, the noise levels would not be expected to exceed the standards established in the ACGP. The Project does not propose any changes to the WTP, the only potential source of noise generation. Implementation of the Project will not adversely affect Noise and impacts from the project on Noise are not significant.

Population/Housing

The Project proposes to provide the infrastructure in an amount needed to complete implementation of the approved master planned community. The additional water source is not proposed for any other development and it is not reasonably foreseeable that the surrounding land use designation would be changed to increase development in the area. The Project will not require the alteration of the landscape, will not require the removal of any existing housing or displace people, and will serve to increase available housing. Implementation of the Project will not adversely affect Population/Housing and impacts from the Project on Population/Housing are not significant.

Recreation

The Project will not alter the existing recreational facilities adjacent to Bear Lake or require construction or expansion to the existing recreational facilities. The Project will have a less than significant impact in regards to changes to recreational facilities.

Transportation/Traffic

Traffic flow numbers indicate that approximately 70 percent of the Annual Average Daily Traffic (2004) and 75 percent of the Annual Average Daily Traffic (1977) continued past the Bear Valley community. The Project does not propose any physical alterations or changes in transportation or traffic. The Project would not result in the generation of new traffic nor result in any alteration of traffic patterns. The Project would not result in an increase in water levels that would interfere with the existing road. The Project

would not result in the generation of new traffic requiring parking nor include changes to transportation infrastructure.

4.3 POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS FOUND TO BE LESS THAN SIGNIFICANT

The IS identified potentially significant effects of the project in five subject areas: Biological Resources, Cultural Resources, Hydrology/Water Quality, Public Services, and Utilities/Service Systems. However, upon closer review in this DEIR it was determined that the project will have less than a significant impact in three of these subject areas: Biological Resources, Cultural Resources and Public Services. The reasons for these determinations are outlined below.

4.3.1 BIOLOGICAL RESOURCES

Introduction

This section discusses the potential environmental impacts that the Project may have on the biological resources of the Project area, as identified in the IS.

The Project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act which established a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands, since the Project does not propose any dredging, filling, or land alteration.

Several letters of protest were filed with the SWRCB in response to the LAWC applications for water rights, most citing water rights issues, but a few of the protestants cited biological issues. The CDF&G filed a protest based upon concerns regarding the obstruction of fish and wildlife migration and concerns that the increase in water diversion would cause a diminished flow in Bear Creek.

On July 5, 2005, a representative of CDF&G and representatives of LAWC met at the project site to discuss CDF&G's protest to LAWC's project. After the meeting, Robert Wagner, P.E. prepared a "Follow-up Letter" (dated August 10, 2005) for CDF&G that was designed to provide the information requested by CDF&G during the meeting. This letter provided site-specific background information and analysis of the Project and is included in Appendix D. Since receiving the "Follow-up Letter" from Robert Wagner, CDF&G has withdrawn its protest against the project. A copy of this withdrawal letter is attached as Appendix E.

Appendix D also served as a source of information for the preparation of a Biological Assessment conducted by North Fork Associates (Appendix F), and a Fishery Resource Report, prepared by ENTRIX (Appendix G). Based upon the information obtained from the Water Right Applications, Petition for Change, CDF&G letters, Wagner and Bonsignore Engineers, and a review of the fishery resources in the project vicinity, ENTRIX concluded that fishery issues need to be addressed in the environmental documents prepared for the project.

There are no local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance in place that would conflict with the Project.

Setting

Bear Lake and Bear Creek are located at an elevation of just over 7,000 feet msl. Two blue-line, intermittent streams from the western side of the Bear Creek watershed area (Figure 6) are the principal water sources flowing into Bear Lake. The outflow from Bear Lake (Reba Dam) drains into the wide Bear Creek channel traversing through the easterly side of the development, meeting a third intermittent blue-

line stream from the eastern side of the Bear Creek watershed. The creek continues through the easterly side development, entering the Bear Valley community store culvert, and continuing through the Highway 4 culvert. South of Highway 4 and west of the private landing strip, Bear Creek intersects the drainage of Corral Gulch (an intermittent blue-line stream) flowing from the west. The Bear Creek and Bloods Creek confluence is located southeast of the private landing strip in the meadow, currently used for summer grazing and for winter recreational activities.

Wagner & Bonsignore prepared a hydrology study to determine the potential impacts to Bear Creek and Bloods Creek from the proposed project. In a letter to Mr. Gary Hobgood, California Department of Fish and Game, dated August 10, 2005 (Appendix D), Wagner & Bonsignore estimated long term average daily discharge of Bear Creek and Bloods Creek.

Figure 1 of Appendix D shows the estimated long-term average annual flow of Bear Creek above its confluence with Corral Gulch with and without the water diversions requested by this project. Figure 2 of Appendix D shows the estimated long-term average annual flow of Bloods Creek below its confluence with Bear Creek with and without the water diversions requested by this project. The modeled impaired condition (existing and proposed) assumes that Bear Lake is completely empty (an unlikely event) at the beginning of each water year. It is also assumed that LAWC takes water at the maximum rate of direct diversion continuously through out its diversion season. The hydrographs show that the proposed diversions will not have any meaningful impact on the hydrology of Bear Creek, or more importantly Bloods Creek and the North Fork Stanislaus River. The investigation also indicates that Bear Creek would typically be dry at the point of diversion under unimpaired conditions in early June corresponding to the end of the snowmelt. The only effect the proposed project would have on Bear Creek, below the dam, would be a drying of the creek a few days earlier, on average, than it would normally occur under pre-development conditions.

As stated above, Appendix D evaluated the maximum possible annual diversion of water. It assumes that Bear Lake starts the diversion season completely dry and that LAWC directly diverts at its maximum rate throughout the season. Even in this extreme model the lake is full and is spilling water over the spillway in mid-May, generally before water demands reach their peak for downstream users. In reality the lake has some amount of dead storage and cannot be completely drained and LAWC will not be directly diverting at their maximum rate every day. According to Bill Verigin, the long time engineer for LAWC, and Bruce Orvis, a long time resident and co-owner of LAWC, Bear Lake generally fills and spills some time in February or March under average rainfall / snow conditions. LAWC's diversions to storage will normally take place during the time of the year when water is always available downstream in excess of downstream needs due to the timing of snowmelt and runoff in the watershed.

The flow data for Bear Creek and Bloods Creek was developed from a limited amount of direct stream flow measurements taken on Bloods Creek in 2003. The Bloods Creek flow data was correlated to the unimpaired discharge on the Merced River for the same time period, USGS Gauging Station 11266500, Merced River at Pohono Bridge near Yosemite. Figure 3 shows a very close relationship between the flow of the Merced River and Bloods Creek for 2003, an average run off year. The flow of Bear Creek was estimated by a ratio of the watershed areas of Bear Creek and Bloods Creek.

To further demonstrate the insignificant effect of the proposed diversion on the hydrology of Bear and Bloods Creeks, Table 1 shows the estimated annual discharge at various points in the Bloods Creek watershed and the face value of water rights on file with the SWRCB. The total estimated discharge of Bloods Creek at its confluence with the North Fork Stanislaus River is 23,315 afa. The maximum value of all water rights within the Bloods Creek watershed including the LAWC's existing and proposed diversions is 650 acre-feet. This shows that if this project is approved, only 2.8 percent of the total discharge of Bloods Creek at its confluence with the North Fork Stanislaus River would be diverted by all

users of record. Further downstream at Goodwin dam, the average annual unimpaired discharge is 1,174,601 acre feet (1901-2005). The maximum diversion by LAWC of 395 acre feet is about 0.03 percent of this amount.

Based upon the findings presented in the analysis of the Bear Creek – Bloods Creek hydrology, the CDF&G withdrew its protest against the project (Appendix E).

A North Fork Associates biologist visited the Project site on Friday, November 4, 2005, and performed a site specific study of the project area. A Biological Assessment was later prepared by the Associates to determine what, if any, impacts might occur to vegetation along Bear Creek by diverting additional water. The Associates issued their report on November 22, 2005 (Appendix F). The biologist reviewed Appendix D and the BVMPEIR for background information on the Project. The report identifies the Montane coniferous forest as the primary vegetation cover in the area. Red Fir (*Abies magnifica*) is the most common tree, but white fir (A*bies concolor*), lodgepole pine (*Pinus contorta* subsp.*murryana*), and Jeffrey pine (*Pinus jeffreyi*) are also present. The forest is more-or-less open, but pinemat manzanita (*Arctostaphylos nevadensis*), mountain whitethorn (*Ceanothus cuneatus*) and Sierra gooseberry (*Ribes roezlii*) are present as scattered shrubs. Montane coniferous forest trees and shrubs grow immediately along the banks of the channel.

The biologist found that in open portions of the forest, mule's-ears (*Wyethia mollis*) form open dry meadows. However, patches of corn-lily (*Veratrum californicum*) are sometimes present as well. This species, and other species growing with it, are wetland indicators and suggest that there is long-term shallow groundwater in the area around them. Some of these were shown in part as "meadows" on the deer movement map ("Vegetation Map" from the BVMPEIR), and they occur at various locations on both sides of the creek.

The main portion of Bloods Meadow is located south of Highway 4. This area is described by the biologist as a mosaic of montane wet meadow and montane dry meadow. Corn-lily, sedges (*Carex* spp.), rushes (*Juncus* spp.), and a variety of grasses are the dominant vegetation. Snowmelt and groundwater hydrology probably determine whether wetland or upland vegetation is present.

The "Vegetation" map (BVMPEIR) shows a "riparian" corridor along the creek, which the biologist considers as something of a misconception. Although willows (*salix sp*.) and mountain alders (*Alnus incana subsp.tenufolia)* are present, they do not form a solid or continuous canopy along the creek, but rather form discontinuous clumps of vegetation along the banks of the creek. Most trees are rooted on or above the bank rather than in the channel bottom, suggesting that they may be surviving on some amount of groundwater discharge near them. The most extensive area of riparian cover was observed between Creekside Drive and Highway 4, where there is a modest cover of willows in the broad floodplain. The report included a brief plant list of species occurring along the river corridor (Appendix F). The list includes only dominant trees and shrubs and a few herbaceous species that were either important wetland indicators or that were easily identifiable.

The biologist reports that on the day of his visit, there were small flows at some locations in the creek, but other portions of the creek had no standing or flowing water. Recent rain and a small amount of melting snow probably contributed to the flow. The lack of flow in other portions of the channel is probably due to greater depth-to-bedrock in those areas. As already mentioned, wet meadows along the edge of the stream may contribute small amounts of groundwater through the mid-summer.

The biologist identified four Special Status Species potentially occurring in the area: *Lomantium stebbinsii*, Stebbins' lomatium; *Silene invisa*, Short-petaled campion; *Allium tribracteatum*, Three-bracted

onion; and *Calochortus clavatus avius,* Pleasant Valley mariposa lily. These are outlined in Table 1, included with the report (Appendix F).

The Fishery Consultant with ENTRIX, indicated in their letter (Appendix G) that up to three species of trout seasonally occur within the project area. Popular trout fisheries occur downstream of the project in Bloods Creek and in the North Fork Stanislaus River. ENTRIX indicated that proposed diversions will seasonally reduce flow in these stream reaches and could potentially affect the trout populations. ENTRIX further indicated that the proposed changes in water diversion and storage could also affect fishery resources in Bear Lake.

Appendix D indicates that along Bear Creek and Bloods Creeks there are potential barriers to fish passage. Photographs of these potential barriers are included as attachments to Appendix D.

Image 1 shows a three-barrel culvert under the road near the Bear Valley commercial area (stores and lodge) that is approximately 0.6 miles downstream of the dam (map point No. 6 on the map attached to the letter). During certain flow conditions, this culvert may not present a significant barrier to fish passage, however as demonstrated, Bear Creek would normally dry up after snowmelt despite the presence of the LAWC's diversions. Therefore, fish would not be expected to be found beyond this culvert after the cessation of flow.

Image 2 is a photograph of the Bear Creek culvert under State Highway 4, approximately 1.0 miles downstream of the dam (map point No. 7 on the map). This culvert would prevent fish from migrating up Bear Creek during most if not all flow conditions throughout the year.

Further downstream, on Bloods Creek, before its confluence with the North Fork Stanislaus River is another significant barrier to fish passage, shown in Image No. 3, located approximately 3.7 miles of downstream of the Bear Lake dam (map point No. 10). This barrier further decreases the likelihood of migration up to Bear Creek from the North Fork Stanislaus River.

Thresholds of Significance

The IS identified a potential significant impact, either directly or indirectly through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDF&G or USFWS. The increased diversion of water proposed by the Project may decrease the amount of water available to this habitat, which could indirectly impact candidate, sensitive, or special status species through habitat modification.

The IS identified a potentially significant impact on the riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the CDF&G or USFWS. The increased diversion of water proposed by the Project may decrease the amount of water available to this habitat, which could directly adversely modify the habitat of downstream riparian vegetation.

The IS identified a potentially significant impact regarding the potential interference with the movement of native resident or migratory fish. The increased diversion of water proposed by the Project may directly adversely modify the habitat of any downstream fish by decreasing the amount water available to the fish.

The Project proposes to secure additional water rights to divert water, which was identified as a potentially significant conflict with the management goals and strategies established in the USDA Department of Forestry Stanislaus National Forest, Forest Plan Direction (July 2005, Ref. 32). The stated goals are to maintain and restore in-stream flows sufficient to sustain desired conditions of riparian,

aquatic, wetland, and meadow habitats and keep sediment regimes as close as possible to those with which aquatic and riparian biota evolved.

Analysis Findings

The aforementioned site specific analysis prepared by Wagner & Bonsignore (Appendix D) supports the proposition that the proposed diversion will not have any meaningful impact on the hydrology of Bear Creek or Bloods Creek.

To elaborate on this analysis, Figure 1 of Appendix D graphically represents the estimated long-term average daily discharge of Bear Creek under both impaired and unimpaired conditions. It should be noted that under impaired conditions, the Project will generally reduce the amount of water flowing in Bear Creek, but that reduction is only expected to result in a drying of the creek, on average, four days sooner than under unimpaired conditions. Figure 2 of Appendix D graphically represents the estimated long-term mean daily discharge of Bloods Creek below the confluence with Bear Creek. It should be noted that the difference in unimpaired versus impaired flow is almost indistinguishable. This limited impact the Project is expected to have on the hydrology of Bear and Bloods creeks would appear to be a large reason why the CDF&G withdrew its protest.

Table 1 of Appendix D shows the estimated annual discharge at various points in the Bloods Creek watershed and the face value of water rights on file with the SWRCB. The total estimated discharge of Bloods Creek at its confluence with the North Fork Stanislaus River is 23,315 afa. The total face value of all water rights within the Blood Creek watershed including the LAWC's existing and proposed diversions is 650 af. This represents about 2.8 percent of the discharge of Bloods Creek. The face value of diversions of 650 af is very likely overstated because it assumes the total amount will be diverted every year at the maximum allowable rate. Even considering these extreme assumptions, the analysis shows that the effect on Bloods Creek is not significant.

In addition to the hydrological analysis provided by Wagner & Bonsignore, the Biological Assessment prepared by North Fork Associates (Appendix F) concurred that the Project would not have a meaningful impact on other biological resources downstream from the Project. For example, the Biological Assessment found that diversions causing Bear Creek to dry up four days earlier than it does now would not impose a significant impact. This was due to the fact that most of the vegetation along the channel is upland forest rather than riparian. These species are adapted to long summer dry periods and should not be affected by a four-day shortfall in the creek. Likewise, the creek appears to support the amount of riparian vegetation that can live on relatively shallow groundwater during the summer, and the shorter flow duration of four days is unlikely to have an adverse impact on this vegetation.

The Biological Assessment did determine that there are four potentially occurring Special Status Species in the Project area. However, the biologist performing the assessment determined that none of these species occurs in habitats immediately adjacent to the creek, and none will be affected by the additional diversion of water.

The biologist determined this was due to the fact that vegetation in Bloods Meadow south of Highway 4 is more likely the result of snowmelt and groundwater, and that it is highly unlikely that small changes in diversion would affect this area. Bloods Meadow existed long before water in Bear Creek was contained by the dam.

In addition to the hydrological analysis and the Biological Assessment, which found no significant impact, ENTRIX concluded in their letter received December 5, 2005, (Appendix G) that although fishery resources exist within the project area, and that the project has the potential to affect these resources, the

degree of the Project's impact on fisheries resources would be "negligible." The results of the field survey reported by Wagner & Bonsignore Engineers (Appendix D), and the subsequent protest dismissal by CDF&G (Appendix E) support their belief.

Conclusion

Based upon the analysis provided in Appendix F, the potential for the Project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDF&G or USFWS can be determined to be less than significant.

The findings also indicated that the Project's potential adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the CDF&G or USFWS would be less than significant.

Based upon the analysis provided in Appendices F and G, the potential for the Project to have an adverse effect, either directly or indirectly through habitat modification, on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, is less than significant.

The potential conflict with the management goals and strategies established in the SNF-Forest Plan Direction (Ref. 32), wherein, the stated goals are to maintain and restore in-stream flows sufficient to sustain desired conditions of riparian, aquatic, wetland, and meadow habitats and keep sediment regimes as close as possible to those with which aquatic and riparian biota evolved is less than significant, based upon the above indicated findings.

In sum, no mitigation measures will be required to address the impacts of the Project on biological resources. The potential environmental impact from this Project on biological resources has been found to be less than significant.

4.3.2 CULTURAL RESOURCES

Introduction

This section discusses the potential environmental impacts that the Project may have on the Cultural Resources of the Project area, as identified in the IS. A records search was conducted by the Central California Information Center (CCIC) by Robin Hards (December 8, 2005), and is included in this DEIR in Appendix H. The records search shows that there are no known cemeteries on Bear Creek or within the Project area. Location of burial areas is not expected within the creek floodway. The records search shows that other types of cultural resources may be present. There are several prehistoric and historic resources within the Project area, ranging from isolated flakes, lithic scatter, milling features, village midden, to recorded segments of the Carson Valley to Murphy's Emigrant Trail, also known as the Big Trees-Carson Valley Turnpike, which include tree blazes and wheel ruts and the Blood's Toll Station Historic Site shown on Figure 7.

Bear Valley is not known to contain an abundance of paleontological features or unique geologic features. Geologic formations present include volcanic, clastic non-marine sedimentary deposits and igneous rocks not favorable for containing significant paleontological resources. Landforms, rocks and minerals in the Bear Valley area are generally common throughout California and are not unique.

Setting

Information about the area on the Internet describes the history of the area, stating that archaeological records indicate that the Miwok and Washoe people used the higher elevations of the Sierra as a meeting ground to exchange items such as obsidian and acorns. The Miwok followed the sequence of flowering plants, ripening seeds, and migration tides of animals throughout the Sierra gradient. Burial grounds for the Miwok (several spellings) within this region are not usually placed in creek beds; but in elevated areas as evidenced at the Six Mile Rancheria site near Vallecito, Calaveras County and the Buena Vista Rancheria site located near Buena Vista, Amador County (Ref. 26 and N). Explorers, miners, and then emigrants traveled through the Bear Valley area in the mid 19th century in search of riches and a new life.

Thresholds of Significance

CCIC concluded that the Project area is sensitive for the possible discovery of historical resources, including both known and previously unrecorded prehistoric and historical archaeological sites, as well as standing historic buildings and structures over 50 years of age. The IS indicated potential significant adverse impacts on cultural resources only in the event of inundation as the result of dam failure. If there is a substantial flooding event, resulting from failure of Reba dam, there may be some disruption of or to these resources, such as to the Bloods Toll Station historical site or unknown resources.

Analysis Findings

The Project does not propose any direct or indirect alterations or substantial adverse changes to the landscape, to a unique paleontological resource or site, to the significance of a historical or archaeological resource, and/or to a unique geologic feature. Future construction or land disturbance associated with development of the BVMP will be regulated by building permits from Alpine County. It is recommended that prior to any new development or construction or excavation within the Project area, a qualified professional archaeologist be retained for field survey and site recordation, site evaluation, and consultation regarding mitigation of impact to cultural resources. In accordance with State law, if any historical resources are discovered during construction activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found, the County Coroner and the Native American Heritage Commission are to be notified immediately.

Bear Valley contains a known historical cultural resource (Bloods Toll Station historic site) and potentially unknown historical and archeological sites which could change in significance if there is a substantial flooding event. Flood inundation of unknown cultural resources could occur as a result of dam failure; however, such flooding is as likely to aid in the discovery of previously unknown sites as in their damage. Native American burial sites are generally located on high ground, away from creek floodways, and Blood's Toll Station, the only known site, is outside the area of possible inundation (Figure 7). The analysis and findings in the hydrological section (Section 4.4.1) address mitigating the potential significant impacts from dam failure and describe partial mitigation for this potential impact.

Conclusion

No mitigation measures will be required to address the potential impacts of the Project on Cultural Resources. The potential environmental impact from this Project on Cultural Resources has been found to have a less than significant impact.

4.3.3 PUBLIC SERVICES

Introduction

This section discusses the potential environmental impacts that the Project may have on the Public Services of the Project area, as identified in the IS. The IS indicated that there might be a potential impact to public beach facilities if higher water levels occur from the additional diversion and storage in the lake, resulting in the inundation of the public beach facilities causing the removal of or requiring a change of those facilities.

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. Water is currently being provided to the public facilities and there would be no changes required to these facilities by the increase in water storage for community use.

Setting

Beach facilities allow access to Bear Lake for sunbathing, picnicking, swimming and canoeing.

Analysis Findings

The beach facilities adjacent to Bear Lake are not public-owned facilities, but are owned by the local homeowners association and are distinct parcels.

Regardless, these facilities will not be impacted by the Project because, although the Project proposes to divert and store more water in the lake per year, the operational information obtained indicates that there will be no change in the maximum water level beyond that currently existing because the Project is proposing utilization of more of the water already stored, which will not result in a change to the maximum water level. No flooding of existing facilities, public or private will result from the project.

Conclusion

The potential environmental effect from this Project on Public Services has been found to have a less than significant impact.

4.4 ENVIRONMENTAL EFFECTS FOUND TO BE SIGNIFICANT

4.4.1 HYDROLOGY AND WATER QUALITY

Introduction

This section discusses the potential impacts to the hydrology and water quality of the Bear Valley environment that might result from the proposed Project, as identified in the IS.

The Project will not violate any water quality standards or waste discharge requirements. The water treatment operations are subject to a “Permit to Treat” from the DDWEM. The DDWEM was contacted and indicated that LAWC is currently permitted to treat 380 gpm. This rate is sufficient to supply the BVMP build-out and the additional water rights proposed by this project. The project would not result in modifications to the existing domestic water treatment system, but any future modification to the system would require an application to DDWEM to amend the water system permit.

DDWEM also indicated that additional treated water use would possibly cause more wastewater generation. The Project proposes no specific development or changes to the waste disposal system, but will indirectly impact the waste discharge system with the increased water use resulting from the

completion of the development of the Master Plan. Future development would be in the service area of the BVWD that discharges in compliance with WDRs for sewage water disposal. If the completion of the development results in future discharges greater than the capacity currently permitted, BVWD must submit Amended Reports of Waste Discharge and the WDRs will be appropriately modified. Compliance with the State regulations reduces the indirect impacts of the Project to a less significant impact.

The water resources utilized to serve the Bear Valley development include spring water and runoff captured in Bear Lake. Little potential groundwater recharge is lost by this diversion because it occurs during spring runoff when the groundwater basin is overflowing. No groundwater is extracted, so existing groundwater resources are not impacted.

No alteration of the existing stream courses, dam, or water treatment facilities will be required by this Project. With no physical changes to the drainage courses, no change in erosion or siltation on- or off-site is expected.

While the project proposes to divert water for storage in Bear Lake, the maximum lake level will not be raised above maximum historic levels. With no changes to the drainage pattern of the area or stream channel; the project will not substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. There will be neither alteration of the stream channel nor any change in the existing dam.

The project proposes to divert additional water for storage in Bear Lake, at times maintaining the water level to its maximum capacity. The project would not result in new lake levels above historic highs and the project will not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off.

The project proposes increased diversion and storage of surface water runoff for treatment and use by the Bear Valley development, with no physical changes to the drainage courses, dam, or water treatment facilities; therefore, no change in water quality would be expected as the treated water will be stored for later use.

The FEMA Flood Insurance Rate Map information indicates that the panel for the Project site is not published and the area is indicated as Zone D, areas of undetermined but possible flood hazard. The Project does not propose the placement of residences into the Bear Creek floodplain. The BVMPEIR addressed the potential for flooding within the Bear Creek floodplain and mitigation measures were incorporated into that Project to reduce the flood impact to less than significant.

The Project proposes to maintain Bear Lake at its peak design capacity with a change in operation that will allow it to use more of the water stored in any given year. This will not result in a change in maximum lake levels; instead, the lake level will merely fluctuate more on a year to year basis. Bear Lake is a drinking water source and residential structures must be maintained a distance from the lake, reducing the potential for seiche flooding. Tsunamis affect coastal communities and low-lying (low-elevation) river valleys in the vicinity of the coast, where buildings closest to the ocean and near sea level are most at jeopardy. The Project would not result in the creation of mudflows, since the Project does not propose to exceed the capacity of the dam.

Setting

LAWC owns and operates Bear Lake, which was constructed in 1965 and impounds 360 af of water. LAWC diverts water from Bear Creek which is tributary to Bloods Creek, thence to the North Fork Stanislaus River. Bloods Creek is unimpaired. The Bear Creek dam is located at an elevation of

approximately 7,000-feet msl. The LAWC holds Water Right License 11007 for 240 af of annual storage in Bear Lake with a maximum allowable annual use of 140 af. Alpine County and LAWC are seeking a new water right to put the remainder of water that is stored in Bear Lake to beneficial use (approximately 220 af of storage) and the right to divert an additional 175 af by direct diversion from Bear Creek for a total proposed new diversion of 395 afa.

Robert Wagner, P.E., of Wagner & Bonsignore prepared a hydrological analysis that was designed to answer questions and address concerns voiced by the CDF&G during a July 5, 2005, field visit to the Project area. This letter provided site-specific hydrological background information and analysis of the Project and is included in the Appendix D of this DEIR.

The hydrographs contained in Appendix D demonstrated that the Project will have insignificant temporal effect on the flow of Bear Creek and an unnoticeable effect on flow of Bloods Creek below its confluence with Bear Creek. Bear Creek would typically be dry at the point of diversion under unimpaired conditions in early June corresponding to the end of snowmelt. The winter of 2004-05, which was unusually wet, was producing inflow as of July 5, 2005, due to the remaining snow pack. It was determined that the only effect the Project would have on Bear Creek below the dam would be a drying of the creek a few days earlier than would naturally occur in any given year. The drying date of the stream varies from year to year. The Project has no effect on the watershed above the dam.

Thresholds of Significance

The BVMPEIR identified the potential significant impact from dam failure, which would cover the entire open valley through which Bear Creek flows, as well as the meadow south of the highway (Figure 7). Mitigation measures were imposed on the Bear Valley development for the protection of structures located within the area of inundation. The Project proposes to divert additional water for storage in Bear Lake, at times maintaining the water level to its maximum capacity. The only potentially significant hydrological impact of this Project identified by the IS was the exposure of people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Analysis Findings and Feasible Mitigation Measures

The premise of the finding for potentially significant impact from dam failure identified in the IS is that additional water storage permitted behind Reba Dam would increase the lake level and the subsequent risks of dam failure. This premise is incorrect. The Project will not involve increasing the lake level above historic highs or maintaining the lake at maximum levels for longer than would otherwise occur; therefore, the finding of increased risk of dam failure is also incorrect. The normal operation of the dam during spring runoff is that the lake fills to its spillway level before discharging downstream. In years when the dam fills, the lake will not be filled for a longer period as a result of the Project because of the additional diversions proposed by the Project. Proposed new diversions would remove water from storage and tend to decrease the most vulnerable times when the dam is filled. While the Project will not increase the risk of dam failure, it nonetheless requires the use of the dam and therefore results in the recognized significant impact of dam failure identified in the BVMPEIR. Risks of dam failure in California are mitigated by a State program of dam approval and inspection.

Reba Dam is an earthen embankment, about 70 feet high measured from the lowest downstream toe of the dam to the spillway crest, and about 555 feet long. Bear Lake covers about 15 surface acres when full. Inflow associated with storm events, and excess snowmelt from the drainage area tributary to the lake, pass through a concrete spillway chute (Site Photographs) located on the left abutment of the dam (looking downstream). *Total freeboard*, which is defined as the vertical distance measured from the top of the dam to the spillway crest, is 5 feet. In its review of the Project design, DSOD concluded that during

the peak design storm outflow over the spillway, there would be a *residual freeboard*, defined as the vertical distance from the top of the dam to the maximum lake water level during such an event, of 1.5 feet. The 5-foot total freeboard and 1.5-foot residual freeboard were intended to provide a margin of safety against overtopping of the dam during extreme storm events, which could result in degradation of the embankment.

The statutes governing dam safety in California, Division 3 of the Water Code, place the supervision of the safety of non-federal dams and reservoirs under the jurisdiction of the DSOD. Dams under jurisdiction are artificial barriers, together with appurtenant works, which are 25 feet or more in height or have an impounding capacity of 50 af or more. Reba Dam falls under the jurisdiction of DSOD and is routinely inspected by DSOD personnel.

The DSOD reviews plans and specifications for the construction of new dams or for the enlargement, alteration, repair, or removal of existing dams, under application, and must grant written approval before the owner can proceed with construction. Professional engineers and geologists from DSOD evaluate each Project, investigate proposed sites, and check available construction materials. During construction, they identify conditions disclosed during site development which may require design changes; they check for compliance with approved plans and specifications; and they approve foundations before material is placed.

Before water can be impounded by a new dam or by an existing dam which has been enlarged, altered, or repaired, DSOD must issue a Certificate of Approval based upon the findings of its personnel. The Certificate may contain restrictive conditions, and may be amended or revoked by DSOD. No changes to the dam are proposed.

Operating dams are routinely inspected by DSOD to assure that they are adequately maintained and to direct the owner to correct any deficiencies found. DSOD also conducts investigations of selected dams, which may include a comprehensive review of all pertinent information contained in the DSOD's files, an on-site inspection of the Project, technical studies (when necessary), and preparation of a comprehensive report.

According to the records maintained by DSOD, Reba Dam impounds approximately 360 af in Bear Lake located in Alpine County near Bear Valley, California. Reba Dam received its Certificate of Approval (State Dam Number 519) from DSOD on December 27, 1965.

As noted above, Reba Dam is routinely inspected by DSOD engineers, with the most recent inspection being September 29, 2005. DSOD concluded that the "dam, reservoir and the appurtenances are judged satisfactory for continued use." DSOD has reported the dam as satisfactory since its first inspection report in 1968.

The potentially significant risks of dam failure and flooding identified in the IS and the BVMPEIR remain unchanged by the project. Impacts are partially mitigated but not eliminated by compliance with the current DSOD dam safety inspection program described above. Therefore exposure of people or structures to significant risk of loss, injury or death involving flooding as result of failure of a dam is a significant environmental impact of the Project.

4.4.2 UTILITIES, ENERGY AND SERVICE SYSTEMS

Introduction

This section discusses the potential impacts to the Utilities, Energy and Service Systems of the Bear Valley environment that might result from the proposed Project, as identified in the IS.

In 1978, the BVMPEIR was submitted to the State and to Alpine County. This assessment and review put in place the Master Plan for the area. It was inclusive of energy impacts and processes and the general needs of future use and development of the area. These general needs included further requisition of water resources, and addressed the issues that would be of main concern regarding any future development.

The BVMPEIR indicates that the "present supply is adequate to deliver water to some 900 connections... continued development depends upon developing an adequate source of water" (Ref. 4, p 83). Mitigation A.1 indicates the need to develop a water source "to guarantee a minimum development of 400 afa." (Ref. 4, p 84) LAWC would like a new water-right to use, for beneficial purposes, the 220 af of water it stores in Bear Lake as well as the right to divert an additional 175 af from Bear Creek. Put differently, the Project will only divert an additional 175 af from Bear Creek, but will allow an additional 395 af to be used each year.

The project does not propose changes to the wastewater treatment facilities serving the community. The project will result in an increase in the amount of water available for the development of the Bear Valley community. The project will be a less than significant impact on the water storage facilities and will not require an expansion of these facilities or the existing wastewater treatment facilities at this time. The project will not result in significant environmental effects from construction. Alteration of the dam spillway and the stream channel below the dam are not proposed. There will be a less than significant impacts to the existing storm water drainage facilities and the proposed project will not result in the construction of new stormwater facilities. It will not generate a substantial demand for solid waste disposal and will comply with federal, state and local statutes and regulations related to solid waste.

Setting

Bear Lake is a 360-af onstream reservoir constructed in 1965 with a dam that outflows into the Bear Creek drainage. Bear Lake is named in Water Right License 11007 for 240 af of storage with a maximum allowable use of 140 af. The lake, as well as three springs located in the upper portion of the valley, is used by LAWC as part of the water supply system serving the Bear Valley development. LAWC treats water from the reservoir and underground water sources at the WTP, located at the base of the dam, then stores the water in three tanks where it is later distributed to residences, businesses, and service facilities. The three water-storage tanks have a total storage capacity of 600,000 gallons. Also, an emergency water supply is made available to the subdivision located in the southwestern corner of the Bear Valley community (north of Highway 4) via pipelines with valve located in the southwestern portion of the LAWC water distribution system. The lake, dam, and WTP are located on an approximately 22-acre parcel owned by LAWC. According to LAWC representative, there are approximately 468 connections to the utility. Wastewater/effluent from the Bear Valley community (treated water distribution), Lake Alpine resort area (USFS-SNF), and the BVSA is channeled to the BVWD's WWTP.

BVWD, formed in 1968, operates a wastewater collection, disposal, and treatment system at an approximate elevation of 7,000 feet msl. History of BVWD is contained in the BVMPEIR. BVWD currently provides coverage for the Bear Valley community, Lake Alpine Resort area (USFS-SNF), and the BVSA. The secondary treatment system is regulated by the CVRWQCB Land Disposal Requirements WDR Order No. 5-01-208 (adopted in July 2001 with a Revised Monitoring and Reporting Program adopted in July 2002) and its designed capacity is 0.5 million gallons per day (mgd). A 12.5 million gallon aeration pond is part of the treatment system. Treated wastewater is discharged via spray irrigation onto approximately 85 usable acres of privately and publicly owned land for summer treatment. The daily flow rate maximum is 0.225 mgd and the average wastewater flow to the wastewater treatment plant is currently 0.086 mgd. It is indicated in the CVRWQCB's Response to Comments (dated 16 Sept. 2005) for Order No. 5-01-208 that not all the available acreage is suitable for spray irrigation use and that

"snowmelt and the rainfall are the two major contributors of inflow (over 65 percent) to the storage reservoir, which cannot be avoided." (Ref. 16, p 4)

Two Orders from the CVRWQCB were issued in 2005: Order No. R5-2005-0139 (Waste Discharge Requirements) and Order No. R5-2005-0140 (Time Schedule Order). BVWD proposes to discharge (controlled seasonally) treated effluent into Bloods Creek during times when the effluent can be diluted with a 20:1 ratio. The Time Schedule Order allows BVWD to come into compliance for effluent limitations discharge to Bloods Creek for iron (monthly average of 300 micrograms per liter) and manganese (monthly average of 50 micrograms per liter) by 2010. Information included within the CVRWQCB's 2005 WDR evaluated effluent limitations for aluminum, ammonia, chloroform, copper, electrical conductivity, fluoride, iron, manganese, pathogens, and pH. Additional monitoring will be required for aluminum, ammonia, chloroform, electrical conductivity, and fluoride; compliance schedule for effluent limitations of copper, iron, and manganese was ordered; and the installation of a dechlorination facility at the WWTP will be required before surface discharge of treated effluent to Bloods Creek at a 20:1 ratio will be allowed. According to a local source (Ref. 5, p 6.), the WDR Order No. R5-2005-0139 was ratified in a special meeting in October 2005 and included the condition that BVWD must upgrade to a tertiary WWTP by October 2008.

The adoption of the BVMP in 1978 allowed the conservation of energy and water and the implementation of ordinances and mitigation measures that required insulation (Uniform Building Code) for new homes (Ref. 4, p 64); minimum flow fixtures that reduce water use, water heating, and sewage disposal (Ref. 4, p 65); and, as of 1978, new homes would connect to the BVWD sewer system with all existing homes connecting by 1980 (Ref. 4, p 40). Currently, utility/power providers to the Bear Valley community are as follows:

- Potable water is provided by LAWC from Bear Lake, to the WTP, and then through the water distribution system to the customers.
- Electrical power is provided by PG&E. Power is provided from the Salt Springs substation to the Cabbage Patch substation. The Cabbage Patch substation provides electrical power to the facilities and communities up the hill including the Bear Valley area.
- Liquid petroleum gas (L.P.) is provided by Ebbetts Pass Gas Service located in Arnold, California (approximately 22 miles from the community).
- Calaveras County provides household solid waste disposal through SEI Solid Waste Inc. based out of Arnold (approximately 22 miles from the community). Waste bins are located on Bear Valley Road and transported to Calaveras County.
- BVWD provides wastewater/sewage disposal. BVWD recently received CVRWQCB WDR Order No. R5-2005-0139 for surface water disposal.

Thresholds of Significance

Current water supplies serve the Bear Valley community from existing LAWC entitlements and resources. The project described in this EIR will secure new entitlements and will result in the availability of new water supplies for the continued development of the master plan. This may not allow the wastewater treatment provider to determine that it has adequate capacity to serve the project's projected demand.

BVWD is the current wastewater provider that serves the community. At this time, the proposed project will not result in additional wastewater generation and will not exceed wastewater treatment requirements of the CVRWQCB. Additional water may cause an exceedance in wastewater treatment requirements eventually; however, WDR Orders are in place that will allow for future expansion in the Bear Valley

community in an environmental sound manner. The 2005 WDR "provides for an increase in the volume and mass of pollutants discharged" and that the increase "will not have significant impacts on aquatic life," "will not cause a violation of water quality objectives," "allows wastewater utility service necessary to accommodate housing and economic expansion in the area," and "is considered to be a benefit to the people of the State." (Ref. 12, p 16)

Analysis Findings and Feasible Mitigation Measures

With the availability of new water supplies for the continued development of the Master Plan, the waste treatment provider may not be able to determine at some time in the future that it has adequate capacity to serve the project's projected demand. Three CVRWQCB Order's are in place for the BVWD: Land Disposal Requirements Order No. 5-01-208; Waste Discharge to Surface Water Order No. R5-2005-0139; and Time Schedule Order No. R5-2005-0140. As the Orders and their requirements are implemented over the next several years, the permit process through the CVRWQCB allows for increase in wastewater treatment capacity. Potentially significant impacts from increased demand on public services as a result of the project can be fully mitigated by permitted waste discharges through the CVRWQCB. With this mitigation, the potential impact of the Project on Utilities is reduced to a level that is less than significant.

4.4.3 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Table 3
Summary of Potentially Significant Impacts and Mitigations

ISSUES	IDENTIFIED POTENTIAL SIGNIFICANT IMPACTS	LEVEL OF SIGNIFICANCE	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Utilities/Service Systems	The project will result in the right to make available new water supplies for the continued development of the master plan and, in the future may not allow the wastewater treatment provider to determine that it has adequate capacity to serve the projected demand.	Found to be potentially significant	Update Waste Discharge Requirements as appropriate	Less than significant
Hydrology/Water Quality	The Project may expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	Found to be significant	Maintain DSOD Permit for Dam	Significant Impact that cannot be avoided

5.0 CONSIDERATION OF ALTERNATIVE PROJECTS

CEQA requires consideration of a range of reasonable alternatives to the Project or the location of the Project, which would feasibly attain most of the basic objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives. (CEQA Guidelines Section 15126.6) Because the EIR must identify ways to mitigate or avoid the significant effects that a Project may have on the environment (Public Resources Code 21002.1), the discussion of alternatives shall focus on alternatives to the Project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if the alternatives would impede to some degree the attainment of the Project objectives, or would be more costly.

The objective of this Project is for securing rights to an additional source of water to serve the continued development and viability of the Bear Valley community. Approval of the water rights will provide a legal, guaranteed entitlement to the additional water source necessary to support the planned community.

The alternatives selected for consideration were selected based upon the extent to which the alternative would accomplish most of the basic objectives of the Project indicated above; the extent to which the alternative would avoid or lessen any of the identified significant environmental effects of the Project (discussed throughout Section 4); the feasibility of the alternative, taking into account available water sources; and the requirement of the CEQA Guidelines to consider a no Project alternative and to identify an environmentally superior alternative in addition to the no-Project alternative (CEQA Guidelines, Section 15126.6(e)).

The sole objective of this Project is to develop water to satisfy the unmet needs of the BVMP (approximately 400 afa) by any one or any combination of sources described in the BVMPEIR (1976). Potential unused sources include the following:

- Runoff from Bear Creek Drainage Basin =2460 afa (60 inches per year)
- Available capacity lost from present Springs =65 afa (40 gpm)
- Well in meadow = 162 afa (100 gpm)
- Upstream Stanislaus =600 afa
- Water Conservation = 10% to 20% reduction in needs

Based upon the criteria stated above, five alternatives to the Project selected to be discussed in this section include the following:

- Runoff from Bear Creek drainage basin
- Capture of additional spring water
- Groundwater well or well field
- Water conservation
- No Project

5.1 RUNOFF FROM BEAR CREEK DRAINAGE BASIN

Runoff from Bear Creek drainage is the source of the current Project, which employs the existing constructed excess storage at Bear Lake and existing water delivery system. An alternative Project using this source would have to develop additional diversion and storage facilities, duplicating the function of

existing facilities and causing additional ground disturbance and impacts in and around the drainage above Bear Lake. Therefore, this alternative meets the goals and objectives of the Project, but environmental impacts from this alternative would be greater than the proposed Project.

5.2 CAPTURE OF ADDITIONAL SPRING WATER

Capture of additional spring water would require obtaining necessary water rights (similar to the existing Project) and would require studies to identify mitigations for potential impacts to surface riparian habitat fed by the springs. Spring sources would also be subject to climatic variability from year to year and may not provide the late summer season storage required and provided by the existing Project. Therefore, this alternative does not meet the goals and objectives of the Project and also results in potentially greater environmental impact to riparian habitat.

5.3 GROUNDWATER WELL OR WELL FIELD

A groundwater well or well field located in the meadow south of Highway 4 or in Bear Valley Village would likely be the most reliable alternative source. The wells would be located on private property and the availability of groundwater is unknown. Installation of water well(s) would require exploration, drilling and development. The aquifer in the area is poorly defined and may be limited by relatively shallow granite bedrock, possibly requiring more than one well location. An undefined MTBE plume affecting groundwater is located north of Highway 4 at the Bear Valley gas station and could adversely impact groundwater sources for community water. In addition to ground disturbance during construction, there would also be need for installation of infrastructure to support pumping (power poles, maintenance buildings, wellhead storage tanks, and pressurized water pipelines) to deliver the groundwater uphill to the treatment plant at the dam. Excavation of trenches for pipelines could require blasting, depending on the well location and pipeline route. Development of water wells would thus require much more significant ground disturbance, with associated potential biological, archeological, noise, visual and other types of impact. Therefore, this alternative may not meet the goals and objectives of the Project and also results in potentially greater environmental impacts.

5.4 WATER CONSERVATION

The possibility that the Project's objective could be accomplished by water conservation alone was considered. However, the 1978 BVMP already requires minimum flow fixtures be installed in all new homes; therefore significant water savings would not be anticipated by installing similar fixtures (see pg. 28, supra). In addition, LAWC is currently in the process of installing radio-controlled metering devices on all existing water connections. These devices emit a radio signal that allows constant measurement of water use, and they also emit an alert if water use has occurred for a constant 24-hour period (which would suggest a leak). All connections are expected to be metered by the end of 2006. Combined, these measures are expected to result in a 10 percent to 20 percent reduction in water use. Thus, water conservation alone is not considered to be a reasonable alternative that can accomplish the Project objectives. (Ref. O)

The possibility that water conservation could reduce, rather than replace, the amount of water required for the Project, and thereby reduce the environmental impacts of the Project was also considered. However, the water savings created from the installation of the low flow fixtures was factored into the equation when considering how much water to file for in the petitions to the SWRCB. Thus, the savings created by these conservation measures have already reduced the amount of water sought by LAWC and the County, and are not expected to result in significant additional savings. To the degree that unanticipated conservation measures could implement the project objectives, this project alternative would result in a less significant impact on utilities than the proposed project.

5.5 NO PROJECT ALTERNATIVE

The No Project Alternative would not allow for the completion of the planned development of the Bear Valley community. The 468 existing water connections could be increased only to the maximum amount suitable for existing water rights, but no additional growth could be accommodated. Socio-economic impacts of this alternative would be a reduction in potential infrastructure to support the economic base of local businesses, the viability of this mountain community, and the BVSA. There would be reduced potential tax revenues for the small County of Alpine. Therefore, this alternative will not meet the goals and objectives of the Project. There would be no potentially significant environmental impacts from this alternative.

5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an EIR evaluate the comparative merits of the project alternatives, and to identify the environmentally superior alternative (CEQA guidelines, Section 15126.6). A summary of the alternatives are as follows:

The First Alternative "Runoff from Bear Creek Drainage" would require developing additional diversion and storage facilities, thereby duplicating the function of existing facilities, and would result in significant ground disturbance and impacts in and around the drainage above Bear Lake.

The Second Alternative "Capture of additional spring water" would not provide dry-season water dependability and may result in adverse biological impacts resulting from a reduction of water to riparian habitat around the springs.

The Third Alternative "A groundwater well or well field" located in the meadow south of Highway 4 or in Bear Valley Village would likely be the most reliable alternative source in dry seasons, although the volume of available groundwater is currently unknown and gasoline and MTBE contamination of the aquifer is known to exist. Development of water wells, power delivery, and pipelines would require significant short-term ground disturbance, with associated potential biological, archeological, noise, visual and other types of impact. Once established there would be little potential for long-term adverse environmental impacts, so long as the aquifer supply is adequate to support both the meadow and the community. Groundwater drawdown around the wells could locally impact wetlands, depending on the well location.

The Fourth Alternative "Water Conservation" is not expected to result in significant additional water savings, and therefore would not accomplish most, or even a portion, of the Project objectives. There would be no environmental impacts from this alternative.

The No Project Alternative could be considered the environmentally superior project inasmuch as there would be no change in the existing development; however it would result in less potential for meeting project objectives.

The Third Alternative, Water Conservation Alternative is the identified environmentally superior alternative to the Project.

6.0 GROWTH-INDUCING IMPACTS

Introduction

This section serves to identify and focus on 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. As required by CEQA Guidelines Section 15126.2, the discussion of the growth-inducing impacts would include projects which would remove obstacles to population growth.

Setting

The Project is located on privately-owned lands surrounded by the SNF. The Alpine County General Plan land use designation for the Project area is Planned Development (PD) with Open Space (OS) as the surrounding land use designation (see Figure 8). The PD designation is applied to areas where relatively intensive developments for human use would be desirable provided they are carefully planned and closely supervised to insure conformance with the goals, objectives, and policies of the General Plan and applicable laws. The general pattern of existing and projected land use in Alpine County is primarily a product of topography, minimal development pressure, and citizen appreciation for the predominant pristine forest and mountain meadow environment. These factors have naturally concentrated development in the two ski-resort communities of Kirkwood and Bear Valley with small settlements of Markleeville and Woodfords on the east slope of the Sierra Nevadas, leaving most of the County designated as Open Space (OS) or Wilderness (W).

Bear Valley is a large scale year-round destination resort and residential community governed by the County-approved BVMP. Primary uses include residential and commercial development and open space. Future uses are determined by the approved BVMP. The lands north of Highway 4 have been developed in consistence with the BVMP, but the lands to the south of the highway are currently used for recreational activities, wastewater treatment facilities, and grazing.

A map was prepared for the SNF (Ref. 33) delineating management areas. On this map, Bear Valley is delineated as private lands surrounded by areas designated for winter sports, general forest, and wildlife.

Analysis Findings

The goals of the SNF *Forest Plan Direction* (Ref. 32) serve to prevent high density development. The lands surrounding the Project area are within the Federal jurisdiction. The *Forest Plan Direction* recognizes the recreational development of the area and the Bear Valley Community and its services.

The implementation of the Project will provide the guaranteed water source to support the planned build out of the approved intense development proposed in the BVMP, but it will not be sufficient to support any significant development beyond what is contemplated in the BVMP. The boundaries established by Alpine County General Plan limit intense development to within that of the approved BVMP area. Increased development in the Bear Valley area would not be consistent with the designations indicated by the SNF 1991 Management Plan Map (Ref. 33) and goals of the SNF Forest Plan Direction (Ref. 32). Therefore, there would be no growth inducing impacts expected beyond the boundaries of the BVMP into the lands of the surrounding SNF.

7.0 CUMULATIVE IMPACTS

CEQA Guidelines Section 15130 requires a discussion of cumulative impacts of a Project when the Project's incremental effect is cumulatively considerable, as defined in Section 15065(a)(3). Where a lead agency is examining a Project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

The IS identified impacts that are individually limited, but cumulatively considerable and although Bear Lake has existing water rights to the waters of the Bear Creek watershed, the proposed increase in the amount of water being diverted may adversely affect downstream users. These include natural biological ecosystems, and municipal, recreational, and agricultural users. Based upon the findings of Section 4.3.1 in this DEIR, the impacts of the Project would actually be less than significant on local biological systems and downstream users. As discussed in that Section, the additional amount of water diverted and used for beneficial purposes at Bear Lake proposed in this Project will be insignificant when compared with the effects of other downstream uses. Thus, cumulative impacts are less than significant.

8.0 OTHER CEQA REQUIRED DISCUSSIONS

8.1 ECONOMIC AND SOCIAL EFFECTS

The BVMP is consistent with the ACGP Planned Development land use designation for the Project area. The BVMPEIR, certified in 1978, was prepared for a project to expand the development of the original Master Plan for the community. The BVMP identified the need to obtain additional guaranteed water sources to support the approved county plan. The existing water sources used to support the community are spring water and Water Rights License 11007, which allows for 240 af of storage with a maximum allowable use of 140 af. The Bear Creek dam (Reba Dam), constructed in 1965, was designed to impound 360 af of water; however, these existing water rights do not provide sufficient water to support the planned development. The BVMPEIR identified additional water sources to support the additional development which included the proposed Project. Implementation of the Project allows for the BVMP to be fully implemented.

8.2 SIGNIFICANT ENVIRONMENTAL EFFECT WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

This DEIR identified a potentially significant environmental effect of the Project as the exposure of people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. The Project proposes to divert additional water for storage in Bear Lake, at times maintaining the water level to its maximum capacity. This is identical dam management to that described in the BVMPEIR, which identified dam failure and the occurrence of additional loss of life and property damage as a significant adverse environmental impact which could not be avoided. This DEIR proposes dam safety management through the DSOD as a partial mitigation of this significant effect (Section 4.4.1) but the level of significance after mitigation is not insignificant.

Reba Dam is an earthen embankment, about 70 feet high measured from the lowest downstream toe of the dam to the spillway crest, and about 555 feet long. Bear Lake covers about 15 surface acres when full. Inflow associated with storm events, and excess snowmelt from the drainage area tributary to the lake, pass through a concrete spillway chute (Site Photograph Nos. 6, 7, and 8) located on the left abutment of the dam (looking downstream). *Total freeboard*, which is defined as the vertical distance measured from the top of the dam to the spillway crest, is 5 feet. In its review of the Project design, DSOD concluded that during the peak design storm outflow over the spillway, there would be a *residual freeboard*, defined as the vertical distance from the top of the dam to the maximum lake water level during such an event, of 1.5 feet. The 5-foot total freeboard and 1.5-foot residual freeboard were intended to provide a margin of safety against overtopping of the dam during extreme storm events, which could result in degradation of the embankment.

The DSOD reviews plans and specifications for the construction of new dams or for the enlargement, alteration, repair, or removal of existing dams, under application, and must grant written approval before the owner can proceed with construction. Professional engineers and geologists from DSOD evaluate each Project, investigate proposed sites, and check available construction materials. During construction, they identify conditions disclosed during site development which may require design changes; they check for compliance with approved plans and specifications; and they approve foundations before material is placed. Before water can be impounded by a new dam or by an existing dam which has been enlarged, altered, or repaired, DSOD must issue a Certificate of Approval based upon the findings of its personnel. The Certificate may contain restrictive conditions, and may be amended or revoked by DSOD.

According to the records maintained by DSOD, Reba Dam impounds approximately 360 af in Bear Lake located in Alpine County near Bear Valley, California. Reba Dam received its Certificate of Approval

(State Dam Number 519) from DSOD on December 27, 1965. Dam failure will be closely monitored as the DSOD has one of the best inspection programs in the world. Annual inspections are made by DSOD personnel with immediate follow-up in case of problems. The local water system operator visually inspects the dam and area daily and during springtime and spring thaw maintains the reservoir at a lower than full-safe elevation. Regarding the impacts to the Village Center, the mitigation measure proposed in the BVMP was that no living quarters should be allowed at ground level and commercial space should be limited to no more than 100 lineal feet of wall measured at right angle to the direction of water flow.

Operating dams are routinely inspected by DSOD to assure that they are adequately maintained and to direct the owner to correct any deficiencies found. DSOD also conducts investigations of selected dams, which may include a comprehensive review of all pertinent information contained in the DSOD's files, an on-site inspection of the Project, technical studies (when necessary), and preparation of a comprehensive report.

There are no physical changes to the dam proposed by the Project and the amount of water to be stored in the lake will not exceed the design capacity. Therefore, the significant environmental impacts that cannot be avoided, previously identified in the BVMPEIR remain the same: if the Bear Lake dam were to fail, additional loss of life and property damage would occur.

8.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines Section 15126 requires a discussion of Significant Irreversible Environmental Changes which would be involved if the proposed Project should be implemented. However, Section 15127 (Limitations on Discussion of Environmental Impact) provides that this discussion need be included only in EIRs prepared in connection with the following: the adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency; the adoption by a Local Agency Formation Commission of a resolution making determinations; or, a project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347.

The proposed DEIR is not being prepared in connection with any of the above-stated activities and the discussion of irreversible changes is not included in the DEIR.

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9.2 ORGANIZATIONS AND PERSONS CONSULTED

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Photographs 2, 3, 6, 7, 8, and 9.

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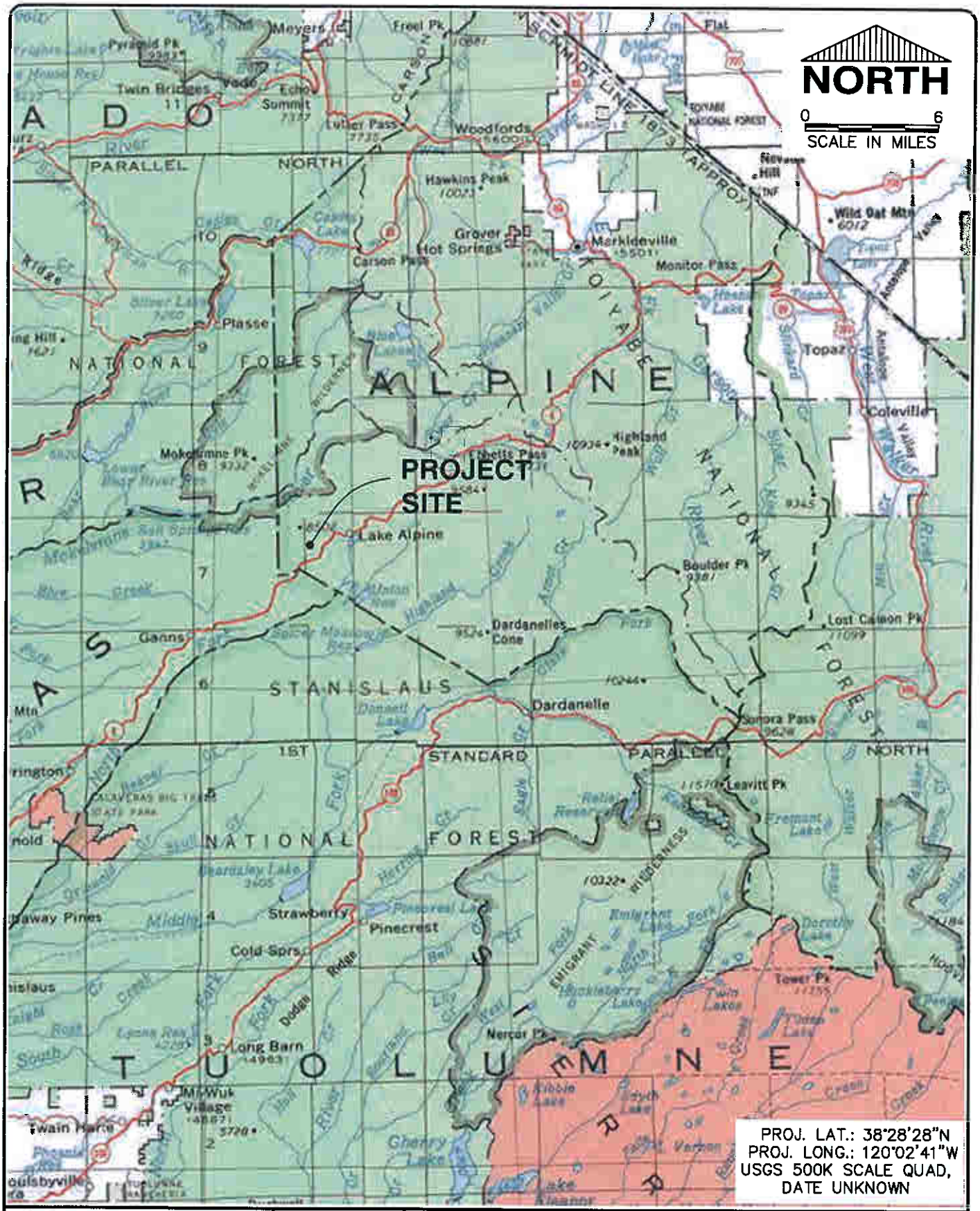
FIGURES



CONDOR EARTH TECHNOLOGIES, INC. 21663 Brian Lane P.O. Box 3905 Sonora, CA 95370 (209) 532-0361 fax (209) 532-0773 www.condorearth.com sonora@condorearth.com **CONDOR**	**Job No.** 4800A **Published Date** 8 MAR. 2006 **Scale** AS SHOWN **Drawn** DJT / **Chk'd** PMRG	**VICINITY MAP** **BEAR CREEK WATER RIGHTS E.I.R.** **ALPINE COUNTY** **BEAR VALLEY, ALPINE COUNTY, CALIFORNIA**	**FIGURE 1** **File No.** 4800A-F1

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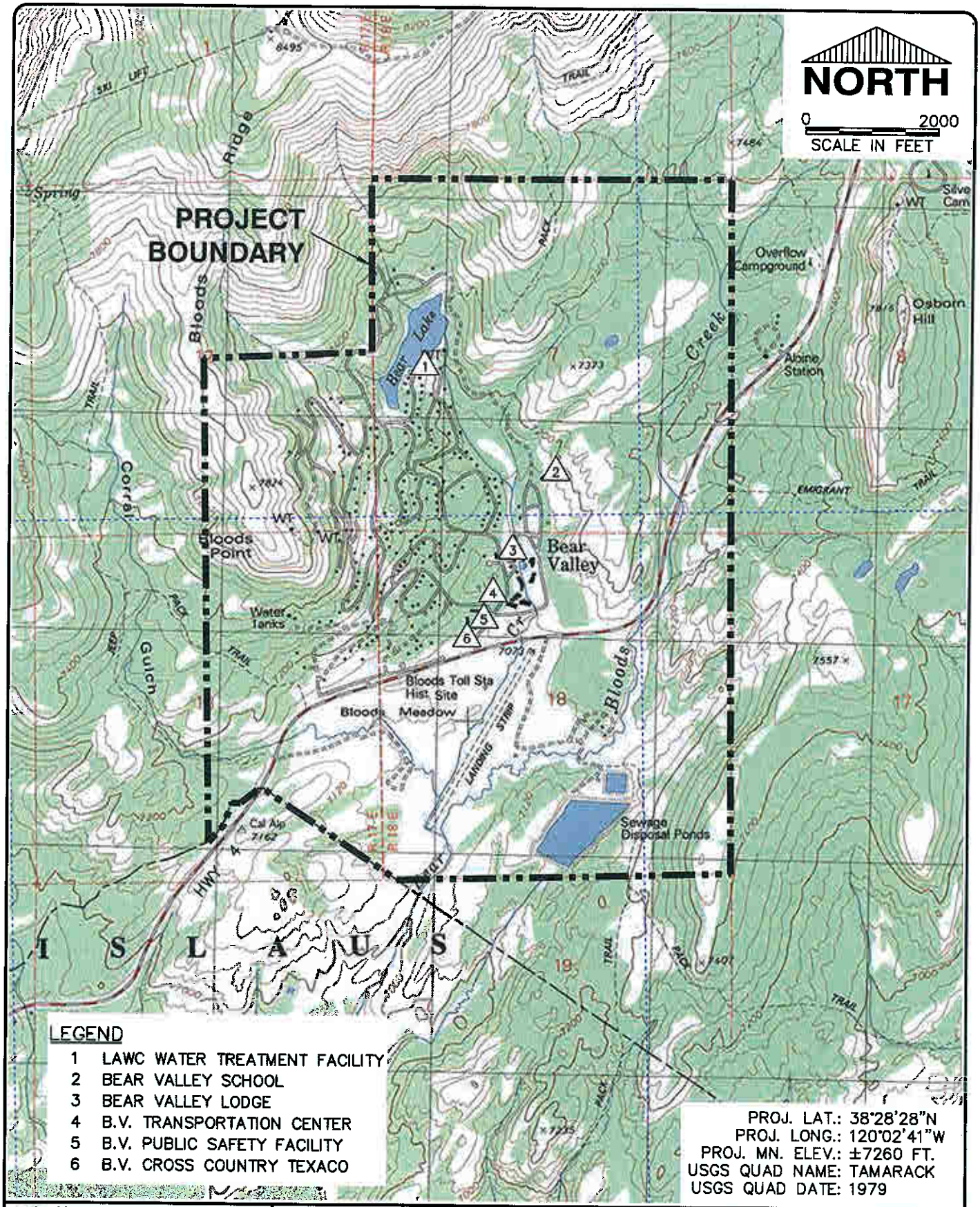

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PROPOSED PROJECT SITE MAP
BEAR CREEK WATER RIGHTS E.I.R.
ALPINE COUNTY
BEAR VALLEY, ALPINE COUNTY, CALIFORNIA

FIGURE 2

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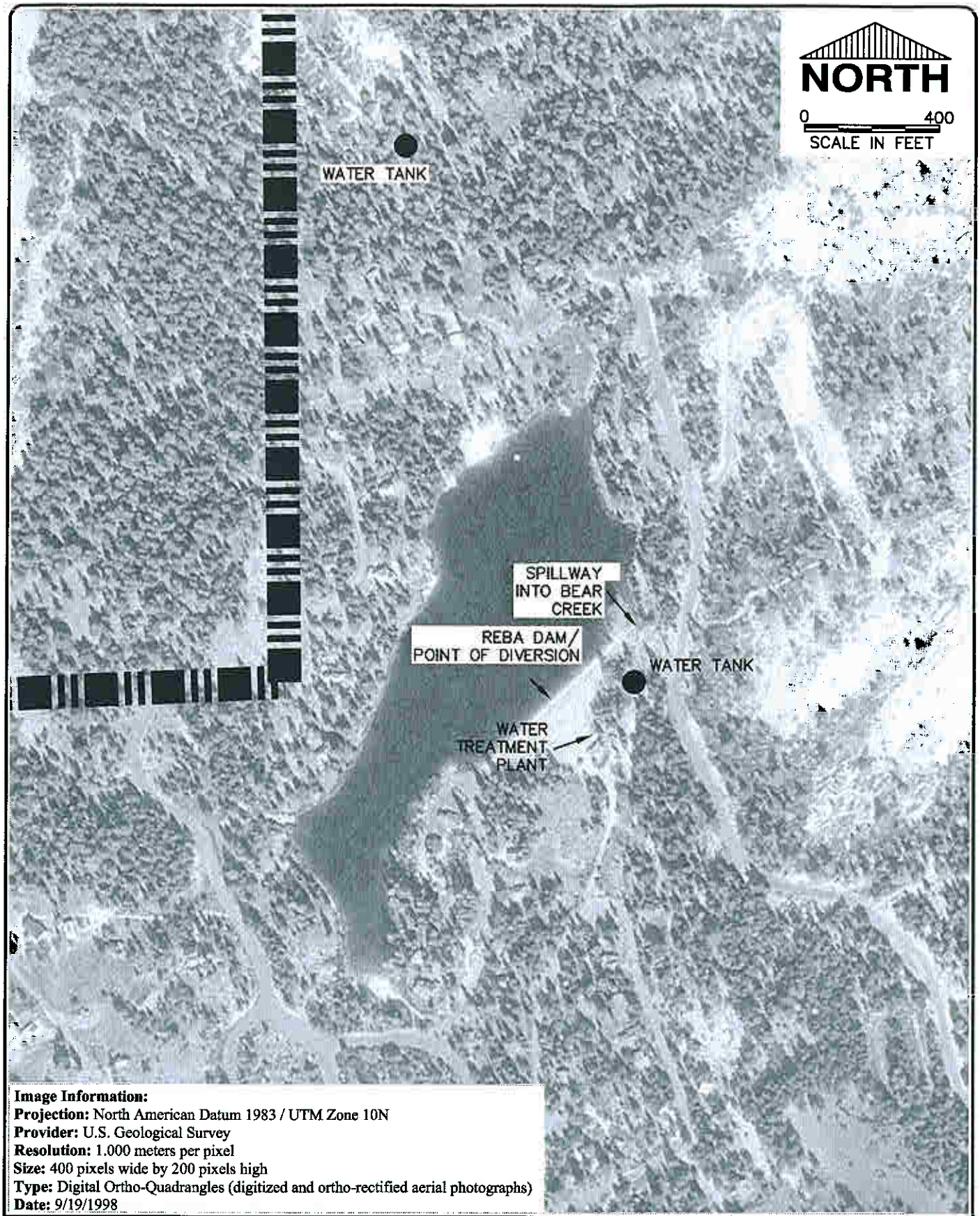

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Date: 9/19/1998

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SITE DETAIL: POINT OF DIVERSION BEAR CREEK WATER RIGHTS E.I.R. ALPINE COUNTY BEAR VALLEY, ALPINE COUNTY, CALIFORNIA

FIGURE 3

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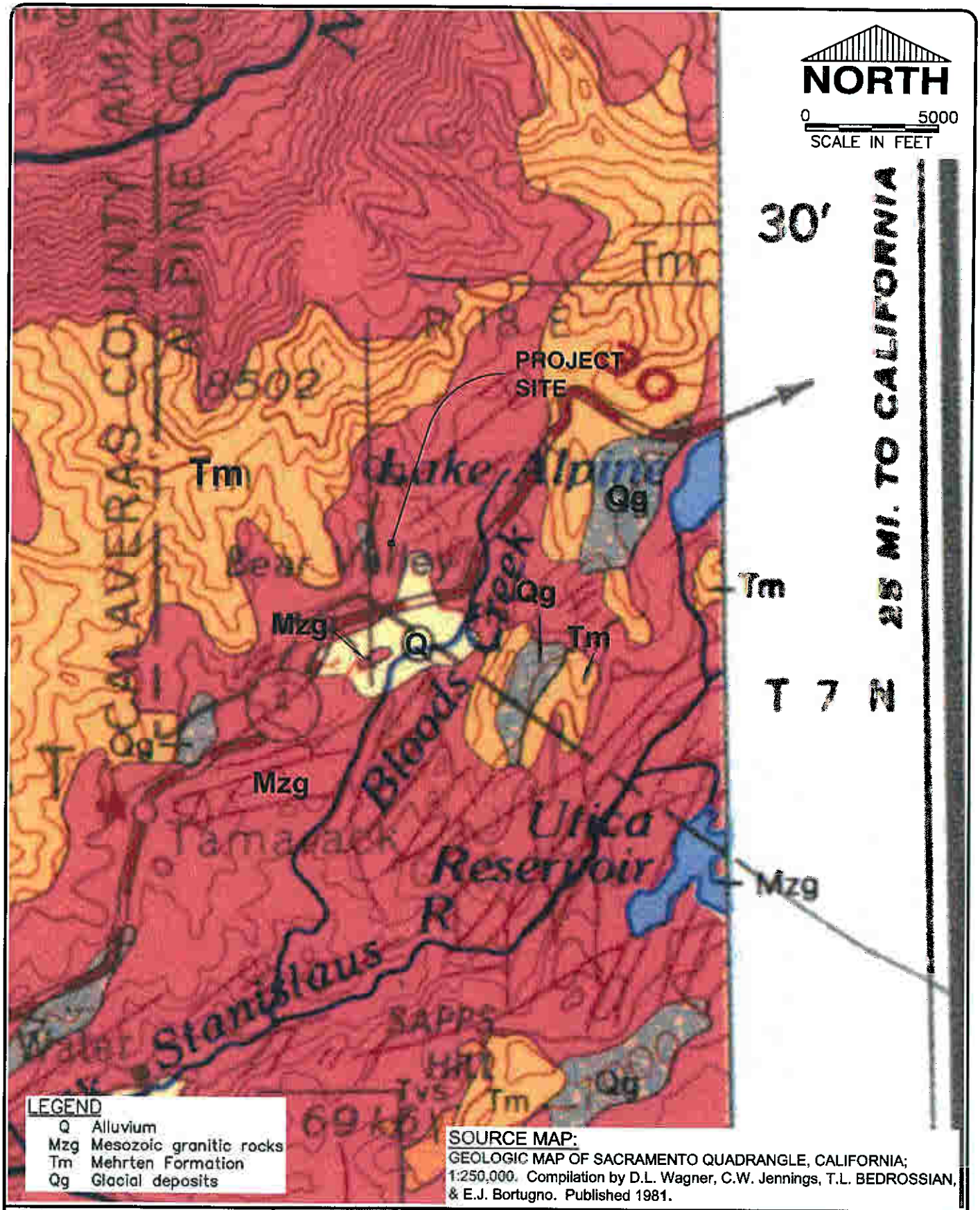

SOURCE MAP:
GEOLOGIC MAP OF SACRAMENTO QUADRANGLE, CALIFORNIA; 1:250,000. Compilation by D.L. Wagner, C.W. Jennings, T.L. BEDROSSIAN, & E.J. Bortugno. Published 1981.

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GEOLOGIC MAP
BEAR CREEK WATER RIGHTS E.I.R.
ALPINE COUNTY
BEAR VALLEY, ALPINE COUNTY, CALIFORNIA

FIGURE 4

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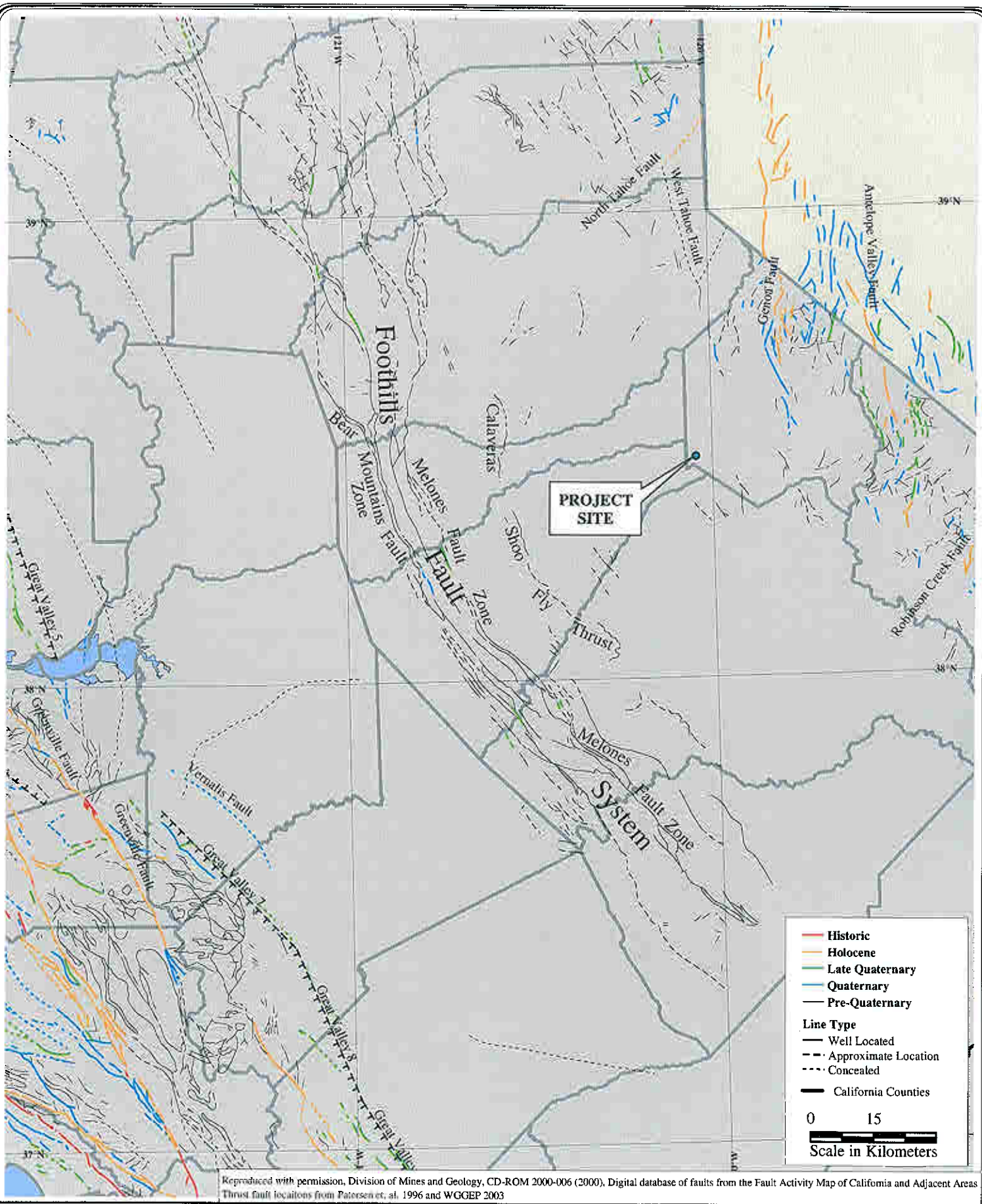

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Thrust fault locations from Petersen et. al. 1996 and WGGEP 2003

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REGIONAL FAULT MAP
BEAR CREEK WATER RIGHTS EIR
BEAR VALLEY
ALPINE COUNTY, CALIFORNIA

FIGURE 5

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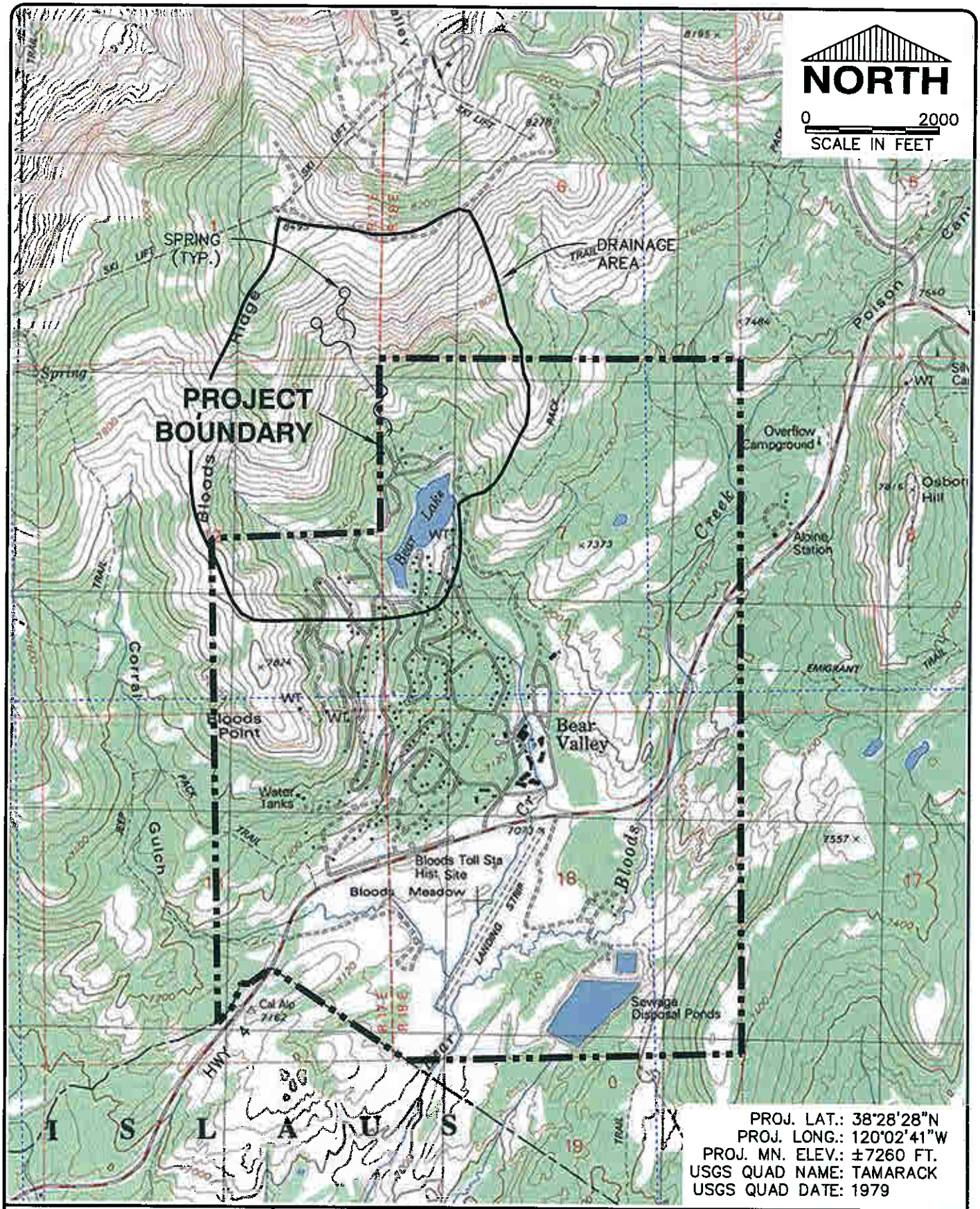

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BEAR CREEK WATERSHED MAP
BEAR CREEK WATER RIGHTS E.I.R.
ALPINE COUNTY
BEAR VALLEY, ALPINE COUNTY, CALIFORNIA

FIGURE 6

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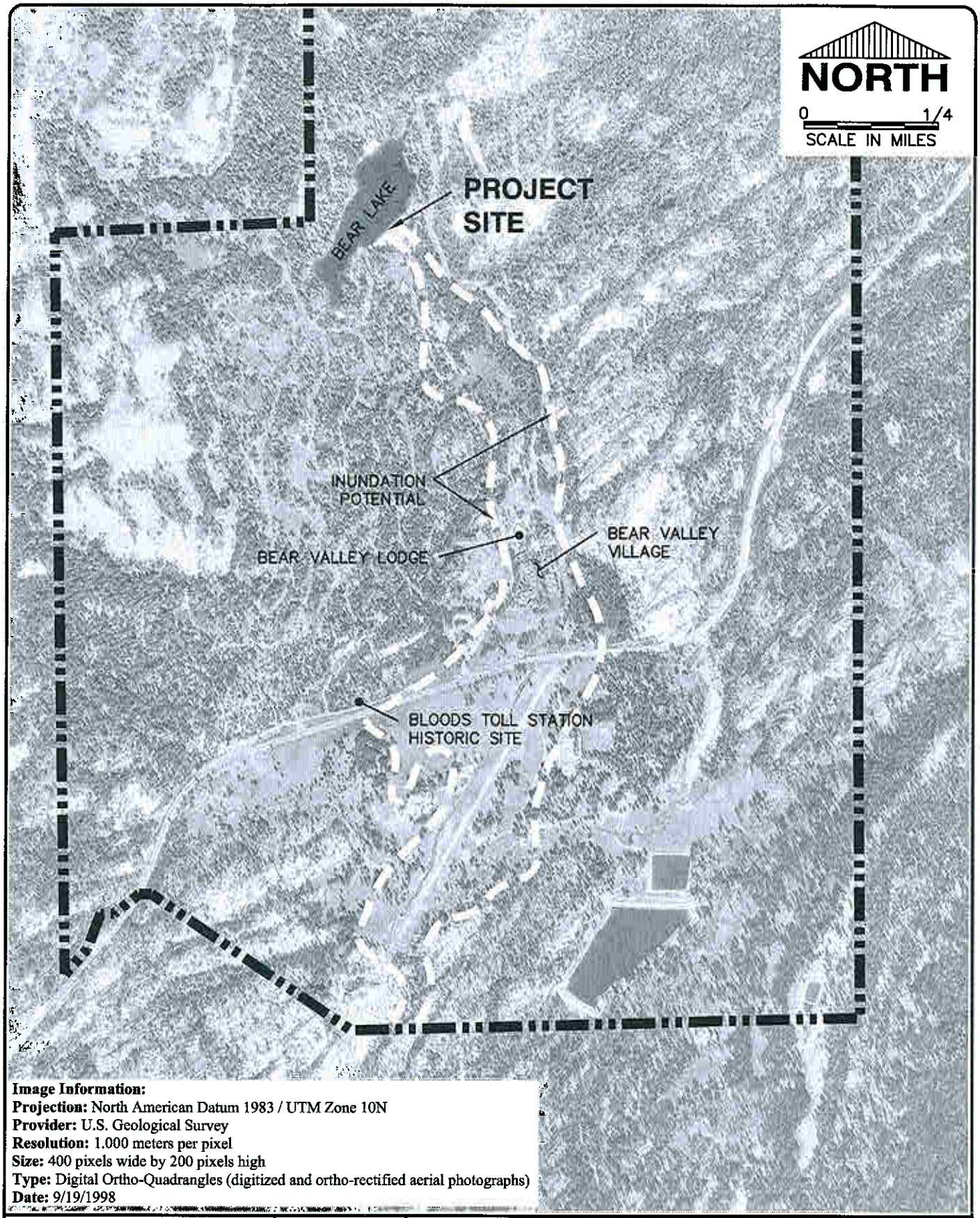

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HYDROLOGY: AREA OF POTENTIAL INUNDATION BEAR CREEK WATER RIGHTS E.I.R. ALPINE COUNTY BEAR VALLEY, ALPINE COUNTY, CALIFORNIA

FIGURE 7

File No. 4800A-F1

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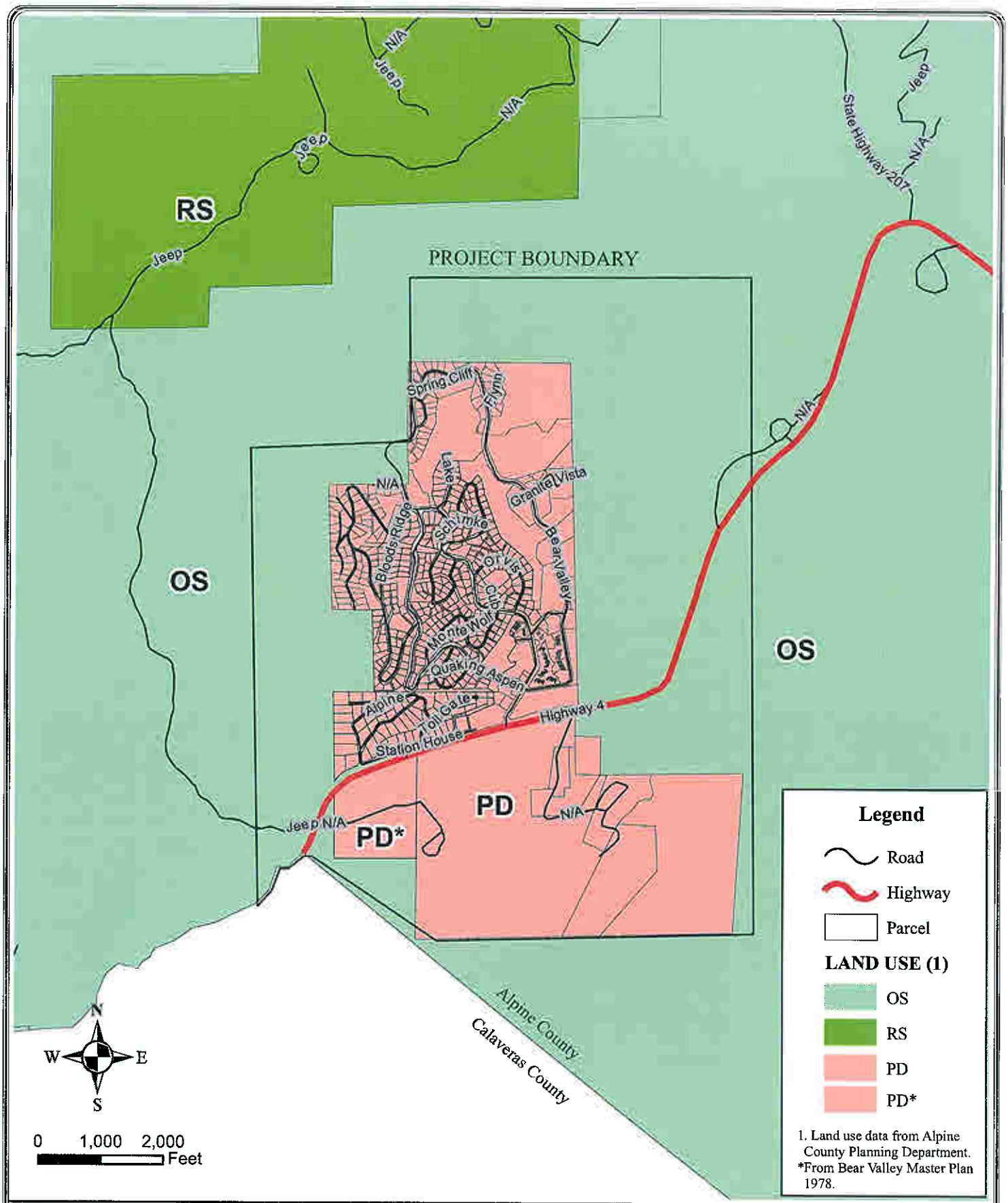

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ALPINE COUNTY GENERAL PLAN
BEAR CREEK WATER RIGHTS EIR
BEAR VALLEY
ALPINE COUNTY, CALIFORNIA

FIGURE
8

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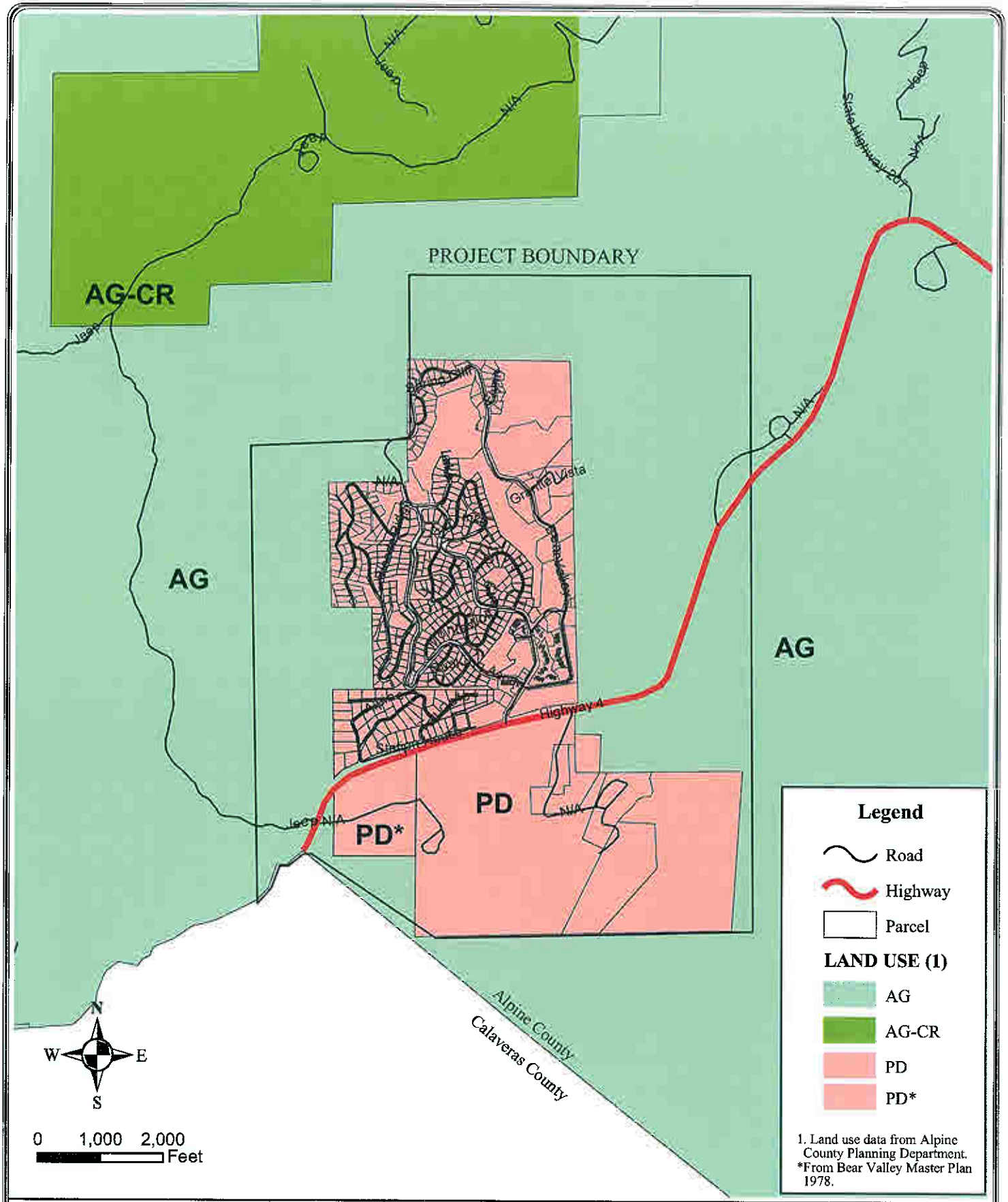
GENPLAN_F8.mxd



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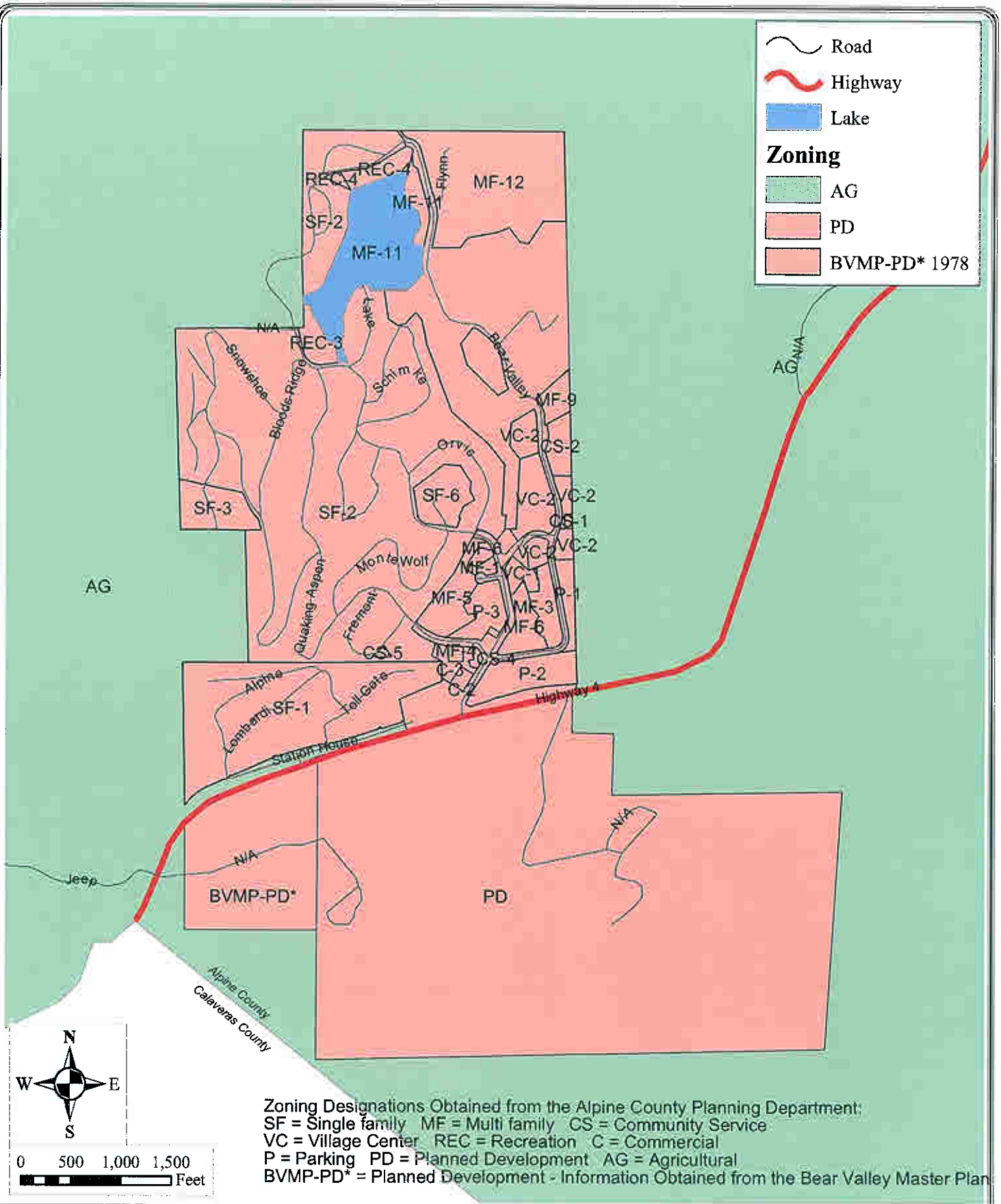
ALPINE COUNTY ZONING

BEAR CREEK WATER RIGHTS EIR
BEAR VALLEY
ALPINE COUNTY, CALIFORNIA

FIGURE
9

File No. ZONING-F9.mxd



Zoning Designations Obtained from the Alpine County Planning Department:
SF = Single family MF = Multi family CS = Community Service
VC = Village Center REC = Recreation C = Commercial
P = Parking PD = Planned Development AG = Agricultural
BVMP-PD* = Planned Development - Information Obtained from the Bear Valley Master Plan

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JOB NO.	4800A
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BEAR VALLEY MASTER PLAN ZONING

BEAR CREEK WATER RIGHTS EIR
BEAR VALLEY
ALPINE COUNTY, CALIFORNIA

FIGURE
10

File No.
MASTERPLAN.mxd

SITE PHOTOGRAPHS

Photo 1: Looking across Bear Lake, southeast towards the dam.

Photo 2: Looking west from the south side of Bear Lake.

Photo 3: Looking north-northwest from the south side of Bear Lake.

Photo 4: Looking north from the dam, across Bear Lake.

Photo 5: Looking northeast across Reba Dam with the water tank in the pictures right.

Photo 6: The spillway/outflow located on the east side of the dam.

Photo 7: The outflow and the tank located southeast of the dam.

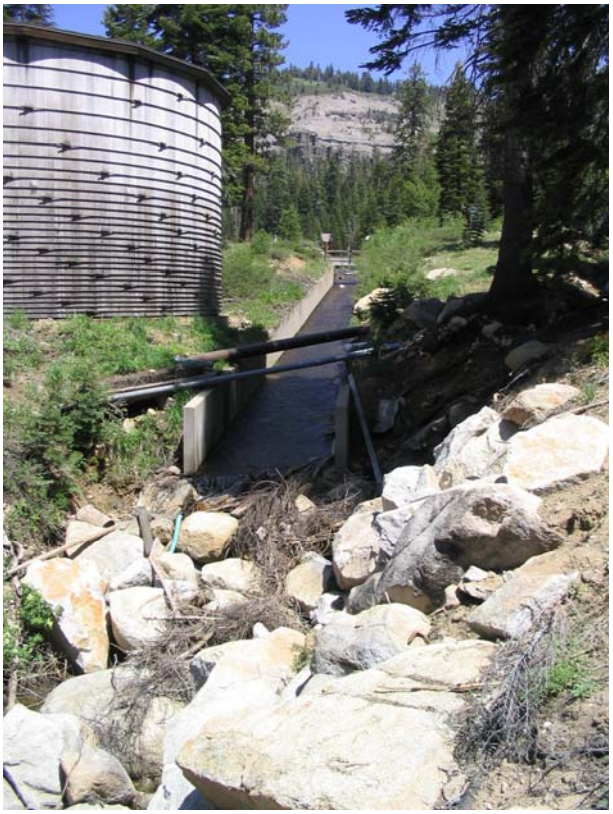


Photo 8: The tank, spillway, and granitic rocks at the base of the spillway.

Photo 9: The water treatment plant at the base of Reba Dam.

Photo 10: Unnamed intermittent stream feeding Bear Creek from the east, located between the dam and BV Lodge.

Photo 11: Bear Creek between the dam and the BV Lodge.

Photo 12: Bear Creek from the north side of BV Lodge.

Photo 13: The confluence of Bear Creek and unnamed blue-line stream from Corral Gulch Creek. Picture taken on the west side of the private airstrip, in Bloods Meadow.

Photo 14: Bear Creek, below Highway 4. Bridge, used for cross-country skiing, seen crossing the creek in the background.

Photo 15: Bloods Creek below Highway 4.

Photo 16: Looking at the confluence of Bloods Creek (pictures left) and Bear Creek, looking southeast from the Bear Creek drainage.

APPENDIX A

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

AMENDED PETITION FOR ASSIGNMENT OF PORTION OF STATE-FILED APPLICATION 5648-7

APPLICATION TO APPROPRIATE WATER

APPLICATION No. _____ (Leave Blank)

1. APPLICANT

Lake Alpine Water Company and the (209) 899-2460
(Name of applicant) (Telephone - between 8 a.m. and 5 p.m.)
County of Alpine, State of California; c/o Lake Alpine Water Company
9601 State Route 4 Farmington CA 95230
(Mailing address) (City or town) (State) (Zip code)

2. SOURCE

The name of the source at the point of diversion is Bear Creek tributary to Bloods Creek
(If unnamed, state that it is an unnamed stream, spring, etc.)

tary to North Fork of Stanislaus River

ual year does the stream dry up at any point downstream from your project? YES [X] NO [ ]
ing what months is it usually dry? From August to September

What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? Limited groundwater supply

3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Alpine
and within Assessor's Parcel Number (APN #) 005-470-046-0

b.

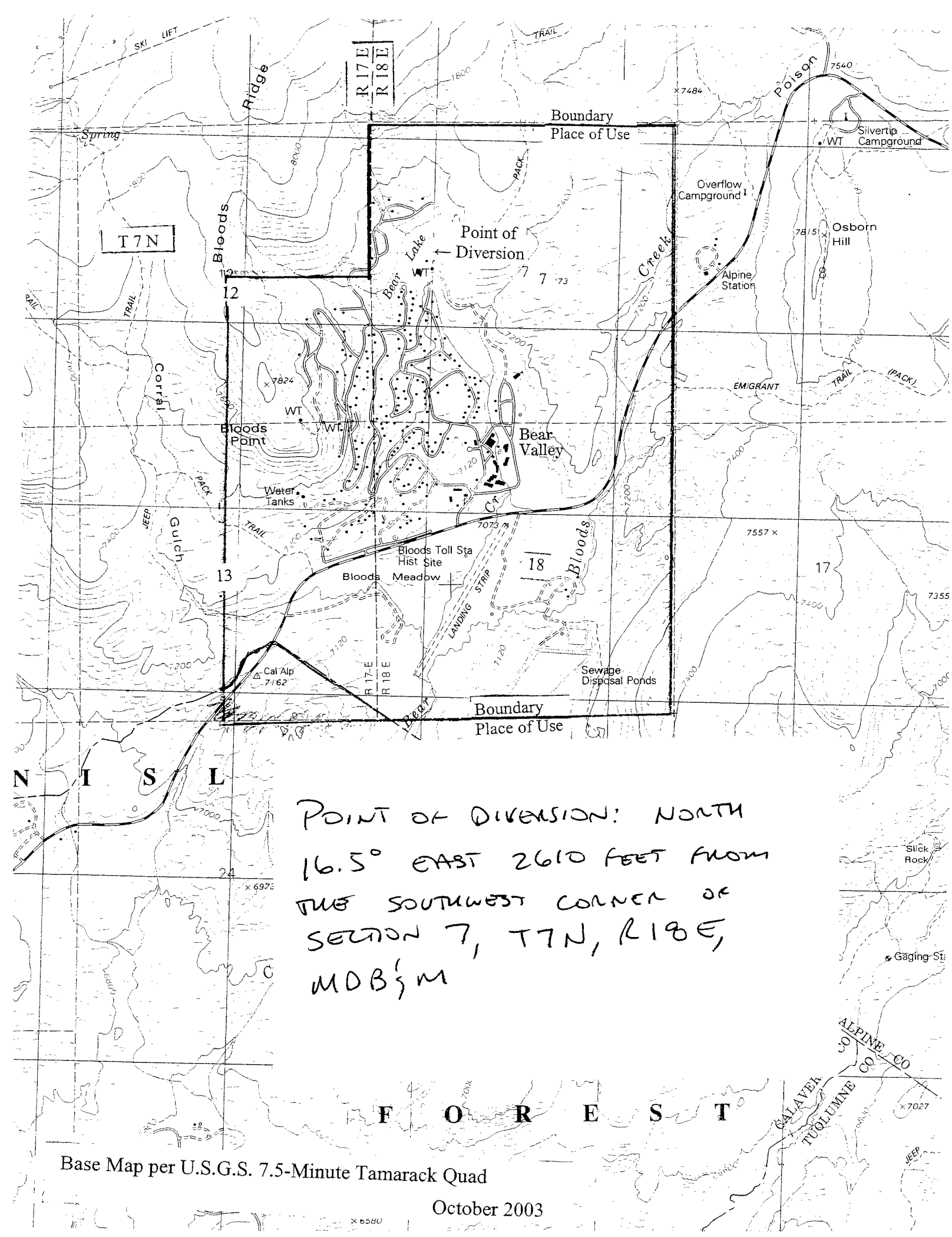
List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 16.5° East 2610 ft. from	NW ¼ of SW ¼	7	7N	18E	MD
SW corner of S7, T7N, R18E MDB&M	¼ of ¼				
	¼ of ¼				

Lake Alpine Water Company

c. Does applicant own the land at the point of diversion? YES [X] NO [ ]

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: _____

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov".
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov



POINT OF DIVERSION: NORTH 16.5° EAST 2610 FEET FROM THE SOUTHWEST CORNER OF SECTION 7, T7N, R18E, MDB&M

Base Map per U.S.G.S. 7.5-Minute Tamarack Quad

October 2003

MINIMUM FILING FEE: $144.00
FILE ORIGINAL & ONE COPY
TYPE OR PRINT IN BLACK INK
(For explanation of entries required, see booklet "How to file an Application to Appropriate Water in California")

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

APPLICATION TO APPROPRIATE WATER

APPLICATION No. _____ (Leave Blank)

1. APPLICANT

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County of Alpine, State of California; c/o Lake Alpine Water Company
9601 State Route 4 Farmington CA 95230
(Mailing address) (City or town) (State) (Zip code)

2. SOURCE

a. The name of the source at the point of diversion is Bear Creek tributary to Bloods Creek
(If unnamed, state that it is an unnamed stream, spring, etc.)
tributary to North Fork of Stanislaus River

b. In a normal year does the stream dry up at any point downstream from your project? YES [X] NO [ ]
If yes, during what months is it usually dry? From August to September
What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? Limited groundwater supply

3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Alpine
and within Assessor's Parcel Number (APN #) 005-470-046-0

b.

List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 16.5° East 2610 ft. from	NW ¼ of SW ¼	7	7N	1BE	MD
SW corner of S7, T7N, R1BE MDB&M	¼ of ¼				
	¼ of ¼				

Lake Alpine Water Company

c. Does applicant own the land at the point of diversion? YES [X] NO [ ]

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: _____

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov".
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

120

4. PURPOSE of USE, AMOUNT and SEASON

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Municipal	.78	175	Oct 1	July 30	220	Oct 1	July 30
Recreation							

b. Total combined amount taken by direct diversion and storage during any one year will be 395 acre-feet.

5. JUSTIFICATION of AMOUNT

a. IRRIGATION: Maximum area to be irrigated in any one year is no crop irrigation acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date

b. DOMESTIC: Number of residences to be served is _____. Separately owned? YES ☐ NO ☐
Total number of people to be served is _____. Estimated daily use per person is _____ (Gallons per day)
Total area of domestic lawns and gardens is _____ square feet.
Incidental domestic uses are _____
(Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock _____ Maximum number _____
Describe type of operation: _____
(Feed lot, dairy, range, etc.)

d: RECREATIONAL: Type of recreation: Fishing [X] Swimming [X] Boating [X] Other [X]

e. MUNICIPAL: (Estimated projected use)

POPULATION 5-Year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
PERIOD	POP.	Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre feet
Present	3364	100	.13	32	.036	120
2004	3618	100	.16	35	.039	140
2009	4888	100	.35	54	.061	300
2014	6156	100	.72	66	.074	455

Month of maximum use during year is August. Month of minimum use during year is May.

f. HEAT CONTROL: The total area to be heat protected is _____ net acres.
Type of crop protected is _____
Rate at which water is applied to use is _____ gpm per acre.
The heat protection season will begin about _____ (Date) and end about _____ (Date).

g. FROST PROTECTION: The total area to be frost protected is _____ net acres.
Type of crop protected is _____
Rate at which water is applied to use is _____ gpm per acre.
The frost protection season will begin about _____ (Date) and end about _____ (Date).

h. INDUSTRIAL: Type of industry is _____
Basis for determination of amount of water needed is _____

i. MINING: The name of the claim is _____. Patented ☐ Unpatented ☐
The nature of the mine is _____. Mineral to be mined is _____
Type of milling or processing is _____
After use, the water will be discharged into _____ (Name of stream)
in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____B. & M. (40-acre subdivision)

j. POWER: The total fall to be utilized is ____ feet. The maximum amount of water to be used through the penstock is _____ cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is _____ (Cubic feet per second x fall ÷ 8.8). Electrical capacity is _____ kilowatts at _____% efficiency. (Ap x 0.746 ÷ efficiency)
After use, the water will be discharged into _____ (Name of stream)
in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____B. & M. FERC No._____ (40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES ☐ NO ☒ If yes, list specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information form APP-ENV.

l. OTHER: Describe use: _____. Basis for determination of amount of water needed is _____

6. PLACE OF USE

a. Does applicant own the land where the water will be used? YES ☐ NO ☒ Is land in joint ownership? YES ☐ NO ☒
(All joint owners should include their names as applicants and sign the application.)
If applicant does not own land where the water will be used, give name and address of owner, and state what arrangements have been made with the owner. Lake Alpine Water Co. supplies water to Bear Valley which will consist of an estimated 1900 units in 2014.

b. USE IS WITHIN (40-ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
All of ~~¼ of ¼~~	7	7 North	18 East	MDB&M		
All of ~~¼ of ¼~~	18	"	"	"		
All of SE¼ ~~¼ of ¼~~	12	"	17 East	"		
All of E½ w/in Alpine Co.	13	"	"	"		
~~¼ of ¼~~		SEE ATTACHED MAP				

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

7. DIVERSION WORKS

a. Diversion will be by gravity by means of Earthfill Dam
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from Bear Lake Pump discharge rate _____ Horsepower _____
(Depth of the well_____) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	Concrete encased	12-inch diameter	400	53	—	45 cfs
	steel pipe					

d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

Name or number of reservoir, if any	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)
Bear Lake	70	Soil	1000	5	15	360	55
DSOD #519							
(Reba Dam)							

e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of Outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)
12	400	3	53	5 a.f.

f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be _____cfs. Diversion to offstream storage will be made by: ☐ Pumping ☐ Gravity

8. COMPLETION SCHEDULE

a. Year work will start Dam constructed 1965 b. Year work will be completed Completed
c. Year water will be used to the full extent intended 2014 d. If completed, year of first use 1975

9. GENERAL

a. Name of the post office most used by those living near the proposed point of diversion is
Bear Valley CA 95223

Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES [X] NO [ ]
If yes, state name of the subdivision Bear Valley Alpine County
If no, is subdivision of these lands contemplated? YES [X] NO [ ]
Is it planned to individually meter each service connection? YES [X] NO [ ] New connections will be If yes, when? metered

b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: See attachment

c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES [ ] NO [X] If yes, explain _____

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES [ ] NO [X]
If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion

11. AUTHORIZED AGENT (Optional)

With respect to [X] all matters concerning this water right application [ ] those matters designated as follows:

Daniel F. Gallery (916) 444-2880
(Name of agent) (Telephone number of agent between 8 a.m. and 5 p.m.)

926 J Street, Suite 505 Sacramento CA 95814
(Mailing address) (City or town) (State) (Zip code)

is authorized to act on my behalf as my agent.

12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated _____ 20__, at _____, California

Ms. Mr. Lake Alpine Water Company
Miss. Mrs. By _____
(Signature of applicant)

(If there is more than one owner of the project, please indicate their relationship.)

Ms. Mr. County of Alpine
Miss. Mrs. By _____
(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with $100 minimum filing fee.

NOTE:
If this application is approved for a permit, a minimum permit fee of $100 will be required before the permit is issued.

ATTACHMENT TO APPLICATION - PARAGRAPH 9.b.

LIST OF NAMES AND ADDRESSES OF DIVERTERS OF WATER DOWNSTREAM FROM PROPOSED DIVERSION OF LAKE ALPINE WATER COMPANY AND COUNTY OF ALPINE

Calaveras County Water District, P. O. Box 846, San Andreas, CA 95249

U.S. Bureau of Reclamation, Mid-Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825-1898: Att: Robert Stackhouse, Regional Resources Manager

Oakdale Irrigation District, 1205 East "F" Street, Oakdale, CA 95361

California Department of Water Resources, c/o Dan Flory, Chief, Projects Water Contracts Branch, 1416 Ninth Street, Sacramento, California 95814

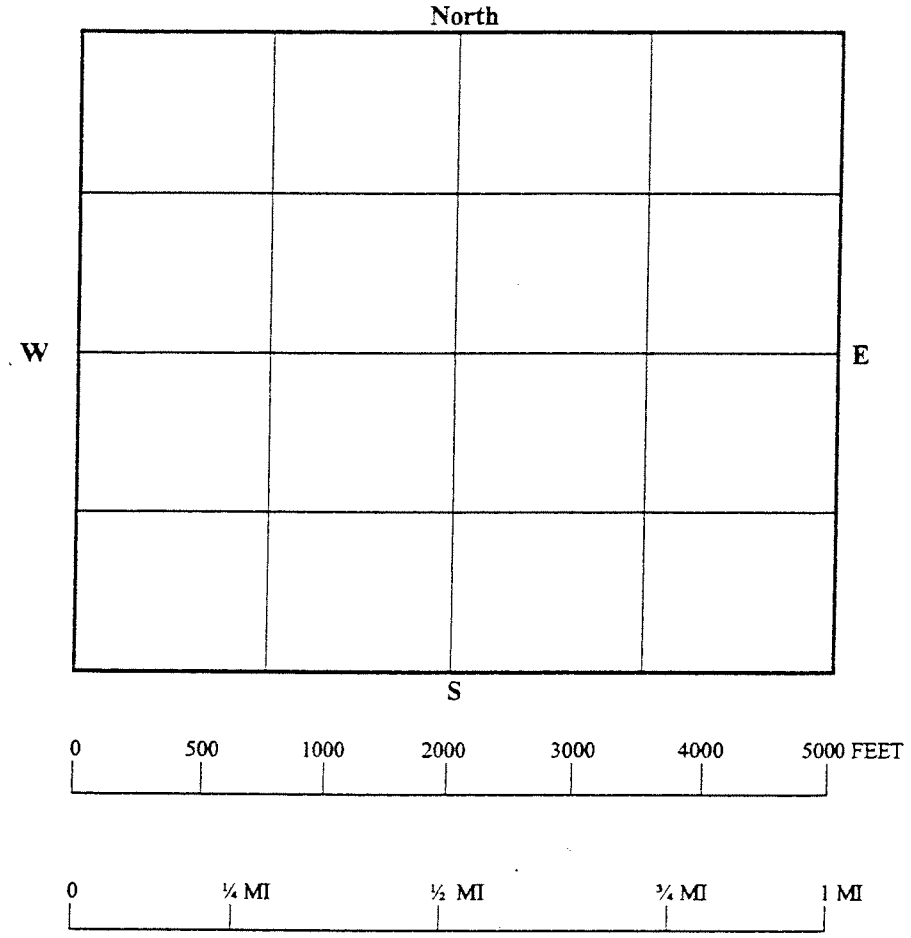
Delta Water Users Association, c/o Al Warren Hoslett, Esq.,504 Bank of Stockton Building, 311 East Main Street, Stockton, CA 95202

Stockton East Water District, c/o Jeanne M. Zolezzi, Esq., 2291 West March Lane, Suite B 100, Stockton, CA 95207

13. MAP

(Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

SECTION(S) _____ TOWNSHIP_____ RANGE _____, _____B. & M.

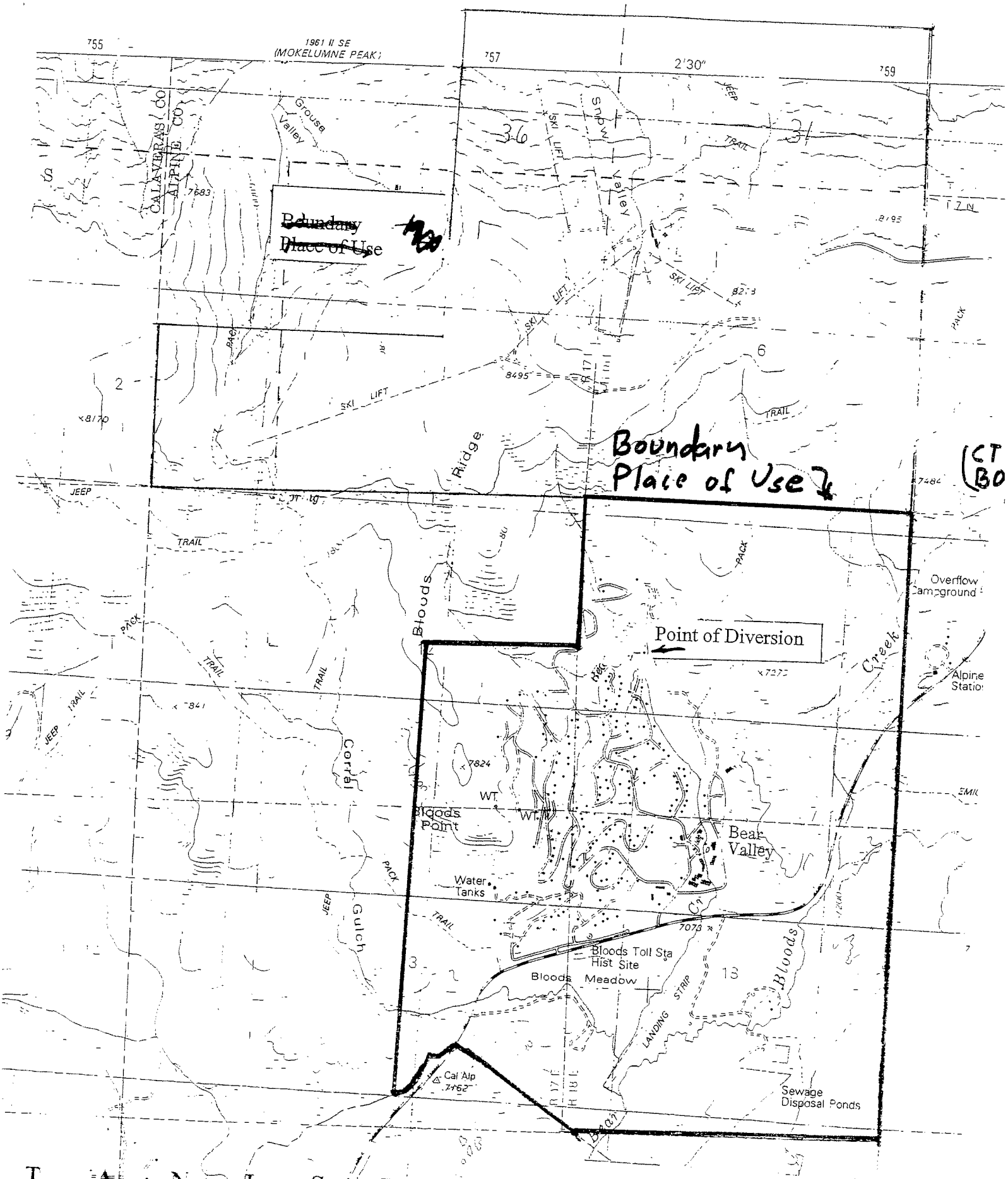


(1) Show location of the stream or spring, and give name.
(2) Locate and describe the point of diversion (i.e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
(3) Show location of the main ditch or pipeline from the point of diversion.
(4) Indicate clearly the proposed place of use of the water.

14. SUPPLEMENTAL INFORMATION

a. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.
b. If you are applying for underground storage, supplemental to APP (available upon request) should be completed and attached to this form.

Lake Alpine Wate[illegible]ompany /County of Alpine



T A N I S L A U

Sherman Acres

Tamarack, California
NE/4 Big Meadow 15' Quadrangle
1978

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400. Web: http://www.waterrights.ca.gov

APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO.

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

This project does not involve any new construction work for diversion or storage of water. The construction of Bear Valley Dam and Reservoir (Bear Lake) was completed in 1965 to a capacity of 360 acre feet. SWRCB License No. 11007 was issued on Application 21485 on May 5, 1980, authorizing the storage of 240 a.f. per annum, with withdrawals limited to 140 a.f. per annum, the amount which had then been put to beneficial use. This Application is to secure water rights to an additional 395 acre feet, the full amount of to be put to use in future development of Bear Valley in Alpine County, which is expected to be in 2014. All water under this Appliction will be used in the North Fork of the Stanislaus River drainage basin and within Alpine County. All wastewater after use returns to the North Fork Stanislaus River watershed in the immediate vicinity after treatment.

	DD	STOR	C/O	TOT. USE
LIC. 11007	0	240	140	
NEW APP.	75	120	220	395
		360	360	535 AF

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

   a. Person contacted Mark Demaio Date of contact September 3, 2003

      Department of Public Works Telephone (530) 694-2140

   b. Assessor's Parcel No. See Boundary of Place of Use attached

   c. County Zoning Designation Planned Development

   d. Are any county permits required for your project? No
      If yes, check appropriate space below:
      _____ Grading Permit, _____ Use Permit, _____ Watercourse Obstruction Permit, _____ Change of Zoning, _____ General Plan Change, Other (explain):

      _____

      _____

      _____

   e. Have you obtained any of the required permits described above? _____
      If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? No (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

   Permit type _____

   Person (s) contacted _____ Agency _____

   Date of contact _____ Telephone ( ) _____

4. Has any public agency prepared an environmental document for any aspect of your project?
   See County of Alpine DEIR (June 29, 1978) and Final EIR (Dec. 28, 1978) for Bear Valley Master Plan submitted herewith.
   If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing

an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? Yes If so, explain: Providing additional municipal water supply will generate additional sewage for the Bear Valley Water District's sewage treatment facilities. Contact David Ritchie, President, Bear Valley Water District, Bear Valley, CA 95223, at (209) 753-2112, (209) 728-3959, or (209) 753-6153.

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? No

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? Secondary treatment and land disposal via Bear Valley Water District

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No

Do you know of any archeological or historic sites located within the general project area? Yes If so, explain: A former Indian campground site is identified as a sensitive site in the 1978 County Master Plan. No development is scheduled to take place in that area.

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
   a. Along the stream channel immediately downstream from the proposed point(s) of diversion

   b. Along the stream channel immediately upstream from the proposed point(s) of diversion

   c. At the place(s) where the water is to be used

   Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within you project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Commuinities
- ✓ Subalpine Conifer
- ✓ Red Fir
- ✓ Lodgepole Pine
- Mixed Conifer
  - Sierran Mixed Conifer
  - ✓ White Fir
  - Klamath Mixed Conifer
- Douglas-Fir
- ✓ Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- ✓ Juniper
- ✓ Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
  - Blue Oak Woodland
  - Valley Oak Woodland
  - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
  - Blue Oak-Digger Pine
- Eucalyptus
- ✓ Montane Riparian
- Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities
- Alpine Dwarf-Shrub
- Low Sage
- ✓ Bitterbrush
- Sagebrush
- Montane Chaparral
- ✓ Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities
- ✓ Annual Grassland
- ✓ Perennial Grassland
- ✓ Wet Meadow
- Fresh Emergent Wetland
- Saline Emergent Wetland
- Pasture

Aquatic Communities
- ✓ Riverine
- ✓ Lacustrine
- Estuarine
- Marine

Developed Communities
- Cropland
- Orchard-Vineyard
- ✓ Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document qt our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

No trees to be removed. No construction work in this project.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

The point of diversion, Bear Lake, is located at the headwaters of Bear Creek, a tributary to Bloods Creek. The stream is intermittent for a distance of about 1 mile downstream of the point of diversion with flows only during the snowmelt period, generally ending during July. Some rainbow and brook trout can be found in the stream during the snowmelt runoff, particularly south of Highway 4. Diversion and storage in Bear Lake does not significantly affect the duration of the snowmelt runoff.

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by * below):

The area immediately adjacent to the point of diversion is a mountain recreational subdivision and a small commercial area. The area is above 7000 feet elevation and does not support many species of Amphibians, reptiles, birds and mammals. Most obvious species are Belding squirrels, chipmunks and blacktailed deer mammals, Stellar's Jay and Clark's nutcracker birds. No construction is planned and diversion of water does not change the habitat significantly. Attached is a copy of the wildlife setting.

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No

If so, explain:

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date October 24, 2003 Signature William M. Verigin

WILDLIFE

Setting

Wildlife in the Bear Valley Area can be categorized according to habitat type which corresponds to vegetative community.

The coniferous forest habitat supports the following birds and mammals:

Pygmy Owl
Spotted Owl
Great Grey Owl
Woodpeckers
Flycatchers
Steller's Jay
Mountain Chickadee
Kinglets
Warblers

Badgers
Snowshoe Rabbit
Belding Ground Squirrel

Chipmunks
Grey Squirrel
Red Squirrel
Porcupine
Marten
Wolverine
Coyote

Black-tailed Deer
Deer
Black Bear
Mountain Lion
Bobcat

The meadow habitat supports:

Coyote
Black-tailed Deer
Black Bear (forage)
Yellow-Bellied Marmot
Long-tailed Meadow Mouse
White-footed Mouse
Deer Mouse
Mountain Pocket Gopher
Western Garter Snake
Western Rattlesnake

Many birds (summer visitants)
Pacific Tree Frogs
Lepidoptera spp.
Hymenoptera spp.
Snowshoe Rabbit
Badgers

The barren, rocky area habitat supports:

Rock Wren
Bushy-tailed Wood Rat
Cottontail
Western Fence Lizard
Sagebrush Lizard

North Alligator Lizard
Western Rattlesnake
Mountain Gopher
Pika
Yellow-bellied Marmot

and provides dens for:

Coyote
Fox
Raccoon
Marten

The riparian habitat supports:

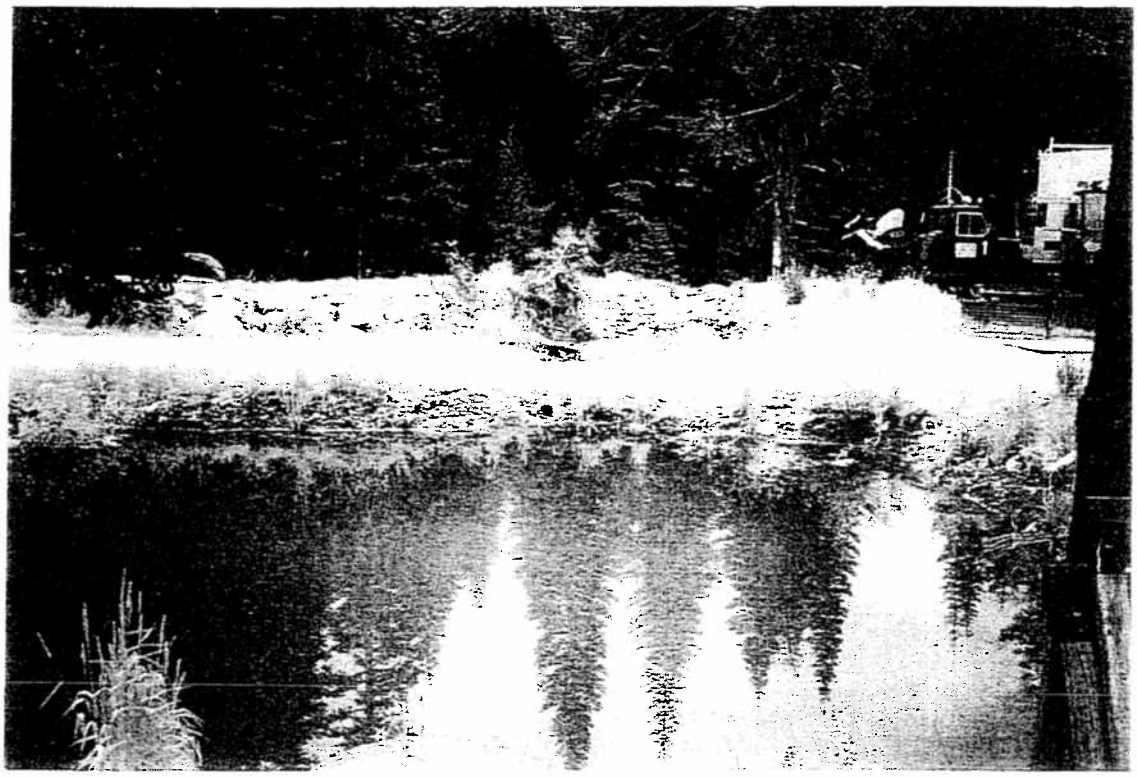
Flycatcher
Gold Finches
Song Sparrow
Shrews
~~cottontail~~
Mice
Raccoon
Frogs and other amphibians

Black bear and [illegible]

Environmental Infoı. .ion

Environmental Setting
Item 7

Point of Diversion and Downstream Slope of Dam 7/23/2003



Wash Pond Immediately Downstream of Point of Diversion, Water Treatment Plant
7/23/2003

Environmental Infor. ion

Environmental Setting
Item 7

Stream Channel Immediately Downstream of Wash Pond 7/23/2003

Stream Channel About ¼ Mile Downstream of Point of Diversion 7/23/2003

Environmental Infoı .ion

Environmental Setting
Item 7

Stream Channel About ½ Mile Downstream of Point of Diversion

Bear Creek Immediately Downstream of Highway 4 7/23/2002

Environmental Infor ion

Environmental Setting
Item 7

Bear Lake Immediately Upstream of Point of Diversion

Bear Lake Immediately Upstream of Point of Diversion

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

PETITION FOR CHANGE

(WATER CODE 1700)

__X__ Point of Diversion, ____ Point of Rediversion, __X__ Place of Use, __X__ Purpose of Use

Application 5648-7 Permit _____ License _____ Statement or Other _____

Lake Alpine Water Company and the County of Alpine

I(we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present See Attachment 1

Proposed See Attachment 1

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present See Attachment 2--Application 5648, Item 17

Proposed See Attachment 3--Map

Purpose of Use

Present Irrigation and Domestic

Proposed Municipal and Recreational

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? No (yes/no)

- GIVE REASON FOR PROPOSED CHANGE: To provide for continued growth and development of Bear Valley and its water needs in Alpine County
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No (yes/no)
- WATER WILL BE USED FOR municipal and recreation PURPOSES.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of? Ownership (ownership, lease verbal or written agreement)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? NA (yes/no)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained. Attach additional pages if needed.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

See Attachment 1

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated _____, 20____ at _____, California

Bruce Orvis, President, Lake Alpine Water Company (209) 899-2460

Dated _____, 2003 at _____, California

Board of Supervisors, County of Alpine (530) 694-2287

NOTE: A $100 filing fee made payable to the State Water Resources Control Board and a $850 fee made payable to the Department of Fish and Game must accompany a petition for change.

PET-CHG (1-00)

ATTACHMENT 1 TO PETITION OF LAKE ALPINE WATER COMPANY AND COUNTY OF ALPINE FOR CHANGES TO POINT OF DIVERSION, PLACE OF USE AND PURPOSE OF USE ON STATE-FILED APPLICATION 5648-7

Point of Diversion or Rediversion:

Present: (See paragraph 4 of Application 5648 attached)

(9)	NE ¼ Sec. 9	T 6 N, R 18 E, MDB&M
(10)	NW ¼ Sec. 23	T 6 N, R 16 E, "
(10a)	Sec. 2	T 4 N, R 16 E, "

Proposed: Alpine County, North 16.5 degrees East 2610 ft. from SW corner of Sec. 7, T 7 N, R 18 E, MDB&M. Being within the NW ¼ of SW ¼ of Section 7.

Names and Addresses of any person(s) taking water from the s t ream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

Calaveras County Water District

U.S. Bureau of Reclamation, Mid-Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825-1898: Att: Robert Stackhouse, Regional Resources Manager

Oakdale Irrigation District, 1205 East "F" Street, Oakdale, CA 95361

California Department of Water Resources, c/o Dan Flory, Chief, Projects Water Contracts Branch, 1416 Ninth Street, Sacramento, California 95814

Delta Water Users Association, c/o Al Warren Hoslett, Esq.,504 Bank of Stockton Building, 311 East Main Street, Stockton, CA 95202

Stockton East Water District, c/o Jeanne M. Zolezzi, Esq., 2291 West March Lane, Suite B 100, Stockton, CA 95207

..., San Andreas, Angels
Milton, Eugene Area

6

For full information regarding the filling out and filing of this form send for Rules and Regulations of the Division of Water Rights governing appropriation of water.

FILE IN DUPLICATE

JUL 30 1927

APPLICATION No. 5648

APPLICATION FOR A PERMIT

To Appropriate Unappropriated Waters of the State of California

FOR AGRICULTURAL PURPOSES

(USE THIS FORM ALSO FOR PURELY DOMESTIC OR INDUSTRIAL PURPOSES)

Notice of Assignment (Over)

~~I~~, Department of Finance of the State of California
(Name of Applicant)

of Sacramento County of Sacramento
(Post Office)

State of California does, ~~do~~ hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO EXISTING RIGHTS: ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ and in accordance with the provisions of Chapter 286 Statutes 1927

SOURCE, AMOUNT AND USE APPLIED FOR

1. The source of the proposed appropriation is See supplement
(Name of stream, lake, or other source. If underground water is to be developed, so state)
located in .... County, tributary of ....

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use without storage See supplement
(1 cubic foot per second=40 miner's inches)
cubic feet per second, to be so diverted from .... (Date) to .... (Date) of each season.

(b) For diversion to be stored temporarily and later applied to beneficial use See supplement
(1 acre-foot=325,851 gallons)
acre-feet per annum, to be collected between .... (Date) and .... (Date) of each season.

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. It is important that the answers be complete and accurate. A permit can not be issued for a larger quantity than as described therein.

3. The use to which the water is to be applied is irrigation and domestic
(Irrigation, domestic, industrial)

4. The points of diversion ~~is~~ are to be located (1)Sec.34 T7N R14E (2)SW¼ Sec.12 T6N R13E (3)Sec.8 T6N R13E (4)NE¼ Sec.23 T6N R13E (5)Sec.2 T5N R14E (6)Sec.16 T6N R15E (7)Sec.18 T5N R11E (8) SW¼ Sec. 31 T4N R12E
(Give distance and bearing or coordinate distance to section or quarter section corner)
~~(8)SW¼ Sec.31 T4N R11E~~ (9)NE¼ Sec.9 T6N R18E (10)NW¼ Sec.23 T6N R16E (10a)Sec.2 T4N R15E ~~(11)NE¼ Sec.14 T4N R17E~~ (12) Sec.11 T1N R13E — BOOK 4 — BOOK 4
being within the ....
(Give 40-acre subdivision of U. S. government survey or projection thereof)
of Sec. .... Tp. .... R. ...., M., in the County of Calaveras

5. The .... (Main ditch, canal or pipe line) to be .... miles in length, terminating in the .... (Smallest legal subdivision) of Sec. .... Tp. .... R. ...., M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works, if named, is to be ....

DESCRIPTION OF PROPOSED WORKS

(NOTE: AN APPLICATION CAN NOT BE APPROVED FOR AN AMOUNT GROSSLY IN EXCESS OF THE ESTIMATED CAPACITY OF THE DIVERSION WORKS)

Diversion Works—

7. (a) Diversion by gravity:

(1) Height of dam .... feet; length on top .... feet; length at bottom .... feet; material to be used and character of construction ....
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(2) Description of headgate ....
(Timber, concrete, etc., number and size of openings)

(b) Diversion by pumping plant: Type of pumps ....
(Centrifugal, plunger, screw, etc.)
number of pumps ....; size of each ....; capacity of each .... cubic feet per second; total capacity of plant .... cubic feet per second; total pumping lift .... feet; sourc[redacted]
.... ho[redacted]
... in fo[redacted]

Attachment 2

Conduit System (Main. ...its only)—

8. Give dimensions, length, grade (feet fall per 1000 feet length) and character of construction of diversion conduit.

(a) Canal, ditch, flume: Width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; length ..... feet; grade ..... feet per 1000 feet; materials of construction ..... (Cross out two not used) (Earth, rock, timber, etc.)

(b) Pipe line: Diameter ..... inches; length ..... feet; grade ..... feet per 1000 feet; total fall from intake to outlet ..... feet; kind ..... (Riveted steel, cement, wood-stave, etc.)

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map. (2) Middle Fork Mokelumne (4) Railroad Flat ~~(8) Valley Springs~~ Valley Springs Storage Reservoir ~~s~~ (9) Spicers Meadow (10) Ramsey ~~(11) Beardsley Flat~~

(PARAGRAPHS 9, 10, 11 AND 12 SHOULD NOT BE FILLED IN UNLESS STORAGE IS APPLIED FOR IN PARAGRAPH 28)

9. The capacity of the storage reservoir will be ..... acre-feet; surface area ..... acres

10. The location of the storage reservoir will be in ..... (Give 40-acre subdivisions)

(2) SW¼ Sec. 12 T6N R13E
(4) NR¼ Sec. 23 T6N R13E
~~(8) SW¼ Sec. 31 T4N R11E~~ (x) W½ Sec. 31, T4N, R11E
(9) NR¼ Sec. 9 T6N R18E
(10) NW¼ Sec. 23 T6N R16E
~~(11) NR¼ Sec. 14 T4N R17E~~

11. The storage dam will be located in ..... (40-acre subdivisions) Sec. ..... Tp. ..... R. ....., M. It will be ..... feet in height; length on top ..... feet; length on bottom ..... feet; width on top ..... feet; slope of front or water face ..... (Feet horizontal to 1 vertical); slope on back ..... (Feet horizontal to 1 vertical); height of dam above water line when full ..... feet.

12. Character of construction of storage dam and the materials of which it is to be built .....

Cost—

13. Estimated cost of proposed works, $.....

APPLICATION OF WATER TO USE

14. Construction work will begin on or before .....

15. Construction work will be completed on or before .....

16. The water will be completely applied to the proposed use on or before .....

17. The land to be irrigated has a total area of 310,000 acres, located in each forty-acre tract as follows: (State net acreage to be irrigated: not gross area of property)

In Tps. 1 S Ranges 10 to 12 E inclusive and Tps. 1 to 6 N inclusive Ranges 9 to 15 E inclusive

(Note that acreage given here must check map)

18. The crops to be irrigated are: Rice ..... acres; alfalfa ..... acres; orchard ..... acres; general crops ..... acres.

19. Irrigation will begin about March 1st (Date) and end about November 1st (Date) of each year.

Applicant .....

Application No. 5648

Permit No. .....

APPLICATION

AGRICULTURAL

TO APPROPRIATE

THE PUBLIC WATERS OF THE

STATE OF CALIFORNIA

This application was first received in the office of the DIVISION OF WATER RIGHTS *the* 30 *day of* July, 192 7 *at* 10 *o'clock* A. M.

RETURNED TO APPLICANT FOR CORRECTION .....

CORRECTED APPLICATION RECEIVED .....

Approved: .....

.....

.....

Recorded in Book No. ..... *of Permits, on Page* .....

PERMIT NO. .....

STATE OF CALIFORNIA }
COUNTY OF ..... } ss.

This is to certify that we have examined the application of which the foregoing is a true and correct copy and do hereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions, in addition to those enumerated in Section 20 (Statutes 1913, Chapter 586) set forth above .....

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed .....

[redacted]

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before .....*and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.*

4. Said construction work thall be completed on or before .....

5. Complete application of the water to the proposed use shall be made on or before .....

Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department

this .....*day of* .....*, 19*..

[redacted]

GENERAL

20. *Are the maps as required by the Rules and Regulations filed with application?* No *(Yes or no) If not, state specifically the time required for filing same*

21. *Does the applicant own the land at the proposed point of diversion?* ..... *(Yes or no) If not, state what steps have been taken to secure right of access thereto*

(See Rules and Regulations for requirements as to right of access)

22. *Does the applicant own all the land to be irrigated?* ..... *(Yes or no) If not, submit a copy of agreement with owners or state what arrangements have been made with them*

23. *Has the land to be irrigated any water right or source of water supply for irrigation other than herein applied for?* Yes *(Yes or no) If so, state the nature and amount of this supply* rights of indefinite extent

24. *What is the name of the post office most used by those living near the proposed point of diversion?*

San Andreas - Angels Camp

25. *What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion?* Unknown

26. *It is understood and agreed that this application and the permit and license which may be granted hereunder shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586), which is as follows:*

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that it, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after due service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may so do upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

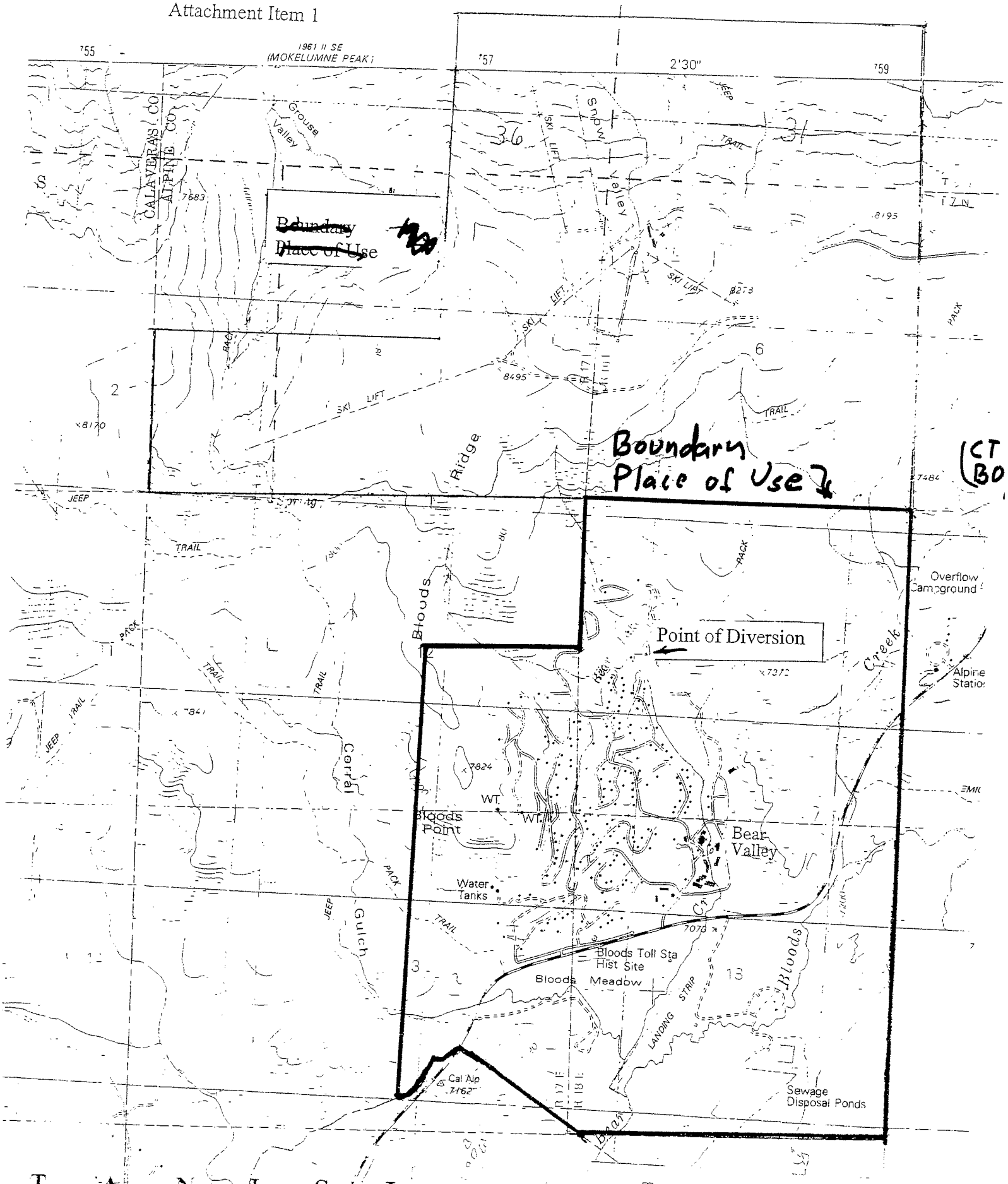
DEPARTMENT OF FINANCE
STATE OF CALIFORNIA

(Signature of Applicant)
BY Alexander R. Heron
Director

Signed in the presence of us as witnesses:

(Name)

Lake Alpine Water pany
Application 5648
Attachment Item 1



T A N I S L A U

Sherman Acres

Tamarack, California
NE/4 Big Meadow 15' Quadrangle
1978

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

ENVIRONMENTAL INFORMATION FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. PERMIT NO. LICENSE NO.

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DISCRIPTION OF CHANGES TO PROJECT

1. Provide a description of the proposed changes to your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, changes in land use, and project operational changes, including changes in how the water will be used.

This project does not involve any new construction work for diversion or storage of water. The construction of Bear Valley Dam and Reservoir (Bear Lake) was completed in 1965 to a capacity of 360 acre feet. SWRCB License No. 11007 was issued on Application 21485 on May 5, 1980, authorizing the storage of 240 a.f. per annum, with withdrawals limited to 140 a.f. per annum, the amount which had then been put to beneficial use. This Application is to secure water rights to an additional 395 acre feet, the full amount of to be put to use in future development of Bear Valley in Alpine County, which is expected to be in 2014. All water under this Application will be used in the North Fork of the Stanislaus River drainage basin and within Alpine County. All wastewater after use returns to the North Fork Stanislaus River watershed in the immediate vicinity after treatment.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:
   a. Person contacted Mark Demaio Date of contact September 3, 2003
      Department of Public Works Telephone (530) 694-2140
   b. Assessor's Parcel No. See Boundary of Place of Use attached
   c. County Zoning Designation Planned Development
   d. Are any county permits required for your proposed changes? No
      If yes, check appropriate space below:
      _____ Grading Permit, _____ Use Permit, _____ Watercourse Obstruction Permit, _____ Change of Zoning, _____ General Plan Change, Other (explain):
      _____
   e. Have you obtained any of the required permits described above? _____
      If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your proposed changes? No (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

   Permit type _____

   Person (s) contacted _____ Agency _____

   Date of contact _____ Telephone ( ) _____

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? See County of Alpine DEIR (June 29, 1978) and Final EIR (Dec. 28, 1978) for Bear Valley Master Plan enclosed herewith.
   If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? Yes If so, explain: Providing additional municipal & recreational water supply will generate additional sewage for the Bear Valley Water District's sewage treatment facilities. Contact David Ritchie, President, Bear Valley Water District, Bear Valley, CA 95223. (209) 728-3959 or (209) 753-6153

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? No

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? Secondary treatment and land disposal via Bear Valley Water District

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No

Do you know of any archeological or historic sites located within the general project area?

Yes If so, explain: A former Indian campground site is identified as a sensitive site in the 1978 County Master Plan. No development is scheduled to take place in that area.

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

a. Along the stream channel immediately downstream from the proposed point(s) of diversion

b. Along the stream channel immediately upstream from the proposed point(s) of diversion

c. At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within you project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communinities
- ✓ Subalpine Conifer
- ✓ Red Fir
- ✓ Lodgepole Pine
- Mixed Conifer
  - Sierran Mixed Conifer
  - ✓ White Fir
  - Klamath Mixed Conifer
- Douglas-Fir
- ✓ Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- ✓ Juniper
- ✓ Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
  - Blue Oak Woodland
  - Valley Oak Woodland
  - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
  - Blue Oak-Digger Pine
- Eucalyptus
- ✓ Montane Riparian
- Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities
- Alpine Dwarf-Shrub
- Low Sage
- ✓ Bitterbrush
- Sagebrush
- Montane Chaparral
- ✓ Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities
- ✓ Annual Grassland
- ✓ Perennial Grassland
- ✓ Wet Meadow
- Fresh Emergent Wetland
- Saline Emergent Wetland
- Pasture

Aquatic Communities
- ✓ Riverine
- ✓ Lacustrine
- Estuarine
- Marine

Developed Communities
- Cropland
- Orchard-Vineyard
- ✓ Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document qt our public counter at the address given

at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

No trees to be removed. No construction work in this project.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

The point of diversion, Bear Lake, is located at the headwaters of Bear Creek, a tributary to Bloods Creek. The stream is intermittent for a distance of about 1 mile downstream of the point of diversion with flows only during the snowmelt period, generally ending during July. Some rainbow and brook trout can be found in the stream during the snowmelt runoff, particularly south of State Highway 4. Diversion and storage in Bear Lake does not significantly affect the duration of the snowmelt runoff.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by * below):

The area immediately adjacent to the point of diversion is a mountain recreational subdivision and a small commercial area. The area is above 7000 feet elevation and does not support many species of Amphibians, reptiles, birds and mammals. Most obvious species are

Belding Squirrels, chipmunks and blacktailed deer mammals, Stellar's jay and Clark's nutcracker birds. No construction is planned and diversion of water does not change the habitat significantly. Attached is a copy of the wildlife setting.

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No
If so, explain:

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date _____ Signature _____

WILDLIFE

Setting

Wildlife in the Bear Valley Area can be categorized according to habitat type which corresponds to vegetative community.

The coniferous forest habitat supports the following birds and mammals:

Pygmy Owl
Spotted Owl
Great Grey Owl
Woodpeckers
Flycatchers
Steller's Jay
Mountain Chickadee
Kinglets
Warblers

Badgers
Snowshoe Rabbit
Belding Ground Squirrel

Chipmunks
Grey Squirrel
Red Squirrel
Porcupine
Marten
Wolverine
Coyote

Black-tailed Deer
Deer
Black Bear
Mountain Lion
Bobcat

The meadow habitat supports:

Coyote
Black-tailed Deer
Black Bear (forage)
Yellow-Bellied Marmot
Long-tailed Meadow Mouse
White-footed Mouse
Deer Mouse
Mountain Pocket Gopher
Western Garter Snake
Western Rattlesnake

Many birds (summer visitants)
Pacific Tree Frogs
Lepidoptera spp.
Hymenoptera spp.
Snowshoe Rabbit
Badgers

The barren, rocky area habitat supports:

Rock Wren
Bushy-tailed Wood Rat
Cottontail
Western Fence Lizard
Sagebrush Lizard

North Alligator Lizard
Western Rattlesnake
Mountain Gopher
Pika
Yellow-bellied Marmot

and provides dens for:

Coyote
Fox
Raccoon
Marten

The riparian habitat supports:

Flycatcher
Gold Finches
Song Sparrow
Shrews
~~Cottontail~~
Mice
Raccoon
Frogs and other amphibians

Black bear and [illegible]

Environmental Infor. ıon For Petitions

Environmental Setting
Item 7

Point of Diversion and Downstream Slope of Dam 7/23/2003

Wash Pond Immediately Downstream of Point of Diversion, Water Treatment Plant
7/23/2003

Environmental Setting
Item 7

Stream Channel Immediately Downstream of Wash Pond 7/23/2003

Stream Channel About ¼ Mile Downstream of Point of Diversion 7/23/2003

Environmental Setting
Item 7

Stream Channel About ½ Mile Downstream of Point of Diversion

Bear Creek Immediately Downstream of Highway 4 7/23/2002

Environmental Setting
Item 7

Bear Lake Immediately Upstream of Point of Diversion

Bear Lake Immediately Upstream of Point of Diversion

MINIMUM FILING FEE: $100.00
FILE ORIGINAL & ONE COPY
TYPE OR PRINT IN BLACK INK
(For explanation of entries required, see booklet "How to file an Application to Appropriate Water in California")

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

APPLICATION TO APPROPRIATE WATER

APPLICATION No. 31523
(Leave Blank)

1. APPLICANT

Lake Alpine Water Company and the County of Alpine, State of California; c/o Lake Alpine Water Company (Name of applicant)

(209) 899-2460 (Telephone - between 8 a.m. and 5 p.m.)

9601 State Route 4 (Mailing address) | Farmington (City or town) | CA (State) | 95230 (Zip code)

2. SOURCE

a. The name of the source at the point of diversion is Bear Creek tributary to Bloods Creek (If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to North Fork of Stanislaus River

b. In a normal year does the stream dry up at any point downstream from your project? YES [X] NO [ ]
If yes, during what months is it usually dry? From August to October
What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? Limited groundwater supply

3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Alpine
and within Assessor's Parcel Number (APN #) 005-470-046-0

b.

List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 16.5° East 2610 ft. from	NW ¼ of SW ¼	7	7N	1BE	MD
SW corner of S7, T7N, R1BE MDB&M	¼ of ¼				
	¼ of ¼				

c. Does applicant own the land at the point of diversion? YES [X] NO [ ]

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access:

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov".
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

4. PURPOSE of USE, AMOUNT and SEASON

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Municipal	.78	139	Oct 1	June 30	256	Oct 1	June 30

b. Total combined amount taken by direct diversion and storage during any one year will be 395 acre-feet.

5. JUSTIFICATION of AMOUNT

a. IRRIGATION: Maximum area to be irrigated in any one year is no crop irrigation acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date

b. DOMESTIC: Number of residences to be served is _____. Separately owned? YES ☐ NO ☐
Total number of people to be served is _____. Estimated daily use per person is _____ (Gallons per day)
Total area of domestic lawns and gardens is _____ square feet.
Incidental domestic uses are _____
(Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock_____ Maximum number _____
Describe type of operation: _____
(Feed lot, dairy, range, etc.)

d: RECREATIONAL: Type of recreation: Fishing [X] Swimming [X] Boating [X] Other [X]

e. MUNICIPAL: (Estimated projected use)

POPULATION 5-Year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
PERIOD	POP.	Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre feet
Present	3364*					
2004	3364	100	2	38.1	.043	143.55
2009	4664	100	4.5	52.8	.059	297.43
2014	5964	100	7	67.5	.076	451.30

Month of maximum use during year is August. Month of minimum use during year is May.

*Residential occupancy is estimated to be 30% of the time.

f. HEAT CONTROL: The total area to be heat protected is _____ net acres.
Type of crop protected is _____
Rate at which water is applied to use is _____gpm per acre.
The heat protection season will begin about _____ (Date) and end about_____ (Date).

g. FROST PROTECTION: The total area to be frost protected is_____ net acres.
Type of crop protected is_____
Rate at which water is applied to use is _____ gpm per acre.
The frost protection season will begin about _____ (Date) and end about _____ (Date).

h. INDUSTRIAL: Type of industry is_____
Basis for determination of amount of water needed is _____

i. MINING: The name of the claim is _____. Patented ☐ Unpatented ☐
The nature of the mine is _____. Mineral to be mined is _____
Type of milling or processing is_____
After use, the water will be discharged into_____ (Name of stream)
in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____B. & M. (40-acre subdivision)

j. POWER: The total fall to be utilized is ____ feet. The maximum amount of water to be used through the penstock is _____ cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is _____. (Cubic feet per second x fall ÷ 8.8) Electrical capacity is _____ kilowatts at _____% efficiency. (Ap x 0.746 ÷ efficiency)
After use, the water will be discharged into _____ (Name of stream)
in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____B. & M. FERC No._____ (40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES ☐ NO ☒ If yes, list specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information form APP-ENV.

l. OTHER: Describe use: _____. Basis for determination of amount of water needed is _____

6. PLACE OF USE

a. Does applicant own the land where the water will be used? YES ☐ NO ☐ Is land in joint ownership? YES ☐ NO ☐
(All joint owners should include their names as applicants and sign the application.)
If applicant does not own land where the water will be used, give name and address of owner, and state what arrangements have been made with the owner. Lake Alpine Water Co. supplies water to the village of Bear Valley which will consist of an estimated 1900 units in 2014.

b. USE IS WITHIN (40-ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
¼ of ¼	SEE ATTACHED MAP					
¼ of ¼						
¼ of ¼						
¼ of ¼						
¼ of ¼						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

7. DIVERSION WORKS

a. Diversion will be by gravity by means of Earthfill Dam
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from Bear Lake Pump discharge rate _____ Horsepower _____
(Depth of the well_____) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	Concrete encased	12-inch diameter	400	53	—	45 cfs
	steel pipe					

d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

Name or number of reservoir, if any	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)
Bear Lake	70	Soil	1000	5	15	360	55
DSOD #519							

e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of Outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)
12	400	3	53	5 a.f.

f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be _____cfs. Diversion to offstream storage will be made by: ☐ Pumping ☐ Gravity

8. COMPLETION SCHEDULE

a. Year work will start Dam constructed 1965 b. Year work will be completed Completed
c. Year water will be used to the full extent intended 2014 d. If completed, year of first use 1975

9. GENERAL

a. Name of the post office most used by those living near the proposed point of diversion is
Bear Valley CA 95223

Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES [X] NO [ ]
If yes, state name of the subdivision Bear Valley
If no, is subdivision of these lands contemplated? YES [ ] NO [ ]
Is it planned to individually meter each service connection? YES [X] NO [ ] New connections will be metered If yes, when?

b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: See attachment

c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES [ ] NO [X] If yes, explain _____

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES [ ] NO [X]
If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion

11. AUTHORIZED AGENT (Optional)

With respect to [X] all matters concerning this water right application [ ] those matters designated as follows:

Daniel F. Gallery (916) 444-2880
(Name of agent) (Telephone number of agent between 8 a.m. and 5 p.m.)

926 J Street, Suite 505 Sacramento CA 95814
(Mailing address) (City or town) (State) (Zip code)

is authorized to act on my behalf as my agent.

12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated _____ 20__, at _____, California

Ms. Mr. Lake Alpine Water Company
Miss. Mrs. By _____
(Signature of applicant)

(If there is more than one owner of the project, please indicate their relationship.)

Ms. Mr. County of Alpine
Miss. Mrs. By _____
(Signature of applicant)

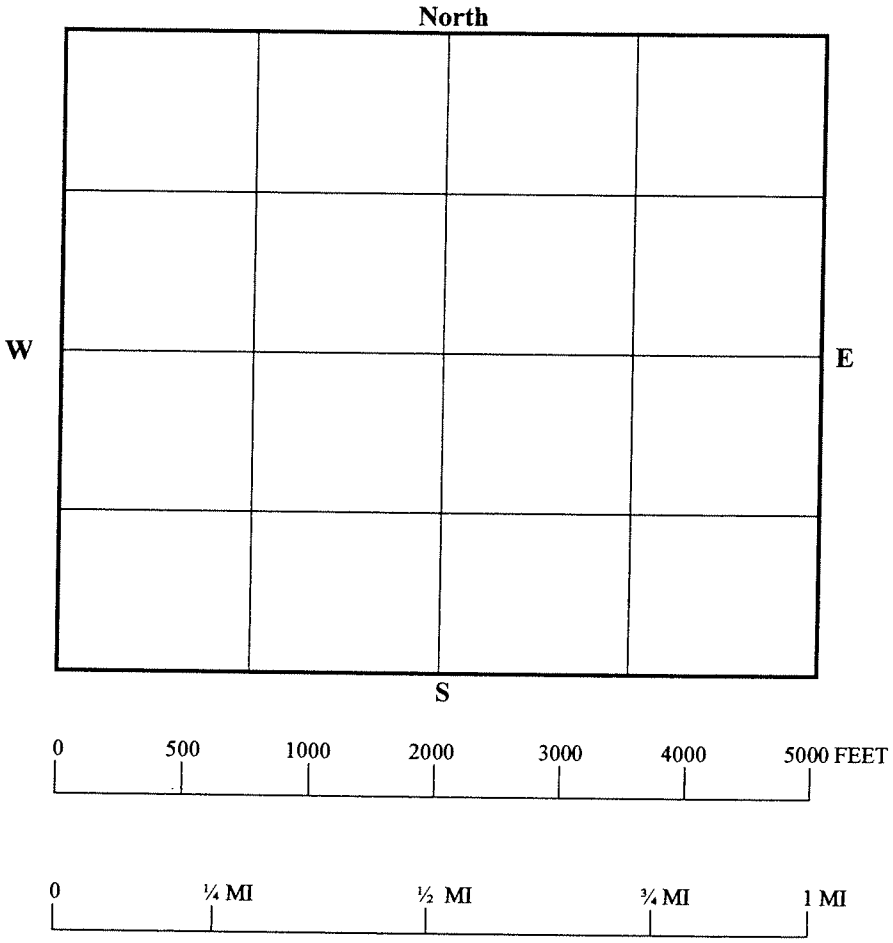
Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with $100 minimum filing fee.

NOTE:
If this application is approved for a permit, a minimum permit fee of $100 will be required before the permit is issued.

13. MAP

(Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

SECTION(S) _____ TOWNSHIP_____ RANGE _____, _____B. & M.

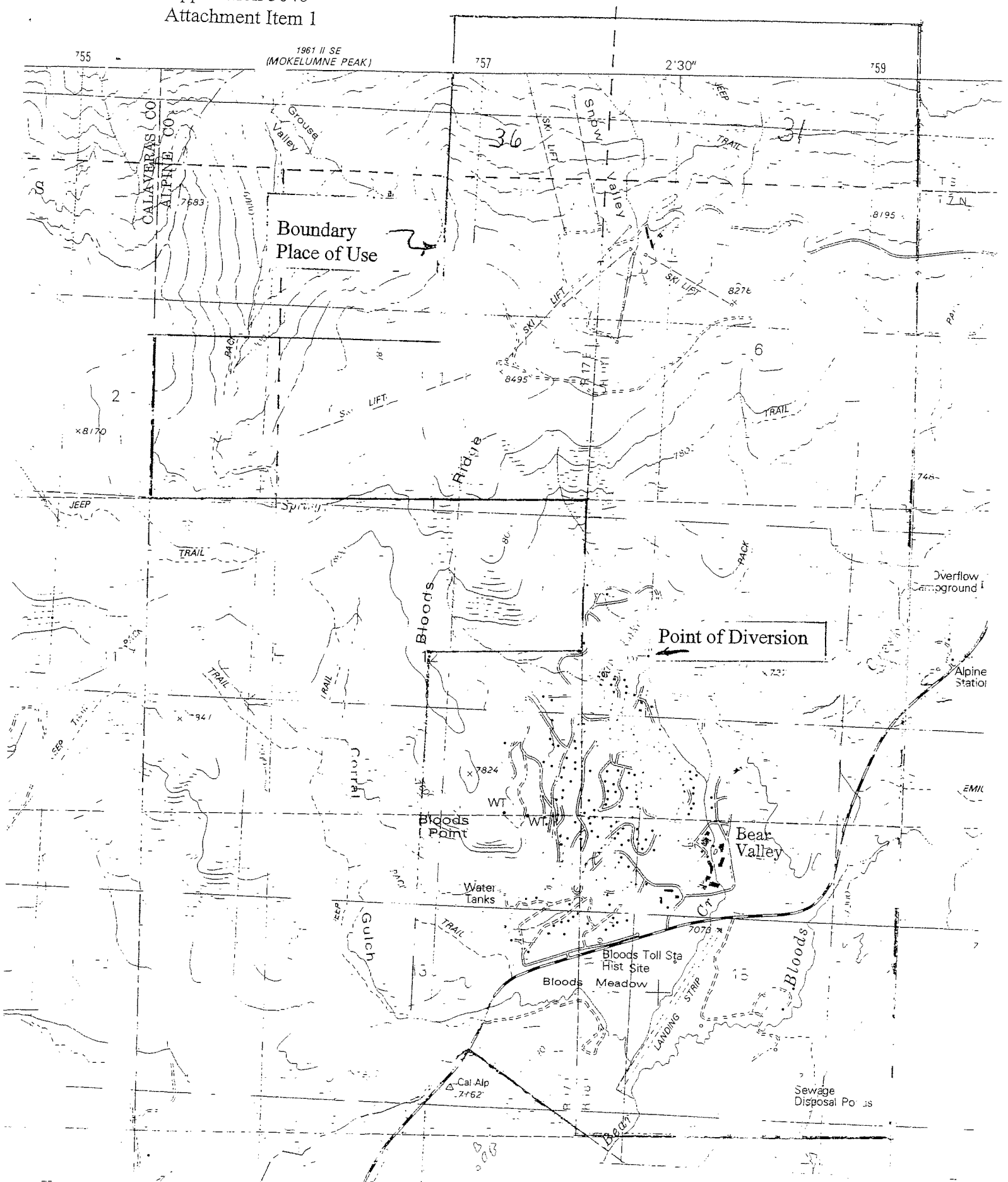


(1) Show location of the stream or spring, and give name.
(2) Locate and describe the point of diversion (i.e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
(3) Show location of the main ditch or pipeline from the point of diversion.
(4) Indicate clearly the proposed place of use of the water.

14. SUPPLEMENTAL INFORMATION

a. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.
b. If you are applying for underground storage, supplemental to APP (available upon request) should be completed and attached to this form.

Lake Alpine Water C pany
Application 5648
Attachment Item 1



State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO.

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

This project does not involve any new construction work for diversion or storage of water. The construction of Bear Valley Dam and Reservoir (Bear Lake) was completed in 1965 and SWRCB License No. 11007 was issued on Application 21485 on May 5, 1980, authorizing the storage of 240 a.f. per annum, with withdrawals limited to 140 a.f. per annum, the amount which had then been put to beneficial use. The project is to secure water rights for the full amount of to be put to use in future development of Bear Valley in Alpine County, which is expected to be in 2014.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:
   a. Person contacted Mark Demaio Date of contact September 3, 2003
      Department of Public Works Telephone (530) 694-2140
   b. Assessor's Parcel No. See Boundary of Place of Use attached
   c. County Zoning Designation _____
   d. Are any county permits required for your proposed changes? _____
      If yes, check appropriate space below:
      _____ Grading Permit, _____ Use Permit, _____ Watercourse Obstruction Permit, _____ Change of Zoning, _____ General Plan Change, Other (explain):
      _____
   e. Have you obtained any of the required permits described above? _____
      If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your proposed changes? _____ (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

   Permit type _____

   Person (s) contacted _____ Agency _____

   Date of contact _____ Telephone ( ) _____

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? See County of Alpine DEIR (June 29, 1978) and Final EIR (Dec. 28, 1978) for Bear Valley Master Plan enclosed herewith.
   If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? Yes If so, explain: Providing additional municipal & recreational water supply will generate additional sewage for the Bear Valley Water District's sewage treatment facilities. Contact David Ritchie, President, Bear Valley Water District, Bear Valley, CA 95223. (209) 728-3959 or (209) 753-6153

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? No

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No

Do you know of any archeological or historic sites located within the general project area?

_____ If so, explain: _____

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

a. Along the stream channel immediately downstream from the proposed point(s) of diversion

b. Along the stream channel immediately upstream from the proposed point(s) of diversion

c. At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within you project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities
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- Marine

Developed Communities
- Cropland
- Orchard-Vineyard
- ✓ Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document qt our public counter at the address given

at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

No trees to be removed. No construction work in this project.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

The point of diversion, Bear Lake, is located at the headwaters of Bear Creek, a tributary to Bloods Creek. The stream is intermittent for a distance of about 1 mile downstream of the point of diversion with flows only during the snowmelt period, generally ending during July. Some rainbow and brook trout can be found in the stream during the snowmelt runoff, particularly south of State Highway 4. Diversion and storage in Bear Lake does not significantly affect the duration of the snowmelt runoff.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by * below):

The area immediately adjacent to the point of diversion is a mountain recreational subdivision and a small commercial area. The area is above 7000 feet elevation and does not support many species of Amphibians, reptiles, birds and mammals. Most obvious species are

chipmunks and blacktailed deer mammals, Still jay and Clark's nutcracker birds. No construction is planned and diversion of water does not change the habitat significantly. Attached is a copy of the wildlife setting.

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No
If so, explain:

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date _____ Signature _____

WILDLIFE

Setting

Wildlife in the Bear Valley Area can be categorized according to habitat type which corresponds to vegetative community.

The coniferous forest habitat supports the following birds and mammals:

Pygmy Owl
Spotted Owl
Great Grey Owl
Woodpeckers
Flycatchers
Steller's Jay
Mountain Chickadee
Kinglets
Warblers

Badgers
Snowshoe Rabbit
Belding Ground Squirrel

Chipmunks
Grey Squirrel
Red Squirrel
Porcupine
Marten
Wolverine
Coyote

Black-tailed Deer
Deer
Black Bear
Mountain Lion
Bobcat

The meadow habitat supports:

Coyote
Black-tailed Deer
Black Bear (forage)
Yellow-Bellied Marmot
Long-tailed Meadow Mouse
White-footed Mouse
Deer Mouse
Mountain Pocket Gopher
Western Garter Snake
Western Rattlesnake

Many birds (summer visitants)
Pacific Tree Frogs
Lepidoptera spp.
Hymenoptera spp.
Snowshoe Rabbit
Badgers

The barren, rocky area habitat supports:

Rock Wren
Bushy-tailed Wood Rat
Cottontail
Western Fence Lizard
Sagebrush Lizard

North Alligator Lizard
Western Rattlesnake
Mountain Gopher
Pika
Yellow-bellied Marmot

and provides dens for:

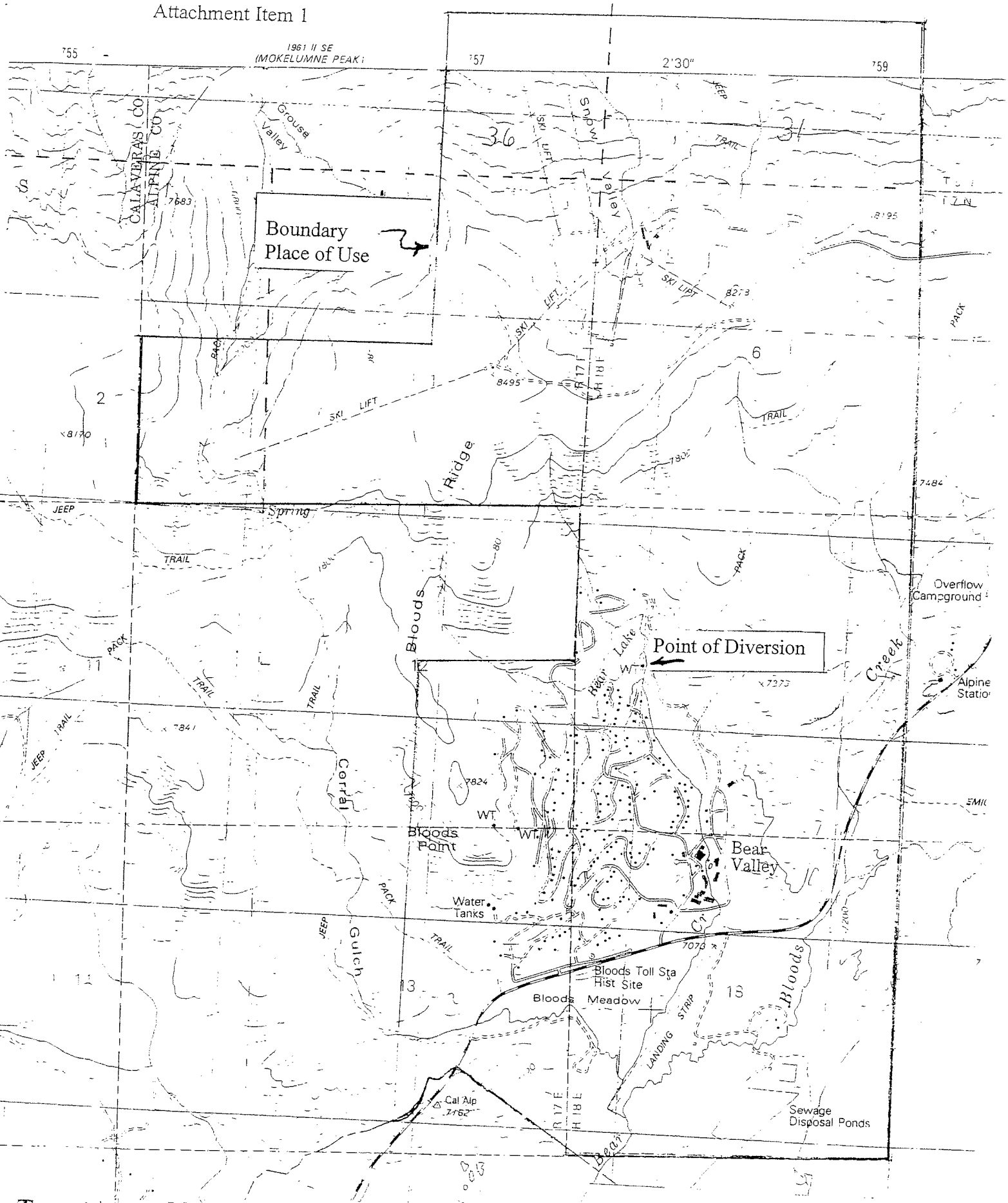
Coyote
Fox
Raccoon
Marten

The riparian habitat supports:

Flycatcher
Gold Finches
Song Sparrow
Shrews
~~Cottontail~~
Mice
Raccoon
Frogs and other amphibians

Black bear and [illegible]

Lake Alpine Water C[illegible]pany
Application 5648
Attachment Item 1



T A N I S L A U

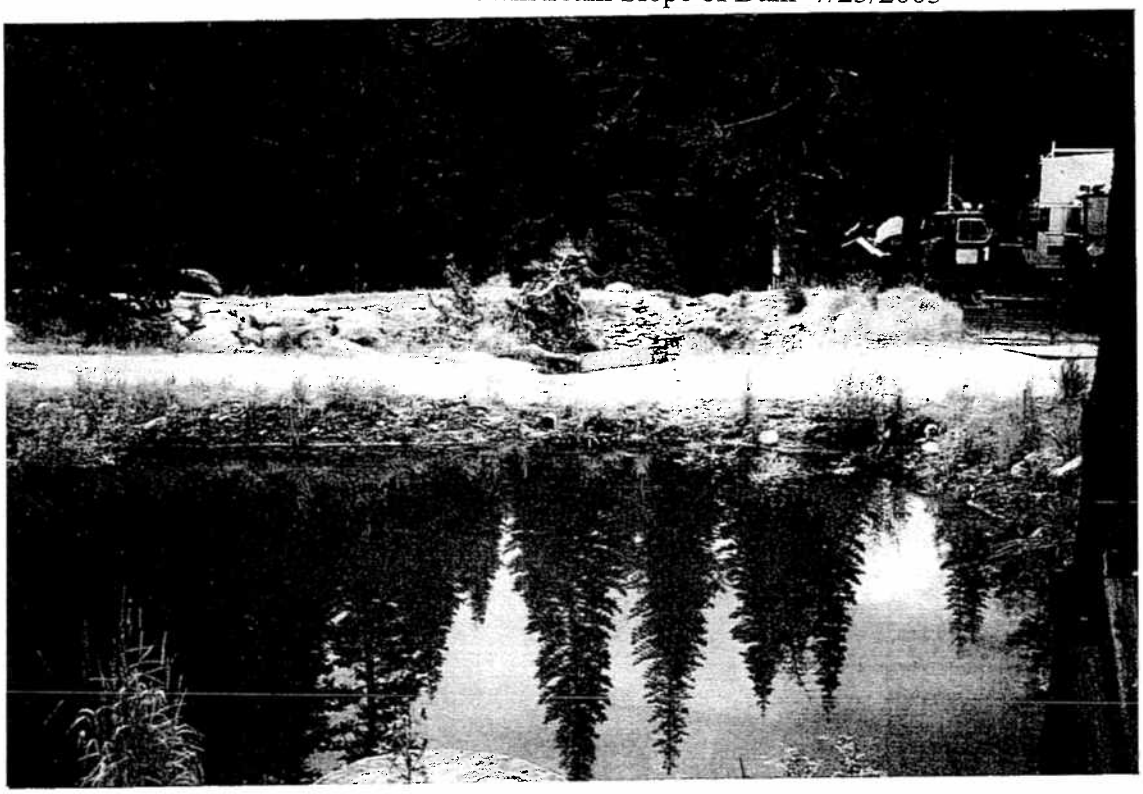
Sherman Acres

Tamarack, California
NE/4 Big Meadow 15' Quadrangle
1978

Environmental Information For Petitions

Environmental Setting
Item 7

Point of Diversion and Downstream Slope of Dam 7/23/2003



Wash Pond Immediately Downstream of Point of Diversion, Water Treatment Plant
7/23/2003

Environmental Setting
Item 7

Stream Channel Immediately Downstream of Wash Pond 7/23/2003

Stream Channel About ¼ Mile Downstream of Point of Diversion 7/23/2003

Environmental Setting
Item 7

Stream Channel About ½ Mile Downstream of Point of Diversion

Bear Creek Immediately Downstream of Highway 4 7/23/2002

Environmental Setting
Item 7

Bear Lake Immediately Upstream of Point of Diversion

Bear Lake Immediately Upstream of Point of Diversion

APPENDIX B

LAKE ALPINE WATER COMPANY AND ALPINE COUNTY
BEAR CREEK WATER RIGHTS APPLICATIONS
5648XO7 (PARTIAL ASSIGNMENT); 5648 (CHANGE PETITION); AND 31523
INITIAL STUDY

State Clearinghouse #2006012049

Prepared for
County of Alpine
Brian Peters
17300 Highway 89
Markleeville, CA 96120

Prepared by
Condor Earth Technologies, Inc.
21663 Brian Lane
Sonora, CA 95370
209.532.0361

April 19, 2006
Condor Project No. 4800A

CONDOR

TABLE OF CONTENTS

ATTACHMENTS

CONDOR

LAKE ALPINE WATER COMPANY AND ALPINE COUNTY
BEAR CREEK WATER RIGHTS
ENVIRONMENTAL IMPACT REPORT
INITIAL STUDY

1.0 PROJECT TITLE

Bear Creek Water Rights

2.0 LEAD AGENCY NAME AND ADDRESS

County of Alpine
Brian Peters, Alpine County
17300 Highway 89
Markleeville, CA 96120

3.0 CONTACT PERSON AND PHONE NUMBER

Brian Peters, Alpine County Planning Director
530.694.1878

4.0 PROJECT LOCATION

The project is located within the community of Bear Valley, Alpine County, California, on the north side of State Highway 4. The water source is Bear Creek, tributary to Bloods Creek, thence North Fork Stanislaus River, thence Stanislaus River. The Point of Diversion is Bear Lake, Reba Dam in Alpine County, within the NW¼ of SW¼ of Section 7, T7N, R18E, MDB&M. The place of use is located within Sections 7 and 18, T7N, R18E, and Sections 12 and 13, T7N, R17E, MDB&M. The project is located on the USGS Topographic Quadrangle 7.5 Minute Series for Tamarack, California, at an elevation of approximately 7,265 feet.

5.0 PROJECT SPONSOR'S NAME AND ADDRESS

Lake Alpine Water Company
Bruce Orvis
9601 State Route 4
Farmington, CA 95230

6.0 GENERAL PLAN DESIGNATION

Planned Development (PD) and Agriculture (AG)
Surrounding designations of Agriculture (AG)

7.0 ZONING

Project Zoning
PD (Planned Development) with Varied Residential and Commercial zoning designations on those parcels within the Bear Valley Master Plan area located north of State Highway 4.
AG (Agriculture)
Surrounding zoning:
AG (Agriculture)

8.0 DESCRIPTION OF PROJECT

The project is an amendment to existing water rights applications that would (A) change the amount of water that can be diverted from Bear Creek and the amount of water that can be stored in Bear Lake, and (B) amend the place of use to include a portion Alpine County. The project includes an alternative new application (C) for a right to collect water in an existing on-stream reservoir, as described below.

A) **Application 5648X07**-An amended Petition for Partial Assignment of State Filed Application 5648 to (1) add the County of Alpine as co-applicant; (2) delete snowmaking as a purpose of use; (3) increase the direct diversion annual limit from 139 acre-feet per annum (afa) to 175 afa and reduce the storage amount from 256 afa to 220 afa (the combined direct diversion and storage amount shall not exceed 395 afa); (4) modify the season of diversion for both direct diversion and storage to October 1 through July 31 of the succeeding year; and (5) reduce the place of use. The applicants propose to directly divert from Bear Creek and to collect water in storage at Bear Lake (Reba Dam) for municipal and recreational purposes. The water will be diverted from Bear Creek via an existing 12-inch diameter concrete encased steel pipe, with a length of 400 feet. The pipe flow capacity is 45 cubic feet per second (cfs). Municipal use is expected to increase from 3,618 people in 2004 to 6,156 people by 2014.

B) Application 5648 (Change Petition)-Petition to change State-Filed Application 5648 to request that (1) the place of use be changed to include portions of Alpine County shown on the Application Map (Figure 2), (2) the purposes of use be modified to include municipal and recreational uses; and (3) approval of a point of diversion or rediversion at Bear Lake within NW¼ of SW¼ of Section 7, T7N, R18E, MDB&M.

C) Application 31523-Application to seek a right to collect water to storage behind the existing Reba Dam (constructed in 1965), which is a 70-foot-high dam forming the 360-acre-foot capacity Bear Lake on-stream reservoir. The reservoir has a surface area of 15 acres. Water will be used for municipal and recreational purposes. Application 31523 is identical to the application accompanying the Partial Assignment for State-filed Application 5648X07.

9.0 SETTING AND SURROUNDING LAND USES

The project setting is within the Bear Valley resort development area, which is in a small alpine valley-community, located in Alpine County, California, within the Stanislaus National Forest on the west side of the central portion of the Sierra Nevada (mountain range) Province. This province consists of a basement of Paleozoic and Mesozoic metamorphic terranes that have been intruded by the Sierra Nevada Batholith. The project site and surrounding area has been mapped as Mesozoic undifferentiated granitic rocks, Tertiary volcanic and sedimentary rocks, and Quaternary Period alluvium (Wagner, et al., 1981), Figure 4. Site reconnaissance revealed that granitic rocks, volcanic rocks, volcanic-derived sedimentary rocks, and poorly sorted alluvium were present.

The closest major seismic source is the Genoa Fault (Carson Range fault zone) located approximately 20 miles toward the northeast. No known active faults or potentially active faults traverse the project site, nor is the site located within an Earthquake Fault Hazard Zone (Hart and Bryant, 1997). Topographically, the elevation within the project area ranges from 7,000 feet to 7,600 feet above mean sea level (msl).

The Bear Valley Master Plan Environmental Impact Report (BVMPEIR) indicates that the U.S. Department of Agriculture Land Capability Classification has identified the soils in the Bear Valley area as

residual podzolic of good depth, which are usually erosive when vegetation cover is disturbed. Class VI soils overlie older terraces and upland areas, with dense clay subsoils resting on moderately consolidated or consolidated materials. Class VII soils are on upland areas underlain by hard igneous bedrock, and Class VIII soils are on upland areas underlain by consolidated sedimentary rocks. In Bear Valley, some of the steep slopes are overlain by soils derived from volcanic materials, which are unstable and susceptible to erosion and drainage problems. The flatlands of Bear Valley have a combination of soils derived from volcanic and granitic materials. They are highly erodible, poorly drained, and generally have poor bearing capacity. A recent geotechnical study (October 2005), conducted by Condor on properties south of the Site, indicates the encountered earth materials include minor amounts of artificial fill, various percentages and combinations of silt, sand, and gravel, and granodiorite bedrock. Areas of sandstone (Mehrten formation) and granodiorite weathered to silty sand were encountered at depth in the study area.

The indicated average mean rainfall for the county is 20.88 inches and average mean snowfall is 89.6 inches. The average mean temperatures are as follows: winter high is 43.5 degrees Fahrenheit (°F) and low is 23°F; summer high is 85.1°F and low is 53.3°F.

Two unnamed blue-line intermittent stream drainages flow into Bear Lake. Outflow from Bear Lake Dam (Reba Dam) drains into Bear Creek. Bear Creek intersects with a third intermittent blue-line stream, flows through the community development area entering the Bear Valley community store culvert and continuing through the Bear Creek culvert under Highway 4. South of Highway 4, Bear Creek intersects a drainage of Corral Gulch Creek (an intermittent blue-line stream). Bear Creek intersects with Bloods Creek south of the private airstrip in the meadow used for grazing and for wintertime cross country skiing and sledding activities. Land uses surrounding the Bear Valley community are open space and agriculture (grazing). The Flood Insurance Rate Map (FIRM) map information indicates that the panel for the project site is not published and the area is indicated as Zone D (areas of undetermined but possible flood hazard).

A record search was conducted by the Central California Information Center (December 8, 2005), whereupon it was found that there are several prehistoric and historic resources within the project area, ranging from isolated flakes, lithic scatter, milling features, village midden, to recorded segments of the Carson Valley to Murphy's Emigrant Trail also known as the Big-Trees-Carson Valley Turnpike which include tree blazes and wheel ruts.

A water storage tank is located on the southeastern portion of the site perimeter. The water treatment facility building is located approximately 40 feet below and to the west of the dam outflow. Recreational areas are set aside along the perimeter of Bear Lake. A road is located between the upgradient northern parcels (designated for single-family residences) and the two recreational parcels along the northern boundary of the lake property. A few parcels are indicated for multi-family residences along a portion of the eastern lake boundary. Open areas (open space) are indicated along the southern lake boundary and the area along Bear Creek drainage. A limited access road extends across the height of the dam along the southern lake boundary. A small portion of the lake parcel bounds Federal lands of the Stanislaus National Forest to the west. Parcels designated for single family residences are located along the western lake boundary. Single- and multi-family residences and commercial area are located downstream of the project site.

Alpine County ranks 50th in size among California counties. Seven percent of the 465,030 acres located in Alpine County are privately owned. There are approximately 1,190 full-time residents within the county (2004 Census estimate). Traffic flow numbers indicate that approximately 70 percent of the Annual Average Daily Traffic (2004) and 75 percent of the Annual Average Daily Traffic (1977) continued past the Bear Valley community.

10.0 PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

The Lake Alpine Water Company, with Alpine County, is seeking approval of applications for additional water rights for a guaranteed water source to support the Bear Valley Master Plan Community. Water Rights must be secured from the State Water Resources Control Board and the Permit to Treat the drinking water must be secured from the State Department of Health services.

Table 1
Possible Agency Approvals/Agreements Required

Agency	Approval	Timing
State Water Resources Control Board	Water Rights Applications	Prior to implementation
Department of Health Services, Division of Drinking Water & Environmental Management (DDWEM)	Amendment of Permit to Treat	After obtaining additional water rights

11.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☒ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☒ Public Services	☐ Recreation	☐ Transportation/Traffic
☒ Utilities/Service Systems	☐ Mandatory Findings of Significance	

12.0 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Name	Signature	Title	Date

Signature	Date

13.0 EVALUATION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

I-a) Less than significant impact. The project will not require any significant alterations to the existing lake or the water processing/distribution support facilities. The lake currently fills to maximum capacity each year that there is adequate runoff. The proposed project requests legal right to the diversion of additional water from the creek for treatment and storage but will not result in an increase in the maximum elevation of the lake. The project may result in lake levels dropping faster or lower than it might otherwise, but the natural climatic variation from year to year also causes the lake to fluctuate in a similar manner. Therefore, the scenic vista is already impacted by varying lake levels and the effect of the project is less than significant.

I-b) No impact. State Highway 4, a state scenic highway crosses through the project area. The project does not propose any physical changes to the natural landscape of the area and there are no recorded historic structures within the project area.

I-c) Less than significant impact. The reservoir and creek may be considered a part of the visual character of the surroundings of Bear Valley. The proposed additional diversion of water will result in a diminished flow with the resultant drying of the creek bed traversing through the development area and across the meadow occurring a few days earlier than would naturally occur. The natural alteration of the landscape for few days earlier than would naturally occur in any given year would not significantly affect the visual character of the area. Due to unpredictable weather conditions, the timing of the creek drying varies from year to year by many days or weeks.

I-d) No Impact. The project does not propose any physical changes or improvements that would produce substantial light or glare.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒

II-a) Less than significant impact. The project area includes grazing lands south of State Highway 4; however the project does not propose the conversion of these lands to a non-agricultural use. Though proposed water diversion will result in a diminished surface flow in Bear Creek near the point of diversion, base flow (groundwater) entering the creek bed has been observed in Bear Creek north and south of Highway 4. Diversions will not occur when water is in shortest supply (mid to late summer). Virtually all of the water supporting grazing lands is shallow groundwater and diversions from the project will be less than significant.

II-b) No impact. The project area is located within (PD) and Agriculture zoning designations. There is existing summertime grazing on the southern portion of the PD zone south of the highway and on surrounding AG lands. The project does not include a request to change the agricultural land use designation or the existing use of any portion of the site. The project area lands are not under a Williamson Act contract.

II-c) No impact. Implementation of the project will not result in the conversion of any lands zoned agriculture within the project area, since there will be no physical changes to the environment and does not propose any development changes.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

The proposed project is located within the "Great Basin Valleys" Air Basin, which covers the central eastern portion of the Sierra Nevada to the California-Nevada border from Alpine County south to Inyo County: According to information obtained from the Air Pollution Control District (APCD) web-site, the APCD does not have a problem with ozone and their primary air pollutant is particulate matter of an average of 10 microns in diameter (PM-10) or less with major sources located on the east side of the Sierra Nevada. Implementation of the proposed project, located within an established subdivision, will not result in increases of emissions; there are no construction activities associated with the project that would affect sensitive receptors. No air permitting is required for the operation of the associated water treatment facility and none are expected. Minor operational changes will occur, which will not generate criteria air pollutants in quantities that exceed the significance criteria established by the APCD, or that exceed significant criteria established by any other applicable state or federal agency.

III-a) No impact. The project will not result in the creation of emissions that would reduce the air quality of the area since there will be no changes to the existing water processing facilities or its operational procedures, and since no construction activities are necessary, the project would not conflict with or obstruct the implementation of any air quality plans.

III-b) Less than significant impact. The increase in quantity of available water for use at the water treatment plant resulting from the project will have a less than significant impact on air emissions. It will not violate air quality standards. There are no existing or projected air quality violations.

III-c) Less than significant impact. Any associated potential air emissions as a result of the increase in quantity of available water of the proposed project will not result in cumulatively considerable net increases in ozone or any other criteria pollutant. The proposed project will have a less than significant impact on generation of ozone precursors. An operating water system is currently in place and does not generate emissions necessary for air permitting. Background levels of ozone or any other criteria pollutant may be present; however, on average, they would be only a short distance from the vent discharge at the water treatment facility. It has been indicated by the APCD that ozone is not a problem within the APCD.

III-d) No impact. The project proposes no changes to the existing operation of the facilities and no construction activities will be required, therefore, sensitive receptors will not be exposed to substantial pollutant concentrations.

III-e) Less than Significant Impact. The water stored in the lake and the water treatment facilities does not generate significant objectionable odors and the water treatment facilities are located at some distance from potential receptors. Because no changes are proposed to the existing operation of the water treatment facilities, the proposed project will not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?	☒	☐	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the CDFG or USFWS?	☒	☐	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☒	☐	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☒	☐	☐	☐

IV-a) Potentially significant impact. The increased diversion of water proposed by the project may directly adversely modify the habitat of candidate, sensitive or special status species, due to the decrease in the amount water available.

IV-b) Potentially significant impact. The increased diversion of water proposed by the project may decrease the amount of water. This may directly adversely modify the habitat of downstream riparian vegetation.

IV-c) No impact. The project does not propose any dredging, filling or land alteration

IV-d) Potentially significant impact. The increased diversion of water proposed by the project may directly adversely modify the habitat of any downstream fish from the decrease in the amount water available and may indirectly interfere with the movement of the deer migrating through the area.

IV-e) No impact. There are no local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance in place.

IV-f) Potentially Significant Impact. The project proposal, to secure additional water rights to divert water, will not conflict with the Management goals and strategies established in the USDA Department of Forestry Stanislaus National Forest, Forest Plan Direction (July, 2005), to maintain and restore in-stream flows sufficient to sustain desired conditions of riparian, aquatic, wetland, and meadow habitats and keep sediment regimes as close as possible to those with which aquatic and riparian biota evolved.

V. CULTURAL RESOURCES Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☒	☐	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☐	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

V-a) Potentially significant impact. Bear Valley contains a known historical cultural resource (Pioneer Toll Station Historic Site) and potentially unknown sites which could change in significance if there is a substantial flooding event.

V-b) Potentially significant impact. Bear Valley may contain cultural resources, and the project does not propose any direct alterations to the landscape; however, if there is a substantial flooding event, there may be some disruption of archaeological resources.

V-c) Less than significant impact. Bear Valley is not known to contain abundant paleontological features or unique geologic features. Geologic formations present include volcanic, clastic non-marine sedimentary deposits and igneous rocks not favorable for containing significant paleontological resources. Landforms, rocks and minerals in the Bear Valley area are generally common throughout California and not unique.

V-d) Less than significant impact. There are no known cemeteries within the creek bed or within the project area. Location of burial areas is not expected within the creek floodway.

VI. GEOLOGY AND SOILS Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

The BVMPEIR included the current project site as a portion of the evaluated properties; no extreme geologic changes have occurred since that evaluation. No known active faults or potentially active faults traverse the project site, nor is the site located within an Earthquake Fault Hazard Zone (Hart and Bryant, 1997). The closest major seismic source is the Genoa Fault (Carson Range fault zone) located approximately 20 miles toward the northeast, where strong ground shaking may result from large magnitude earthquakes on this or a number of the active and potentially active regional faults.

VI-a) No impact. The proposed project would not expose people or structures to potential substantial adverse effects from the rupture of a known earthquake fault. The most recent Alquist-Priolo Earthquake Fault Zoning Map (May 1, 1999) issued by the State Geologist does not delineate any Earthquake Fault Zones near the proposed project site.

VI-b) Less than significant impact. Most areas of California have the possibility to experience strong seismic ground shaking; however the closest known fault is over twenty miles from the project site.

VI-c) Less than significant impact. The proposed project is located in an area known to have unstable slopes and liquefiable soils; however, theses conditions are not a result of the project. The project will not cause geologic materials to become unstable or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

VI-d) Less than significant impact. Implementation of the Uniform Building Code will reduce potential impacts from geology and soil to less than significant.

VI-e) No impact. The project does not propose the installation of any wastewater disposal systems.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or involve hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐

d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

VII-a). Less than significant impact. Upon completion of the development, there will be an increase in the amount of materials utilized for water treatment, but, due to recent upgrades within the treatment facility, less hazardous materials will be used. The amounts necessary for treatment will not be stored in significantly large quantities and are subject to regulation by Alpine County Health Department to ensure that the risk of exposure is avoided.

VII-b). Less than significant impact. A 2002 Hazardous Material Business Plan with Chemical Inventory was in place with Alpine County Health Department. However, hazardous materials are no longer stored at the water treatment facility in reportable quantities, thus becoming a less than significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment

VII-c). Less than significant impact. The Bear Valley School is located approximately 0.47 miles southeast of the water treatment plant. By this distance, the risk of the water treatment facility emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing school is reduced to a less than significant level. No new schools are proposed.

VII-d). No impact. The proposed project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.

VII-e). No impact. The proposed project is not located within an airport land use plan or within two miles of a public airport or public use airport, and therefore there would not be regular air traffic traversing the community.

VII-f). Less than significant impact. The proposed project is located within the vicinity of a private airstrip in Bloods Meadow, approximately 0.95 mile south of the project site. The private landing strip is used infrequently and would not be expected to pose a risk to the dam or to the treatment facilities and its operations.

VII-g). Less than significant impact. The project would not impair implementation of or physically interfere with an adopted emergency response or emergency evacuation plan. The project can be considered a part of an emergency response plan, providing addition water for safety needs. Because no physical changes are proposed by the project, there would be no resulting changes or obstruction to the main access roadways located on either side of Bear Creek.

VII-h). Less than significant impact. The project helps to reduce the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands; since it will ensure that adequate water supplies are available for fire protection within the project vicinity.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☒	☐	☐	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

VIII-a) Less than significant Impact. The Project will not violate any water quality standards or waste discharge requirements. The water treatment operations are subject to a "Permit to Treat" from the DDWEM. The DDWEM was contacted and indicated that LAWC is currently permitted to treat 380 gpm. This rate is sufficient to supply the BVMP build-out and the additional water rights proposed by this project. DDWEM also indicated that additional treated water use would possibly cause more wastewater generation. The Project proposes no specific development or changes to the waste disposal system, but will indirectly impact the waste discharge system with the increased water use resulting from the completion of the development of the Master Plan. Future development would be in the service area of

the BVWD that discharges in compliance with WDRs for sewage water disposal. If the completion of the development results in future discharges greater than the capacity currently permitted, BVWD must submit Amended Reports of Waste Discharge and the WDRs will be appropriately modified. Compliance with the State regulations reduces the indirect impacts of the Project to a less significant impact.

VIII-b) No impact. The water resources utilized to serve the Bear Valley development include spring water and runoff captured in Bear Lake. Little potential groundwater recharge is lost since most of this water is captured when the groundwater basin is overflowing. No groundwater is extracted, so existing groundwater resources are not impacted.

VIII-c) No impact. The project does not propose any alteration of the existing stream courses.

VIII-d) Less Than Significant impact. While the project proposes to divert water for storage in Bear Lake, the maximum lake level will not be raised above maximum historic levels. With no changes to the drainage pattern of the area or stream channel; the project will not substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. There will be neither alteration of the stream channel nor any change in the existing dam.

VIII-e) Less than Significant impact. The project proposes to divert additional water for storage in Bear Lake, at times maintaining the water level to its maximum capacity. The project would not result in new lake levels above historic highs and the project will not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off.

VIII-f) Less than significant impact. The project proposes increased diversion and storage of surface water runoff for treatment and use by the Bear Valley development, with no physical changes to the drainage courses, dam, or water treatment facilities; therefore, no change in water quality would be expected as the treated water will be stored for later use.

VIII-g) No impact. The FIRM map information indicates that the panel for the project site is not published and the area is indicated as Zone D, areas of undetermined but possible flood hazard. The project does not propose the placement of residences into the Bear Creek floodplain. The BVMPEIR addressed the potential for flooding within the Bear Creek floodplain and mitigation measures were incorporated into that project to reduce the flood impact to a level of insignificance.

VIII-h) No impact. The FIRM map information indicates that the panel for the Site is not published and the area is indicated as Zone D, areas of undetermined but possible flood hazard. The project does not propose the placement of structures into the Bear Creek floodplain. The BVMPEIR addressed the potential for flooding within the Bear Creek floodplain and mitigation measures were incorporated into that development project to reduce the potential flood impact to a level of insignificance

VIII-i) Potentially significant impact. The project proposes to divert additional water for storage in Bear Lake, at times maintaining the water level to its maximum capacity, increasing the flood risk in the event of dam failure. The BVMPEIR identified the potential significant impact from dam failure, which would cover the entire open valley through which Bear Creek flows, as well as the meadow south of the highway. Mitigation measures were imposed on the Bear Valley development for the protection of structures located within the area of inundation.

VIII-j) Less than significant impact. The project proposes to maintain Bear Lake at its peak design capacity with some increase in the level of the lake. Bear Lake is a drinking water source and residential structures must be maintained a distance from the lake, reducing the potential for seiche flooding. Tsunamis generally affect coastal communities and low-lying (low-elevation) river valleys in the vicinity of the coast, where buildings closest to the ocean and near sea level are most at jeopardy. The project would not result in the creation of mudflows, since the project does not propose to exceed the capacity of the dam.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

IX-a) No impact. The project does not provide any physical changes to the landscape and supports the infrastructure for the development of the community.

IX-b) No impact. The project is consistent with the goals established by the Alpine County General Plan designations of Planned Development and its associated zoning. The project supports the infrastructure for the continuation of the development of the community master plan.

IX-c) No impact. There is no applicable habitat conservation plan or natural community conservation plan in place.

X. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

X-a) No impact. There are no known mineral resources of value to the region or to the residents of the state.

X-b) No impact. There are no locally-important mineral-resource-recovery sites delineated on a local general plan, specific plan, or other land use plan within the Bear Valley community.

XI. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☒	☐

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

XI-a) Less than significant impact. There are sensitive noise receptors/uses (inclusive of clinics, hospitals, libraries, residences, schools, etc.) in the vicinity of the proposed project: Bear Valley School is approximately 0.46 mile southeast of the project. No construction is indicated for the proposed project that would increase or temporarily increase the ambient noise levels in the project vicinity, and no significant change in the existing water treatment operations is expected. Due to the nature of the project, the noise levels would not be expected to exceed the standards established in the Alpine County General Plan.

XI-b) Less than significant impact. There will be a less than significant impact regarding exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels, as the Lake Alpine Water Company is already operating water treatment equipment on the site.

XI-c) Less than significant impact. The project does not propose any changes to the water treatment facilities, the potential source of noise generation.

XI-d) Less than significant impact. The project does not propose any changes to the water treatment facilities, the potential source of noise generation.

XI-e) No impact. The project is not located within an airport land use area.

XI-f) Less than significant impact. The use of the private airstrip is infrequent and is located approximately 0.95 mile south of the project site and employees would not be exposed to excessive noise levels.

XII. POPULATION AND HOUSING Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

XII-a) Less than significant impact. The project proposes to provide the infrastructure in an amount needed to complete implementation of the approved master planned community. The additional water source is not proposed for any other development and it is not reasonably foreseeable that the surrounding land use designation would be changed to increase development in the area.

XII-b) No impact. The project will not require the alteration of the landscape and will not require the removal of any existing housing, and will serve to increase available housing.

XII-c) No impact. The project will not require the alteration of the landscape and will not require the removal of any existing housing or displace people, but will serve to increase available housing.

XIII. PUBLIC SERVICES	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities? (Public Beach)	☒	☐	☐	☐

XII-a) Potentially Significant Impact. The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. Water is currently being provided to the public facilities and there would be no changes required to these facilities by the increase in water storage for community use. If the additional water stored in the lake were to result in a rise in the elevation of the lake, there might be a potential impact to public beach facilities from potential inundation of the public beach facilities causing the removal of or requiring a change of those facilities.

XIV. RECREATION	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

XIV-a) Less than Significant Impact. The project will not alter the existing recreational facilities adjacent to Bear Lake.

XIV-b) Less than Significant Impact. The project will not require construction or expansion to the recreational facilities.

XV. TRANSPORTATION/TRAFFIC Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

The project does not propose any physical alterations or changes.

XV-a-d) No Impact. The project would not result in the generation of new traffic, will not result in any alteration of traffic patterns.

XV-e) No impact. The project would not result in an increase in water levels that would interfere with the existing roadways.

XV-f) No Impact. The project would not result in the generation of new traffic requiring parking.

XV-g) No Impact. The project does not include changes to transportation.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☒	☐	☐	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

XVI-a) Less than significant impact. The project does not propose changes to the wastewater treatment facilities serving the community.

XVI-b) Less than significant impact.. The project will result in an increase in the amount of water available for the development of the Bear Valley community. The project will be a less than significant impact on the water storage facilities and will not require an expansion of the existing wastewater treatment facilities at this time, resulting in significant environmental effects from construction.

XVI-c) Less than significant impact. The proposed water diversion will be from existing surface water runoff, and is controlled by seasonal releases from the dam. Alteration of the dam spillway and the stream channel below the dam would not be expected.

XVI-d) Potentially significant impact. The project will require new entitlements.

XVI-e) Potentially significant impact. The project will result in the availability of new water supplies for the continued development of the master plan and may not allow the wastewater treatment provider to determine that it has adequate capacity to serve the project's projected demand.

XVI-f) No impact. The project would not increase the demand for solid waste disposal.

XVI-g) No impact. The project would not generate a need for solid waste disposal.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

XVII-a) Potentially significant impact. The project has the potential to reduce the habitat of a fish species or cause a fish population to drop with the change to the amount of water being diverted for development purposes.

XVII-b) Potentially significant impact. Bear Lake has existing water rights to the waters of the Bear Creek watershed. The proposed increase in the amount of water being diverted may adversely affect downstream biology.

XVII-c) Potentially significant impact. The project proposes to store more water in Bear Lake, increasing the risk of loss of life and property damage from flooding.

APPENDIX C

ALPINE COUNTY PLANNING DEPARTMENT
17300 State Route 89, Markleeville, CA 96120
Tel 530-694-2255 Fax 530-694-9599

NOTICE OF PREPARATION

To:

State of California, Clearinghouse (15 copies)
PO BOX 3044
Sacramento, CA 95812-3044

Caltrans District 10
PO Box 2048
Stockton, CA 95201

California Department of Fish and Game
(Region 2)
1701 Nimbus Road
Rancho Cordova, CA 95670

Sacramento Main Office
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

California Department of Forestry and Fire
Protection (Amador-El Dorado Unit)
2840 Mt. Danaher Rd.
Camino, CA 95709

Alpine County Public Works Department
50 Diamond Valley Road
Markleeville, CA 96120

California State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Stanislaus National Forest–Supervisor's Office;
19777 Greenly Road
Sonora, CA 95370

Date: January 11, 2006

Subject: Bear Lake Water Rights

Pursuant to Section 15082(a) of the California Environmental Quality Act (1970) (CEQA), Alpine County (County) will be the lead agency and will prepare an environmental impact report (EIR) for the project described on page 2 of this notice. The County needs to know your agency's views as to the scope and content of the environmental information related to your agency's statutory authority with respect to the proposed project. Your agency will need to use the EIR prepared by our agency when considering any applicable permits for the project.

This EIR is being prepared pursuant to the filing of the following actions with the State Water Resources Control Board (SWRCB): (1) a petition for partial assignment of State-filed Application 5648 held by the SWRCB and accompanying application (Application 5648X07); (2) A petition to change the place and purpose of use and add a point of diversion on State-filed Application 5648; and (3) Application 31523 to appropriate water by permit as a backup in the event the Petition for Partial Assignment of State-filed Application 5648X07 and petition for change of State filed Application 5648 are not approved. The EIR will specifically address the following areas of potential adverse environmental effects related to the proposed project:

Biological Impacts due to habitat alteration
Cultural Resources
Hydrology and Water Quality
Public Services
Utilities and Service System

Pursuant to Section 15103 of the CEQA Guidelines, your response must be sent at the earliest date but received by our agency no later than thirty (30) days after receipt of this notice. Please send your response to the Alpine County Planning Department at the address at the top of the first page. Responses can also be emailed to Brian@pd.alpinecountyca.com.

PROJECT INFORMATION

Project Title: Bear Creek Water Right Applications 5648X07 (Partial Assignment); 5648 (Change Petition); 31523

Location: State Highway 4, in and around the community of Bear Valley, California. The Point of Diversion is Bear Lake, Reba Dam in Alpine County, within the NW¼ of SW¼ of Section 7, T7N, R18E, MDB&M. The place of use is located within Section 7 and 18, T7N, R18E, MDB&M and Sections 12 and 13, T7N, R17E, MDB&M. The project is located on USGS Topographic Quadrangle 7.5 minute Series for Tamarack, California. The water source is Bear Creek tributary to Bloods Creek, thence North Fork Stanislaus River, thence Stanislaus River.

Description:
A. **Application 5648X07**-An amended Petition for Partial Assignment of State Filed Application 5648 to (1) add the County of Alpine as co-applicant; (2) delete snowmaking as a purpose of use; (3) increase the direct diversion annual limit from 139 acre-feet per annum (afa) to 175 afa and reduce the storage amount from 256 afa to 220 afa (the combined direct diversion and storage amount shall not exceed 395 afa); (4) modify the season of diversion, for both direct diversion and diversion to storage, to October 1 through July 31 of the succeeding year; and (5) reduce the place of use. The applicants propose to directly divert from Bear Creek and to collect water in storage at Bear Lake (Reba Dam) for municipal and recreational purposes. The water will be diverted from Bear Creek at Bear Lake and transferred to the existing treatment facility via an existing 12-inch diameter concrete encased steel pipe, with a length of 400 feet. The pipe capacity is 45 cubic feet per second (cfs). Municipal use is expected to increase from 3,618 people in 2004 to 6,156 people by 2014.

B) **Application 5648** (Change Petition)-Petition to change State-Filed Application 5648 to request that (1) the place of use be changed to include the area being served by Lake Alpine Water Company in Alpine County; (2) the purposes of use be modified to include municipal and recreational uses; and (3) approval of a point of diversion or rediversion at Bear Lake within NW¼ of SW¼ of Section 7, T7N, R18E, MDB&M.

C) **Application 31523**-Application to seek a right to collect water to storage behind the existing Reba Dam (constructed in 1965), which is a 70-foot-high dam forming the 360-acre-foot capacity Bear Lake on-stream reservoir. The reservoir has a surface area of 15 acres. Water will be used for municipal and recreational purposes. Application 31523 is identical to the application accompanying the Partial Assignment for State-filed Application 5648X07.

City/County location: Alpine County
Lead Agency: Alpine County Planning Department

Signature: _____ **Date:**_____
Brian Peters, Planning Director
Telephone: (530) 694-1878

Attachments:
Vicinity Map
Proposed EIR Location Map

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APPENDIX D

Wagner&Bonsignore
Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.
Robert C. Wagner, P.E.
Paula J. Whealen
Andrew T. Bambauer, P.E.
David M. Houston, P.E.
Ryan E. Stolfus

August 10, 2005

Mr. Gary Hobgood
Department of Fish and Game
Sacramento Valley Central Sierra Region
701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Re: Lake Alpine Water Company – Field Visit for Protest Resolution

Dear Mr. Hobgood:

This letter will serve to follow up on our field visit on July 5, 2005 regarding the Department of Fish and Game's (DFG) protest against State Filed Application 5648-7 and companion Water Right Application 31523 of Lake Alpine Water Company (LAWC), filed with the State Water Resources Control Board (State Water Board). The purpose of the field visit was to review the project facilities to develop information for protest resolution.

The meeting was attended by:

Bruce Orvis III, Lake Alpine Water Company
Bill Verigin, Engineer for Lake Alpine
Gary Hobgood, Department of Fish and Game
Jesse Barton, Law Office of Daniel F. Gallery
Robert Wagner, Wagner & Bonsignore Engineers
Ryan Stolfus, Wagner & Bonsignore Engineers

LAWC owns and operates Bear Lake, which was constructed in 1965 and impounds 360 acre-feet of water. LAWC diverts water from Bear Creek which is tributary to Bloods Creek thence the North Fork Stanislaus. Bloods Creek is unimpaired. The Bear Creek dam is located at an elevation of approximately 7,000-foot. The LAWC holds Water Right License 11007 for 240 acre-feet of storage in Bear Lake with a maximum allowable use of 140 acre-feet. Lake Alpine Water Company is seeking a new water right to put the remainder of water that is stored in Bear Lake to beneficial use (approximately 220 acre-feet of storage and 175 acre-feet by direct diversion for a total proposed new diversion of 395 acre-feet annually).

As part of the review we inspected the following (see attached map):

- all points of stream inflow into Bear Lake;
- the Bear Lake Dam and spillway;
- the reach of Bear Creek between the dam and the Lake Alpine community store culvert (a possible migration barrier);
- the Bear Creek Culvert under Highway 4 (a migration barrier);
- the confluence of Bear Creek and Corral Gulch;
- the confluence of Bear Creek/Corral Gulch and Bloods Creek;
- and Bloods Creek at the Forest Route 7N01 culvert (a migration barrier).

You expressed your concerns that LAWC's diversions would cause a diminished flow in Bear Creek. We do not believe the proposed diversions will have any meaningful impact on the hydrology of Bear Creek, or more importantly Bloods Creek. As demonstrated by the attached hydrographs the project will have an insignificant temporal effect on the flow of Bear Creek and an unnoticeable effect on flow of Bloods Creek below its confluence with Bear Creek. Bear Creek would typically be dry at the point of diversion under unimpaired conditions in early June corresponding to the end of the snowmelt. The winter of 2004-05, which was unusually wet, was producing inflow as of July 5, due to the remaining snow pack. We believe the inflow has since ceased. The only effect the project would have on Bear Creek below the dam would be a drying of the creek a few days earlier than would naturally occur. The project has no effect on the watershed above the dam.

Shown on Figure 1 is the estimated long term average daily discharge of Bear Creek. The data for Bear Creek was developed from stream flow measurements taken on Bloods Creek. The Bear Creek hydrograph compares unimpaired and impaired conditions. The impaired conditions assume that Bear Lake is completely empty at the beginning of each water year. It is also assumed that LAWC takes water at the maximum rate of direct diversion all the time. These are very conservative assumptions. Our analysis shows that the impaired hydrograph is not significantly different than the unimpaired hydrograph.

Along Bear Creek and Bloods Creek, there are potential barriers to fish passage. Image 1 is a three barrel culvert under the road near the Lake Alpine store that is approximately 0.6 miles downstream of the dam (map point #6). During certain flow conditions this culvert may not present a significant barrier to fish passage, however as demonstrated Bear Creek would normally dry up after snowmelt despite the presence of the LAWC's diversions. Therefore, we would not expect to find fish beyond this after the cessation of flow.

During our field inspection we found some fish in the reach of Bear Creek below the dam and above the three barrel culvert. The fish probably came from Bear Lake by way of the spillway. You suggested to us that under most flow conditions there isn't any attraction in Bear Creek to cause fish to move from downstream into the upper reach of Bear Creek. Further it was suggested that when flow began to subside any fish found in this reach would find their way downstream with the receding water. Image 2 is the Bear Creek culvert under highway 4,

approximately 1.0 miles downstream of the dam (map point #7). This culvert would prevent fish from passing to Bear Creek in any event during most flow conditions of the year.

Further downstream, on Bloods Creek, before its confluence with the North Fork Stanislaus River is another significant barrier to fish passage (Image 3), approximately 3.7 miles downstream of the Bear Lake dam (map point #10). This barrier further decreases the likelihood of passage to Bear Creek. You were also concerned with the effect that a drying Bear Creek could have on other aquatic species that may inhabit the reach of Bear Creek below the dam and upstream of the three significant fish barriers. Any other species dependent on the water resources in Bear Creek below the dam, would be expected to experience the same hydrologic conditions in the future that they have seen in the past whether or not LAWC diverts water pursuant to this project. As shown the only expected change is the cessation of flow at the point of diversion a few days earlier than under unimpaired conditions.

Figure 2 shows the estimated long term mean daily discharge of Bloods Creek below its confluence with Bear Creek under the impaired and unimpaired conditions of Bear Creek. The hydrograph represents the discharge of Bloods Creek approximately 0.5 miles downstream of the fish passage barrier on Bear Creek at the culvert under Highway 4 (Image 2). As shown, the effects of the proposed and existing maximum diversions on Bear Creek have very little effect on the flow of Bloods Creek.

Data for Figure 2 was developed by correlating the unimpaired discharge on the Merced River, USGS Gaging Station 11266500, Merced River at Pohono Bridge near Yosemite. Figure 3 shows a very close relationship between the flows of the Merced River and Bloods Creek for 2003, an average run off year for the Merced River at Pohono Bridge.

Table 1 shows the estimated annual discharge at various points in the Bloods Creek watershed and the face value of water rights on file with the State Water Board. The total estimated discharge of Bloods Creek at its confluence with the North Fork Stanislaus River is 23,315 acre-feet per year. The total face value of all water rights within the Bloods Creek watershed including the LAWC's existing and proposed diversions is 650 acre-feet. This represents about 2.8% of the discharge of Bloods Creek. The face value of diversions of 650 acre-feet is very likely overstated because it assumes the total amount will be diverted every year at the maximum allowable rate. Even considering these conservative assumptions the analysis shows that the effect on Bloods Creek is not meaningful.

You proposed dismissal terms for your protest dated January 12, 2005 are reprinted as follows:

> "For the protection of fisheries, wildlife, and other instream uses in Bear Creek and Blood Creek, diversions under this permit shall be subject to maintenance of minimum bypass flow. A measure of flow shall be bypassed around the point of diversion during the allowable diversion season that will be of sufficient quantity and quality to maintain in good condition, any fisheries and wildlife resources that would exist in downstream reached under unimpaired flows. Determination of the bypass flow must be based on site-specific biological investigations conducted by the Permittee in consultation with FDG staff. No diversion shall occur under this permit until DFG and the Permittee have agreed on the minimum bypass flow, no water shall be diverted if the stream flow at the point of diversion is 2 cfs or less."

The site specific analysis of data as requested by the DFG, discussed herein, shows that diversions from Bear Creek will not impact Bloods Creek in any meaningful way. Bear Creek ceases to flow at the point of diversion after snow melt under unimpaired conditions. Under the impaired conditions of the proposed project Bear Creek will cease flow on average four days sooner. This is not a meaningful impact.

We believe that we have demonstrated there is no benefit to Bear Creek from a requirement for bypass or release and that we have satisfied the Department's protest. We respectfully request that your protest be withdrawn. Please contact me or Mr. Ryan Stolfus from my office if you have any questions.

Very truly yours,

WAGNER & BONSIGNORE
CONSULTING CIVIL ENGINEERS

Robert C. Wagner, P.E.

Encls. √
cc: Kathy Mrowka (via email & US Mail)
Lake Alpine Water Company, Board of Directors (via email)
Dan Gallery (via email)
Jesse Barton (via email)
Bill Verigin (via email)
Bruce Orvis, III (via email)

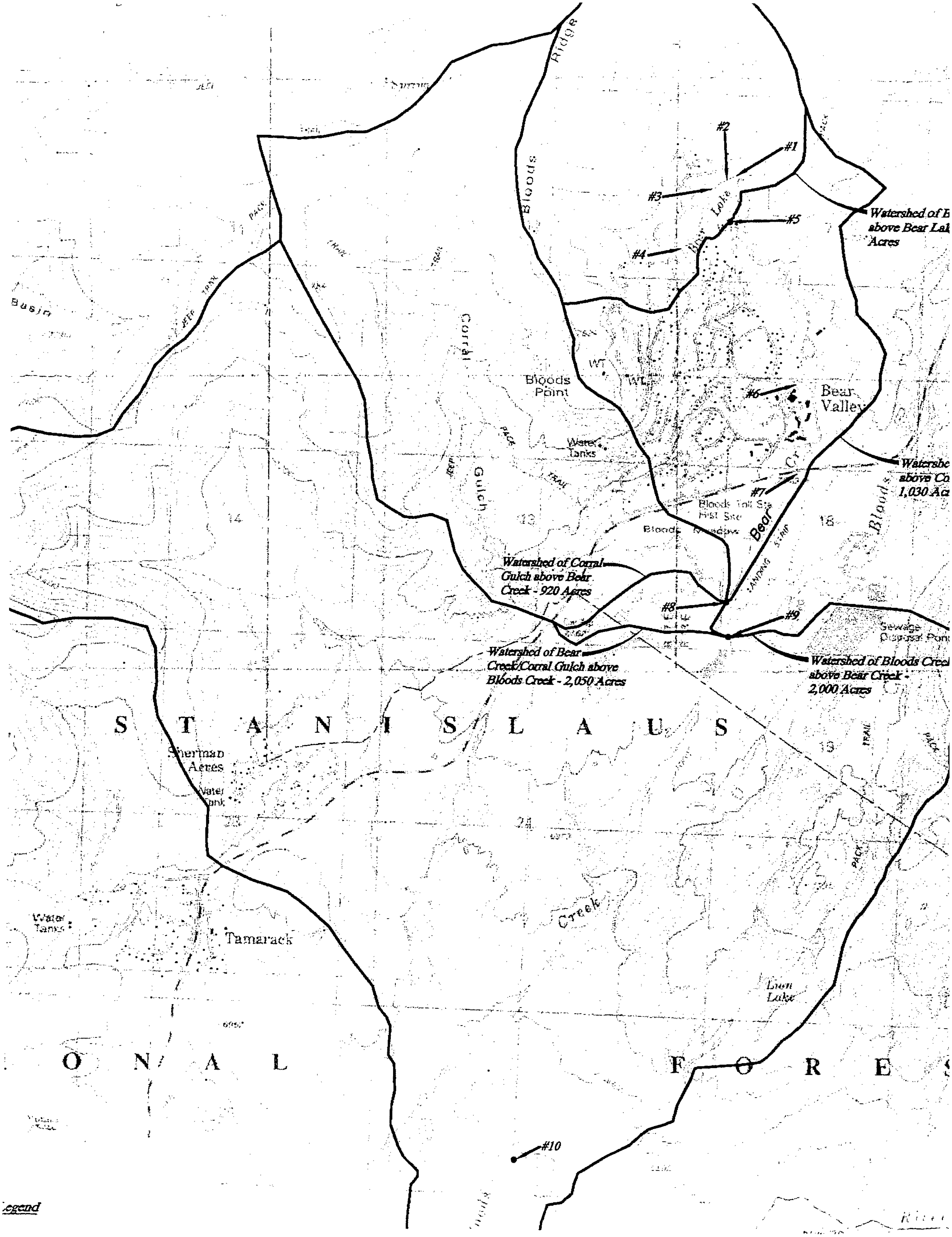

#1
#2
#3
#4
#5
#6
#7
#8
#9
#10
Bloods Ridge
Bear Lake
Watershed of E
above Bear Lak
Acres
Corral Gulch
Bloods Point
Bear Valley
Water Tanks
Bloods Toll Sta Hist Site
Bloods Meadow
Bear Cr
Watershe
above Co
1,030 Ac
Bloods
Watershed of Corral Gulch above Bear Creek - 920 Acres
Watershed of Bear Creek/Corral Gulch above Bloods Creek - 2,050 Acres
Sewage Disposal Pond
Watershed of Bloods Creek above Bear Creek - 2,000 Acres
S T A N I S L A U S
Sherman Acres
Water Tank
Tamarack
Water Tanks
Creek
Lion Lake
O N A L
F O R E S
Legend

FIGURE 1
Bear Creek Above Corral Gulch
Estimated Long Term Mean Daily Discharge

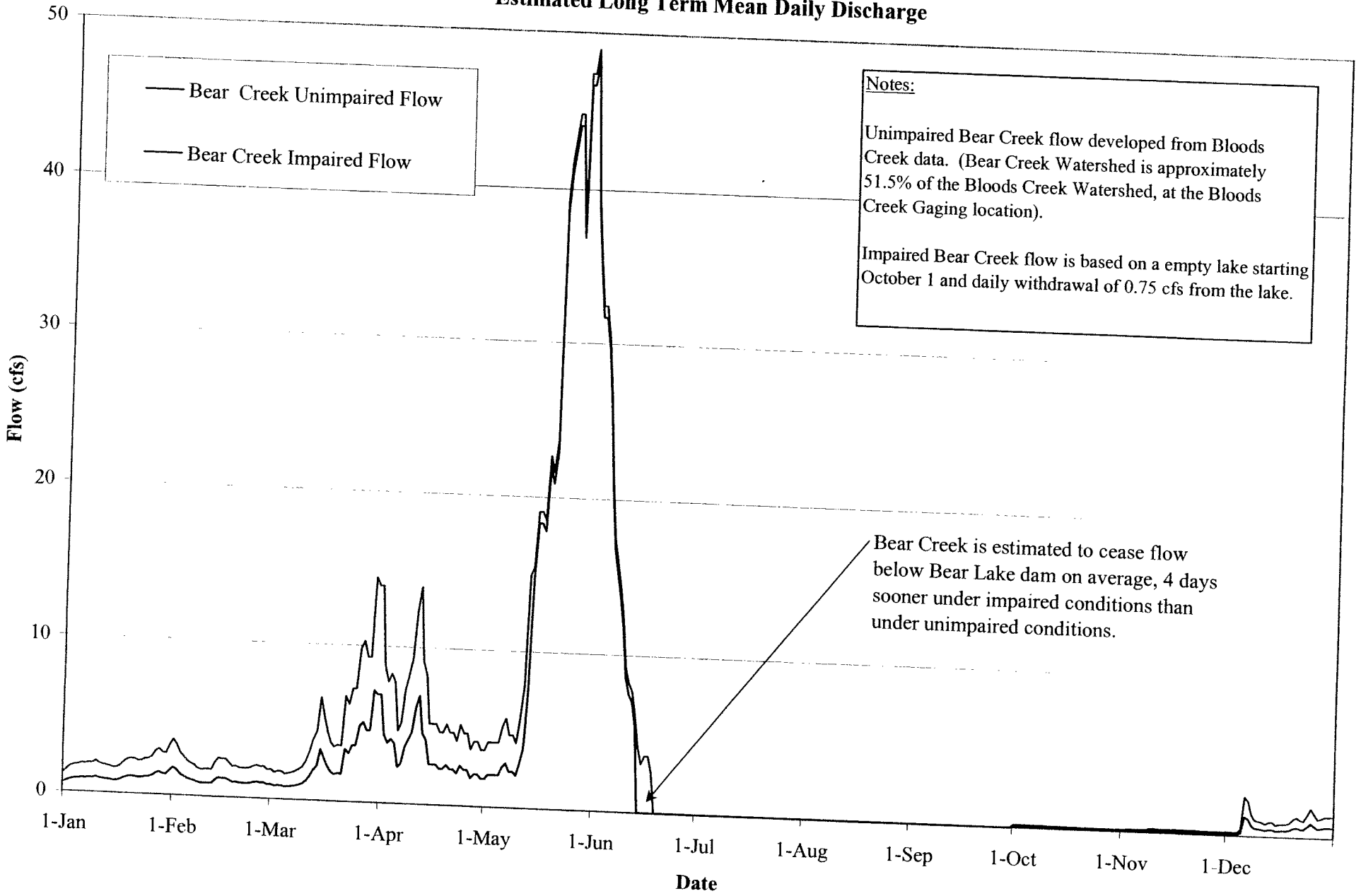
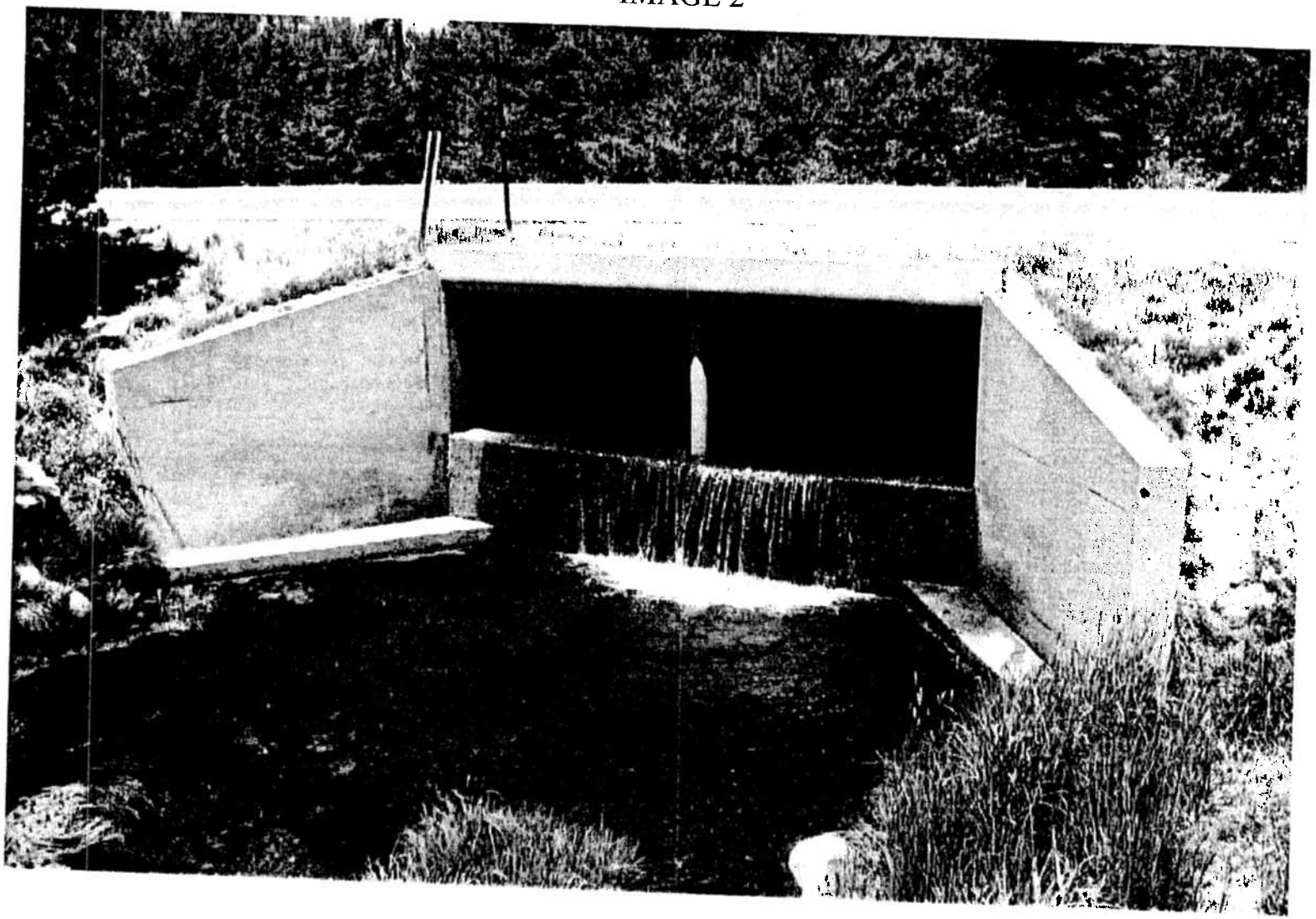


IMAGE 1

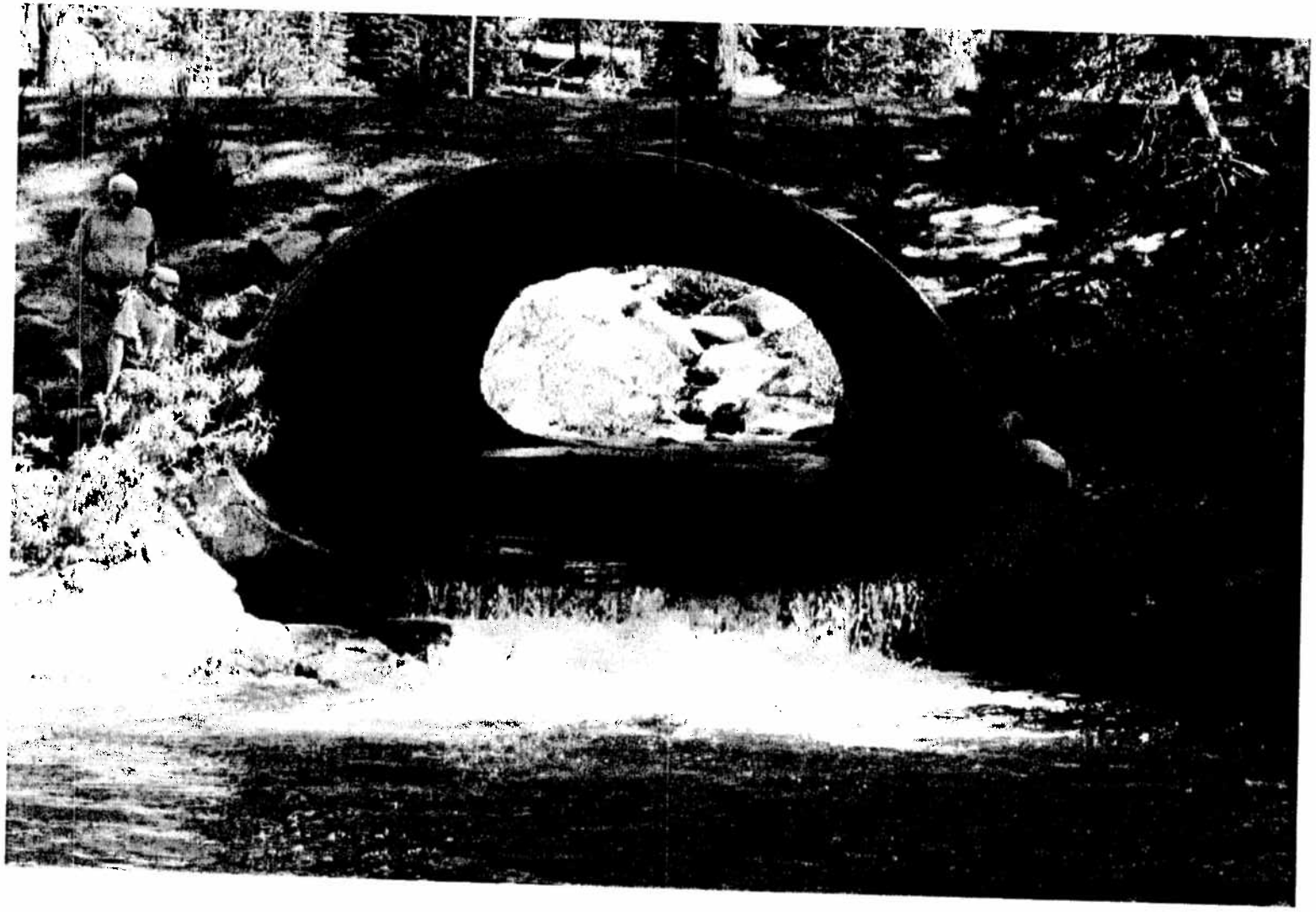
Bear Creek Culvert Under Road Near Store (Map Point #6)

IMAGE 2



Bear Creek Culvert Under Highway 4 (Map Point #7)

IMAGE 3



Bloods Creek Culvert Under Forest Route 7N01 (Map Point #10)

FIGURE 2
Bloods Creek Below Bear Creek
Estimated Long Term Mean Daily Discharge

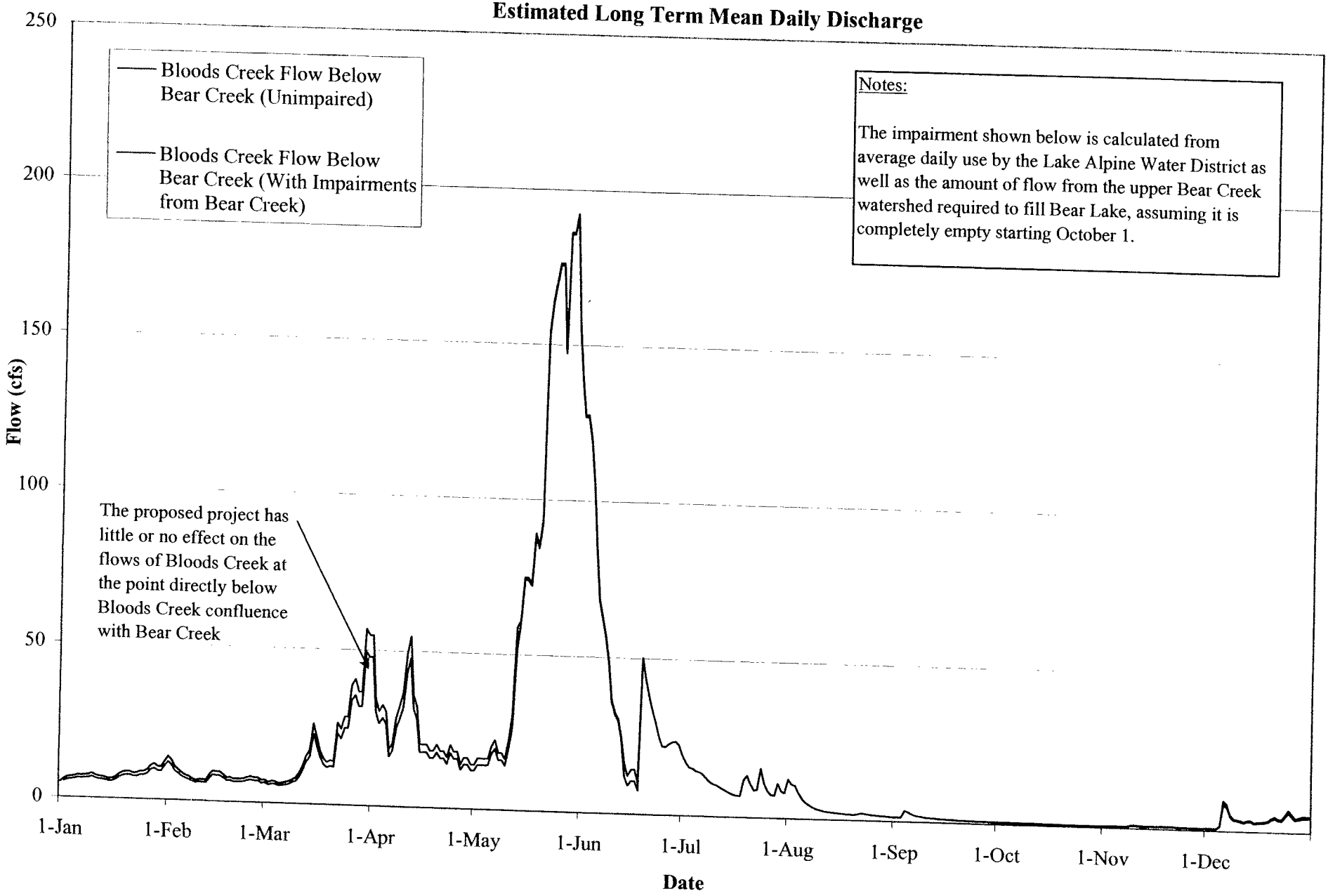


FIGURE 3
Merced River and Bloods Creek Discharge
Average Daily Flow for 2003

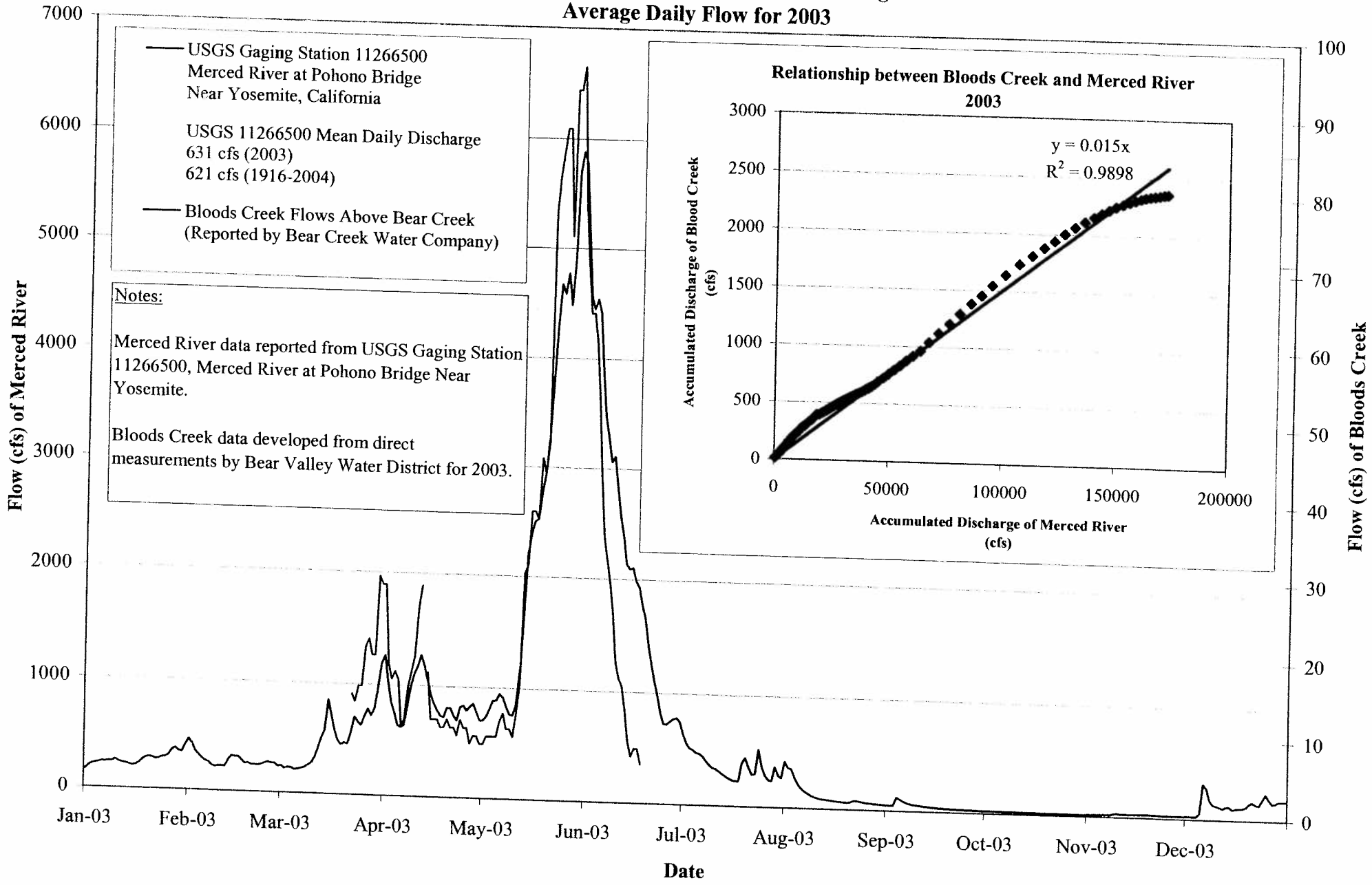


TABLE 1

Estimated Average Annual Discharge within Bloods Creek Watershed

Point	Discharge (af)
Bear Creek Above Bear Lake Dam	1,440
Bear Creek Above Corral Gulch	2,890
Corral Gulch above Bear Creek	2,579
Bloods Creek Below Bear Creek/Corral Gulch	13,045
Bloods Creek at North Fork Stanislaus	23,315

Water Rights Located Within the Bloods Creek Watershed as Shown on State Water Resources Control Board Spot Maps

Right	Owner	Source	Diversion Season	Use	Maximum Annual Use (af)
A13353	Sherman Acres Mutual Water Association	Unnamed tributary to Bloods Creek	6/1 to 9/1	4000 gallons/day	1.4
A20312	Lake Alpine Water Company	Bear Creek tributary to Bloods Creek	1/1 to 12/31	.075 cfs	54.3
A21485	Lake Alpine Water Company	Bear Creek tributary to Bloods Creek	10/1 to 6/1 1/1 to 12/31	Storage 240 af DD of .05 cfs	140.0
A22291	Bear Valley Homeowners Association	Unnamed tributary to Corral Gulch thence Bloods Creek	1/1 to 12/31		3.2
A29813	Bear Valley Homeowners Association	Unnamed tributary to Corral Gulch thence Bloods Creek	1/1 to 12/32	7000 gallons/day	8.0
A31523	Lake Alpine Water Company	Bear Creek tributary to Bloods Creek	10/1 to 7/1	Storage 220 af DD of .78 cfs	395.0
S13730	James L Orvis & Bruce Orvis	Unnamed tributary to Bloods Creek	1/1 to 12/31	.067 cfs	48.5
S14798	Scott C. Parker	Unnamed tributary to Bloods Creek	3/1 to 10/1	150 gallons/day	0.1
				Total	**650.5**

APPENDIX E

State of California

The Resources Agency

Memorandum

To: Ms. Vicky Whitney, Chief
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, CA 95812-2000

Fax (916) 341-5400
Attention Ms. Yoko Tooring

Date: August 19, 2005

From: Ms. Sandra Morey, Regional Manager
Department of Fish and Game
Sacramento Valley Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Subject: Dismissal of Protest of Water Application 5648X07 (Partial Assignment) and Application 31523 of Lake Alpine Water Company and the County of Alpine to Divert Water From Bear Creek, Tributary to Bloods Creek, thence the North Fork Stanislaus River in Alpine County.

On January 14, 2005, the Department of Fish and Game filed a protest with the State Water Resources Control Board pertaining to Lake Alpine Water Company's water rights appropriation. Subsequent to filing this protest, the Department of Fish and Game has conferred with representatives of Lake Alpine Water Company and their consulting engineers from Wagner & Bonsignore Engineers. The July 5, 2005 field meeting and the subsequent correspondence from Wagner & Bonsignore Engineers, dated August 10, 2005 addressed the concerns listed in the protest. The issues related to this protest have been resolved. The Department of Fish and Game hereby dismisses the protest filed with the State Water Resources Control Board on January 14, 2005.

If you have questions regarding this matter, please contact Mr. Gary Hobgood, Environmental Scientist, at (916) 983-6920 or Mr. Kent Smith, Habitat Conservation Planning Supervisor, at (916) 358-2382.

cc: Lake Alpine Water Company and
The County of Alpine
c/o Daniel F. Gallery
926 J Street, Suite 505
Sacramento, CA 95814

Robert Wagner
Wagner & Bonsignore Engineers
444 North Third Street, Suite 325
Sacramento, CA 95814-0228

Mr. Harllee Branch
Office of General Counsel
1416 Ninth Street
Sacramento, CA 95814

Mr. Kent Smith
Mr. Gary Hobgood
Mr. Stafford Lehr
Department of Fish and Game
Sacramento Valley-Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

APPENDIX F

north fork associates

November 22, 2005

Mr. John Kramer
Condor Earth Technologies, Inc.
21663 Brian Lane
Sonora, CA 95370

Subject: Bear Lake Water Diversion
Biological Assessment

Dear Mr. Kramer:

At your request, I made a site visit to the area of Bear Creek below Bear Lake on Friday, November 4, 2005. The purpose of the visit was to determine what, if any, impacts might occur to vegetation along Bear Creek by diverting additional water. Wyntress Balcher of your office provided me with copies of several documents pertaining to the Bear Valley Master Plan. Of particular interest was (1) a letter by Wagner & Bonsignore discussing a field visit for a protest resolution and (2) a map of the distribution of plant communities in the Bear Valley area from the Bear Valley Master Plan Draft EIR and Final EIR (October, 1978) that was prepared to discuss deer movement through the area. Prior to going to the field, I obtained a report from the California Diversity Data Base regarding special status species occurring in the region (Table 1). This letter describes my field survey and discusses the results of that survey and my understanding of the pertinent documents.

Setting

Bear Lake and Bear Creek are located in southwest Alpine County at an elevation of just over 7,000 feet (Figure 1). Montane coniferous forest is the primary vegetation cover in the area north of Highway 4. Red fir (*Abies magnifica*) is the most common tree, but white fir (*Abies concolor*), lodgepole pine (*Pinus contorta* subsp. *murryana*), and Jeffrey pines (*Pinus jeffreyi*) are also present. The forest is more-or-less open, but pinemat manzanita (*Arctostaphylos nevadensis*), mountain whitethorn (*Ceanothus cuneatus*), and Sierra gooseberry (*Ribes roezlii*) are present as scattered shrubs. Montane coniferous forest trees and shrubs grow immediately along the banks of the channel.

In open portions of the forest, mule's-ears (*Wyethia mollis*) form open dry meadows. However, patches of corn-lily (*Veratrum californicum*) are sometimes present as well. This species, and other species growing with it, are wetland indicators and suggest that

110 Maple Street, Suite 100, Auburn, CA 95603 • (530) 887-8500 • fax (530) 887-1250

there is long-term shallow groundwater in the area around them. Some of these were shown in part as "meadows" on the deer movement map, and they occur at various locations on both sides of the creek.

The main portion of Bloods Meadow is located south of Highway 4. This area is a mosaic of montane wet meadow and montane dry meadow. Corn-lily, sedges (*Carex* spp.), rushes (*Juncus* spp.), and a variety of grasses are the dominant vegetation. Snowmelt and groundwater hydrology probably determine whether wetland or upland vegetation is present.

The deer movement map shows a "riparian" corridor along the creek. This is something of a misconception. Although willows (*Salix* sp.) and mountain alders (*Alnus incana* subsp. *tenuifolia*) are present, they do not form a solid or continuous canopy along the creek. Rather, they form discontinuous clumps of vegetation along the banks of the creek. Most individuals are rooted on or above the bank rather than in the channel bottom. This, too, suggests that they may be surviving on some amount of groundwater discharge near them. The most extensive area of riparian cover that I saw occurs between Creekside Drive and State Route 4. Here there is a modest cover of willows in the broad floodplain.

Included with this letter is a brief plant list of species occurring along the corridor. The list includes only dominant trees and shrubs and a few herbaceous species that were either important wetland indicators or that were easily identifiable.

Hydrology

The August 10, 2005 letter to Gary Hobgood from Robert Wagner indicates that Bear Creek at the spillway is typically dry by early-June. This summer (2005) it did not dry up until sometime after early-July because of the high winter snowfall. On the day of my site visit, there were very small flows at some locations in the creek, but other portions of the creek had no standing or flowing water. Recent rain and a small amount of melting snow probably contributed to the small flow. The lack of flow in other portions of the channel is probably due to greater depth to bedrock in those areas.

As already mentioned, wet meadows along the edge of the stream may contribute small amounts of groundwater through the mid-summer. I believe that you mentioned to me that portions of the creek flow and others do not during the early summer, again suggesting that there may be some subsurface flow that contributes to the hydrology of the system.

Conclusions

The August 10, 2005 letter discussing the hydrology of Bear Creek states that the data collected so far suggests that Bear Creek at the diversion will dry up four days earlier than it now does, and concludes that this is not a meaningful impact. I concur with this conclusion. Most of the vegetation along the channel north of Highway 4 is upland forest rather than riparian. These species are adapted to long summer dry periods and should not be affected by four-day shortfall in the creek. Likewise, the creek appears to support the amount of riparian vegetation that can live on relatively shallow

groundwater during the summer, and the shorter flow duration of four days is unlikely to have an adverse impact on this vegetation.

Vegetation in Bloods Meadow south of Highway 4 is more likely the result of snowmelt and groundwater. It is highly unlikely that small changes in diversion would affect this area. Bloods Meadow existed long before water in Bear Creek was contained by the dam.

We were also asked to assess the potential for impacts to special status plants from the diversion. Table 1 shows four species taken either from the CNDDB or one of the environmental documents for the Bear Valley Master Plan. None of these species occurs in habitats immediately adjacent to the creek, and none will be affected by the additional diversion.

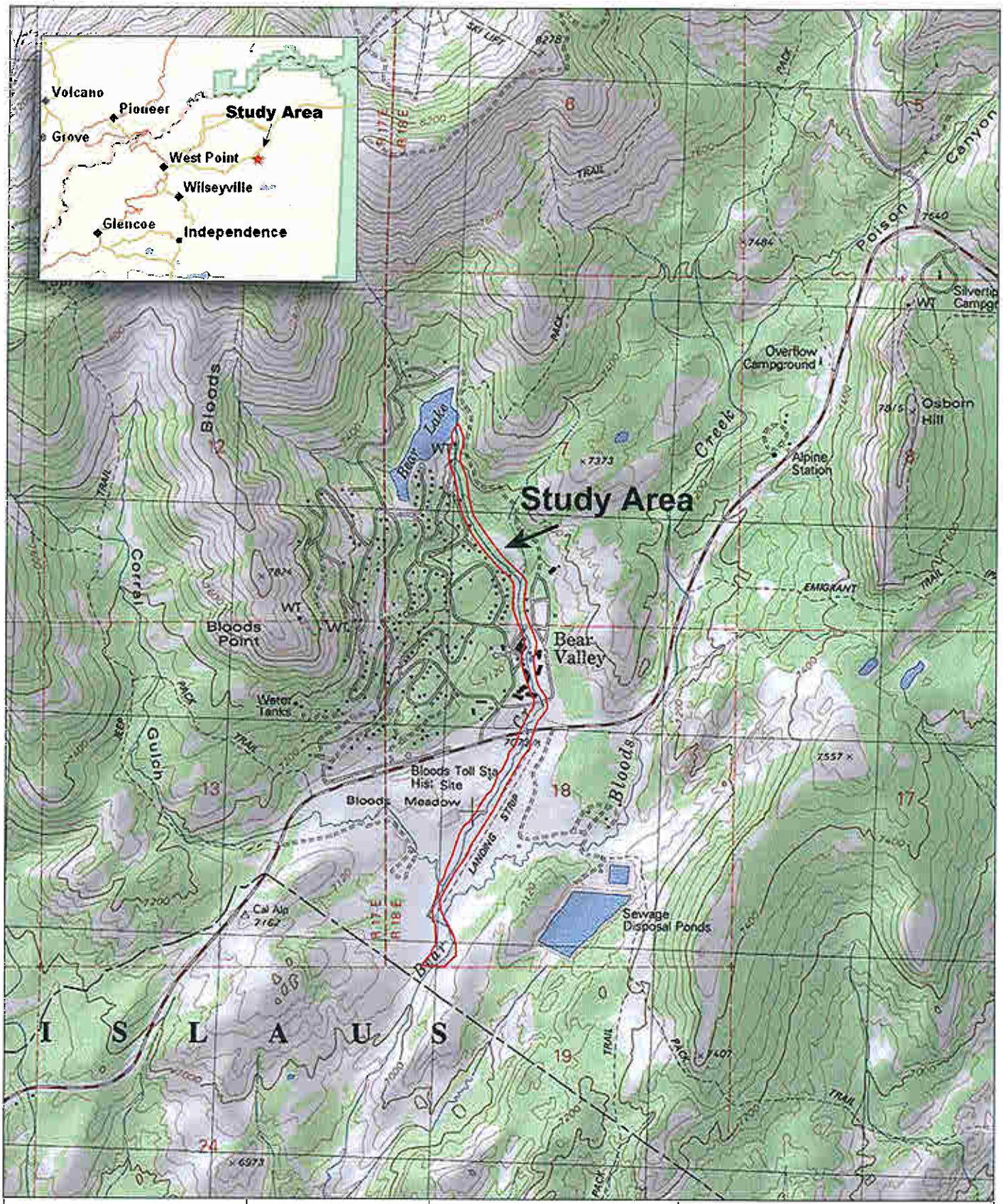
It is my best professional judgment that the proposed diversion would not adversely affect upland forest, riparian vegetation, or special status plants. If you have questions, please feel free to call me at (530) 887-8500.

Sincerely,

Barry Anderson

Barry Anderson
Senior Biologist

enclosures: Figure 1, site and vicinity map
Table 1, special status plants
Plant list



north fork associates

N

0 1000 2000

Approximate scale in feet

NOTES:
Base map: Tamarack, CA, USGS
7.5 minute topographic quadrangle

Figure 1

STUDY CORRIDOR
Bear Lakes Water Diversion
Alpine County, California

Table 1

Potentially Occurring Special Status Species

Family Taxon Common Name	Status*	Flowering Period	Habitat	Probability on Project Site
Apiaceae				
Lomatium stebbinsii Stebbins' lomatium	Fed: SSC State: - CNPS: List 1B	March-April	Chaparral; lower montane coniferous forest; [gravelly, volcanic clay].	None. No potential habitat is present in the study corridor along the creek.
Caryophyllaceae				
Silene invisa Short-petaled campion	Fed: - State: - CNPS: List 4	July-August	Subalpine coniferous forest; upper montane coniferous forest; [granitic].	None. No potential habitat is present in the study corridor along the creek.
Liliaceae				
Allium tribracteatum Three-bracted onion	Fed: SSC State: - CNPS: List 1B	April-July	Chaparral; lower montane coniferous forest; upper montane coniferous forest [volcanic].	None. No potential habitat is present in the study corridor along the creek.
Calochortus clavatus avius Pleasant Valley mariposa lily	Fed: SSC State: - CNPS: List 1B	May-July	Lower montane coniferous forest, (Josephine silt loam and volcanic).	None. No potential habitat is present in the study corridor along the creek.

***Status**

Federal:
FE - Federal Endangered
FT - Federal Threatened
FPE - Federal Proposed Endangered
FPT - Federal Proposed Threatened
FC - Federal Candidate
SSC - Sacramento Species of Concern
SLC- Sacramento Species of Local Concern

State:
CE - California Endangered
CT - California Threatened
CR - California Rare
CC - California Candidate
CSC - California Species of Special Concern

CNPS (California Native Plant Society):
List 1A - Extinct
List 1B - Plants rare, threatened, or endangered in California and elsewhere
List 2 - Plants rare, threatened, or endangered in California, more common elsewhere
List 3 - Plants about which more information is needed, a review list
List 4 - Plants of limited distribution, a watch list

Plants Occurring in the Bear Lake Study Area

November 2005

Gymnosperms

Pinaceae

Abies concolor	White fir
Abies magnifica magnifica	Red fir
Pinus contorta bolanderi	Bolander' beach pine
Pinus jeffreyi	Jeffrey pine

Angiosperms - Dicots

Asteraceae

Achillea millefolium	Yarrow

Betulaceae

Alnus incana tenuifolia	Mountain alder

Ericaceae

Arctostaphylos nevadensis	Pinemat manzanita

Grossulariaceae

Ribes roezlii roezlii	Sierra gooseberry

Rhamnaceae

Ceanothus cordulatus	Mountain whitethorn

Salicaceae

Populus tremuloides	Quaking aspen
Salix sp.	Willow

Angiosperms -Monocots

Liliaceae

Veratrum californicum californicum	Corn lily

Poaceae

Agrostis sp.	Bent grass
Elymus glaucus	Blue wildrye

* Indicates a non-native species

APPENDIX G

E N T R I X

Since 1984 - Environmental Excellence

ENTRIX, Inc.
7919 Folsom Boulevard
Suite 100
Sacramento, CA 95826
(916) 923-1097
(916) 923-6251 Fax

Ms. Patsy Gonzalez
Condor Earth Technologies, Inc.
20663 Brian Lane
Sonora, CA 95370

Re: Lake Alpine Water Company Water Right Application Nos. 5648-7 and 31523 - Bear Lake

Per your request, ENTRIX, Inc. has reviewed the subject water rights application regarding fishery resource issues. Entrix has determined that fishery resources exist within the project area, that the project has the potential to effect these resources, and that the level of effect should be documented in the project's Initial Study.

Entrix' conclusion that fishery issues need to be addressed in the IS was based upon information obtained from the water application, California Department of Fish and Game (DFG) letters, Wagner and Bonsignore Engineers, and a review of the fishery resources in the project vicinity. Up to three species of trout seasonally occur within the project area. Popular trout fisheries occur downstream of the project in Bloods Creek and the NF Stanislaus River. The proposed diversions will seasonally reduce flow in these stream reaches and could potentially effect the trout populations. The proposed changes in water diversion and storage could also effect fishery resources in Bear Lake.

Entrix believes that the degree of project impact to fishery resources would be negligible. The results of the field survey reported by Wagner and Bonsignore Engineers, and the subsequent protest dismissal by DFG support this belief. At minimum, these findings need to be presented in the IS to describe potential impacts.

Entrix appreciates the opportunity to review and comment on this project. If you have any questions, please contact me at 916-386-3816 or wsnider@entrix.com.

Sincerely,

William M. Snider
Senior Fishery Consultant

cc: John H. Kramer, Condor Earth Technologies, Inc.

APPENDIX H

CENTRAL CALIFORNIA INFORMATION CENTER
California Historical Resources Information System
Department of Anthropology - California State University, Stanislaus
801 W. Monte Vista Avenue, Turlock, California 95382
(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: December 8, 2005

Wyntress C. Balcher, Senior Planner
Condor Earth Technologies, Inc.
21663 Brian Lane
P.O. Box 3905
Sonora, CA 95370

CCIC File #: 6019K
Project: Bear Lake Water Rights #CET-4800

Dear Ms. Balcher,

We have conducted a records search as per your request for the above-referenced project area located on the Tamarack USGS 7.5-minute quadrangle map in Alpine County.

Search of our files includes review of our maps for the specific project area, and review of the National Register of Historic Places, the California Register of Historical Resources, *the California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the *California Points of Historical Interest* listing (May 1992 and updates), the Historic Property Data File and Archaeological Determinations of Eligibility (Office of Historic Preservation current computer lists, both dated 8/08/2005), the CALTRANS State and Local Bridge Survey (1989 and updates), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

Please be advised that in accordance with the Procedural Manual issued by the Office of Historic Preservation, planning agencies or engineering firms such as your office are not allowed to receive exact locational information pertaining to archaeological resources--this information can only be released to a qualified professional historical resources consultant. In the event that a qualified professional is retained by your office at a future date to investigate the proposed project area, this individual may obtain the necessary locational data and pertinent documentation from our office based on the regular copying fee schedule.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

Summary of cultural resources reported to the CCIC within the search area;

Primary #	**Trinomial**	**Resource attributes**
P-05-	**CA-CAL-**	
000015	---	Isolated flake

P-05-	CA-CAL-	
000016	---	Isolated flake
000017	---	Isolated flake
000018	---	3 isolated flakes
000026	000287/H	3 lithic scatter areas, 3 bedrock milling features, several possible historic tree blazes, and a wagon or oxcart wheel.
000181	000100	Bedrock milling station, lithic scatter
000182	000101	2 or 3 prehistoric campsites, bedrock milling station, lithic scatter
000219	000138	Bedrock milling station, lithic scatter
000220	000139	Lithic scatter; possibly destroyed by housing development
000221	000140	Lithic scatter, with possible buried cultural deposit; possibly destroyed by housing development
000222	000141	Village: midden, bedrock milling feature, lithic scatter
000223	000142	Lithic scatter, possibly rock shelter; possibly destroyed by housing development.
000224	000143	Lithic scatter; possibly destroyed by housing development.
000225	000144	Lithic scatter.
000226	000145H	2 cement foundations, log fenceline, wood piles
000364	00288H	3 recorded segments of the Carson Valley to Murphys Emigrant Trail also known as the Big-Trees-Carson Valley Turnpike; includes tree blazes and wheel ruts.
000391	000316	Bedrock milling station and pestle
000392	000317	Lithic scatter
000393	000318	Lithic scatter
000394	000319	Lithic scatter
000396	000322	Bedrock milling station and lithic scatter
000401	000328	Bedrock milling station, handstone tools, subsurface tool deposit and lithic scatter (this site is listed on the attached p. 3 of the A.D.O.E.--formally determined eligible for the NRHP and California Register).
000603	---	Lithic scatter
000604	---	Bedrock milling station

Other cultural resources; no details or records available at the CCIC; please contact the U.S. Forest Service: Sites: #52-300, 52-526, 52-527, and 52-528

Also, there is one other potential site location on our base maps for which we have no site number or details; that area would have to be field-checked.

There may also be unrecorded archaeological features associated with the Bloods Toll Station historic site.

Other cultural resource data (historic): Also associated with State Route 4 is State Historical Landmark #318 (Primary file #P-05-000478)--Ebbetts Pass Route (Emigrant Trail through Ebbetts Pass). Attached: page 3 of the Historic Property Data File and page 9 from *California Historical Landmarks* (OHP 1996). This historic route is also listed under the theme Exploration/Settlement in *California Inventory of Historical Resources* (DPR 1976:13); no copy attached.

GLO Plat map references:

T7N/R18E Sheet #41-614 1878

Two roads or trails, and a house and field are shown.

T7N/R17E Sheet #41-613 1874-1878

"Big Tree and Carson Valley Road"; "Emigrant Road/Big Tree Road"; "Toll Gate"; "Blood's field"; "Blood's house".

Resources that are known to have value to local cultural groups:

None have been formally reported to the Information Center.

Previous investigations within the project:

The following studies have been reported to the CCIC:

CCIC # CA-	**Author/Date**
34	McGuire (1978) Archaeological Survey of Bear Valley, Alpine County (for a proposed housing project by Fred Barber)
168	Heipel (1990) Cultural Resources Inventory Report for the Pacific Bell Buried Cable Project
169	Heipel (1990) (Addendum Report to the above project)
216	Dougherty and Werner (1991) Archaeological Survey of Proposed Snow Making Line Routes within the Bear Valley Sports Area Expansion
1683	Dreyer and Wulzen (1991) Cultural Resources Survey of the Proposed Red Blood Insect Salvage Sale, CRMR #05-16-0446

CCIC # CA- **Author/Date**

1728 Peters (1987)
Draft--Cultural Resource Studies, North Fork Stanislaus River Hydroelectric Development Project, Vol. I: Ethnohistory, Part II: Upper Mtn. Locale, Alpine and Tuolumne Counties

1787 Asquith (1992)
Cultural Resource Survey of the Proposed Calaveras Water Project, CRMR #05-16-0783

1816 Asquith (1992)
Cultural Resource Study of the Proposed Soil Mapping Pits Project, CRMR #05-16-0796

1935 Deis (1993)
Cultural Resource Study of the Proposed Bear Valley Hayrides, CRMR #05-16-2018

1936 Deis (1993)
Cultural Resource Study of the Proposed Bear Valley Sewage Spray Expansion, CRMR #05-16-2019

2009 Punter (1993)
Cultural Resource Study of the Proposed Overflow Campground Water Drilling, CRMR #05-16-2023

2130 Punter (1992)
Cultural Resource Study of the Proposed Overflow Insect Salvage Sale, CRMR #05-16-494

2279 Anderson (1993)
Cultural Resource Study of the Proposed Red Blood Insect Salvage Timber Sale Add-On, CRMR #05-16-2026

2382 Abernathie (1994)
Cultural Resource Study of the Proposed Bear Valley to Lake Alpine Recreation Trail, CRMR #05-16-2035

2400 Abernathie (1994)
Cultural Resource Study of the Proposed 1993 Hazard Tree Removal Sales, CRMR #05-16-2053

2436 Abernathie (1994)
Cultural Resource Study of the Proposed Bear Boogie Motorcycle Trails and Snowmobile Routes, CRMR #05-16-2051

2867 Grimm (1978-1979)
USFS--Stanislaus National Forest: Archaeological Reconnaissance Report of the Mt. Reba Master Plan in 1978-1979

3043 Robertson et al. (1994)
Cultural Resource Testing of 2 Sites along the Proposed Bear Valley to Lake Alpine Recreation Trail: CA-ALP-104, CA-ALP-328; CRMR #05-16-2061

3510 Dean (1996)
Cultural Resource Study of the Proposed Alpine Water Company System, CRMR #05-16-2112

3925 Montgomery (1997)
SNF--Trails Repairs, 05-16-2129

3951 Montgomery (1999)
SNF--Alpine County Service Yard, 05-16-2135

3968 Davis-King (2000)
Pine Tree Village Condominium Project

4120 Wilcox (2000)
Archaeological Survey Report for Lake Alpine Water Company (Bear Valley)

4553 Peters (1988)
Final--Cultural Resource Studies, North Fork Stanislaus River, Hydroelectric Development Project, Vol. I: Ethnohistory: Clarks Flat and Upper Mountain Locale, Alpine and Calaveras Counties

4742 Francis (2002)
Cultural Resources Assessment, Bear Valley Tract 9--Bear Paw Ridge Units 2 & 3

5498 Leach-Palm et al. (2004)
Cultural Resources Inventory of Caltrans District 10 Rural Conventional Highways, Vol. I: Summary of Methods and Findings

5501 Rosenthal and Meyer (2004)
Vol. III: Geoarchaeological Study, Landscape Evolution and the Archaeological Record of Central California

5507 Leach-Palm et al. (2004)
Vol II A: Alpine County

5527 Stikkers (2004)
Confidential Archaeological Letter, Emergency Notice Fuel Hazard Reduction, Bear Valley, 4-04EM-18

5748 Stikkers (2005)
An Archaeological Survey Report for the Bear Valley THP

Recommendations/Comments:

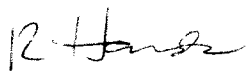
Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

Based on existing data in our files the project area has a high sensitivity for the possible discovery of historical resources, including both known and previously unrecorded prehistoric and historic archaeological sites, as well as standing historic buildings and structures over 50 years of age. Prior to any new development or construction or excavation within this search area, it is highly recommended that a qualified professional archaeologist be retained for field survey and site recordation, site evaluation, and consultation regarding mitigation of impact to cultural resources. This should be done on a project-by-project basis. It is also noted that many of the previously-recorded sites need to have locations field-checked and the sites need to be re-recorded to current standards. A copy of the *Referral List for Historical Resourced Consultants* is attached for your use.

We advise you that in accordance with State law, if any historical resources are discovered during project-related construction activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-653-4082) are to be notified immediately for recommended procedures.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,



Robin Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System

SITE-NUMBER.	PRIMARY-NUM	NRS	EVL-DATE	PROGRAM REF.....	EVAL	OTHER NAMES AND NUMBERS.....
ALP-000105	02-000186	2S1	11/28/78	078 0050072		4-ALP-105
ALP-000109	02-000190	2S1	01/02/86			T4
ALP-000129	02-000210	3S	11/27/74		SHPO	FS# 05-16-52-0049
ALP-000132	02-000213	3S	11/27/74		SHPO	FS# 05-16-52-0052
ALP-000149	02-000230	2S1	01/02/86			HC 1
ALP-000150	02-000231	2S1	01/02/86			HC 2
ALP-000152	02-000233	2S1	01/02/86			HC 4
ALP-000159/H	02-000240	2S2	01/02/86	FERC820729B		FS# 05-03-51-0199
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ALP-000161H	02-000242	6Y	01/02/86	FERC820729B		FS# 05-03-51-0201
ALP-000162	02-000243	6Y	01/14/86	FERC820729B		FS# 05-03-51-0202
ALP-000164	02-000245	6Y	01/14/86	FERC820729B		FS# 05-03-51-0211
ALP-000165/H	02-000246	6Y	01/14/86	FERC820729B		FS# 05-03-51-0212
ALP-000167	02-000248	2S	01/14/86	FERC820729B		FS# 05-03-51-0214
ALP-000172H	02-000253	2S	01/14/86	FERC820729B		FS# 05-03-51-0219
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ALP-000196H	02-000277	2S2	08/28/95	ADOE-02-95-001-000	CCPR	FS# 05-03-51-0001, F.S. #TY-156
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ALP-000328	02-000401	2S2	06/09/97	ADOE-02-97-0001-0	NDPR	
		2S2	06/09/97	USFS940908E	NDPR	
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ALP-000367/H	02-000057	6Y	07/16/96	USFS960607A	CCPR	
ALP-000382H	02-000072	2S2	12/28/93	ADOE-02-93-001-00	CCPR	
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ALP-000405H	02-000101	6Y	11/08/96	USFS961010C	CCPR	TY-4159
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ALP-Z00006	02-000489	6Y	11/17/97	ADOE-02-97-003-999 9	JWPR	ZACA MINING DISTRICT
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		2S2	06/28/01	USFS010515A	JWPR	

PROPERTY-NUMBER	PRIMARY-#	STREET.ADDRESS.....	NAMES.....	CITY.NAME.....	OWN	YR-C	OHP-PROG..	PRG-REFERENCE-NUMBER	STAT-DAT	NRS	CRIT
143877			LIAHONA CAMP RESTROOM/ REC BLDG	(VIC) MARKLEEVILL	P		HIST.RES.	DOE-02-03-0019-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
143895			LIAHONA CAMP GARBAGE BIN/ STORAGE	(VIC) MARKLEEVILL	P	1989	HIST.RES.	DOE-02-03-0032-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
143899			A FRAME #2 SLEEPING SHELTER LIAHON	(VIC) MARKLEEVILL	P		HIST.RES.	DOE-02-03-0036-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
143903			A FRAME #6 SLEEPING SHELTER LIAHON	(VIC) MARKLEEVILL	P		HIST.RES.	DOE-02-03-0040-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
143909			SLEEPING STRUCTURE 3 LIAHONA CAMP	(VIC) MARKLEEVILL	P		HIST.RES.	DOE-02-03-0043-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
143897			LIAHONA CAMP CHAPEL	(VIC) MARKLEEVILL	P	1990	HIST.RES.	DOE-02-03-0034-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
143911			LIAHONA CAMP SLEEPING STRUCTURE #5	(VIC) MARKLEEVILL	P		HIST.RES.	DOE-02-03-0045-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
143912			LIAHONA CAM SLEEPING STRUCTURE #6	(VIC) MARKLEEVILL	P		HIST.RES.	DOE-02-03-0046-0000	09/07/03	6Y	
							PROJ.REVW.	USFS030925B	09/07/03	6Y	
141427		BEAR RIVER RESERVOIR	LOWER BEAR RIVER DAM	(VIC) MARKLEEVILL	P	1951	HIST.RES.	DOE-02-03-0005-0000	05/07/03	6Y	
							PROJ.REVW.	FERC030124A	05/07/03	6Y	
137583		SR 4	ALPINE STATION BLDG 1	(VIC) MARKLEEVILL	F		HIST.RES.	DOE-02-03-0001-0000	01/08/03	6Y	
							PROJ.REVW.	USFS021018A	01/08/03	6Y	
092875	02-000479		FS# 05-16-52-294,LAKE ALPINE LODGE	STA NF		1943	HIST.RES.	DOE-02-94-0002-0000	11/16/94	6Y	
							PROJ.REVW.	USFS940908B	11/16/94	6Y	
090062	02-000478	SR 4	EBBETTS PASS ROUTE	STA NF	F		HIST.RES.	SHL-0318-0000	07/12/39	7L	
102565	02-000482		DANBERG CABIN	TOI NF		1929	PROJ.REVW.	USFS960607A	07/16/96	6Y	
093119	02-000480		SODA SPRING GUARD STATION COMPOUND	TOI NF	F	1940	HIST.RES.	DOE-02-94-0001-0000	12/07/94	2S2	AC
							PROJ.REVW.	USFS940906F	12/07/94	2S2	AC
093369	02-000481		CONNELL CABIN	TOI NF		1944	PROJ.REVW.	USFS940906G	12/07/94	2S2	A
089452	02-000486	SR 89	PONY EXPRESS REMOUNT STATION AT WO	WOODFORDS	S		HIST.RES.	SHL-0805-0000	06/28/65	1CS	
092129	02-000485	SR 88	OLD EMIGRANT RD	(VIC) WOODFORDS	S		HIST.RES.	SHL-0661-0000	11/05/58	7L	
090234	02-000484	SR 88	MEMORIAL TO PIONEER ODD FELLOWS	(VIC) WOODFORDS	F		HIST.RES.	SHL-0378-0000	01/03/44	7L	
090060	02-000483	SR 88	KIT CARSON MARKER	(VIC) WOODFORDS	F		HIST.RES.	SHL-0315-0000	07/12/39	7L	

APPENDIX I

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

JAN 3 0 2006

In Reply Refer
to: 334:KDM:5648X07

Brian Peters
Alpine County Planning Department
17300 State Route 89
Markleeville, CA 96120

Dear Mr. Peters:

NOTICE OF PREPARATION FOR BEAR LAKE WATER RIGHTS, WATER RIGHT APPLICATIONS 5648X07 AND 31523, ALPINE COUNTY

The Division of Water Rights (Division) received the Notice of Preparation for an Environmental Impact Report for the project identified above. In order for the environmental document to meet the State Water Resource Control Board's needs as a Responsible Agency, it should cover the following issues:

1. Complete description of the proposed diversion and use of water (including source of water, diversion amounts, description of diversion, storage and distribution facilities, and description of type and place of use).

2. Impacts of the diversion and use of water on downstream water users or instream beneficial uses (fish, wildlife, riparian vegetation, recreation, and aesthetics).

3. Impacts of the project on downstream water quality.

4. Impacts of project construction on aquatic and terrestrial biota (vegetation, invertebrates, fish, wildlife, rare and endangered species).

5. Impacts of project construction or operation on archeological/cultural resources near the diversion, storage or water distribution facilities, or in the place of water use.

6. Cumulative impacts of the project in relation to other existing or proposed projects in the area.

7. Mitigation measures to reduce identified impacts to a level of insignificance.

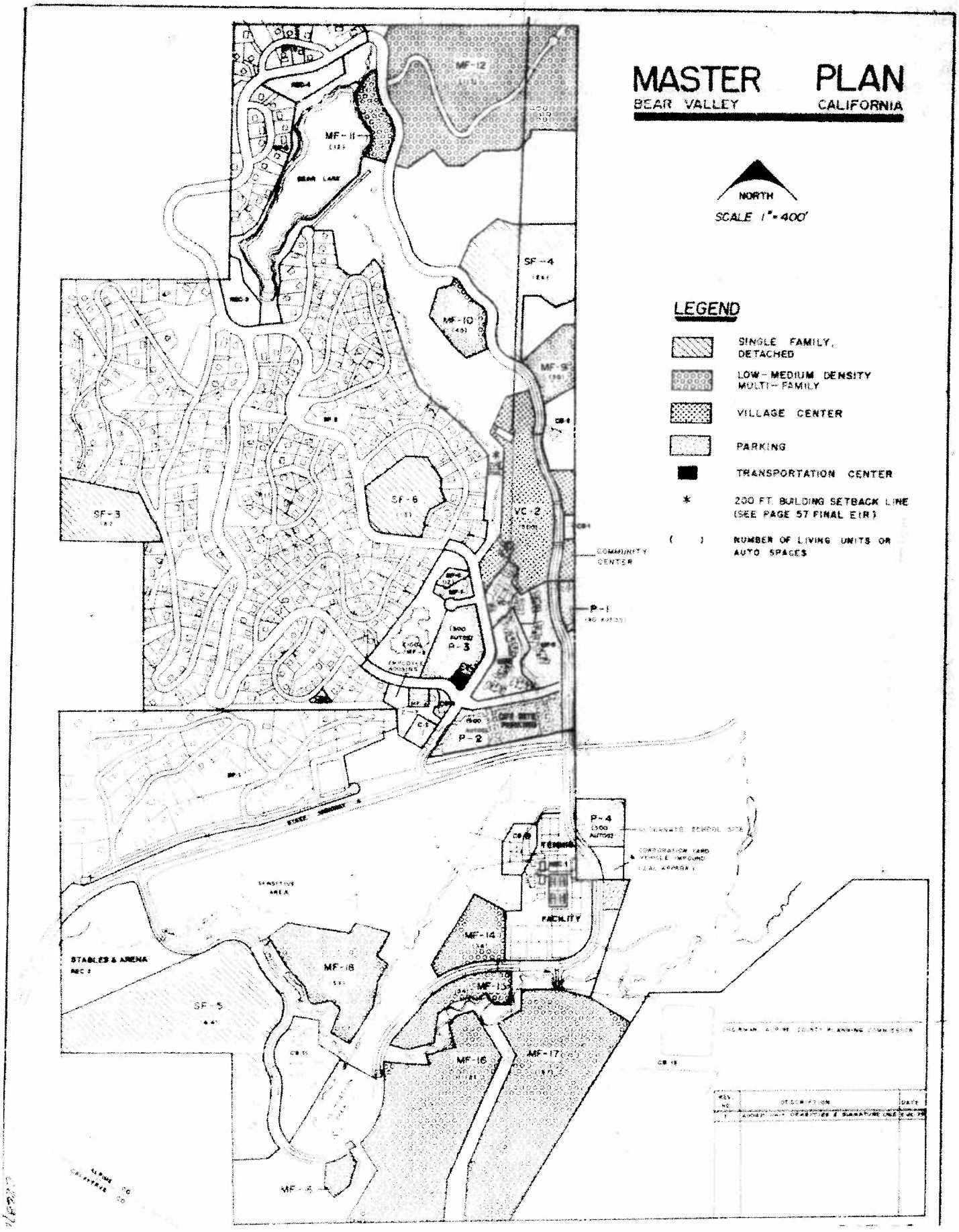
If you require further assistance, I can be contacted at (916) 341-5363.

Sincerely,

Katherine Mrowka

Katherine Mrowka, Chief
Watershed Unit 3

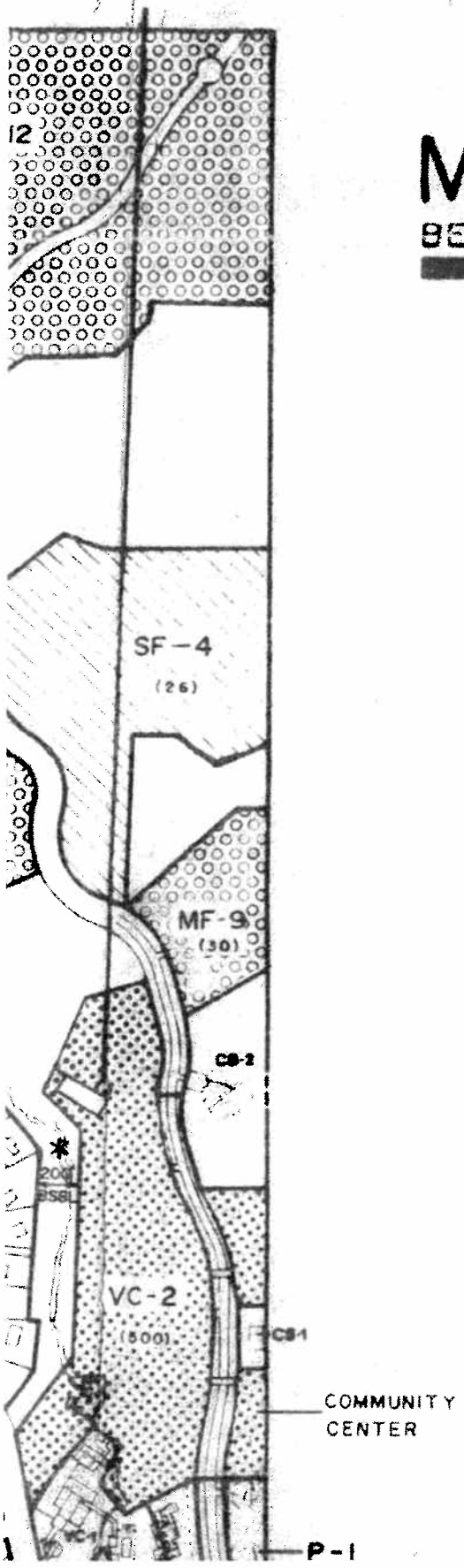
APPENDIX J


MASTER PLAN
BEAR VALLEY CALIFORNIA
NORTH
SCALE 1"=400'
LEGEND
SINGLE FAMILY, DETACHED
LOW-MEDIUM DENSITY MULTI-FAMILY
VILLAGE CENTER
PARKING
TRANSPORTATION CENTER
* 200 FT. BUILDING SETBACK LINE (SEE PAGE 57 FINAL EIR)
( ) NUMBER OF LIVING UNITS OR AUTO SPACES
MF-12
MF-11
SF-4
MF-10
SF-6
SF-3
VC-2
COMMUNITY CENTER
P-1
P-3
P-2
P-4
FACILITY
MF-14
MF-15
MF-16
MF-17
MF-18
SF-5
MF-8
STABLES & ARENA
SENSITIVE AREA
STATE HIGHWAY 4
DESCRIPTION
DATE

Master Plan Top Right

MASTER PLAN

BEAR VALLEY CALIFORNIA



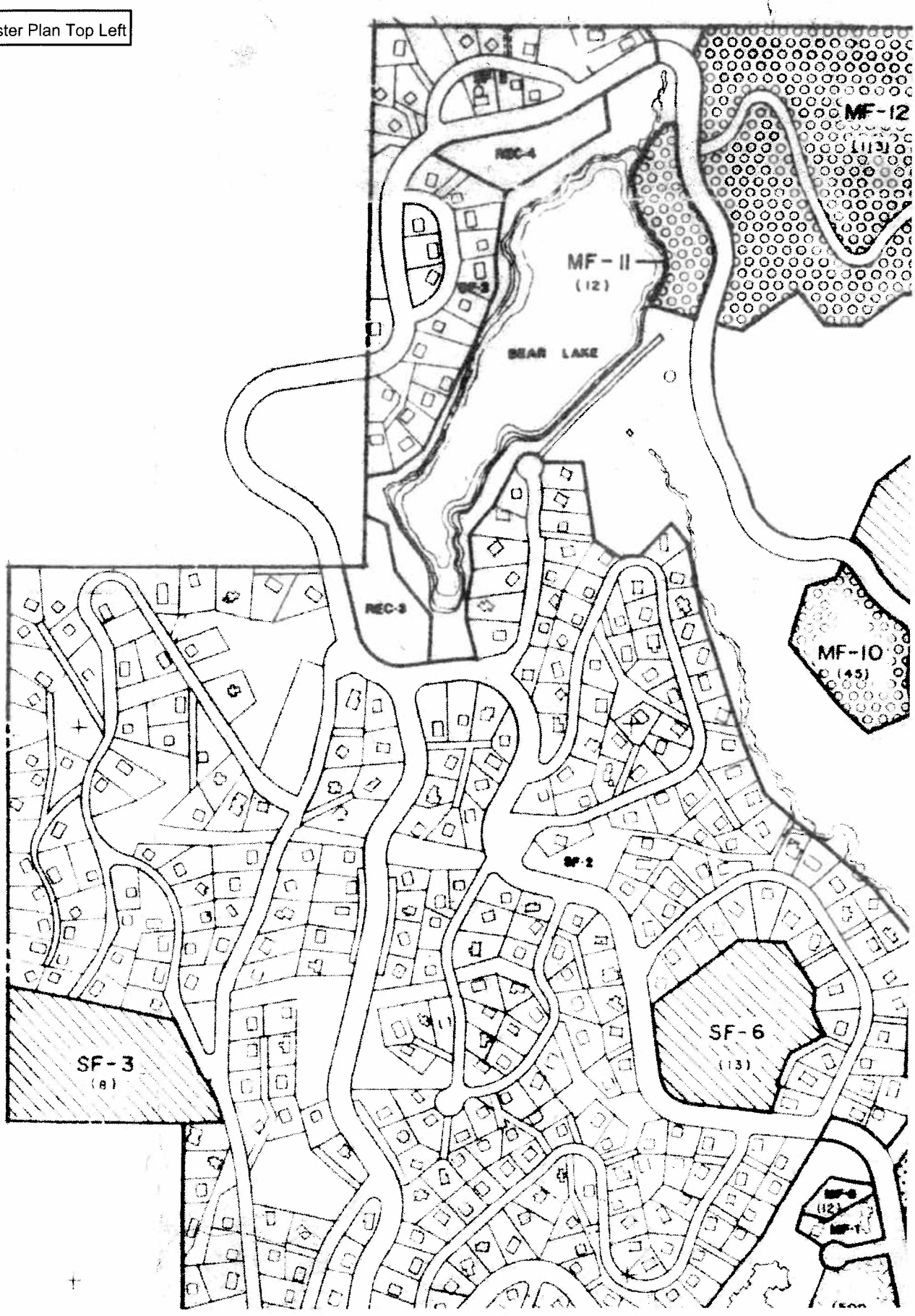
NORTH

SCALE 1"=400'

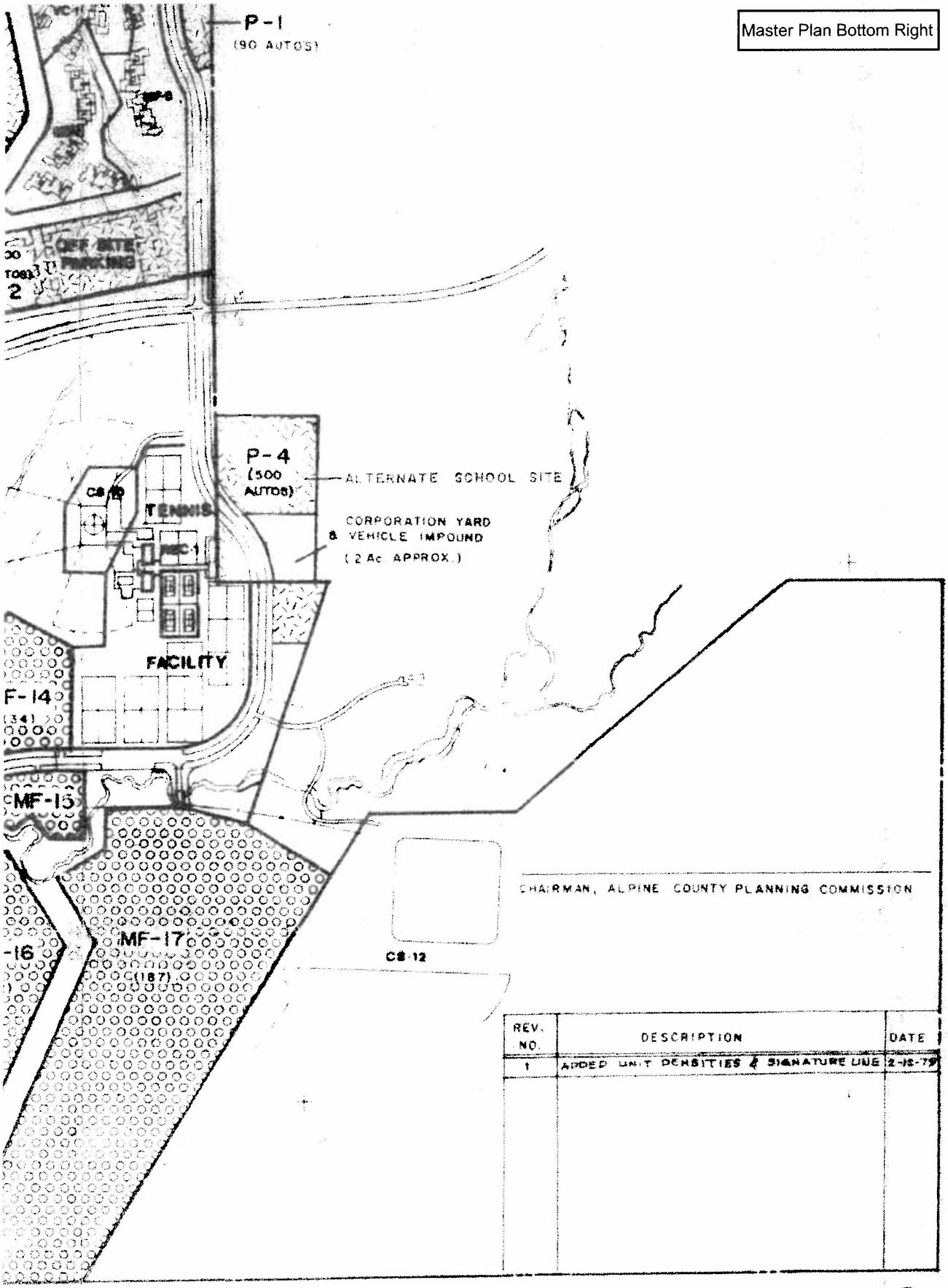
LEGEND

- SINGLE FAMILY, DETACHED
- LOW-MEDIUM DENSITY MULTI-FAMILY
- VILLAGE CENTER
- PARKING
- TRANSPORTATION CENTER
- * 200 FT. BUILDING SETBACK LINE (SEE PAGE 57 FINAL EIR)
- ( ) NUMBER OF LIVING UNITS OR AUTO SPACES

Master Plan Top Left



Master Plan Bottom Right

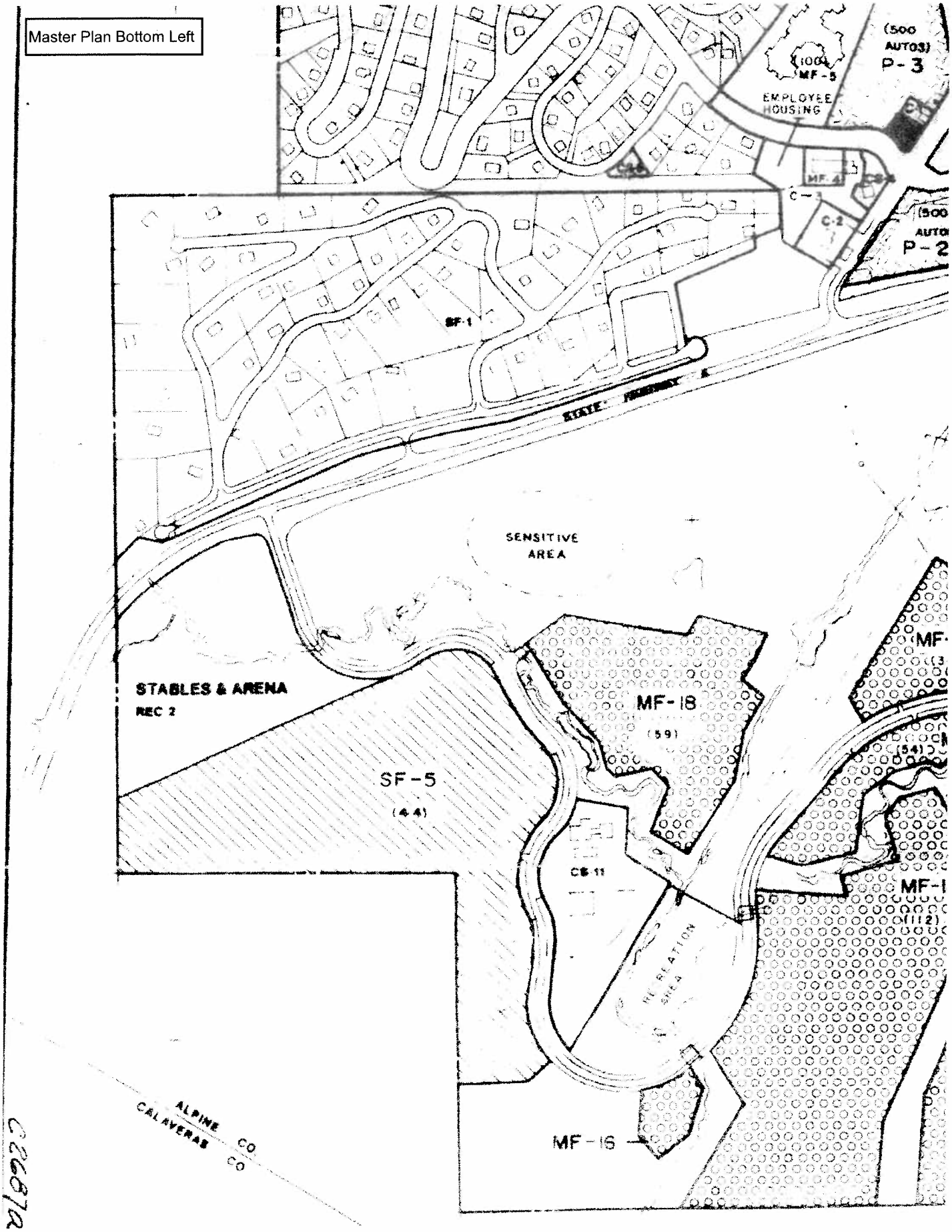


REV. NO.	DESCRIPTION	DATE
1	ADDED UNIT DENSITIES & SIGNATURE LINE	2-12-79

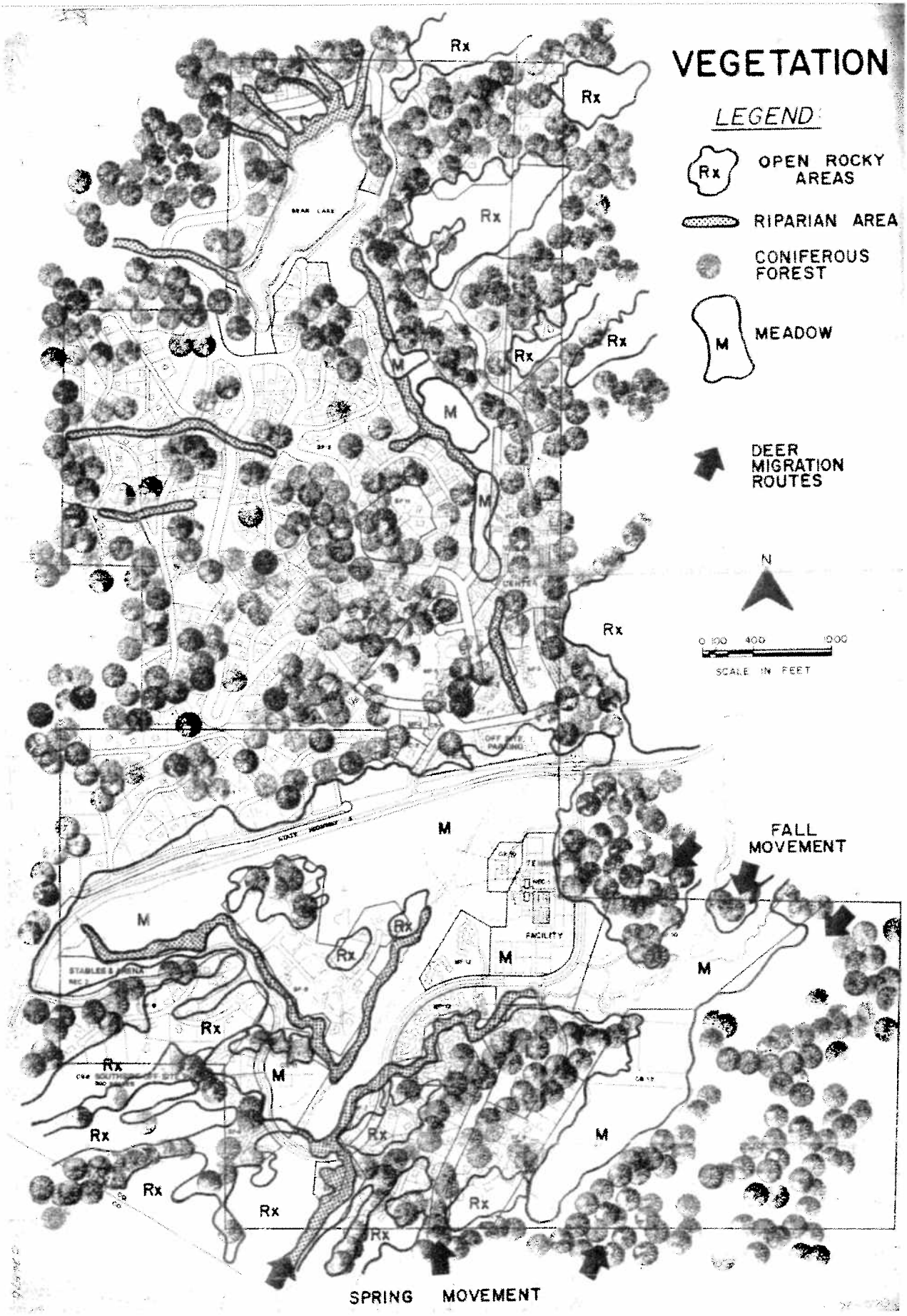
OCT. 78

REV. 12-14-78

Master Plan Bottom Left

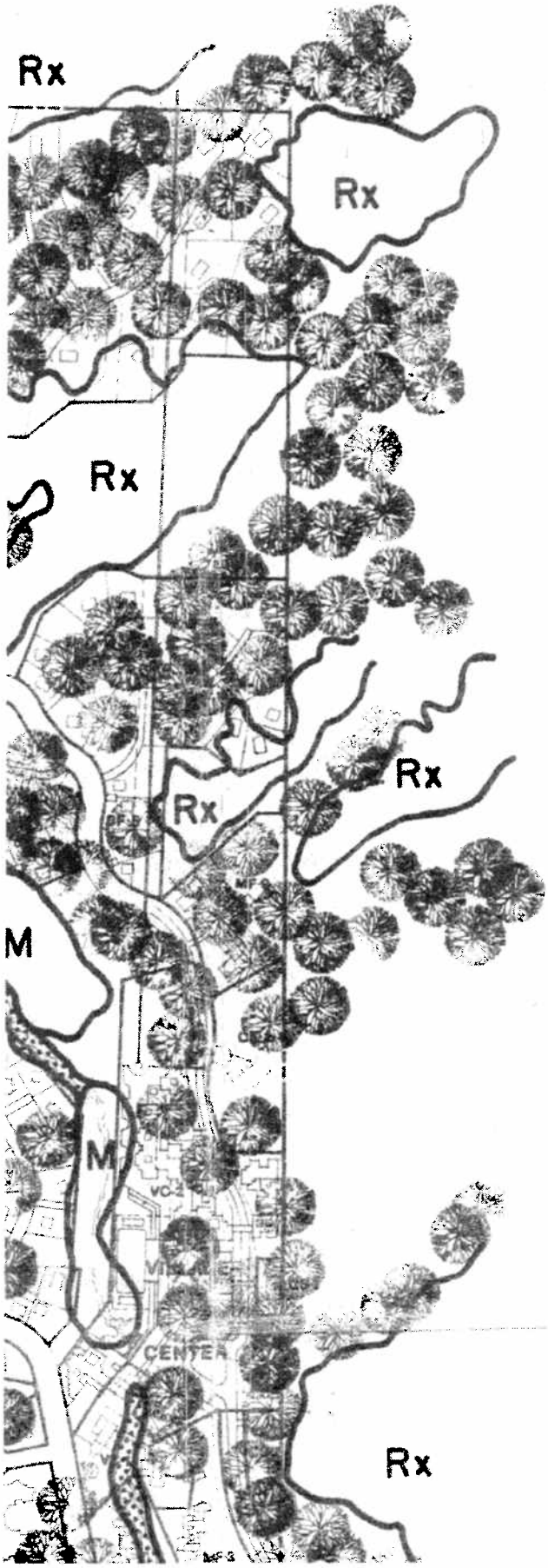


C26918


VEGETATION
LEGEND
Rx
OPEN ROCKY AREAS
RIPARIAN AREA
CONIFEROUS FOREST
M
MEADOW
DEER MIGRATION ROUTES
N
0 100 400 1000
SCALE IN FEET
FALL MOVEMENT
SPRING MOVEMENT

Veg Top Right

VEGETATION



LEGEND:

Rx — OPEN ROCKY AREAS

RIPARIAN AREA

CONIFEROUS FOREST

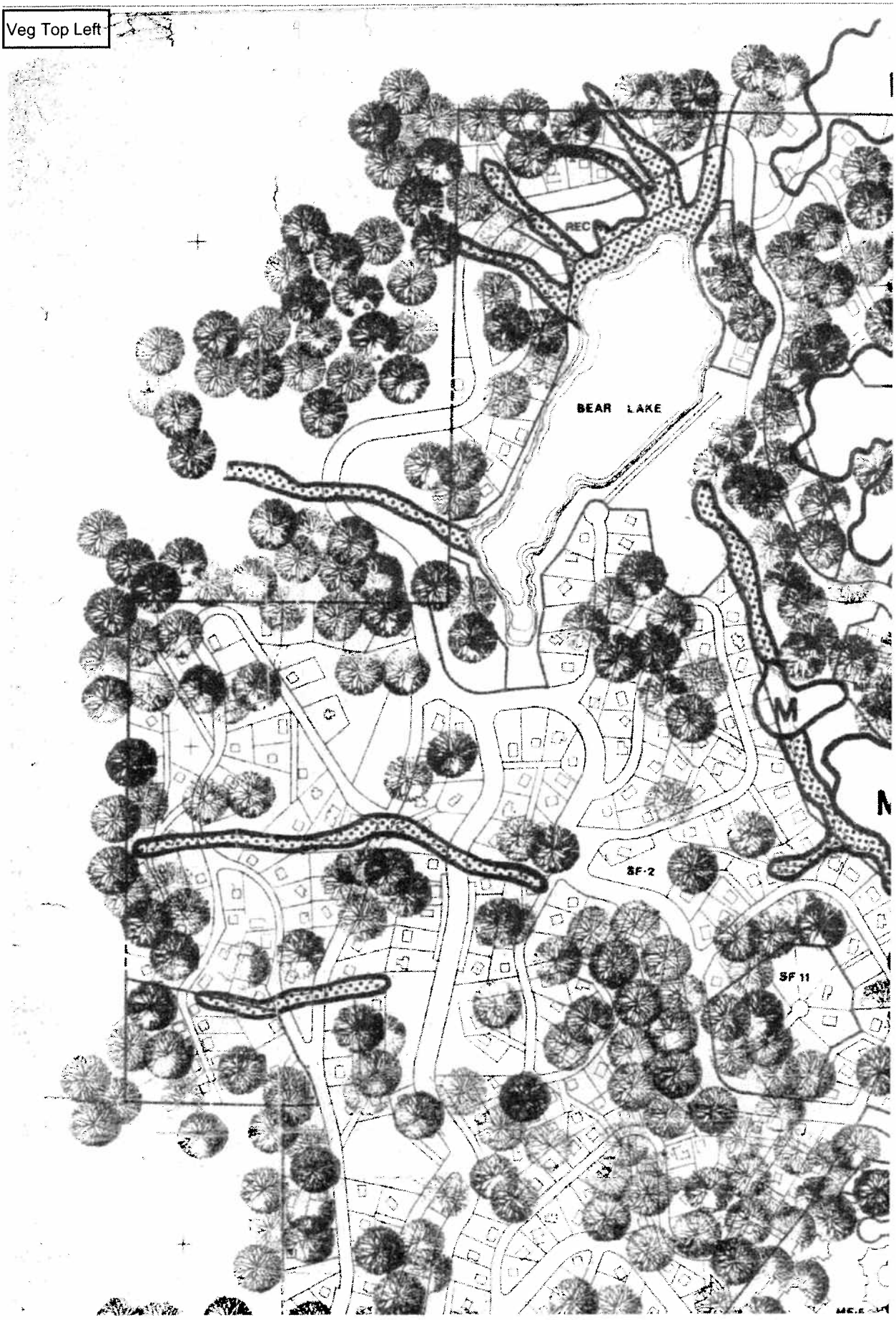
M — MEADOW

DEER MIGRATION ROUTES

N

0 100 400 1000

SCALE IN FEET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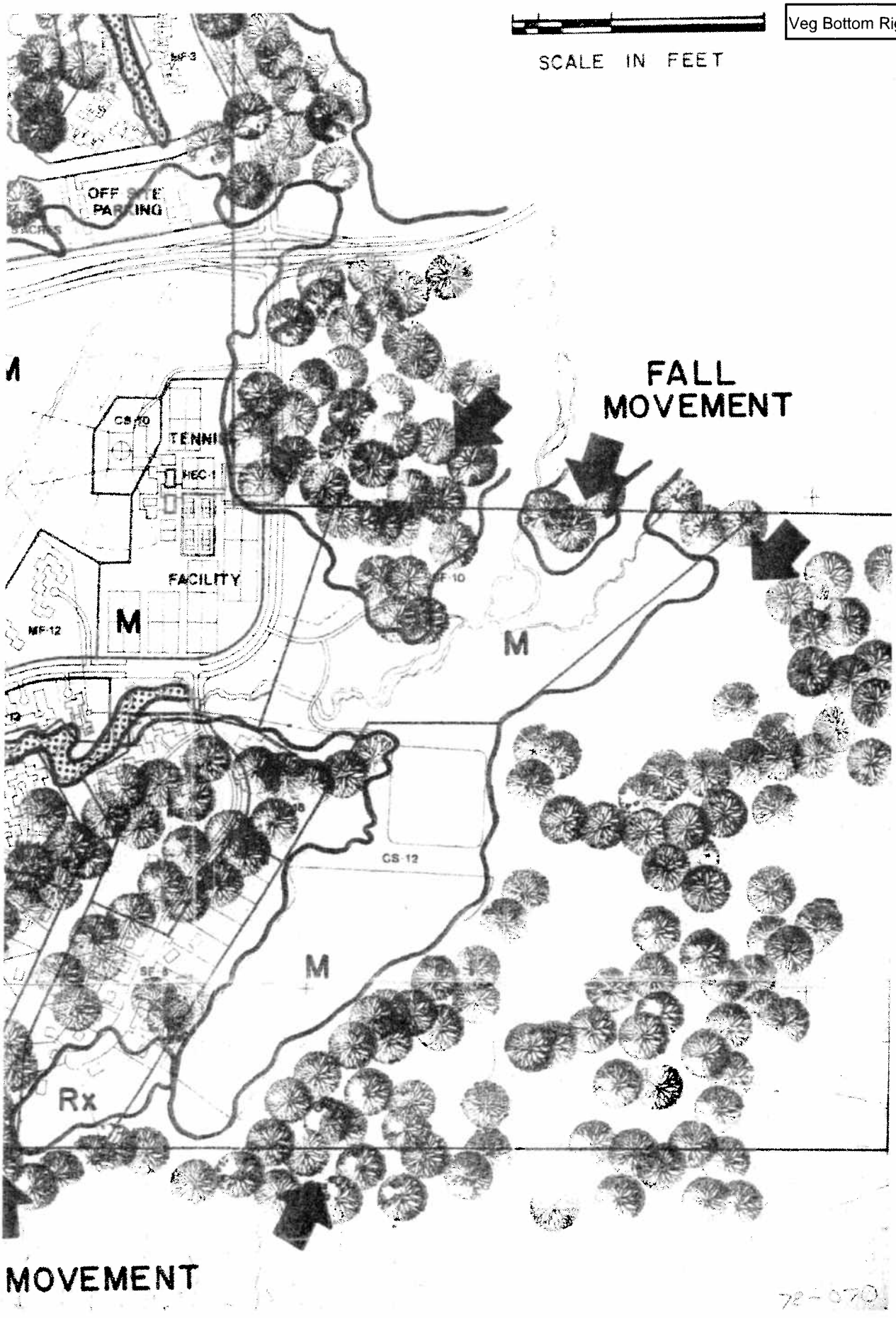
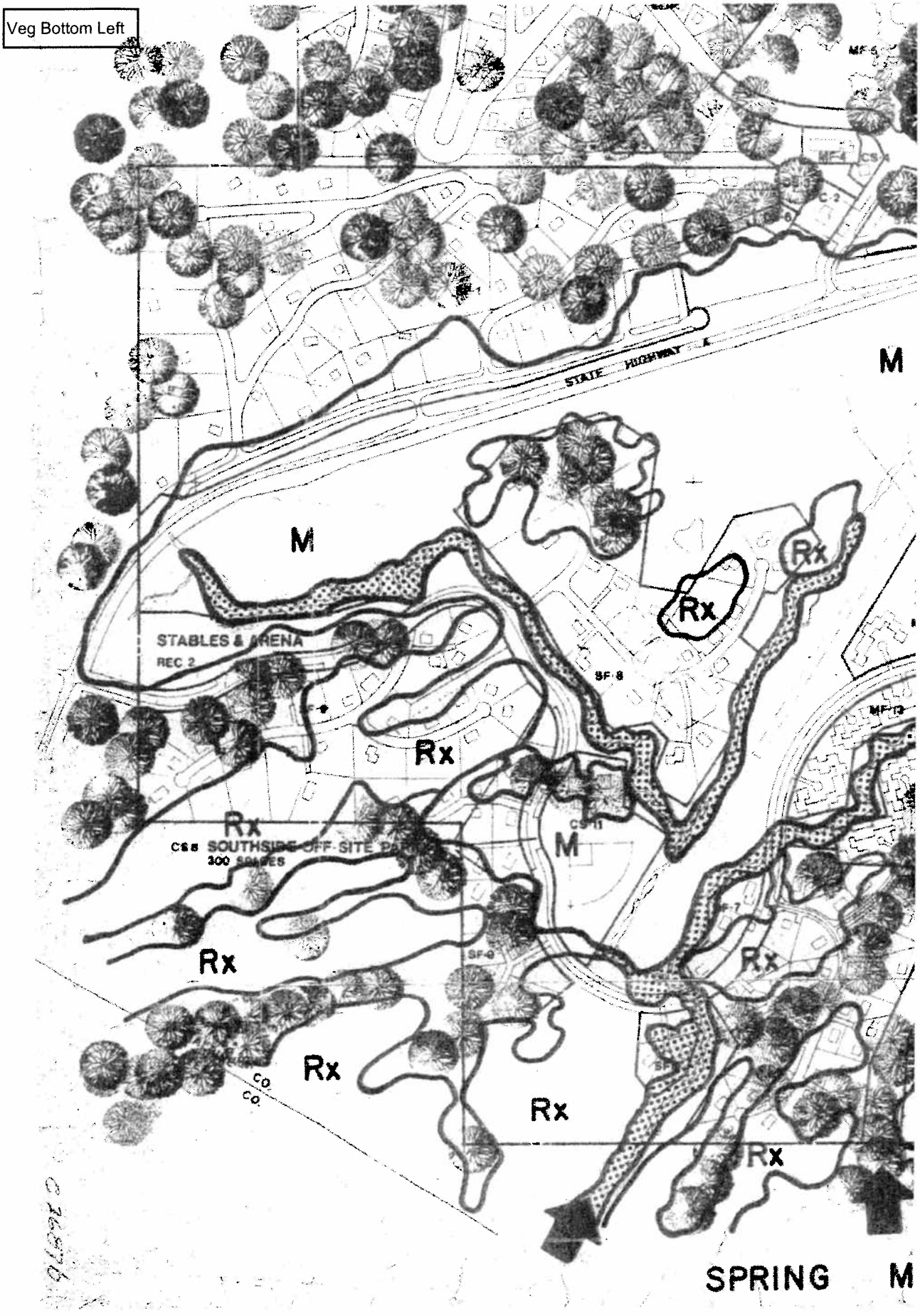
REC
BEAR LAKE
SF-2
SF 11


Veg Bottom Right
SCALE IN FEET
OFF SITE
PARKING
FALL
MOVEMENT
TENNIS
FACILITY
M
M
M
Rx
MOVEMENT


Veg Bottom Left
STATE HIGHWAY
M
M
STABLES & ARENA
REC 2
Rx
Rx
Rx
Rx
Rx
Rx
Rx
Rx
Rx
SOUTHSIDE OFF-SITE PA
300 SPACES
M
SF-8
SF-9
CS-1
MF-4
C-2
CO
CO
SPRING
M

APPENDIX K

CALAVERAS COUNTY WATER DISTRICT

BUSINESS OFFICE
423 East St Charles Street
Post Office Box 846
San Andreas, California 95249
(209) 754-3543
Fax (209) 754-1069

July 5, 2006

Mr. Brian Peters, Planning director
Alpine County Planning Dept.
17300 Hwy 89
Markleeville, CA 96120

Re: Draft EIR – Bear Creek Water Rights Applications

Mr. Peters:

Thank you for the opportunity to review the Draft EIR for the Bear Creek water rights applications. The proposed project involves a request to add Alpine County as a beneficiary of the state "county of origin" filings, which would allow Alpine County to obtain water right permits with a 1927 priority date.

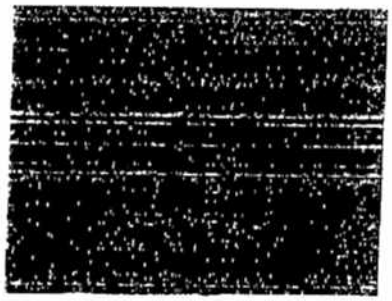
It appears foreseeable that the addition of Alpine County as a beneficiary of the State Filings would enhance the County's ability to provide water for new development in the County beyond the proposed project. Pursuant to CEQA requirements, the EIR should evaluate the potential for future growth that would be created if the State Filings are made available to Alpine County; specifically, the EIR should quantify anticipated growth within the County that would result from both the proposed project and future projects that might be supported by water obtained pursuant to the State Filings. However, if no growth is anticipated beyond the proposed project, the EIR should clarify that such is the case.

Sincerely,

CALAVERAS COUNTY WATER DISTRICT

Larry Diamond

cc: D. Andres
J. Harder



State of California—Health and Human Services Agency
Department of Health Services

California Department of Health Services
SANDRA SHEWRY
Director

ARNOLD SCHWARZENEGGER
Governor

June 22, 2007

Alpine County Planning Department
Brian Peters
17300 Highway 89
Markeleeville, CA 96120

RE: Bear Creek Water Right Applications – SCH#2006012049

The California Department of Health Services (CDHS) is in receipt of the Draft Environmental Impact Report for the above project.

If the Alpine County Planning Department plans to develop a new water supply well or make modifications to the existing domestic water treatment system to serve the Bear Creek Water Right Applications, an application to amend the water system permit must be reviewed and approved by the CDHS Sacramento District Office. These future developments may be subject to separate environmental review.

Please contact Terry Macaulay in the Sacramento office at (916) 449-5600 for further information.

Sincerely,

Bridget Binning
California Department of Health Services
Environmental Review Unit

Cc:

Terry Macaulay, District Engineer
CDHS Sacramento
1616 Capitol Avenue, MS 7407
Sacramento, CA 95899

State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

APPENDIX K

RESPONSE TO COMMENTS

LIST OF COMMENTS AND RECOMMENDATIONS RECEIVED ON THE DRAFT EIR

1) Calaveras County Water District – July 5, 2006
PO Box 846
San Andreas , California 95249
Letter attached

2) California Department of Health Services-June 22, 2006
PO Box 997413
Sacramento, CA 95899
Letter attached

RESPONSES TO SIGNIFICANT ENVIRONMENTAL POINTS RAISED

COMMENT #1: Calaveras County Water District, dated July 5, 2006

"*The proposed project involves a request to add Alpine County as a beneficiary of the state "county of origin" filings, which would allow Alpine County to obtain water right permits with a 1927 priority date. It appears foreseeable that the addition of Alpine County as a beneficiary of the State Filings would enhance the County's ability to provide water for new development in the County beyond the proposed project. Pursuant to CEQA requirements, the EIR should evaluate the potential for future growth that would be created if the State Filings are made available to Alpine County; specifically, the EIR should quantify anticipated growth within the County that would result from both the proposed project and future projects that might be supported by water obtained pursuant to the State Filings. However, if no growth is anticipated beyond the proposed project, the EIR should clarify that such is the case*."

RESPONSE:

While the comment submitted by CCWD is unclear because its use of the word "beneficiary" is not defined, it appears as though CCWD believes that this water right project may allow the County of Alpine and the Lake Alpine Water Company to distribute water anywhere within the County's boundaries. This is incorrect. This water right project will only allow a small and fixed portion of the water available under State-Filed Application 5648 to be put to beneficial use within a small and defined area in Alpine County, which is also the service area of the Lake Alpine Water Company. The amount of water being applied for, and the amount of water available under State-Filed Application 5648, is discussed in Section 3.4 of this EIR. As noted in Section 3.4 the project seeks 0.08% by direct diversion of the amount of water available under State-Filed Application 5648 and 0.73% by diversion to storage of the amount of water available under State-Filed Application 5648. The amount of water requested by Lake Alpine Water Company is diversion to storage of 220 acre-feet of the available 30,000 acre-feet and direct diversion of 0.78 cfs of the available 975 cfs under State-Filed Application 5648. It will not allow, nor will it make it easier for, the County to use this water beyond the proposed place of use because the mere listing of a county as a co-applicant to a water right does not entitle that county to distribute the water anywhere within that county. A water right only entitles its owner to use a specified amount of water within a defined and delineated place of use boundary. The place of use of this water right project is set forth in Section 3.1 of this EIR (which constitutes less than 1,760 acres within the total of 465,030 acres (or .0.38%) located in the County).

To summarize these points, the listing of the County as a co-applicant to this water right will not make it easier for the County to provide water for new development in the County beyond the proposed project's place of use. If granted, this water right will only entitle a small and fixed portion of the water available under State-Filed Application 5648 to be put to beneficial use within a small and defined area within Alpine County. Any additions to this place of use will require new petitions to be filed and possibly a new EIR to be circulated. Therefore, no new growth is anticipated, or can be anticipated, beyond the proposed project.

The Growth Inducing Impact Section (Section #6) of the Draft EIR includes reference and discussion regarding the Alpine County General Plan land use designation for the project area. Section #6 should be amended to expand the discussion regarding the Alpine General Plan and the intent of the Planned Development land use designation, which would provide clarification of the County's plans for land use and development of the Bear Valley area.

RESPONSES TO SIGNIFICANT ENVIRONMENTAL POINTS RAISED

COMMENT #2: State of California, Department of Health Services, dated June 22, 2006.

"If the Alpine County Planning Department plans to develop a new water supply well or make modifications to the existing domestic water treatment system to serve the Bear Creek Water Rights Applications, an application to amend the water system permit must be reviewed and approved by CDHS Sacramento District Office. These future developments may be subject to separate environmental review."

RESPONSE:

Section 4.4.1 states that the Project will not violate any water quality standards or waste discharge requirements. The water treatment operations are subject to a "Permit to Treat" from the CDHS Division of Drinking Water and Environmental Management (DDWEM). The DDWEM was contacted and indicated that LAWC is currently permitted to treat 380 gpm. This rate is sufficient to supply the BVMP build-out and the additional water rights proposed by this project.

The project proposes to use the water resources from Bear Creek, and no new wells are proposed. Further, no modifications to the existing domestic water treatment facilities is proposed. For clarification, Section 4.4.1 will be amended to indicate that the project will not result in the modification of the domestic water treatment system and to indicate that any modification to the system would require an application to DDWEM to amend the water system permit.