

## STAFF SUMMARY FOR DECEMBER 12-13, 2018

**2. GENERAL PUBLIC COMMENT (DAY 1)****Today's Item****Information** ☒**Action** ☐

Receive public comments, petitions for regulation change, and requests for non-regulatory actions for items not on the agenda.

**Summary of Previous/Future Actions**

- **Today's receipt of requests and comments** **Dec 12-13, 2018; Oceanside**
- Consider granting, denying or referring **Feb 6, 2019; Sacramento**

**Background**

This agenda item is primarily to provide the public an opportunity to address FGC on topics not on the agenda. Staff also includes written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by written comment deadline), or as late comments at the meeting (if received by late comment deadline), for official FGC "receipt."

Public comments are generally categorized into three types under public forum: (1) petitions for regulation change; (2) requests for non-regulatory action; and (3) informational-only comments. Under the Bagley-Keene Open Meeting Act, FGC cannot discuss any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change and non-regulatory requests generally follow a two-meeting cycle (receipt and direction); FGC will determine the outcome of the petitions for regulation change and non-regulatory requests received at today's meeting at the next in-person FGC meeting following staff evaluation.

As required by the Administrative Procedure Act, petitions for regulation change will be either denied or granted and notice made of that determination. Action on petitions received at previous meetings is scheduled under a separate agenda item titled "Petitions for regulation change". Action on non-regulatory requests received at previous meetings is scheduled under a separate agenda item titled "Non-regulatory requests."

**Significant Public Comments**

1. New petitions for regulation change are summarized in Exhibit 1, and the original petitions are provided as exhibits 3-4.
2. Requests for non-regulatory action are summarized in Exhibit 2, and the original requests are provided as exhibits 5-7.
3. Informational comments are provided as exhibits 8-13.

**Recommendation**

Consider whether any new future agenda items are needed to address issues that are raised during public comment and are within FGC's authority.

## STAFF SUMMARY FOR DECEMBER 12-13, 2018

**Exhibits**

1. Summary of new petitions for regulation change received by Nov 29, 2018 at 5:00 p.m.
2. Summary of requests for non-regulatory action received by Nov 29, 2018 at 5:00 p.m.
3. Petition #2018-016: Hope Valley Wildlife Area, received Nov 9, 2018
4. Petition #2018-017: Fillet size for ocean whitefish, received Nov 27, 2018
5. Letter from Blake Alexandre, representing Alexandre EcoDairy Farms, requesting a change in private lands management practices concerning Roosevelt elk, received Oct 10, 2018
6. Email from Anita Youabian requesting an end to the driftnet fishery in California, received Nov 8, 2018
7. Letter from Rachel Doughty, Greenfire Law, representing Story of Stuff Project, requesting investigation of and enforcement against Nestlé Waters North America, Inc. for potential violations of California Fish and Game Code Section 1602, received Nov 26, 2018
8. Letters from Alpine Biomass Collaborative and Rural County Representatives of California in support of Petition #2018-016 from the Alpine County Board of Supervisors, to remove Hope Valley Wildlife Area from the DFW Lands Pass Program, received Oct 9 and Nov 26, 2018, respectively
9. Letter from Daniel Dallenbach regarding previously-submitted Petition #2018-012 to allow the mining of sand on land to be donated to DFW, received Oct 9, 2018
10. Email from Patricia McPherson, Grassroots Coalition, regarding the management of Ballona Wetlands Ecological Reserve, received Nov 7, 2018
11. Email from Eric Mills, Action for Animals, regarding proposed regulations to restrict commercial trapping of wild freshwater turtles in Arkansas, received Oct 19, 2018
12. Email from Eric Mills, Action for Animals, regarding New Zealand mud snails in the San Francisco Bay area, received Oct 28, 2018
13. Email from Eric Mills, Action for Animals, regarding the fossil-fuel industry and climate change, received Nov 25, 2018

**Motion/Direction (N/A)**

**CALIFORNIA FISH AND GAME COMMISSION**  
**RECEIPT LIST FOR REGULATION CHANGE REQUESTS: RECEIVED BY 5 PM ON NOVEMBER 29, 2018**  
**Revised 11-30-2018**

**FGC** - California Fish and Game Commission   **DFW** - California Department of Fish and Wildlife   **WRC** - Wildlife Resources Committee   **MRC** - Marine Resources Committee

Tracking No.	Date Received	Accept or Reject	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision
2018-016	11/9/2018	A	Donald Jardine, Alpine County Board of Supervisors	Hope Valley Wildlife Area	T14, 551(w)(15)	Remove Hope Valley Wildlife Area from the Lands Pass Program	<b>Receipt: 12/12-13/2018</b> <b>Action scheduled: 2/6/2019</b>
2018-017	11/27/2018	A	Ben Wolfe III	Fillet Size for Ocean Whitefish	T14, 27.65 (b)(10)	Delete minimum fillet size for ocean whitefish and only require the fillet to bear the entire skin intact	<b>Receipt: 12/12-13/2018</b> <b>Action scheduled: 2/6/2019</b>

**CALIFORNIA FISH AND GAME COMMISSION**  
**RECEIPT LIST FOR NON-REGULATORY ACTION: RECEIVED BY 5 PM ON NOVEMBER 29, 2018**  
**Revised 11-30-18**

**FGC** - California Fish and Game Commission   **DFW** - California Department of Fish and Wildlife   **WRC** - Wildlife Resources Committee   **MRC** - Marine Resources Committee

Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Decision
10/10/2018	Blake Alexandre, Alexandre EcoDairy Farms	Private Land Management (PLM) and Roosevelt elk	Requests a change in PLM practices concerning Roosevelt elk.	<b>Receipt: 12/12-13/2018</b> <b>Action scheduled: 2/6/2019</b>
11/8/2018	Anita Youabian	Driftnet fishery	Requests an end to the driftnet fishery in California.	<b>Receipt: 12/12-13/2018</b> <b>Action scheduled: 2/6/2019</b>
11/26/2018	Rachel Doughty, Greenfire Law	Investigation of Nestlé Waters North America, Inc.	Requests an investigation of and enforcement against Nestlé Waters North America, Inc. for potential violations of California Fish and Game Code Section 1602.	<b>Receipt: 12/12-13/2018</b> <b>Action scheduled: 2/6/2019</b>





RECEIVED  
CALIFORNIA  
FISH AND GAME  
COMMISSION

2018 NOV -9 P. 12:50

**COUNTY OF ALPINE  
Board of Supervisors**

November 7, 2018

California Fish and Game Commission  
Re: Petition to the CA Fish and Game Commission  
for Regulation change.  
Eric Sklar, President  
1416 Ninth St, Room 1320  
Sacramento, CA 94244-2090

RE: Enclosed Petition to the California Fish and Game Commission for Regulation Change  
Request to repeal Title 14 Section 551(w) (15) Removing Hope Valley Wildlife Area from the  
Lands Pass Program.

Dear Commission Members:

Mr. Erik Sklar, President  
Mr. Anthony C. Williams, Vice President  
Mrs. Jacque Hostler-Carmesin, Member  
Mr. Russell Burns, Member  
Mr. Peter Silva, Member

Alpine County Board of Supervisors respectfully request that California Fish and Wildlife  
Commission remove Hope Valley Wildlife Area from the Lands Pass Program.

Please see enclosed Petition to the California Fish and Game Commission for Regulation  
Change requesting to repeal Title 14 Section 551(w) (15) Removing Hope Valley Wildlife Area  
from the Lands Pass Program.

Please notify Alpine County Board of Supervisors regarding which meeting the Commission will  
review this petition. Please notify us with plenty of notice so that someone may attend.

We thank you for working with Alpine County to reverse this regulatory action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald Jardine".

Donald Jardine  
Chair, Board of Supervisors  
Alpine County

CC: Julie Horenstein, Ecological Reserve and Land Acquisition California Department of Fish  
and Wildlife [julie.horenstein@wildlife.ca.gov](mailto:julie.horenstein@wildlife.ca.gov)



Tracking Number: (2018-016)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Alpine County Board of Supervisors

Address: PO Box 158, Markleeville, CA 96120

Telephone number: 530-694-2281

Email address: [clerk@alpinecountyca.gov](mailto:clerk@alpinecountyca.gov)

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: California Fish and Game Commission for Regulation Change**

### **3. Overview (Required) - Summarize the proposed changes to regulations: Repeal Title 14 Section 551(w)(15) Removing Hope Valley Wildlife Area from the Lands Pass Program**

### **4. Rationale (Required) - Describe the problem and the reason for the proposed change: Alpine County Board of Supervisors respectfully request that the California Fish and Game Commission repeal Title 14 Section 551(w) (15) Hope Valley Wildlife Area removing Hope Valley Wildlife Area from the Lands Pass Program. Hope Valley should remain an all access area for locals and visitors to enjoy free of any charges with the exception of the required permits for hunting or fishing. Alpine County has the lowest population of all the California Counties and we are dependent on our tourism for the local economy. The Lands Pass Program permit procedures requiring all visitors 16 years and older to purchase a permit online before entering has prevented many people from enjoying this area. This is due to the requirement to purchase online and the fact that we have very limited or no cell phone service in this area. The current boundaries for the California Department of Fish and Wildlife lands are intermittent and bordering both private and United States Forest Service Lands. The areas where the Lands Pass is now required are confusing even to us, let alone, the visitors who are travelling through the area. The Hope Valley facilities are maintained by Sorensen's Resort. The trash is also collected by Sorensen's Resort. Over the years many volunteers, including but not limited to, Sorensen's Resort, Alpine Watershed Group, and "Friends of Hope Valley", have worked to improve the area and have completed many projects over the years to maintain this area for everyone to freely enjoy. There is also an ADA access point which was funded separately to allow for easy access to the West Fork of the**





Carson River. The Lands Pass sign has deterred many physically impaired visitors and locals from enjoying the area and this was not the goal of this grant project. Alpine County supports keeping these lands public and therefore open for all to access and enjoy without the need to purchase a Lands Pass prior to their visit. The Hope Valley Economic and Recreation Study recommends that the Pickett's Junction area should be for day use with picnicking, parking, and snow play. Many visitors stop to enjoy Hope Valley when travelling through it to get to other destinations and do not know they are required to purchase Lands Passes until they arrive in Hope Valley, only to find that they have no cell service and therefore no way of purchasing a Lands Pass. The map of designated areas for Hope Valley is very confusing with not one specific area designated. A person could find themselves hiking, biking or skiing into the Lands Pass designated area without even knowing it. The Lands Pass Program has both economic and cultural impacts in Hope Valley Wildlife Area. Hikers are required to buy Lands Passes to cross California Department of Fish and Wildlife Areas to access Forest Service Land for recreation. Cross Country skiers and snowshoe enthusiasts also require a Lands Pass to enter and exit Forest Service Land through California Department of Fish and Wildlife Areas which will impact the local businesses who rely on these visitors in winter. Washoe Tribal Members need to purchase a Lands Pass to access religious and historical sites. It appears from the maps provided for the Lands Pass Program that cyclists are also required to buy a Lands Pass to travel through Pickett's Junction area. These areas also contain popular highway access to backcountry skiers who would need to cross over the California Department of Fish and Wildlife land to access backcountry skiing within Forest Service Lands. The County was not aware of the proposed regulatory action to include Hope Valley Wildlife Area in the Lands Pass Program and was not given an opportunity to comment on how this affects our community and visitors to Alpine County prior to the implementation. Please see attached notification list for this action provided to us by Julie Horenstein, Ecological Reserve and Land Acquisition California Department of Fish and Wildlife. The only copy sent to the County was sent to the Fish and Game Commission and not to the Board of Supervisors nor to the local Washoe Tribal Council. Therefore, Title 14 Section 551(w) (15) Hope Valley Wildlife Area must be repealed to allow all locals and visitors to enjoy this area without the cost, inconvenience and confusion of buying a Lands Pass.

## **SECTION II: Optional Information**

**5. Date of Petition: November 6, 2018**

**6. Category of Proposed Change**

☐ Sport Fishing

☐ Commercial Fishing

☐ Hunting

☒ Other, please specify: Lands Pass Program-Hope Valley Wildlife Area

**7. The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

☐ Amend Title 14 Section(s): [Click here to enter text.](#)

☐ Add New Title 14 Section(s): [Click here to enter text.](#)

☒ Repeal Title 14 Section(s): Section 551(w)(15) Hope Valley Wildlife Area

**8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or ☒ Not applicable.



9. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: As early as possible or by no later than December 1, 2018
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Supporting documents attached include: 1) Letters of support 2) Department of Fish and Wildlife Hope Valley Map showing areas designated Lands Pass areas. 3) Phillip Bellman's letter 4) Letter from Alpine County Board of Supervisors dated January 16, 2018 with attached Lands Pass Notification List-which does not include Alpine County Board of Supervisors nor was it sent to the local Washoe Tribal Council. 5) Hope Valley Economic and Recreation Study Final Report April 1989-By Alpine group.
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: It appears that looking at the Economic and Fiscal Impact Statement that was sent to us with this petition that no consideration was given for the impact on our local, businesses and visitors and that the Statement just refers to costs for the California Fish and Game Commission. It appears that no studies were completed to analyze the impacts on our community and visitors?
12. **Forms:** If applicable, list any forms to be created, amended or repealed:  
Click here to enter text.

### SECTION 3: FGC Staff Only

Date received: Click here to enter text.

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CALIFORNIA  
FISH AND GAME  
COMMISSION

FGC staff action:

2018 NOV -9 PM 12:50

- ☒ Accept - complete  
☐ Reject - incomplete  
☐ Reject - outside scope of FGC authority

Tracking Number 2018-016

Date petitioner was notified of receipt of petition and pending action: December 12-13, 2018

Meeting date for FGC consideration: February 6, 2019

FGC action:

- ☐ Denied by FGC  
☐ Denied - same as petition \_\_\_\_\_  
Tracking Number  
☐ Granted for consideration of regulation change

# Attachment 1





# Alpine Watershed Group

*Protecting the Headwaters of the California Alps*

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RECEIVED

OCT 10 2018

ALPINE COUNTY  
BOARD OF SUPERVISORS

October 3, 2018

Alpine County Board of Supervisors  
PO Box 158  
Markleeville, CA 96120

Attn: Donald M. Jardine, Chair

Re: Letter of Support to Remove the Hope Valley Unit from the Lands Pass Program

Dear Mr. Jardine,

On behalf of the Alpine Watershed Group's Board of Directors, we would like to request that you add this letter to your petition to the California Fish and Game Commission to request removal of Hope Valley from the Lands Pass Program. Our organization seeks to increase public use and appreciation of the public lands of the valley, and we find that the Lands Pass is a deterrent to these public goals.

A key issue is the handicapped access point which was funded separately and especially to allow wheelchair access to the West Fork of the Carson River (see photos at end of letter). Unfortunately, a warning sign at that point is a significant deterrent. It is certainly inappropriate to charge for use of this facility. Cell phone access is limited or non-existent at that location, and even if connected, the visitor cannot obtain instant permission for entry. Visitors are turned away.

A further concern is that many visitors take nothing from the land, as they are simply into hiking, painting, cross-country skiing, or photography. No warden or other state employee is needed to supervise their use. Even the trash containers are maintained by private interests, not California Department of Fish and Wildlife (CDFW).

Land ownership in the valley is a mixture of US Forest Service, private, and CDFW. It is not possible for a visitor to know which lands are which. Such uncertainty further exacerbates public use and enjoyment of the area.

Our organization regularly leads volunteers in conducting stream flow and water quality monitoring in this reach, and we also lead stream field trips and educational workshops to involve the public in stream and watershed restoration. It would be counterproductive to ensure that all have permits or to simply avoid CDFW lands along the river.

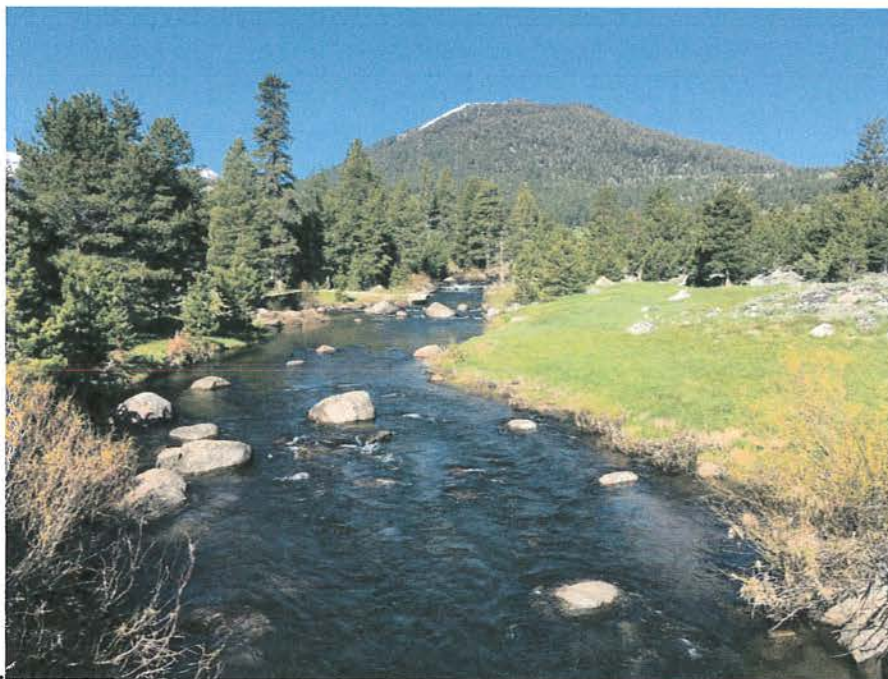
Alpine County Board of Supervisors  
Letter of Support to Remove the Hope Valley Unit from the Lands Pass Program  
October 3, 2018  
Page 2

We join the Alpine County Board of Supervisors and the Alpine County Chamber of Commerce in requesting that the Hope Valley Unit be exempt from the Lands Pass requirement. We appreciate the Alpine County Board of Supervisors petitioning the California Fish and Game Commission to change the regulation given the impacts of the Lands Pass Program on our community and on our organization's mission to preserve and enhance the Carson River Watershed.

Sincerely,

  
Kimra D. McAfee  
Executive Director

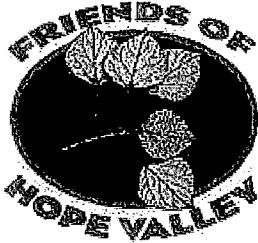
cc: Carol McElroy



Top: ADA accessible  
wheelchair stream-site  
Bottom: Signage for  
Lands Pass at entrance  
to ADA trail to  
stream-site







FRIENDS OF HOPE VALLEY  
PO Box 431  
Markleeville, CA 96120  
[www.friendsofhopevalley.com](http://www.friendsofhopevalley.com)

RECEIVED

JUN 21 2018

ALPINE COUNTY  
BOARD OF SUPERVISORS

BOS, CAO

To: State of California – Fish and Game Commission

Re: Lands Pass Program in Hope Valley

Friends of Hope Valley (FOHV) is a non-profit organization dedicated to the preservation of the historic, recreational, and scenic values of Hope Valley and the Sierra Nevada's eastern slope in Alpine County. In the 1980's our group worked with Trust for Public Lands to help establish lands in Hope Valley to become public.

We were instrumental in the passage of California Proposition 70 in 1988, which provided funds for the purchase of the Picketts Junction area of Hope Valley as well as river bottom land along Blue Lakes Road; the California Department of Fish and Wildlife's purchase of 2,500 additional acres of Hope Valley, including the development-threatened Willow Creek area. Our vision was to have an open space so that everyone could enjoy Hope Valley, one of the last remaining undeveloped meadows in the Sierra.

We support the efforts of the Alpine County Board of Supervisors request to withdraw of the Lands Pass Program in Hope Valley. It's just not the appropriate area to be charging people to visit. Hope Valley is sacred land to the Washoe people, we can't charge "people of the land" to be there. The rich heritage of Hope Valley is a place to share not a place to charge a fee to visit.

The All Access area is a result of years of volunteer effort for the establishment of the site, Sorensen's staff maintains the parking area and restrooms. FOHV has lead restoration projects, and willow planting along the banks for the last thirty years. FOHV repairs and paints signs, trims the tress, sweeps the platforms and general trash cleanup. Our volunteer efforts are so the public can freely enjoy the area.

The boundaries of the CDFW lands in the valley are random, surrounded by other public lands. It will be impossible for visitors to decipher where they are. There is no gateway or entrance, the few parking areas and signs don't really distinguish land boundaries or which public agency manages the land.

The economy of Alpine Country depends on tourism, Hope Valley, the jewel of the Sierra is among the reason many visitors come to the county. It's a significant destination that draws visitors to the county.

Debbi Waldear  
President, Friends of Hope Valley

Judy Warren-Wickwire  
Director of Alpine Historical Society





Chamber of Commerce  
& Interagency Visitors Center

HOME OF THE TOUR OF THE  
CALIFORNIA ALPS - DEATH RIDE®

ALPINE COUNTY  
FILM COMMISSION OFFICE

CHARTER MEMBER OF THE  
SCENIC BYWAY ASSOCIATION

Friday, August 3, 2018

Ms. Valerie Termini  
Executive Director  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

RE: Removal of the Hope Valley Wildlife Area Land  
Pass Program

Dear Ms. Termini:

We would like to submit our support letter for the Alpine County Board of Supervisors' petition to the California Fish and Game Commission for a regulation change to remove Hope Valley Wildlife Area from the Lands Pass Program.

As a community that relies heavily on a strong tourism market, this program greatly impacts our local businesses, residents and our visitors that enjoy the Hope Valley area year round.

We feel strongly that these lands remain open without fees for all to access and enjoy.

Thank you for working with the Alpine County Board of Supervisors to reverse this regulatory action.

Sincerely,

Teresa Burkhauser, CMP  
Executive Director on behalf of the  
Alpine County Chamber of Commerce  
Board of Directors

cc: Alpine County Board of Supervisors

3 WEBSTER STREET  
P.O. BOX 265  
MARKLEEVILLE, CA 96120

(530) 694-2475

fax (530) 694-2478

[www.alpinecounty.com](http://www.alpinecounty.com)



August 30, 2018

Valerie Termini, Executive Director  
California Fish and Wildlife Commission  
P.O. Box 944209  
Sacramento, CA 94224-2090  
RE: Request to remove Hope Valley Area from the Lands Pass Program

Dear Ms. Termini,

The Kirkwood Meadows Public Utility District (District) Board of Directors joins the Alpine County Board of Supervisors in support of their request that the California Fish and Wildlife Commission remove the Hope Valley Wildlife Area from the Lands Pass Program.

The enforcement area of the Lands Pass Program within the Hope Valley Wildlife Area is largely unknown, not only by the local community, but more importantly tourists, and there is a dearth of signage explaining the rules of the Lands Pass Program or delineating the boundaries of an enforcement area. This is an added expense and a deterrent to people wishing to enjoy recreation in Hope Valley, which in turn, has a direct impact on the local economy. Some of our own employees have stopped using this area for recreation due to this confusion.

Hope Valley has a rich history of land use and recreation and was ultimately preserved for public enjoyment by a group of engaged citizens, Friends of Hope Valley. The District's Board of Directors supports keeping these lands public and open for all to access and enjoy, free of charge.

We thank you for considering the impacts of the Lands Pass Program on our community and working with the Alpine County Board of Supervisors to remove the Hope Valley Wildlife Area from the Lands Pass Program.

Sincerely,

Erik M. Christeson  
General Manager, Kirkwood Meadows PUD

## **Alpine Biomass Collaborative**

04 October 2018

California Fish and Wildlife Commission  
Attn: Valerie Termini, Executive Director  
PO Box 944209  
Sacramento, CA 94224-2090

Re: Request to Remove the Hope Valley Unit from the Lands Pass Program

Dear Ms. Termini,

The Alpine Biomass Collaborative (ABC) is requesting the removal of Hope Valley in Alpine County from the Lands Pass Program. The ABC's mission statement is "Unifying partners to promote forest and watershed health, and local economic development". The area is largely unfenced and has been used by the public for decades, well before its acquisition by the California Department of Fish and Wildlife (CDFW).

Members of the public cross these lands to access public land in and around Hope Valley and have done so for decades prior to it being acquired by CDFW. There isn't and has not been any significant fencing nor signage to indicate that now this access is prohibited without paying a fee. Land ownership in the Hope Valley is a mixture of US Forest Service, private, and CDFW. It is not possible for a visitor to know which lands are which. Furthermore the boundaries are not adequately signed, and whether it is correct or not, the public assumes that it is public land and has used it as such for decades. The public arrives and even if they are willing to pay a fee, there is not an easy reliable way to do so as cell phone coverage is unreliable in this area.

We understand that CDFW stated at an Alpine County Board of Supervisors' meeting that statewide, CDFW expects to receive about \$53,000/year in revenue for all the recently added "fee areas" in the state. This is a trivial amount statewide and an unnecessary revenue stream for CDFW that discourages the public from experiencing the benefits of outdoor recreation.

*Unifying partners to promote forest and watershed health, and local economic development.*

We join the Alpine County Board of Supervisors, the Alpine County Chamber of Commerce, and the Alpine Watershed Group among others in requesting that the Hope Valley Unit be exempt from the Lands Pass requirement.

Thank you for your consideration.

Respectfully submitted



David Griffith  
Markleeville, CA  
2018.10.03 09:14:27 -07'00'

*Alpine Biomass Collaborative*

Per: David Griffith, Chair

cc Alpine County Board of Supervisors

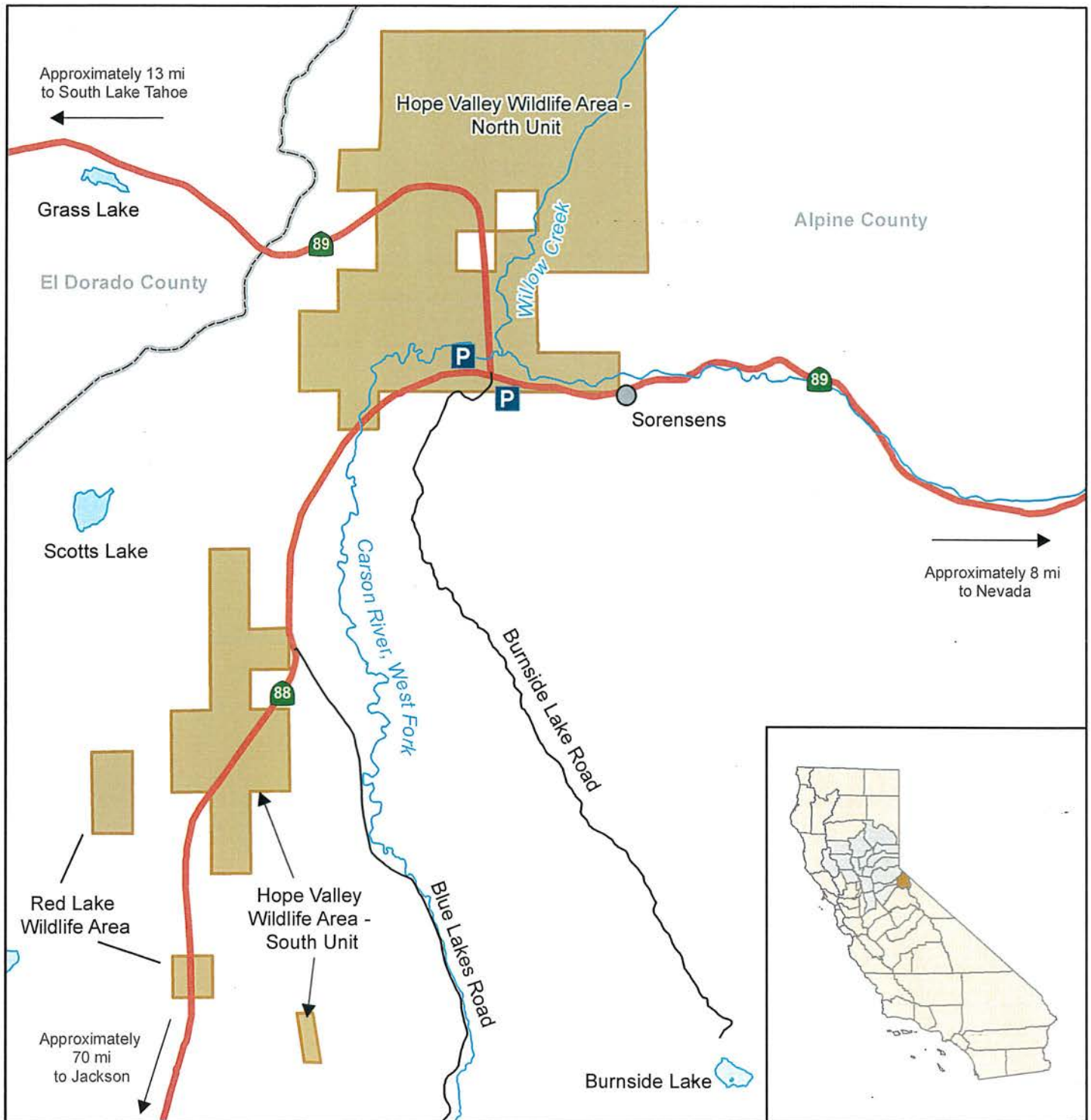
# Attachment 2

# California Department of Fish and Wildlife

## North Central Region

### HOPE VALLEY WILDLIFE AREA

#### Alpine County



- Wildlife Area
- State Highway
- River / Lake
- Local Road
- County Line
- P Parking



0 1 Miles

Disclaimer: Boundaries are approximate.  
Maps are intended for general purposes only.

December 2014 - WLB

# Attachment 3

**From:** Philip Bellman  
**Sent:** Friday, January 12, 2018 4:05 PM  
**To:** Donald Jardine; Don Jardine  
**Cc:** Philip Bellman  
**Subject:** Lands Pass

Hi Don —

Thank you for addressing the Lands Pass issue and for drafting an excellent letter to Fish & Wildlife. It is clear that few people, if any, in Alpine County were aware of this plan. It makes little sense and is not likely to generate much funding. What it will do is confuse visitors to Alpine County and make it difficult to visit the Hope Valley. Especially affected are the areas around Pickett's Junction, north of the junction, and Red Lake. You can imagine the leaf peepers, photographers, cyclists, and hikers who arrive in the Hope Valley only to find they need a permit — and there is not even cell service to allow getting a daily permit. And in other parts of the valley, it may be difficult to know when one is on state land or on federal land.

It's also clear from Julie's email messages this week that the Lands Pass is the result of the department suffering losses from decreasing numbers of hunting licenses. The areas affected in Alpine County have not been used by hunters in decades — but the impact of this program will discourage many visitors from coming at all. I also really appreciate your addressing the concerns of the Washoe, who seem to have not been consulted or informed as well.

Thanks for your efforts!

Phil Bellman



# Attachment 4



**COUNTY OF ALPINE**  
**Board of Supervisors**

January 16, 2018

Valérie Termini, Executive Director  
California Fish and Game Commission  
PO Box 944209  
Sacramento, CA 94244-2090

RE: Request to remove Hope Valley Wildlife Area from the Lands Pass Program

Dear Ms. Termini:

Alpine County Board of Supervisors respectfully request that California Fish and Wildlife Commission remove Hope Valley Wildlife Area from the Lands Pass Program. The County was not aware of the proposed regulatory action to include Hope Valley Wildlife Area in the Lands Pass Program and was not given an opportunity to comment on how this affects our community and visitors to Alpine County.

Please see attached notification list for this action provided to us by Julie Horenstein, Ecological Reserve and Land Acquisition California Department of Fish and Wildlife. **The only copy sent to the County was sent to the Fish and Game Commission and not to the Board of Supervisors nor to the local Washoe Tribal Council.**

The Lands Pass fee and impacts on the local community appear to have not been analyzed. In 1988-1989 the Hope Valley Economic and Recreation Study was commissioned by the Trust for Public Lands, Alpine County Board of Supervisors, Alpine County Chamber of Commerce and the Friends of Hope Valley to analyze the effect of 15,000 acres of private land within Hope Valley being purchased by the United States Forest Service and the California Department of Fish and Wildlife. There had also been some discussion on development of these lands, in particular around Pickett's Junction.

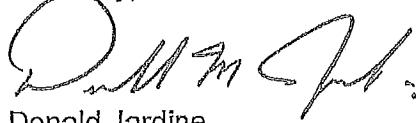
Alpine County supports keeping these lands public and therefore open for all to access and enjoy. The Hope Valley Economic and Recreation Study indicates that the Pickett's Junction area should be for day use with picnicking, parking and snow park.

The Lands Pass Program will have both economic and cultural impacts in Hope Valley Wildlife Area. Hikers would be required to buy Lands Passes to cross California Department of Fish and Wildlife Area to access Forest Service Land for recreation. Cross Country skiers would also require a Lands Pass to enter and exit Forest Service Land through California Department of Fish and Wildlife Areas which will impact local businesses which rely on cross country and snowshoe recreationers in winter. Washoe Tribal Members would need to purchase a Land Pass to access religious and historical sites. It appears from the maps provided for the Lands

Pass Program that cyclists will also be required to buy a Lands Pass to travel through Picketts Junction area. These areas also contain popular highway access to backcountry skiers who would need to cross over the California Department of Fish and Wildlife land to access backcountry skiing within Forest Service Lands.

We thank you for working with Alpine County to reverse this regulatory action which was implemented without consideration for the impacts to our local community and visitors to Alpine County.

Sincerely,



Donald Jardine  
Chair, Board of Supervisors  
Alpine County

CC: Julie Horenstein, Ecological Reserve and Land Acquisition California Department of Fish and Wildlife [julie.horenstein@wildlife.ca.gov](mailto:julie.horenstein@wildlife.ca.gov)  
Honorable Ted Gaines  
Honorable Frank Bigelow  
RCRC  
CSAC

## NOTIFICATION LIST

First Line	Second Line	Address (Third Line)	City	State	Zip	Name (First)	Number
Modoc	Fish Game & Recreation Commission	202 W 4th Street	Alturas	CA	96101		21
Kern County	Fish and Game Fine Commission	2820 M Street	Bakersfield	CA	93301	Mr. David McArthur	13
Colusa County	Fish and Game Commission	546 J Street, Suite 202	Colusa	CA	95932		5
Del Norte County	Fish and Game Commission	586 G Street	Crescent City	CA	95531		7
Sierra County	Fish and Wildlife Commission	P.O. Box 554	Downieville	CA	95936	Marilyn Tierney,	38
Alameda County	Fish and Game Commission	4985 Broder Blvd.	Dublin	CA	94568	Secretary	1
Imperial County	Fish and Game Commission	940 W. Main Street, Ste. 208	El Centro	CA	92243	Sheriff Herbert Walters	12
Solano County	Park and Recreation Commission	675 Texas Street, Ste. 6500	Fairfield	CA	94533	Mr. Steve Hemsmeier	40
Humboldt County	Fish and Game Commission	P.O. Box 922	Ferndale	CA	95536	Ms. Johanna Rodoni	11
Fresno County	Recreation & Wildlife Commission	2220 Tulare Street, 6th Floor	Fresno	CA	93721	Mr. John Thompson	9
Madera County	Fish and Game Commission	46089 Road 208	Friant	CA	93626	Mr. Neil K. McDougal	18
Placer County	Fish and Game Commission	8459 Lakeland Dr	Granite Bay	CA	95746		27
Kings County	Fish and Game Advisory Committee	1400 W Lacey Blvd	Hanford	CA	93230	Mr. Tim Breshears	14
San Benito County	Fish and Game Commission	481 Fourth Street	Hollister	CA	95023-3840	c/o Clerk of the Board	30
Lake County	Fish and Game Commission	883 Lakeport	Lakeport	CA	95453	Mr. Greg Giusti	15
Los Angeles County	Fish and Game Commission	500 West Temple Street,	Los Angeles	CA	90012		17
Mono County	Fisheries Commission	Room B-50	Mammoth Lakes	CA	93546	Mr. Steve Marti, Chair	22
Alpine County	Fish and Game Commission	PO Box 2415	Mammoth Lakes	CA	93546		2
		P.O. Box 266	Mardeeville	CA	96120		2
Contra Costa County	Fish and Wildlife Committee	30 Muir Rd	Martinez	CA	94553		6
Stanislaus County	Fish and Wildlife Committee	3800 Cornucopia Way, Suite C	Modesto	CA	95358		42
San Luis Obispo County	Fish and Game Commission	P.O. Box 406	Morro Bay	CA	93443	Mr. Norm Marignoni	33
Napa County	Wildlife Conservation Commission	1195 Third Street, Ste. 210	Napa	CA	94559-3092	Mr. Stephen Orndorf	24
Nevada County	Fish and Wildlife Commission	950 Maidu Avenue, Suite 170	Nevada City	CA	95959		25
Marin County	Wildlife and Fisheries Advisory Commission	1682 Novato Blvd. Ste. 150 B	Novato	CA	94947-7021	Mr. Ed Schultz	19
Butte County	Fish and Game Commission	25 County Center Dr., Suite 200	Oroville	CA	95965		3
Ventura County	Fish and Game Commission	3900 Pelican Way	Oxnard	CA	93035		47
El Dorado County	Fish and Game Commission	330 Fair Lane	Placerville	CA	95667	Mr. Karl Weiland	8
Tehama County	Fish and Game Commission	15565 China Rapids Drive	Red Bluff	CA	96080		44
Shasta County	Fish and Game Commission	1855 Placer Street	Redding	CA	96001	Eric Wedemeyer	37
Riverside County	Fish and Game Commission	4600 Crestmore Road	Riverside	CA	92509-6858	Mr. Jim Real	28
Sacramento County	Recreation and Park Commission	4040 Bradshaw Road	Sacramento	CA	95827	Mr. Dan Gonzales, Chair	29
Monterey County	Fish and Game Commission	P.O. Box 5249	Salinas	CA	93915	Mr. John Akeman	23
San Bernardino County	Regional Parks Department	777 East Rialto Avenue	San Bernardino	CA	92415-0763		31
San Diego County	Fish and Wildlife Advisory Commission	9325 Hazard Way, Suite 100	San Diego	CA	92123-1217		32



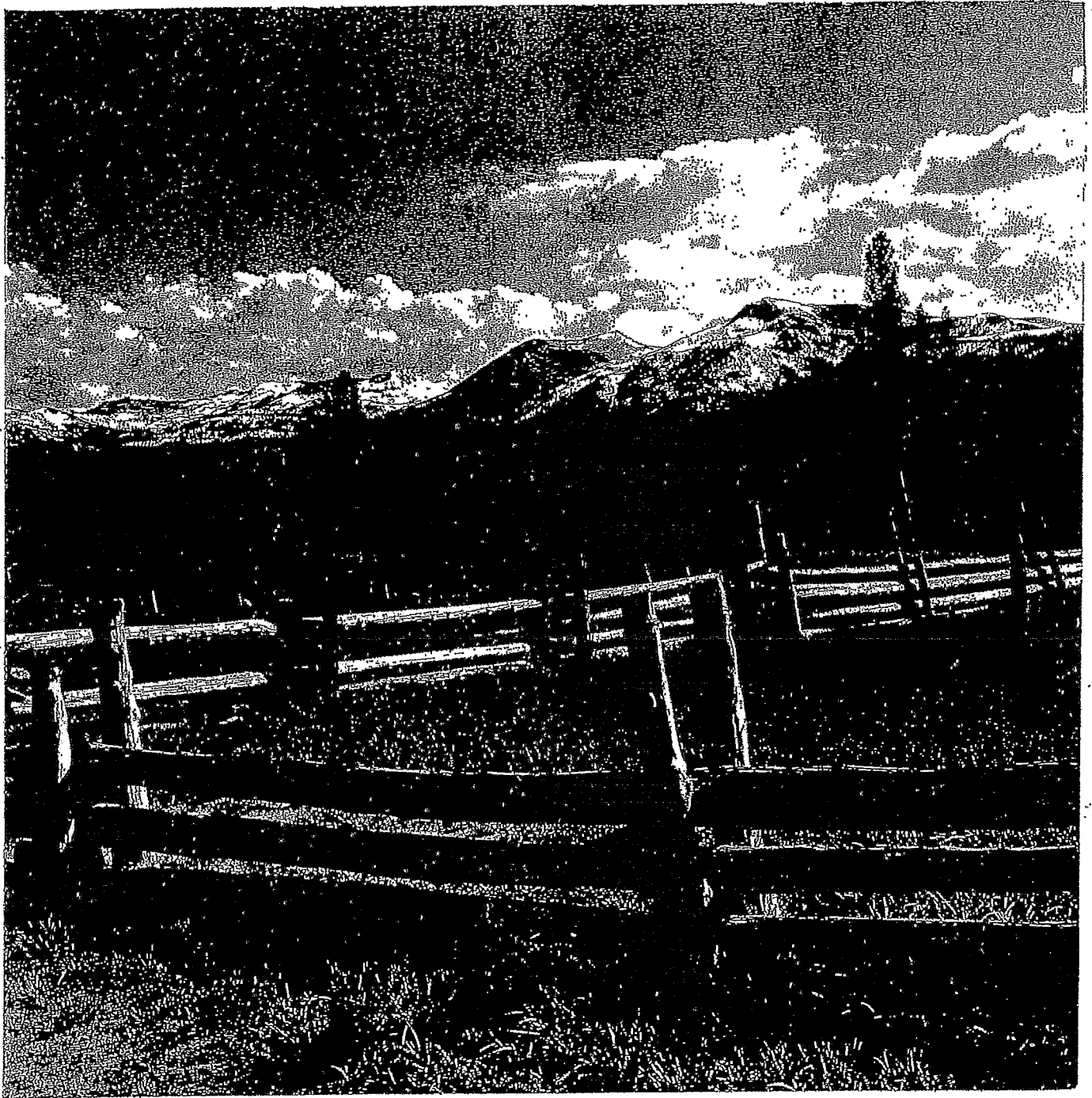
Santa Clara County	Fish and Game Commission	70 West Hedding Street, 10th	San Jose	CA	95110	35
Orange County	Fish and Game Commission	Floor, East Wing PO Box 4048	Santa Ana	CA	92702-4048	26
Santa Barbara County	Fish and Game Commission	c/o Santa Barbara City Planning & Development	Santa Barbara	CA	93101	34
Santa Cruz County	Fish and Game Commission	123 E Anapamu Street	Santa Cruz	CA	95060	36
Sonoma County	Fish and Wildlife Commission	701 Ocean Street, Rm. 312	Santa Rosa	CA	95403	41
Calaveras County	Fish & Game Commission Clerk	133 Aviation Blvd., Ste. 110	Sheep Ranch	CA	95246	4
Tuolumne County	Fish and Game Commission	15807 Waldear's Path	Sonoma	CA	95370	46
Lassen County	Fish and Game Commission	18036 Blue Bell East	Susanville	CA	96130	16
Mendocino County	Fish and Game Commission	707 Nevada Street	Ukiah	CA	95482	20
Trinity County	Fish and Game Commission	501 Low Gap Rd	Weaverville	CA	96093	45
Glenn County	Fish and Game Commission	PO Box 1917	Willows	CA	95988	10
Yolo County	Fish and Game Commission	c/o Yolo County Parks and Resources Dept.	Woodland	CA	95695	48
Siskiyou County	Fish and Game Commission	120 West Main Street, Suite C	Yreka	CA	96097	39
Sutter County	Fish and Game Commission	1119 South Oregon Street 146 Garden Hwy	Yuba City	CA	95991	43

# Attachment 5

# Needs to be Reviewed

## Economic and Recreation Study

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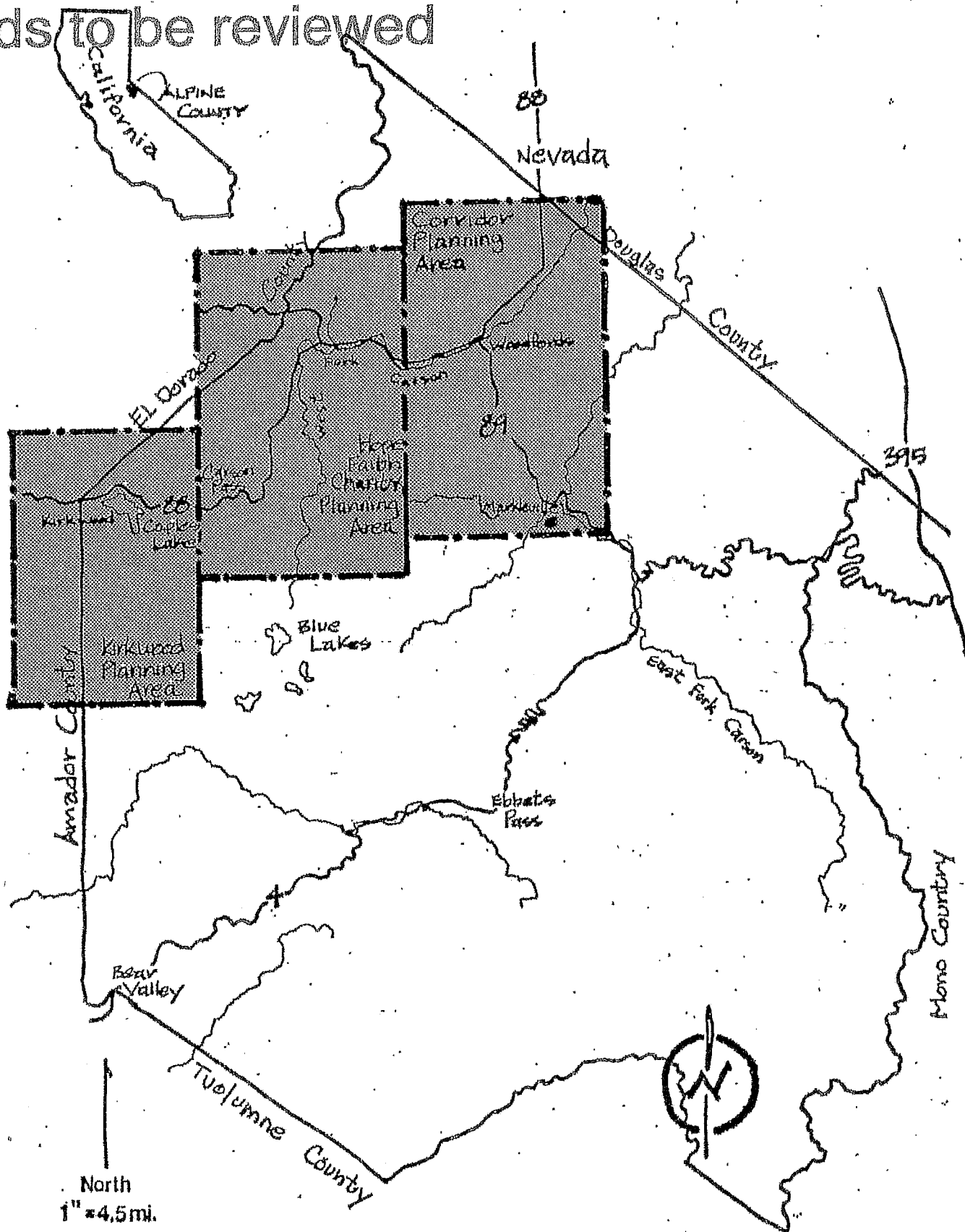
# Hope Valley Economic and Recreation Study

Final ▼ April 1989

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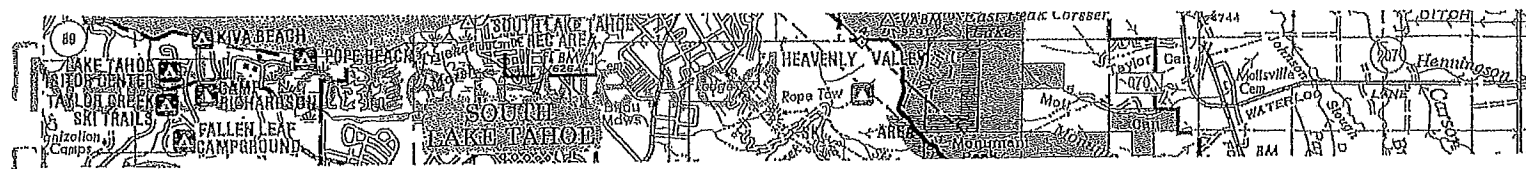


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## Hope Valley Economic and Recreation Study

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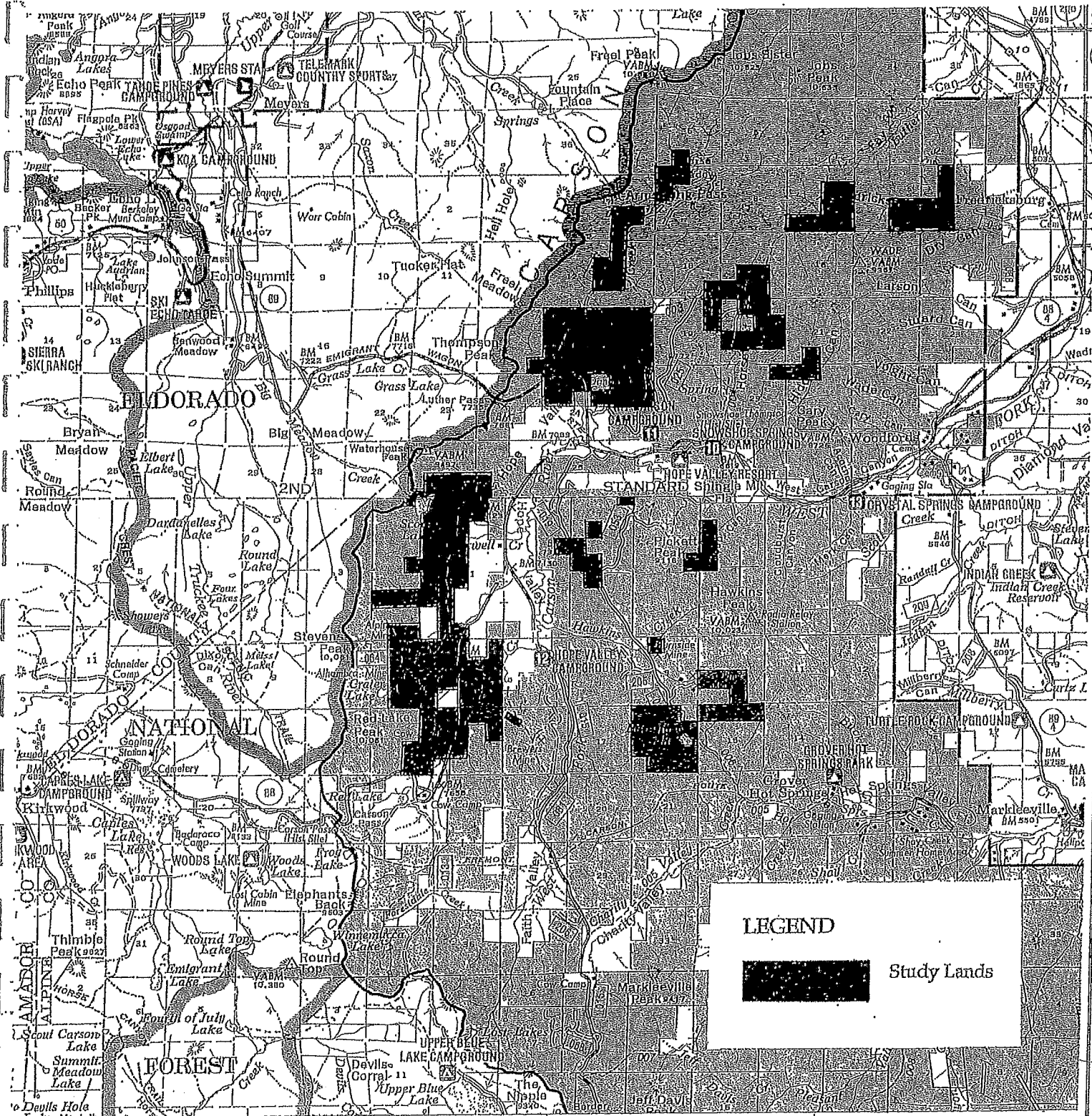
# HOPE VALLEY STUDY LANDS

Hope Valley  
Economic and Recreation Study

Alpengroup

1988

Lake Tahoe, Nevada



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Hope Valley  
Economic and Recreation Study  
Final ▲ April 1989

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# Hope Valley Economic and Recreation Study

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▲ Purpose and  
Setting

▼ Biophysical  
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# Needs to be reviewed

1

## Purpose ▼

The purpose of this report is to determine the Economic and Recreation impacts of the proposed purchase of nearly 15,000 acres of private land in the Hope Valley area of Alpine County.

This study was commissioned by the Trust for Public Lands, Alpine County Board of Supervisors, Alpine County Chamber of Commerce, and the Friends of Hope Valley.

The scope of work for this study included a literature review of existing reports, research, and field reviews. Alpengroup has prepared the sections of this report that will pertain to biophysical, cultural, economic and recreation issues of the proposed purchase, with the information that is available at the present time.

Needs to be reviewed

# Hope Valley Economic and Recreation Study

Final ▼ April 1989

## ▲Biophysical

Settings  
Climate  
Forest Description  
Resource Elements  
Wild & Scenic Rivers  
Timber

This section describes the existing situation of resources and activities of the project area.

### Biophysical Settings

The project area is surrounded by National Forest lands of the Toiyabe National Forest, with the exception of those Toiyabe National Forest lands lying within the Lake Tahoe Basin. In 1973, by Presidential proclamation, a portion of the Toiyabe National Forest in the Lake Tahoe Basin became part of a special management area, the Lake Tahoe Basin Management Unit (LTBMU), along with portions of the Tahoe and El Dorado National Forests. This was established to provide special protection for the unique feature of Lake Tahoe and its watershed. Although the project area is adjacent to the LTBMU, the planning constraints of the Tahoe Regional Planning Agency do not apply to the proposed project area.

The Toiyabe consists of three distinct divisions. The three divisions are: Sierra Nevada (Carson and Bridgeport Ranger Districts), Central Nevada (Austin and Tonopah Ranger Districts) and Mt. Charleston (Las Vegas Ranger District). The proposed project area falls within the Sierra Nevada division. The Toiyabe is a scattered Forest encompassing parts of western, central, and southern Nevada and eastern California.





## Climate

The Sierra Nevada is heavily influenced by its close proximity to the Pacific Ocean. Annual variation in snowfall is great because of the Pacific influence. Precipitation falls mainly in the winter as snow and may total as much as 70 inches per year at the highest elevation. At the base of the Sierra Front, precipitation seldom exceeds 15 inches.

## Forest Description

The area supports a variety of tree species, including Jeffrey pine, white fir, California red fir, western white pine, and lodgepole pine. Lesser amounts of sugar pine, incense cedar and mountain hemlock exist. Aspen is extensive throughout the valley and there are stands of pinyon-juniper at the lower elevations. The area produces water for western Nevada and includes the sources of the Carson River systems. Lakes are plentiful, visual quality is outstanding and recreational use of the area is extremely high.

Fire plays a very important role in almost all of the ecosystems found in the Eastern Sierra. It effects vegetative community development through its influence on succession. Studies show that the fire cycle has been 10 to 40 years with stands replacing fire every 200 to 400 years. Fire exclusion through successful fire protection has altered this natural process. Reintroduction of fire by a natural ignition process in wilderness would allow development of natural ecosystems.

## Resource Elements

In the National Forest System, the Toiyabe has held an average ranking of 19th in the Nation in outdoor recreation over the last decade. It has consistently held second place in Region 4 (Intermountain Region).

The Toiyabe is the largest Forest in acres in the contiguous 48 states, and is widely scattered through central, western and southern Nevada and eastern California. Portions of the Forest are located close to Nevada's two major population centers, Reno-Sparks - Carson City, and Las Vegas. The Tahoe El Dorado, Stanislaus, and Inyo National Forests, which lie between the Toiyabe National Forest and the large California population centers, all contribute a recreation user spillover to the Toiyabe. The proximity of Lake Tahoe and Yosemite National Park also greatly affects recreation use on the Toiyabe National Forest.



There are also a number of resorts based on private lands, which significantly impact the recreation resource of the National Forest. Foremost is Mono Village, which offers a store, restaurant, boating and fishing facilities, large campground and parking to the public for access to the Hoover Wilderness beyond.

It seems likely there will continue to be applications for new kinds of recreational special uses, such as river running. Over the last 10 years, special use permits for floating the East Carson River have been in great demand. Helicopter skiing also has become popular. This recent general increase in applications for recreation special use permits and the growing interest in additional wilderness classification, can be expected to continue.

#### Dispersed Recreation

Dispersed recreation use includes activities such as hunting, fishing, hiking, driving for pleasure, camping and other activities outside of developed sites.

Several areas of the Forest experience unusually high levels of dispersed recreation use. Such an area is the upper East Carson River drainage, which is the Toiyabe portion of the Carson-Iceberg Wilderness. Such areas are responsible for the Toiyabe's frequent number-one ranking in dispersed recreation in the Intermountain Region.

## Wild and Scenic Rivers

Rivers that have designation potential for Wild, Scenic and/or recreation classification were inventoried by the Former USDI Heritage Conservation and Recreation Service for possible inclusion in the National Wild and Scenic River System under Section 2, PL 90-542. The Eastfork of the Carson River, from last diversion dam; approximately one (1) mile above Lahontan Fish Hatchery, to the source, was inventoried. The Toiyabe NF has completed eligibility studies on the East fork of the Carson River.

## Wilderness

### Existing Wilderness

The Carson-Iceberg Wilderness and the Mokelumne Wilderness are near the project area. A national Roadless Area Review and Evaluation (RARE II) was completed in January 1979. As a result of RARE II, a number of areas on the Toiyabe National Forest were recommended for wilderness and further study.

The RARE II decision was challenged by the State of California. The Ninth Circuit Court of Appeals upheld the decision that the RARE II Environmental Statement is inadequate. After evaluating the court decision, the US Department of Agriculture determined that all roadless areas would be re-evaluated for wilderness through the Forest Planning Process.

Prior to the California Wilderness Act of 1984, the Forest planning process had developed an inventory of lands that are essentially unroaded and undeveloped, meeting the minimum definition of wilderness, and qualified for wilderness evaluation per NFMA Regulation 219.17. The inventory contained 65 roadless areas, totalling 2,187 thousand acres forest-wide.

California Wilderness Act of 1984 (CWA) in September, 1984, the California Wilderness Act (CWA) was signed by the President. The legislation included the following on the Toiyabe National Forest:

### Wilderness (CWA)

*Carson Iceberg 77,000 acres (approximate acreage) - Excludes an area around Noble Canyon. (An additional 83,000 acres is on the Stanislaus National Forest)*

*Mokelumne addition 19,000 acres (approximate acreage) - Includes the Raymond Peak Core area and Tragedy Elephants Back area. (An additional 36,000 acres are on the Stanislaus and El Dorado National Forests)*

Congressional Study Areas (CWA) These areas require a report to the congress within three years of the date of the CWA.

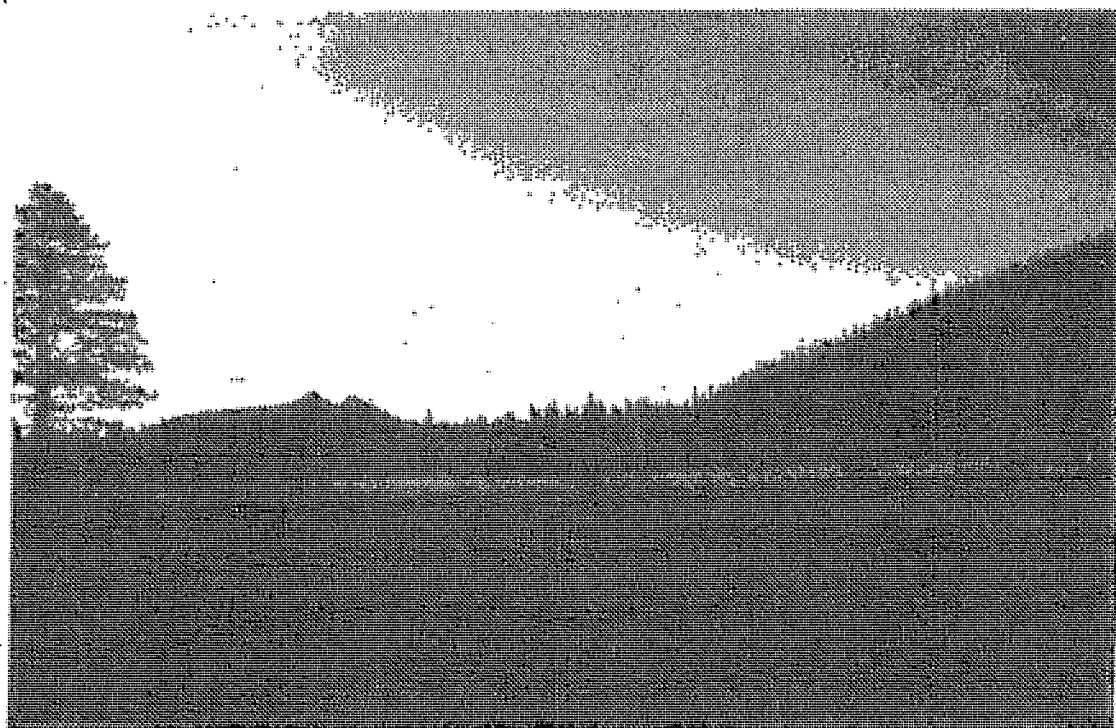
Carson-Iceberg Planning Area - 9,700 acres (approximate acreage) - Area around Noble Canyon.

Hoover West Planning Area 49,200 acres (approximate acreage) - Area around West Walker River.

## Timber

### Existing Situation

The Sierra Nevada range supports commercial stands of Jeffrey pine, the true firs, and lodgepole pine, with lesser stands of white pine and mountain hemlock. Logging has been conducted in the Sierra since the 1800's. Pinyon-juniper stands



are found throughout Toiyabe National Forest, with the majority in central Nevada. These woodlands have historically provided firewood, charcoal, and fencing materials.

The Toiyabe has been selling 6,000,000 board feet of timber annually, primarily in sawlog size material from the Alpine County and Dog Valley areas. Timber management activities and annual sale are the result of a timber management plan approved April 3, 1970. This plan was amended October 31, 1973, and extended through September 30, 1980. The plan was again amended April 14, 1980, to place areas recommended for wilderness by the January, 1979, RARE II Final Environmental Statement from "commercial forest land" to "productive deferred." This amendment also adjusted the volume, inventory, growth, mortality, and potential yield figures. It also extended the management plan until preparation and approval of a new plan based on reinventory of the Forest's timber resources or development of the Forest Land Management Plan.

Dwarf mistletoe and bark beetles are affecting timber stands on the Forest. These localized areas require treatment to prevent spread of the insects or disease. It is expected that loss of growth and mortality from disease and insects will continue but not increase, provided good growth rates are maintained in the timber stands and localized infection areas receive control treatments.

The primary silvicultural system used in recent years has been shelterwood. Removal cuts have been made in stands with good existing understories of saplings and poles. These understories have been thinned by removal of sawlogs and fuelwood operations. The continuing high demand for fuelwood enables good utilization of material produced from normal precommercial thinning. Emphasis has been placed on thinning overstocked immature stands. In mixed conifer stands, especially those where red fir is the major species, various stages of shelterwood cuts have been implemented with the objective of obtaining reproduction and eventual conversion to a young growth managed stand.

Timber harvest on the Toiyabe National Forest prior to 1970 had been higher as old growth timber was harvested. The need for timber produced from Toiyabe National Forest is not believed to be increasing. The Gardnerville mill could obtain a larger percentage of their needs from private and/or adjacent National Forests. The Gardnerville mill is approximately 45 percent dependent on the Toiyabe National Forest.

### Future Condition Under Current Management

Over a 200 year period, the National Forest's timber stands are described as follows:

Jeffrey pine - Within recommended wilderness, the pine continues toward older age classes. Within nonwilderness areas, age class distribution improves, although there remains an excess acreage of small sawtimber 70-90 years of age.

Mixed conifer - Within recommended wilderness, the mixed conifer continues toward older age classes. Within nonwilderness areas, age class distribution improves, except there is a shortage of small sawtimber 70-90 years of age.

Lodgepole pine - As there is no regulated harvest, the lodgepole pine working group moves toward over-maturity and age class distribution becomes greatly unbalanced after 200 years.



Needs to be reviewed

# Hope Valley Economic and Recreation Study

Final ▼ April 1989

## ▲ Cultural

Prehistory  
Ethnography  
History  
Early Exploration  
Early Settlement  
Transportation  
Communication  
Mining  
Logging  
Agriculture & Grazing



## PREHISTORY

The general regional prehistoric cultural sequence of the north-central Sierra Nevada is unclear. Some of the oldest finds reported for this region suggest occupation by about 8,000 years ago (Tahoe Reach Phase) in the Truckee River Canyon near Squaw Valley (Elston et al. 1977:151), at around 7,000 years ago (Spooner Phase) near Spooner Lake (Elston 1971:87), and by about 6,000 years ago in the Truckee Basin (Keesling and Johnson 1978; Rondeau 1982). The most intensive period of occupation in the region may have occurred at varying intervals between 4,000 years ago and 1,500 years ago (Marta Phase) (Heizer and Elsasser 1953). The protohistoric ancestors of the Washoe may date roughly from 1,500 years ago to the time of historic contact (Kings Beach Phase), (Heizer and Elsasser 1953; Elston 1976). Numerous archaeological studies in the Lake Tahoe Basin and at Carson Pass (Bennyhoff et al. 1982) generally support this prehistoric cultural sequence.





## ETHNOGRAPHY

The project area lies within the territory of the Southern Washoe (Naneletti, Price 1962). The Washoe are a Great Basin group within the Hokan Linguistic stock. They embody a blend of the Great Basin and California in their geographical position and cultural attributes. Lake Tahoe is central to their territory and they had no settlements west of the Sierra crest. They may have enjoyed land use privileges, hunting on the North and Middle Forks of the Stanislaus as well as the Calaveras, Consumnes, or American Rivers (Kroeber 1925:570).

The Washoe are a relatively informal and flexible political collectivity. The ethnographic record suggests that the general area was inhabited at various times of the year by small groups who made seasonal movements in order to procure economic resources as they became available. The Washoe have a tradition of making long treks across the Sierra passes for the purpose of hunting, trading, and for the gathering of acorns. The Washoe had trade relations and communications with other mountaineers and lowland groups.

Anthropologist A. L. Kroeber (1925) estimated that the Washoe population in 1770 was approximately 1500. Records indicate dramatic decreases in the Washoe population prior to the 1840s due to epidemics of disease. By the 1850s, Euroamericans had permanently occupied the Washoe territory and changed traditional life. Mining, lumbering, farming, grazing, commercial fishing, tourism, and the growth of settlements disrupted traditional Indian relationships to the land. As hunting and gathering wild foods were no longer possible, the Washoe were forced into dependency upon the "white" settlers.

The Washoe continued to live in the Woodfords and Markleeville vicinity. The Washoe, under the leadership of Captain Jim, ranged through Truckee Meadows, the Washoe Lake area, Markleeville, and south to Double Springs (Long n.d.:55). According to Harry Hawkins (1967:55, 71), an early settler in Woodfords ... *"The Indians used to have their wickiups here near my home at Woodfords. They just had big wickiups right over there (south of Woodfords) in the flats. Down on the flat below the old Indian camps were. Their mills were there, too—plenty of them. They had mills all around on this place. Most of them got that deep granite all around. We used to go down there to the flat there before my father plowed it up. We'd pick up all kinds of arrowheads, spearpoints, mortars, all that kind of—thought nothing about it. Now, you can't find a chunk, a piece, the size of a dime, hardly."*

A Washoe Cemetery is located within the project area. Hawkins (1965:56, 71) refers to it as *"the graveyard of the forgotten ones ... I don't know how many's in that cemetery."*

*That's a big one. You can just spot out the places, and who knows who's buried there ... There's some buried right down in the gulch that the sand has covered all over now. No signs of them at all."* Goldy Bryan (personal communication 10/3/1984), a Washoe elder born in Dresslerville and now living in Woodfords, notes that the practice of concentrated burials within a cemetery was imposed by the whites. Traditionally the dead were buried almost anywhere. Once the body was interred, the spot was not usually revisited, as is the Euroamerican custom.

The presence of a Washoe roundhouse somewhere near the project area (Hawkins 1967; Bryan personal communication 10/3/1984), the likelihood of Washoe burials occurring outside the designated "Washoe Cemetery", and the existence of both temporary and permanent encampments make the project vicinity highly sensitive to contain prehistoric remains.

## HISTORY

Basically 6 sets of integrated activities or industries are associated with the Euroamerican utilization of the general project area: (2) early exploration; (2) settlement; (3) transportation and communication; (4) livestock grazing; (5) mining; and (6) logging.

### Early Exploration

The earliest known Euroamerican traveler in the region was Jedediah Strong Smith in 1827. Joseph Walker led a group of trappers up the Truckee River in 1833. In 1841, John Bidwell came through the Sonora Pass. Three years later, John C. Fremont and his guide, Kit Carson, crossed Carson Pass and Fremont made the first recorded mention of Lake Tahoe (Farquhar 1965:56; Scott 1957). The Mormon Battalion crossed into the Carson Valley in 1848, constructing a wagon road which became known as the Carson Pass Route.

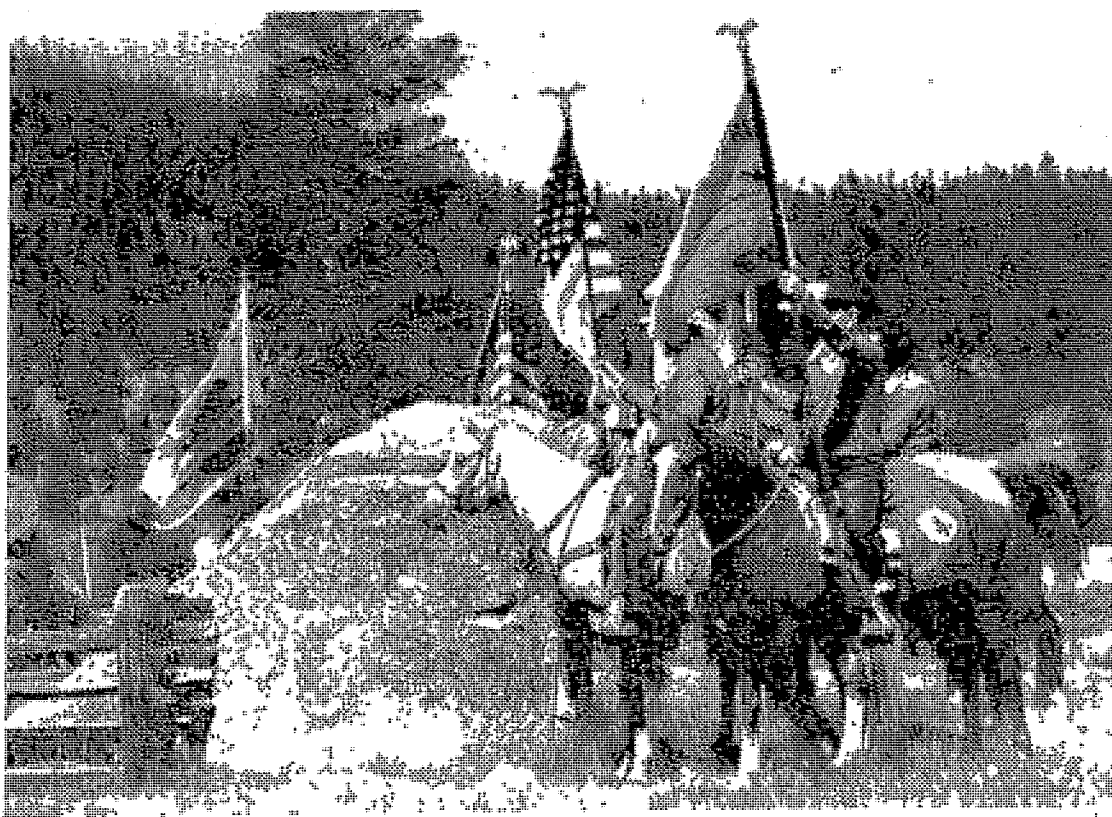
Alpine County was created on March 16, 1864 as the 46th county in the state. It was formed from parts of Amador, Tuolumne, El Dorado, Calaveras, and Mono counties. A series of land surveys by the Surveyor General of California were prompted by the importance of determining the boundary between California and Nevada (then the Territory of Utah). The eastern boundary of Alpine County was not established until a third survey in 1893, which restored county lines to their present borders.

## Early Settlement in Alpine County

The names given to the valleys of Hope, Faith, and Charity are expressive of the emigrants' feelings for this long-hoped-for land of promise. With the hardships of the desert behind them and with the mighty Sierra summit ahead, they found respite in these valleys.

In 1861 Jacob Marklee first staked out land at the site of Markleeville. By 1863, it had a population of 2,620 and supported a post office, Wells Fargo Express Office and telegraph (Howatt 1966:13). With the decline of silver in 1875, the county seat was moved here from Silver Mountain City.

Woodfords was established as the outpost of Brannan Springs in 1847 by a Mormon named Sam Brannan. This was the first white settlement of the region. In 1848 a traveler stopping place was built. By 1849 the influx in population prompted Dan Woodford to erect a hotel, which was the town's town was referred to as Cary's Mills. Shortly a post office established the town name as Woodfords. In 1852 Cary



built a house, the Wade House, which is the oldest house on the east slope of the Sierra in this area. In 1854 W. P. Merrill opened a trading post which was used by the Wells Fargo Express. A pony express mount station was a Cary's barn (Alpine County Historic Landmark #805). The Pacific Coast Business Directory for 1867 shows the following listings for Woodfords: (Long n.d.:20) Carey's Mills; Hawkins, Mary - Hotel Proprietress; Merrill, W. P. - General Merchandise; Shelter, Otto - Hotel Proprietor; Wade, O. C. - Hotel Proprietor; Wade, William B. - Postmaster and Lumber Dealer.

Other early settlements related to mining and the associated support industries of lumber and transportation: Fredericksburg, established in 1864; Kongsberg or Silver Mountain City, founded in 1858 and the county sat until 1875; Monitor (or Loope), founded in 1862; Summit City, founded in 1864; Harmonial City, Raymond City, Centerville, Splinterville, all founded in the mid-1860s; Mount Bullion, established in 1869; and Silver King, founded in 1866. Diamond Valley, located 4 miles from Woodfords, was an early Mormon settlement and the home of John A. "Snowshoe" Thompson.

#### Transportation and Communication

The demand for routes of travel, caused by the sudden opening and rapid development of the mines, was imperative, both as the general routes of access and as the arteries of supplies to provision the thousands who converged on the area during the late 1840s and 1850s. By 1855, the entire Carson Pass and Luther Pass area had been thoroughly examined for potential transportation routes and many observation points had been occupied for mapmaking (Farquhar 1965:97).

Woodfords was a major transportation center in Alpine County, at the junction of Carson Canyon and the Markleeville road (Highways 88 and 89) as early as 1859 (Jackson 1964:56). All 3 major routes accessing the Carson Valley, the Tahoe Basin, and the west slope of the Sierra passed through Woodfords. One such route, the Carson Pass Road, now State Highway 88 (Alpine County Historic Landmark #315 and #661) was opened in 1848 by a remnant of the disbanded Mormon Battalion (Stewart 1962). It was shown on an 1875 GLO Plat as "Road from Placerville to Genoa" (Alpine County Assessor's Office).

Ebbetts Pass (Alpine County Historical Landmark #318), or the "Big Trees Road", State Highway 4, was named for J. A. Ebbetts, who recommended and surveyed this as a potential route for the transcontinental railroad. In 1864 it was opened as a major wagon road.

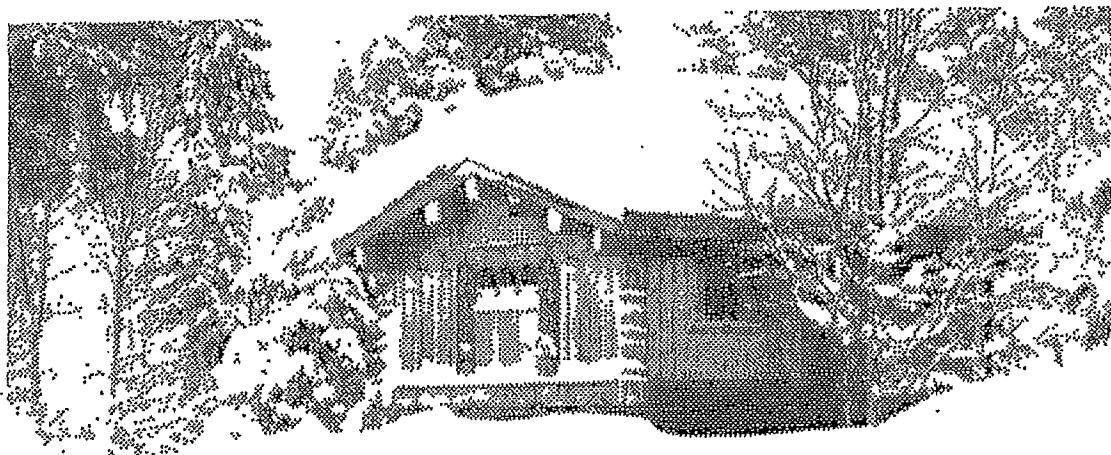
Luther Pass was known as early as 1850. It branched off at Pickett's Junction in Hope Valley and headed north to the Upper Truckee River and to the Johnson Pass Route (State Highway 50).

The route through Woodford's Canyon was used regularly as early as 1849. Also known as Horsethief Canyon, pioneers were frequently robbed of their horses as they traveled westward. Thieves fattened stolen horses in the mountains and sold them in Nevada. The same horse could be stolen and resold several times.

In response to the need for adequate communication over the Sierra, several counties and private companies financed the conversion of mountain trails into toll roads for the transport of mail and supplies by wheeled vehicles. It was customary for an individual or company to obtain a franchise to construct and maintain a road. In turn, they were permitted to charge toll and erect a toll gate or toll house. Toll gates were located at Green's (Pickett's Junction), half-way between Green's and Luther Pass, 1 mile west of Woodfords, and numerous others were operated throughout Hope Valley and beyond the passes. Toll roads throughout Hope and Charity Valleys were made public roads after 1893 (Howatt 1966:97).

The pony express flourished briefly in 1860. It ran through Woodfords for weeks and was then re-routed to follow the route over Daggett Pass (Kingsbury Grade), as free toll was offered there. This first route went from Genoa to Fairview, to Woodfords, to Green's (Hope Valley), to Caples, and onto Hangtown (Placerville).

When heavy snows hindered wheel and horse travel, the mail was carried by "Snowshoe" Thompson, who made a remarkable series of trips across the Sierra on skis from 1856 to 1876. At first he used the Placerville-Johnson-Luther Pass Route, but later he followed the Big Tree Route to Hope Valley. Both routes passed through



Hope Valley and continued down Woodfords Canyon to Genoa (Farquhar 1965:100). He cached his skis at the spring in Woodfords Canyon, where he began and ended his journey across the Sierra. "Snowshoe" Springs is now a public campground.

The discovery of silver in Nevada caused the whole character of Sierra travel to flow in the reverse pattern. Roads and way stations along the Johnson and Carson routes were overcrowded with travelers. The big bonanza in Washoe stimulated the search for silver in every direction and furthered the development of transportation routes and support facilities in the vicinity of the project area.

### Mining

The area did not take part in the gold rush, but was prospected in the early 1860s with the Comstock discovery. There was a high population of American, Canadian, Irish, and Norwegians in these mines (Howatt 1966:641). The first major mining was at Silver Mountain in Scandinavian Canyon. During the 1860s mines within the Monitor, Mogul, Silver Mountain, and Silver King mining districts developed. The use of improper milling methods, along with a lack of available capital and labor resulted in repeated failures of Alpine mining enterprises. Several British investors financed Alpine County mines as early as 1865 through the late 1870s (Jackson 1964:58).

Copper, lead, and zinc are found in small amounts in Hope Valley. Substantial quantities of stone, sand and gravel have been mined in the flood plain of the West Branch of the Carson River in the southern or upper end of Hope Valley. Tungsten was mined in the 1940s-50s by the Alpine Mine and the Burnside Mine, located in the western and eastern part of Hope Valley.

### Logging

The lumber industry in Alpine County was associated with the needs of the mills and mines of the Comstock. Wood was cut during the winter in areas adjoining major streams. The logs were floated down in the early spring freshets. Mills were first located along the lower portions of the East and West Branches of the Carson River. Gradually mills were moved from the foothills into the higher elevations. Cary, Woodfords, and Peabody mills were all water powered mills which serviced local needs around 1853 or 1854 (Jackson 1964:55). Transport to the rivers in the early 1860s was by mules and wagons. After 1865, logs were moved by V-flume. The lumber business declined with the demonetization of silver and the demise of the Comstock. It continued to support settlements in the Carson Valley and Alpine County.



### Agriculture and Grazing

In the early 1860s many emigrants, unsuccessful in gold mining, turned to farming and were attracted by the active market for agricultural products in the mining towns. Alpine County farmers fed large numbers of workers in the Comstock and served local consumers. Most of the soils in the region are residuals and poor agriculturally. The only alluvials are in the Upper Carson, Hope, Faith, and Charity, and Diamond valleys. Accordingly, these were the seasonal centers of the dairying and stock raising industry. Also, temperate zone fruits, vegetables, potatoes, hay, barley, and oats were grown.

Woodfords was an important milling and product distribution center. Cary erected a water-powered flour and grist mill in 1865, the only mill of its kind in the Carson Valley (Jackson 1964:56). In January, 1874, Rickey and company established a barrel factory at Woodfords primarily to manufacture butter tubs needed by dairymen in Hope Valley.

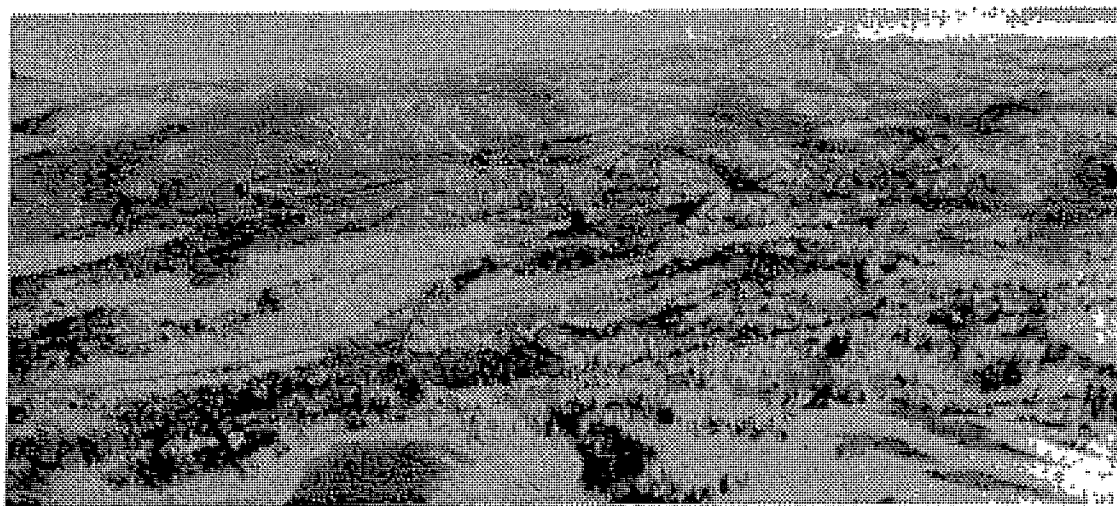
Diamond Valley, one of the richest agricultural sections, produced barley, wheat, hay, oats, and fruit on a large scale by the 1870s. Snowshoe Thompson owned 100 acres of planted wheat and barley averaging 25 bushels per acre. He had an annual hay crop of 80 tons and owned both dairy and beef cattle, and also owned a threshing machine, reaper and mower (Howatt 1966:79). Today almost the entire valley has been converted to cattle range and planted pasture by the Heise Corporation of Gardnerville, Nev. (Alpine County Records Office: Deeds; Howatt 1966:79; Hawkins 1967:28).



Cattle, sheep, horses, and mules were driven up from ranches in the San Joaquin, Sacramento, and Carson Valleys. Dairy and beef cattle came from San Joaquin, Sacramento and Amador counties. Summer herds were the most numerous migrating herd. Most sheep came over the Big Trees Road from San Joaquin, Calaveras, Stanislaus, Sacramento, and Amador counties, less so from the Carson Valley. Basques were usually employed as sheepmen.

Since the late 1880s, Nevada ranchers, including such families as Dressler, Berry, Fay Wilderson, Park, Scossa, Dangberg, Settlemyer, Neddenreip, and Heise have owned both land and water rights in Alpine County. The water rights to the Carson River, which date back to 1858, reveal the importance of the Nevada cattlemen in Alpine County. Rights to water became an object of bitter dispute between ranchers of Alpine County and the Carson Valley. In 1890 the Alpine Land and Reservoir Company was organized by some Alpine County farmers, to build storage reservoirs in Alpine County and sell the water.

The cost of construction was prohibitive and the company sold out to Carson Valley farmers who constructed dams on various sites in Alpine County, with an aim to store unused water to be used later for irrigation in the Carson Valley. According to the California Superior Court ruling of November 29, 1921, on water rights on the West Fork of the Carson river, the Alpine farmers and ranchers, then 18 in number, received a total of 39.24 cubic feet per second. Two other Nevada ranchers received 17.98 cubic feet per second for use in Douglas County, Nev. (Water Rights, November 29, 1921, Alpine County Archives). Nevada ranchers also own water rights to about 15 lakes in Alpine County (Howatt 1966:89). As of 1960 about 4,000 acres in California and 10,000 acres in Nevada are irrigated by diversions from the West Fork of the Carson River.





Needs to be reviewed

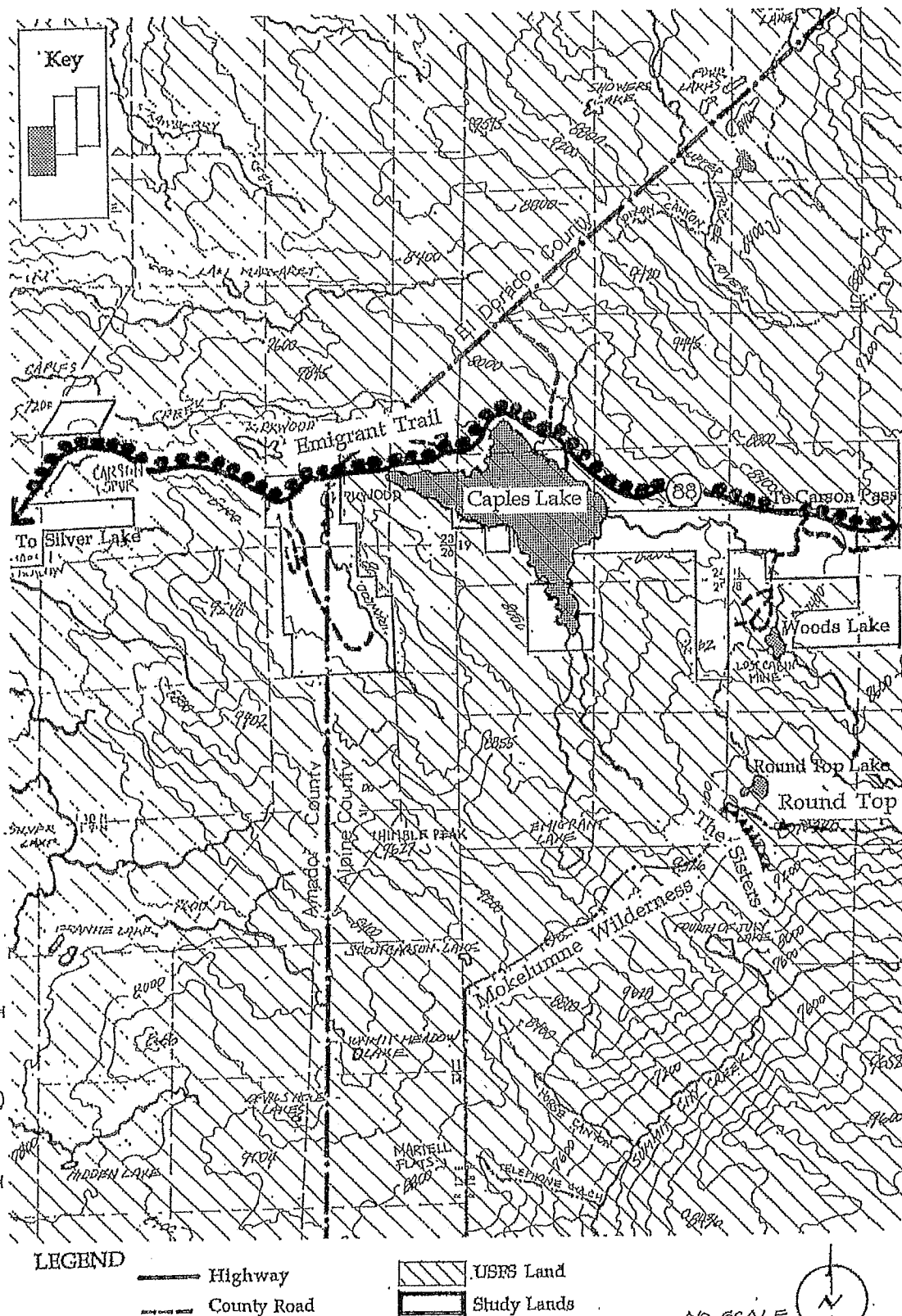
# CULTURAL/NATURAL RESOURCES

## Hope Valley Economic and Recreation Study

Alpengroup

1988

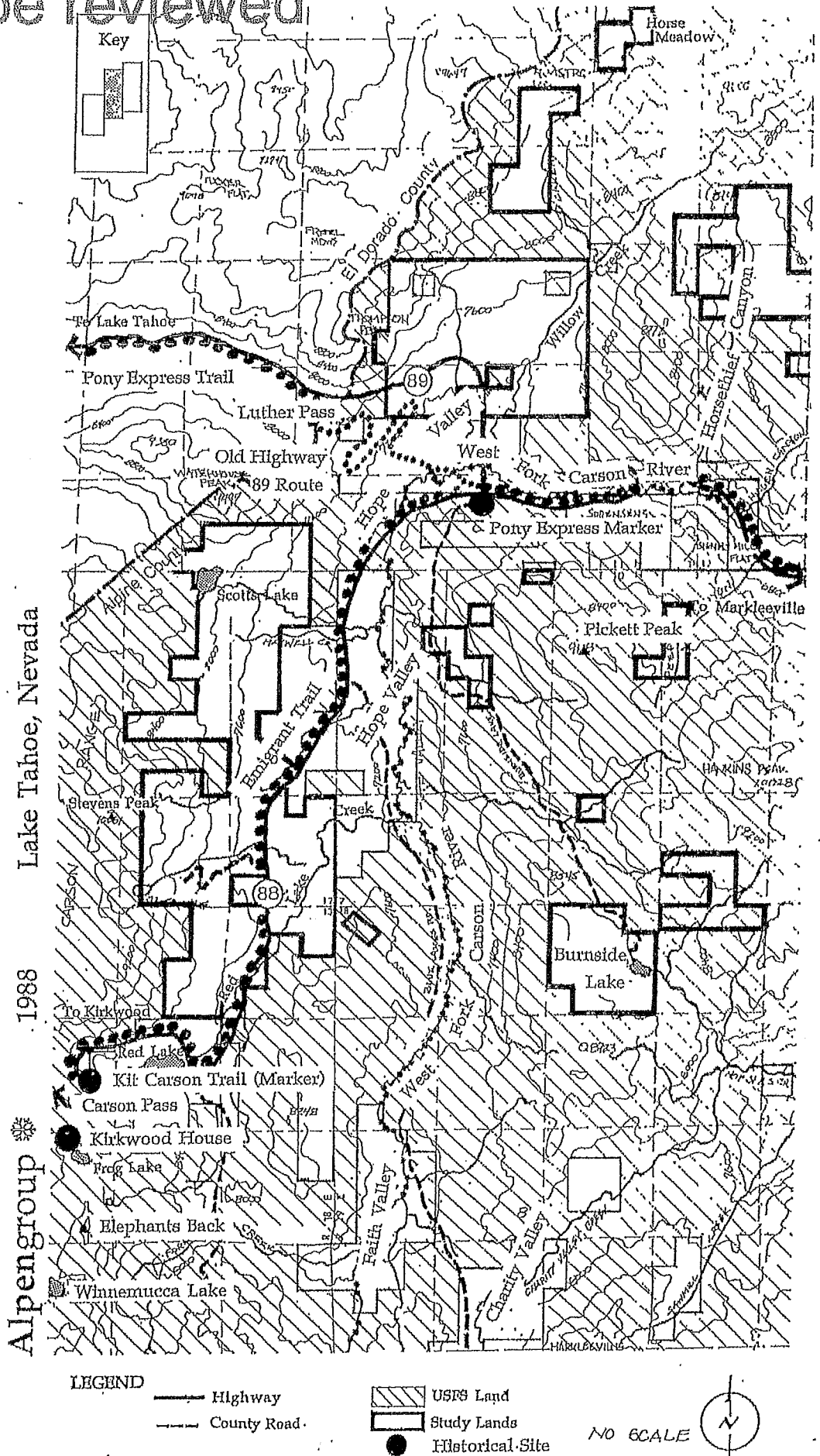
Lake Tahoe, Nevada



Needs to be reviewed

# CULTURAL/NATURAL RESOURCES

Hope Valley  
Economic and Recreation Study

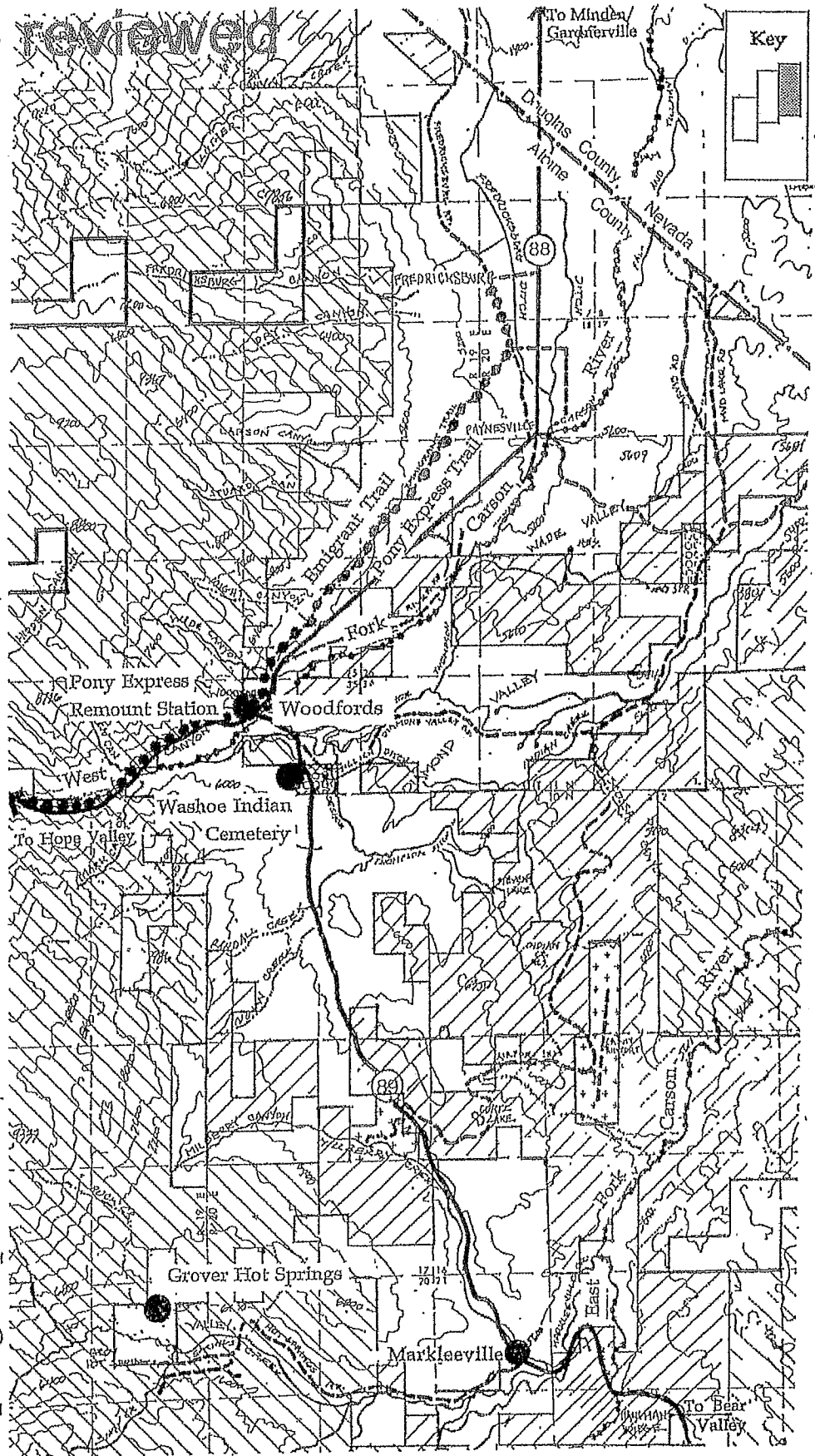


Needs to be reviewed

# CULTURAL/NATURAL RESOURCES

Hope Valley  
Economic and Recreation Study

Alpengroup 1988 Lake Tahoe, Nevada

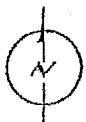


## LEGEND

- Highway
- County Road

- USFS Land
- Study Lands
- Historical Site

NO SCALE



Needs to be reviewed

# Hope Valley Economic and Recreation Study

Final ▼ April 1989

## ▲ Recreation

- ▼ Existing  
Recreation
- ▼ Future  
Recreation

Needs to be reviewed

# Hope Valley Economic and Recreation Study

Final ▼ April 1989

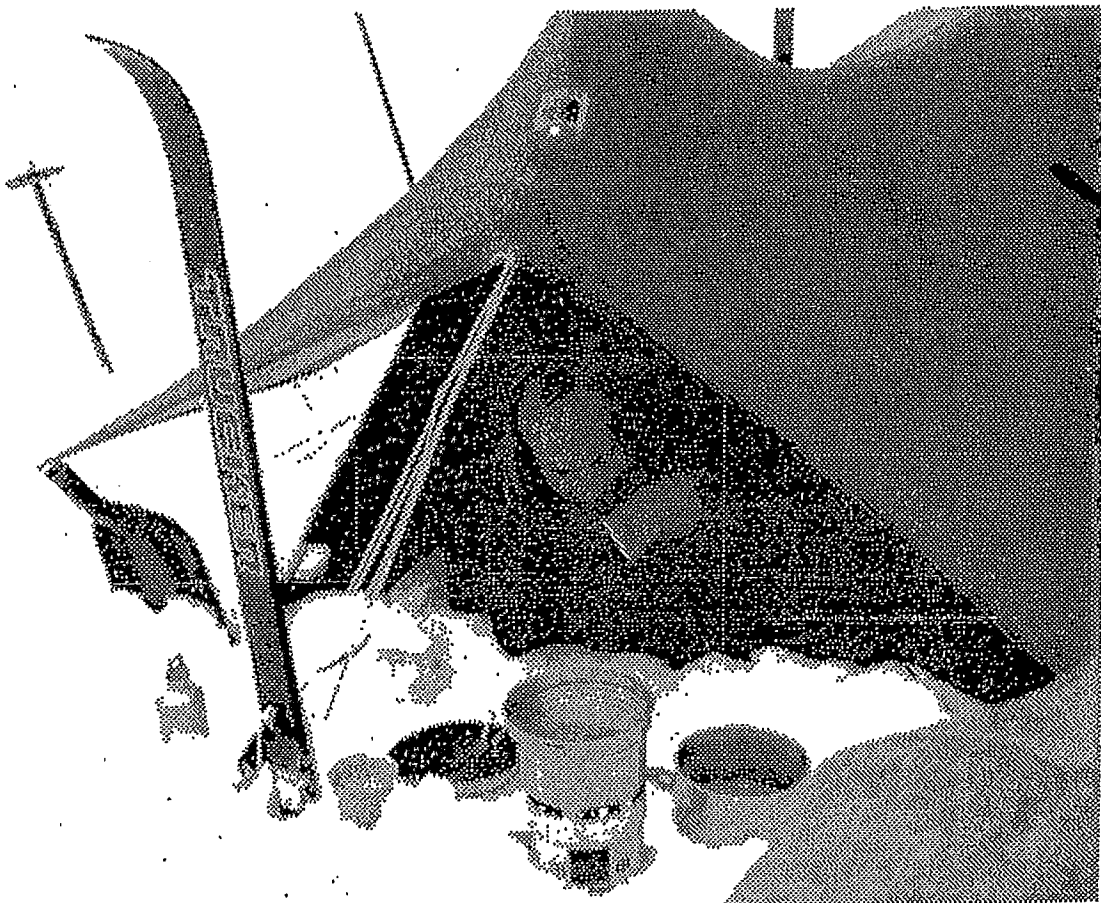
## ▲ Existing Recreation

Existing Recreation  
Opportunities  
Recreational Providers  
Users  
Visitation

## RECREATION ▼

Alpine County represents a great opportunity for outdoor recreation. The wealth of its natural resources includes rugged mountains, picturesque valleys, free flowing streams, varied habitats and abundant wildlife. These resources appeal to a wide variety of travelers looking for a place to get away. The study area, the corridor surrounding Hope Valley stretching from Kirkwood to Markleeville, offers all of these resources and, in addition, a stunning beauty. As a result of this combination of scenery, activities and accessibility, the area enjoys a growing reputation as a vacation spot.

This chapter will describe the existing recreational activities, typical visitors, and recreation providers and support facilities in the area, as well as describe the planned future for recreation. The last portion of the chapter will address economic impacts and benefits from increased recreation and tourism.





## EXISTING RECREATIONAL OPPORTUNITIES ▼

Recreation in Hope Valley is based on the diversity of natural resources present. Situated in the Carson Range of the Sierra Nevada, the landscape presents a seemingly endless array of mountains and narrow canyons that open into grass covered valleys. Numerous small streams feed into mountain lakes and reservoirs, as well as the West Fork of the Carson River. Recreational potential abounds in this setting. The following paragraphs describe existing recreational uses in the areas.

### Summer:

**Hiking.** Many hiking trails exist in the area and pass through meadows, high, treeless plateaus, dense forest and riparian areas. The Pacific Crest National Scenic Trail is perhaps the best known and crosses the area at Carson Pass. Trails in the northern study area access Horsethief Canyon, Horse Meadow, Pickett Peak, and Stevens Peak. From the Carson Pass area, trails reach Meise Meadows, Red Lake Peak, Elephants Back, Round Top and The Sisters. Lakes along these trails include Meise, Frog, Winnemucca, Woods and Round Top. In addition, the Mokelumne Wilderness Area sits just south of Caples Lake and provides hiking and primitive camping opportunities.

**Camping.** Camping opportunities in the area include developed tent and RV campgrounds, undeveloped sites where camping is allowed, and primitive backcountry camping. The campgrounds operated by the USFS include Hope Valley Campground, Kit Carson and Snowshoe Springs campgrounds, and the Woods Lake and Caples Lake campgrounds. The State of California operates a campground at Grover Hot Springs State Park; the county campground is located at Turtle Rock County Park. Two popular undesignated camping areas are located at Picketts Junction and along the Blue Lakes Road. Backcountry camping can occur in all US Forest Lands, however, popular spots exist around most lakes in the Carson Pass area.

**Fishing.** The West Fork of the Carson River is a popular fishing area. However, in Hope Valley itself, overgrazing by private landowners has reduced the fisheries habitat quality in the river. Currently, Rainbow and Cutthroat Trout are found. In addition to the river, many area lakes provide fishing opportunities. Of these Caples Lake is the largest and most accessible.

**OHV.** Past human activities in the area such as logging, mining, and ranching left many unimproved roads. Jeep trails and 4-wheel drive trails provide vehicle access to such areas as Blue Lakes, Burnside Lake, and Scotts Lake. Motorized vehicles are not permitted off established dirt roads on any public lands.

**Mountain Biking.** This relatively new activity is rapidly growing in popularity throughout the West and certainly within the study area. Three years ago, mountain bikes were unknown in Hope Valley; this year all area trails have experienced mountain bike use. Currently, several trails are off-limits for this use. These include all trails within the state park, the Pacific Crest Trail, the historic Emigrant Trail, and all wilderness trails.

**Equestrian.** Horseback riding in Hope Valley has enjoyed a long history. The Emigrant Trail and a Pony Express Trail route both crossed through the area and ranching-related horse use continues today. Much of the existing recreational use consists of horse owners trailering in their animals for day or week long rides into the surrounding backcountry lakes. Few adequate trailhead facilities currently exist to serve these users. Guided trail rides available at the Kirkwood Stables help to diminish trail use conflicts such as equestrians and vehicles using the same trail. (See the following discussion for more information about Kirkwood Stables.)

**Miscellaneous.** Many other outdoor activities occur during the moderate weather months within the study area. These include picnicking, hunting, mountain climbing, nature study, photography, bicycling (along paved roads), swimming and wading (in natural streams, lakes, and hot springs), and boating (at Caples Lake). In addition, area resorts offer more developed activities such as tennis, nature-oriented classes, swimming, and hot tubs. Llama pack trips and river rafting (on the East Fork of the Carson) can be experienced through special arrangements with Sorensens, Kirkwood, or the Woodfords Inn.

The study area is also used during the year for numerous training seminars and workshops for Federal, State, Regional, and Local Search and Rescue Teams.

#### Winter:

**Alpine Skiing.** At the south and west edge of the study area, Kirkwood offers a fully developed downhill ski resort. Although a portion of this resort sits outside of Alpine County, its proximity to Hope Valley adds to the activities diversity in the area. Kirkwood currently offers eleven lifts and 55 ski trails.

**Nordic Skiing.** The Carson Range, with its high mountains, frequent valleys and



abundant snowfall offers unlimited cross-country and mountaineering ski opportunities. In the study area, Nordic skiing has enjoyed a tremendous growth in popularity during the last ten years. Popular mountaineering destinations include Elephants Back, Round Top, Red Lake Peak and Meise Meadows. Other popular routes include Willow Creek Canyon, Red Lake Creek drainage, and the southern portion of Hope Valley. USFS marked, ungroomed cross-country trails include Winnemucca Lake and Red Lake. In addition, two resort areas mark and groom trails for skiing and (at Kirkwood) for skating. Sorensens maintains 40 km of groomed trails one of which provides access to Burnside Lake. Another 40 km are marked but ungroomed. The Kirkwood Nordic Center maintains 75 km of groomed track with skating lanes.

**Snowmobiling.** Snowmobiling is another popular winter sport in the area. Snowmobiles can be found on most jeep trails, though by far the heaviest use occurs along a corridor from Hope Valley to Blue Lakes, generally following the Blue Lakes Road. Tahoe Winter Sports grooms snowmobile tracks in this area.

**Miscellaneous.** Other winter activities in the study area include, snowshoeing, winter camping (developed camping available only at Grover Hot Springs State Park), snow play, ice fishing (at Caples Lake), and swimming (also only at Grover Hot Springs). In addition, Sorensens and Kirkwood offer their visitors special activities such as sledding and sleigh rides.

The terrain and snowpack that is indigenous to the area provides an excellent environment for snow studies, seminars for avalanche awareness, and winter Search and Rescue training.

**Special Events:** Special events also draw people to this area for outdoor recreation. Races, rodeos, and other celebrations are included in this category. In determining existing recreation, this study considered only annual events. They are:

**Tour of the California Alps - The Death Ride:** This bicycle ride that is held in July follows a rigorous route up and down the mountain passes of Alpine County. It is considered one of the most outrageous bicycle rides staged on the West Coast.

**Canine Connection:** This 15 km sled dog race event in Hope Valley occurs every February. A similar race, staged in Truckee, is a large draw for the North Shore of Lake Tahoe and Truckee.

**Alpine County Faire:** This event is held in Markleeville and Woodfords every August.

**Kirkwood Rodeo:** A small, one day rodeo held at Kirkwood Stables occurs every summer.



## RECREATION PROVIDERS ▼

Within the study area, four public agencies and seven major private groups provide recreational opportunities or recreational support services. This mix of public and private groups helps create the recreational diversity described in the last section. However, with so many players involved, the results sometimes are confusion, duplication of effort (particularly as regards planning and promotion), inadequate resource management, and haphazard rules enforcement. In order to fully understand the existing recreation picture, it is necessary to better understand the recreation providers.

### United States Forest Service.

The USFS controls much of the land within the study area. As most of that land falls within the Toiyabe National Forest, the following discussion will assume that jurisdiction. (The El Dorado National Forest boundary crosses at Carson Pass; thus Caples Lake, and the Kirkwood area fall within that Forest. All of the lands under purchase consideration would transfer to the Toiyabe National Forest.)

Unlike other forest areas where logging or other uses predominate, the Toiyabe National Forest is ranked 19th nationally for recreation use. Within the Forest, the Alpine County facilities prove to be very popular, often operating at an occupancy rate twice that recommended to preserve the resource. In the 1986 Toiyabe Land and Resource Management Plan, the Forest Service recognizes recreation's importance and defines the development and management direction for this study area. That direction provides priority for developed and dispersed recreation, as well as wildlife habitat, aesthetics and watershed maintenance.

Within the study area, developed forest service facilities include: 135 summer campsites at the Hope Valley, Kit Carson, Snowshoe Springs, Woods Lake and Caples Lake campgrounds; hiking and jeep trails; and an information station at Carson Pass. In addition, permittees operate Alpine and Nordic ski and snowmobile trails, horse pack trails, campgrounds and the Hope Valley and Caples Lake resorts. Special use permits allow private individuals to operate commercial enterprises on federal lands. Under these permits, private groups invest the needed capital improvements and collect the profits; the USFS can control certain aspects of the operations and receive a portion of the profits as a permit fee. As federal budgets tighten, this sort of public-private partnership will become a more common way to meet the growing recreational demand.

### California State Parks.

California State Parks operates the 538 acre Grover Hot Springs State Park. This facility, once a private resort, centers around the naturally occurring hot mineral water piped into a concrete pool. At all times of the year, visitors can swim or soak in the "hot" pool, at 100 F, or in the "cold" pool, at 80 F. A changing room and showers completes the pool facility. By State Park standards, the pool complex is run-down and will receive extensive remodeling when funds become available. Other facilities at this park include: 46 picnic sites (30 of these form the winter campground), 76 summer campground units, a nature hike and trailhead to Burnside Lake, and cross country skiing. (Mountain bike, equestrian and OHV use is prohibited in the park except along one existing dirt road.)

California State Parks also operates a Snow-Park permit facility at Carson Pass. From this parking lot, most of the Carson Pass cross-country ski areas are accessible.

### California Fish and Game.

California Fish and Game stocks the West Fork of the Carson River. The Rainbow and Cutthroat are considered good sport and eating fish. Currently, Fish and Game provides no other use facilities.





### Alpine County.

Alpine County operates Turtle Rock County Park just outside of Markleeville. The primary activity for recreationists in this park is a 28 unit campground, with eleven spots reserved for summer-long senior visitors. The facility is not available during the winter months.

### Woodfords.

In the Woodfords area, Woodfords Inn and Woodfords Station both provide visitor services. Woodfords Inn offers 20 motel rooms, an outdoor hot tub and coordination with Mort's River Rafting trips along the East Carson River. Typical hotel users include hunters, fishers, hikers and vacationers exploring the scenic beauty of Alpine County. At Woodfords Station, a restaurant/deli and general store are available, as well as visitor services such as maps, souvenirs and fishing licenses.

### Hope Valley Resort.

The Hope Valley Resort consists of a general store, gas station and restaurant and operates under a special use permit from the USFS. Its major clients are highway travelers and campers at the Kit Carson and Snowshoe Springs campgrounds. This business has struggled over the years under a succession of managers and is currently open only during the summer months. The projected increase in recreational use of the area may indicate a brighter future for this operation.

### Sorensens Resort.

Sorensens Resort, located on private property at the edge of Hope Valley itself, is an aggressively growing year-round resort. A full description of this resort can be found in the economic case studies at the end of this chapter. Briefly, Sorensens offers lodging (including group events such as conferences and weddings), food, gift items, special activities such as nature study, hiking trails, and a complete cross-country ski package including groomed and marked trails, equipment rental and lessons. In addition, staff will coordinate such activities as equestrian rides at Kirkwood Stables and llama pack trips.

### Caples Lake Resort.

This resort is the only one in the study area with direct access to a lake. As such it offers recreational opportunities unique in the area. These include lake fishing, a small boat ramp, and motor boat and canoe rental. (The 5 mph speed limit

restriction on the lake prohibits larger boats and activities such as water skiing.) In addition, the year-round resort offers lodging in 7 cabins and 6 lodge rooms, a small store, and a renowned restaurant. Typical visitors fall into two groups; those drawn to the area to experience the Sierra outdoors (primarily for fishing, hiking, skiing, and nature study), and those already staying in the area and drawn to the restaurant.

This resort, as with the Hope Valley resort operates with a special use permit from the USFS. The terms of the permit do not allow ski rental or ski lessons, although after a master plan is completed other facility expansion may be possible.

#### **Kirkwood.**

*Kirkwood* resort is a fully developed year-round destination resort. Many of the facilities are located in Almador County, yet this resort has such an impact on outdoor recreation, it will be discussed fully here. Also discussed will be the Kirkwood Nordic Center and the Kirkwood Stables. These groups are not technically a part of the Kirkwood organization though together they form the "Kirkwood Experience."

*Kirkwood Meadows* offers the full range of recreational activities and visitor support services. In the summer these include: lodging and restaurant facilities (including conference facilities), general store and gift shops, 4 tennis courts, and hiking trails. Visitors also take advantage of nearby public recreational opportunities such as boating, fishing, and swimming. Alpine skiing is the main winter attraction and the resort offers eleven lifts with 55 ski trails. Ski rental and equipment and clothing purchases are also available.

*Kirkwood Nordic Center* is the developed Nordic skiing operation in the Carson Pass area. Operated only during the winter, this group has the exclusive permit from the USFS to develop and maintain ski trails as well as to rent and sell equipment. The area offers 75 km of groomed track with skating lanes, warming huts, and a day lodge with equipment sale and rental, and lessons. The nearby Kirkwood Inn offers food service and lodging.

*Kirkwood Stables*, in operation since 1986, is a relative newcomer in the area. Located on Kirkwood property, a special use permit allows trail rides to take visitors out of the valley and into the El Dorado National Forest. Conditions of the permit allow only guided, hourly or half-day rides. A corral and small office structure are the only on-site facilities required for this operation. Kirkwood Stables has 10-12 rentable horses available, although at any one time, some of these may be rotated out to pasture.

## Recreation Users ▼

### Recreation Users

People that visit an area to participate in recreational activities often fall into distinct user groups. Member of these groups will share interests, recreational needs, facility development needs, and often travel and spending habits. In the Highway 88 Study, the USFS identified and described typical user groups within the Highway 88 corridor, of which Hope Valley is a part. The following section summarizes information from that study, augmenting it with more specific user information where necessary.

- (1) car campers,
- (2) those with special access needs,
- (3) day users,
- (4) youth groups, and
- (5) resort and cabin renters.

These groupings are based upon social and economic analysis of the management situation, historical and projected trends of user groups, informal interviews with Forest Service recreation management professionals and forest users, oral and written issue statements, newspaper articles, government studies and documents, land use surveys, and census data. These groups are not mutually exclusive; a person may belong to more than one group.

The current situation for each of the groups is described as a way of comparing their impacts.

A social variable is a factor that can be used to measure the social impacts of the various alternatives on different social groups. For example, people within each group may have similar lifestyles, attitudes, beliefs and values which are projected as likes, perceptions, and fears.

Other components of social organization such as community cohesion and stability are also social variables are discussed for each social group. In addition the effects on population in terms of distribution, growth and density is a social variable which is considered.

This study recognizes that characteristics identified for each group are generalizations and, as such, will not be true for everyone in the group.

## 1. Car Campers

Car campers are overnight visitors who camp in developed campgrounds for periods from one night to two weeks and participate in such daytime activities as relaxing in camp, camp-cooking and barbecuing, fishing, sightseeing, swimming, hiking, and generally enjoying the mountains. (Winter campers are considered in this study but their numbers are relatively few and the focus is on summer users of the study area.) They generally travel and camp with their families and possess strong feelings about family use of the outdoors and natural resource appreciation. They travel predominantly in autos and recreational vehicles and prefer relatively high standard roads for access to campgrounds and other facilities. The vehicles they use for transportation require travel routes that provide easy access.

The majority of campers come from urban Sacramento, Stockton, and San Francisco metropolitan areas. These three areas account for over 80% of the total family and group campground use in the area.

The summer season of car camper use is the school vacation and holiday weekends period. This typically covers the roughly 100-day or three-month period from Memorial Day weekend through Labor Day. When traveling to the recreational facilities along Highway 88 campers find scenic travel through the area to be an attractive feature of the trip.

Car campers share some common recreational life styles. These consist of a recreational goal, recreational opportunities, special group access, security, and public space for daytime activities.

Their recreational goal revolves around a central theme, which is to travel to the outdoors with family or friends, pitch a tent or level an RV, cook out, fish and hike in an unrestricted, natural forest setting. These visitors travel to the forest to enjoy an outdoor family experience in a rustic setting while taking in the great outdoors. This theme is central to the group's recreation style.

The recreational opportunities of the car camper are centered around the availability and location of campgrounds and campsites with water being a primary attractant. Because of the close proximity of the available campgrounds in the area, heavy use is experienced with crowding occurring approximately 30 to 50 percent of the time during the 100-day high use season. Crowding is indicated by turnaway and near turnaway days.

As a social group, car campers can be easily joined by special groups such as the

poor, disadvantaged, or minorities so long as transportation fees, and fuel prices permit. The special groups find little obstacle to joining the car camper social group to share its associated privileges. Compared with resort rentals, downhill skiing, and recreation residence owning, car camping requires only access to a vehicle, ability to afford some fairly inexpensive equipment, fuel, and modest campground fees.

Security is another recreational life style component for the camper. The group's sense of security can be affected by anxiety, unpredictability, and the "unknown". The primary factor associated with this study, which can influence the group's sense of security, is a lack of opportunity to participate in their form of recreation. This lack of opportunity can be created by the failure to expand the facilities necessary to meet the current and future demands for campgrounds in the area. If competition and crowding is allowed to dramatically increase, opportunities for this group to find a campsite decrease. This reduces their potential for enjoyment and causes anxiety, the unpredictability of finding a place to stay, and a fear of a wasted trip.

The final aspect of car campers recreational life style is their need for public space. It is not sufficient to merely provide this social group with campsites; they also require space for appropriate activities during the day. These activities are primarily water oriented in the Highway 88 area, encompassing such pastimes as fishing, swimming, sunbathing, and boating.

Car campers also share an appreciation for the existence of the National Forests with their varied resources. They appreciate and value the natural environment, its scenic beauty, its wildlife, and its psychological benefits for the general public and most seek to protect it by picking up litter and suppressing forest fires.

## 2. Special Access Needs

Those with special access needs are individuals who visit the forest and who, because of their age, physical handicap or disability, have restricted access and travel capabilities. These visitors have special requirements for travel and access if they are to share in the enjoyment of the forest. They are generally hindered by rough terrain. In addition, they may have special needs in terms of sleeping quarters, shelter, or other facilities. Not all the individuals who visit the forest are capable of "roughing it" by sleeping on the ground, cooking out, and hiking over rough topography.

Transportation is an important need for this group. The portions of the forest they

are able to visit are generally limited to those areas which they can access by auto or which have smooth flat ground. This precludes their use of the rugged portions of the Highway 88 study area. However, with proper development, much of Hope Valley could be available for these users.

This group often also has special housing needs. They frequently require structures or vehicles with beds or cots for overnight stays. Since they are often not capable of sleeping out on the ground, this social group is usually limited to staying in lodges, organization camps, cabins, or recreational vehicles (RV). If these individuals are to share in the enjoyment of the forest they will usually need developments offering the possibility for these kinds of accommodations.

The best opportunities for a recreational experience for this social group are in the lodges, resorts, and organization camps. However these opportunities are not without their restrictions also. First, there are a limited number of rooms available at the resorts in the area and they are frequently full during peak demand periods. Second, they are relatively more expensive than other forms of camping, etc.

The most accessible overnight recreational opportunity for the visiting handicapped or disabled person is in an affordable RV in one of the campgrounds in the area. These areas, although easily accessible, do not always provide all the facilities and conveniences sometimes required by the disabled. This includes wheelchair routes, dining areas, and suitable restrooms. Campgrounds which have the potential to provide access to the disabled are limited by their relatively rustic nature.

The elderly, handicapped or disabled with special access and travel requirements who visit the study area have some common values about the forest. They appreciate and value the natural environment, its visual beauty, and its psychological benefits. They feel they are equally entitled to enjoy the benefits of the forest as any other member of society. When lack of access restricts their recreational opportunities, they feel single out and ignored. They often share the view that the National Forests should be available for all members of the public. Although they may share many common attitudes and beliefs they do not appear to possess a strong sense of community cohesion.

### 3. Day Users

Day users are those individuals and families who travel Highway 88 and stop off for the day to swim, picnic, fish, photograph, view wildflowers and scenery, experience the fall colors or other such spring, summer and fall daytime activities. Generally their length of stay in the area is short. The areas they frequent for outdoor



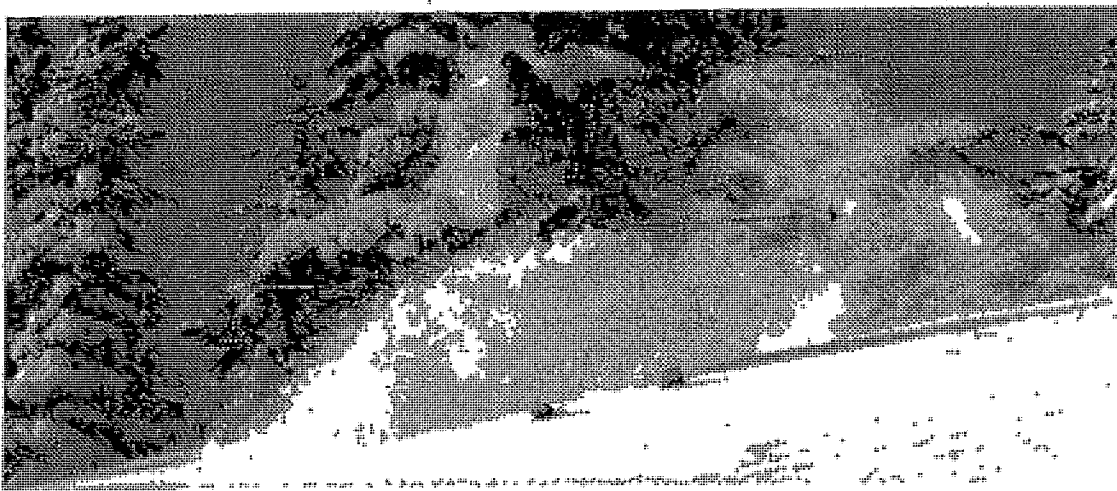
enjoyment are usually adjacent to the highway or short roads just off the highway. They are attracted by vistas and lakeshores. Much of their use is associated with the lakes, streams, and meadows in the area.

They are a diverse group coming from many different backgrounds and origins linked solely by their day use activities and their travel route on Highway 88. Day users in the Hope Valley study area come primarily from three cities or towns: Sacramento, the Tahoe area, and Minden/Gardnerville. All three areas are growing and should contribute an ever increasing number of day users in Hope Valley.

While most day users share with campers, cabin owners and disabled persons a deep respect for a desire to protect the Forest environment, day use area maintenance requirements indicate that a larger minority than in the other groups lack this ethic. Litter and vandalization are constant concerns, especially in dispersed recreation situations where social controls are least evident.

Transportation and access is the most critical need for the day use social group. Highway 88 and its associated side roads provide access for day users to the recreation sites in the area. Once at the day use sites, adequate parking and open, uninhibited access to lakeshore or other recreational areas are important for this group to enjoy the forest.

Access to and day use parking at Kirkwood, Silver Lakes and, to some extent, Caples Lake, is limited by existing recreational residence and organization camp development on National Forest land. The combination of little parking and restricted lakeshore access, both actual and perceived, is a limiting factor for this social group.



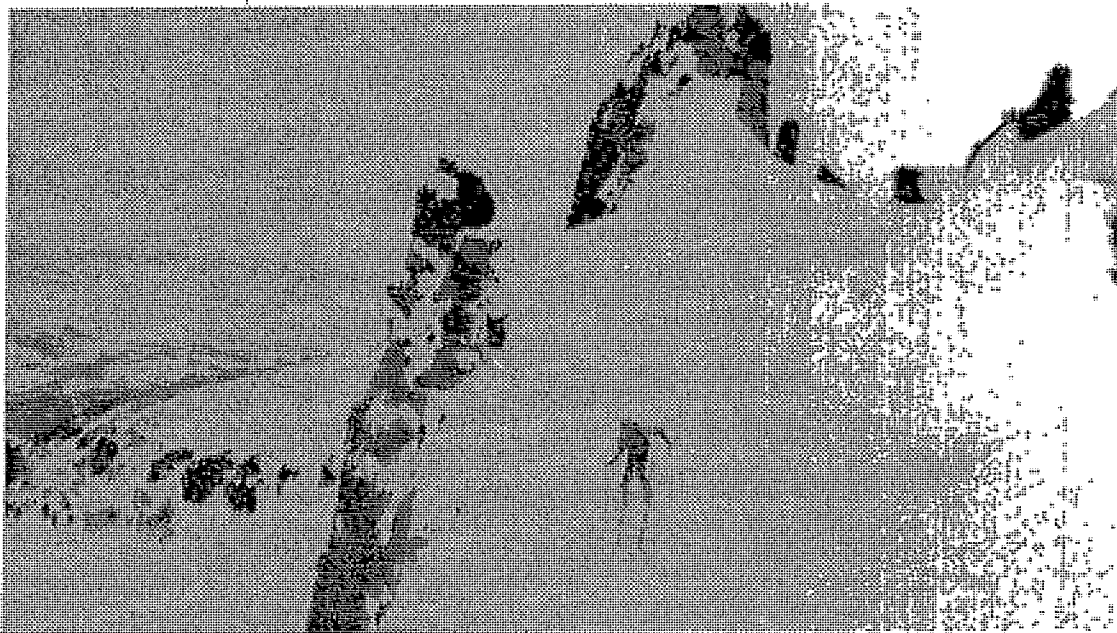
Some of the roads in the area, such as those at Silver Lake, are restrictive to day users, especially those new to the area, due to the presence of the recreational residences along both sides of the road. These roads are perceived as private because of the cabins lining both sides. As such, they are avoided by the day users who fear they are trespassing on someone's land.

In order for the day user social group to fully enjoy the recreational activities available in the study area improved day use access opportunities to the lake fronts, and other areas are needed.

The conflict of popular day use activities may soon become a limiting factor for these uses. As visitation to the area increases, incompatible uses may be forced closer and closer together. The result of this situation may be a degradation in the desirability of the area for the use in question. An example is the inherent conflict between Nordic skiers and snowmobilers. Another potential conflict includes various trail uses such as hiking, horseback riding and mountain bike riding.

#### 4. Youth Groups

The Youth Groups are the organizations such as Boy Scouts, Girl Scouts, Campfire, Inc., churches, and others. These groups use the out-of-doors as the media whereby youth are taught character-building traits, imbued with organization ethics, and learn outdoor skills and manners. Some of the organization camps bring together



youths that are not bound together by organizationalities at home but the effort is made to develop cohesiveness and cooperation through group activities.

Many of the activities are based on natural history, woodsmanship, and other outdoor recreation activities such as fishing, hiking, overnight camping, boating, and swimming. Other games such as volleyball, and craft programs are often included as well.

Essential to these groups is a base of operations—an organization camp, or a public group camp to which the groups return year after year. Room for each camper to bed down—often in a communal area or dormitory—and a community kitchen are essentials along with extensive areas for daytime activities. In the study area, most groups have need for a waterfront area for boating and swimming activities. In the case of organization camps, these are permanently assigned. Groups using public group camps must use public launching facilities and public beaches, which are in short supply. Without waterfront activities, groups are more limited in activities which can occupy large numbers of youth. Hiking and fishing is usually less enjoyable when the groups are large.

Because the youth groups are organized under trained leaders, their outdoor ethics are usually above average. They spend considerable time “policing” their areas and respect the environment. As with any large group of youngsters there is often a noise problem and it is for this reason that organization and group camps should be located at some distance from other users.

## 5. Resort and Cabin Renters

The summertime resort and cabin renting social group is usually older and more affluent than the camper group. Their children often have left the nest and they can afford to spend a little more for their trip to the mountains and enjoy the luxury of a bed and prepared meals. They spend their time in the same daytime activities as the campers—boating, fishing, nature walks, sun-bathing—but without the chores of cooking, fire-building, and camp-tending.

In the study area, many of the cabin renters are former campers. They learned of the area in years past while camping; fell in love with the area and now return in “style”. Others may have had former friends who were summer cabin owners but have since sold their cabin. They came to enjoy visits with their friends and now continue their trips to the mountains by staying in one of the resorts. A few are younger affluent couples who found the area by skiing at Kirkwood and return in the summer to stay for a weekend.

Some of this group have family and friends who never learned to enjoy "roughing it" in a tent and so, to still enjoy the environment and their friendship, come to the mountains with friends and stay in rented quarters.

The primary constraint on this social group is the limit on the number of first-rate, lake basin, rental cabins. The finer resorts are often booked a year in advance on popular weekends.

## RECREATION VISITATION ▼

The user groups described above combine each year to make up the total visitation. It is vital in planning for the future to understand the existing recreational use pattern. Unfortunately, very little statistically accurate data exists from which to determine visitation. For purposes of this study, all recreational and support services providers in the area were interviewed and their visitation estimates recorded. The following section provides these visitation figures. However, several important factors must be explained before these figures take on meaning.

First, recreational use in Hope Valley is very seasonal in nature. A minimum number of users will remain constant throughout the year, with large peaks during the summer months and the core winter months when the snow is plentiful. The yearly visitation figures provided here do not acknowledge this trend and should not be used to predict use at any given time.



Secondly, a typical visitor will participate in a variety of activities while in the study area. Thus, the same visitor may be counted by several groups reporting visitation. For example, an overnight guest at the Woodfords Inn may hike or fish during the day, eat a meal at Sorensens, and end the day at Grover Hot Springs. Thus, this same person may be counted by the USFS, Sorensens and the State Park. As a result of this, the following numbers cannot be simply added together to produce an area-wide visitation figure. On-site surveys, outside the scope of this study, could provide this valuable information.

Lastly, and most important, visitation statistics can be collected in a variety of ways; all of which may be accurate enough for the intended purpose, yet can all skew the data, making comparisons between groups akin to comparing apples and oranges. None of the groups in this study count each person participating in an activity. Generally, the resorts derive visitation from their room occupancy rate and restaurant receipts. The State Park system counts tickets sold for the hot springs precisely, and does not count cross country skiers at all. The USFS method provides a good illustration of the difficulty in manipulating visitation numbers.

The USFS uses a unit of measure called a Recreation Visitor Day (RVD) to count visitation. An RVD is based on an individual stay of 12 hours. Thus, the same 100 people participating in two different activities, one with an average stay of 4 hours, one with an average of 12 hours, will be counted as 25 RVD's and 100 RVD's



respectively. This method may suit USFS planning purposes, yet under counts participants in most short-time day use activities.

Whatever the inaccuracies, the following visitation figures do provide an overview of recreational use. Of the numbers reported, the USFS statistics more fairly represent an overall use figure. This is true because so much of the study area is USFS land and most visitors to the area participate in activities in the forest at some point of their stay.

### USFS

1. Camping, developed	63,400 RVD's
dispersed	85,000 RVD's
2. Fishing	10,000 RVD's (includes all area streams and lakes)
3. Hunting	3,800 RVD's (none of this use occurs in Hope Valley itself)
4. Cross country skiing	3,500 RVD's
5. Snowmobiling	3,000 RVD's

\*Based on the above discussion of RVD's, the above figures for camping probably better represent the number of people involved. The estimates for the other uses undercount. For example, the average stay for cross country skiers calculated in the RVD formula is 4 hours, thus the true visitation for that use may reach 8,000 people.

### California Fish and Game

1. Fishing	10,800 users (includes fishing in Hope Valley portion of the West Carson River)
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### California State Parks

1. Day use	75,352 visitors (includes all activities except the campground)
2. Camping	28,780
3. Snow-Park	Not available

### Alpine County

1. Camping	Not available
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### Woodfords

No specific visitation information was collected for the Woodfords area. However, the 1987 fire in the area will impact visitation in the future. One USFS Study (Methods for Assessing the Impact of Fire on Forest Recreation) shows preference for recreation in an area significantly declines after a major fire. Thus, the ability of the forest to regenerate will impact the contribution of the Woodfords area to overall recreation.

### Hope Valley Resort

Due to frequent ownership change, no reliable visitation figures are available.

### Sorensens Resort

1. Lodging	23,000 visitors
2. Store/Day Use	7,500
3. Other Day Use (hiking, restaurant)	15,000

### Caples Lake Resort

1. Lodging	4,500 visitors
2. Store/Day Use	13,500
3. Boat Rental	3,100
4. Restaurant	11,500

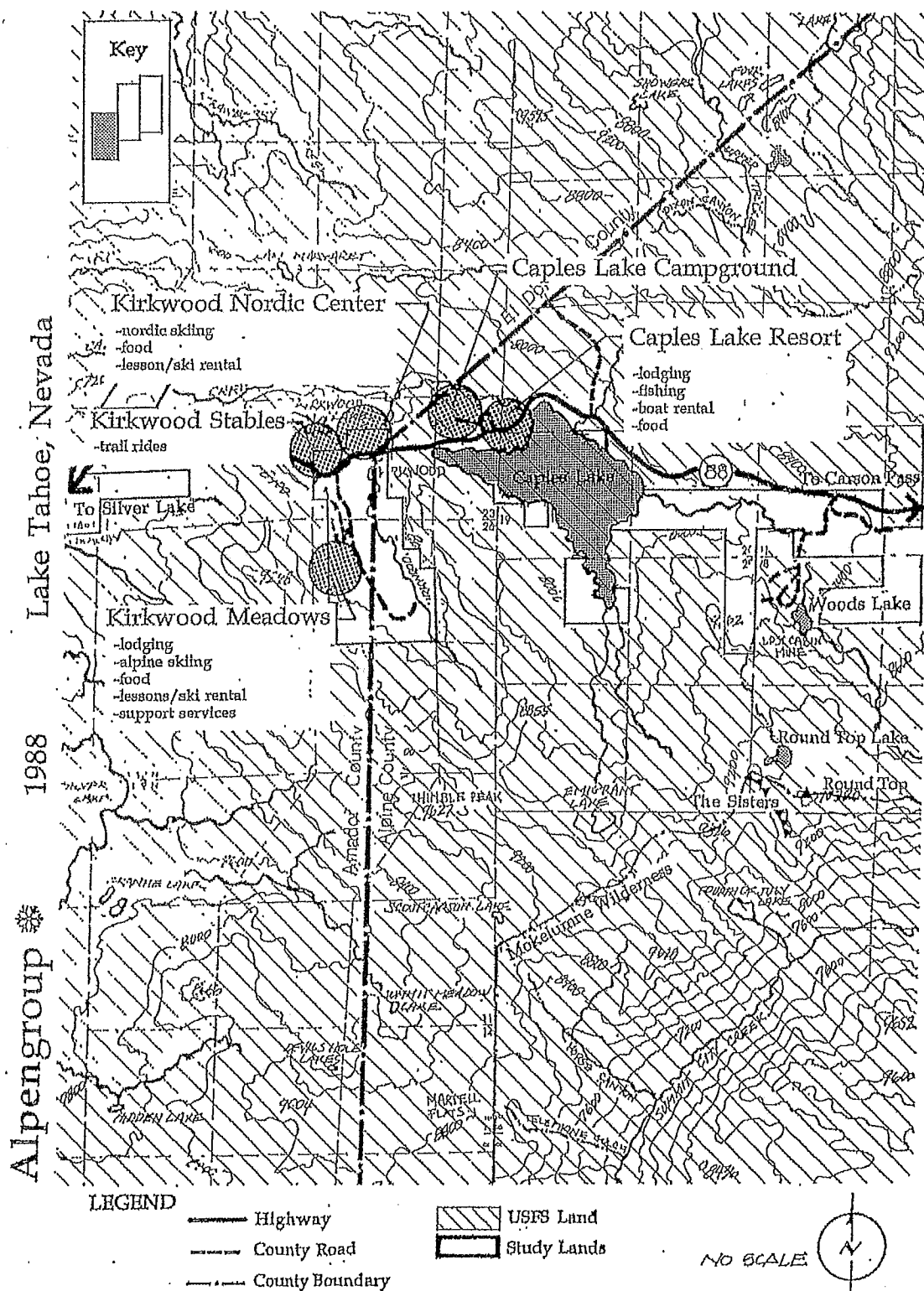
### Kirkwood\*

1. All Summer Use	10,700 guests
2. Winter: Alpine Skiing	380,000 skier visits
Nordic Skiing	10,000 skier visits

\*Includes Kirkwood Meadows, Kirkwood Stables, and Kirkwood Nordic Center.

## EXISTING RECREATION

# Hope Valley Economic and Recreation Study



# Needs to be reviewed

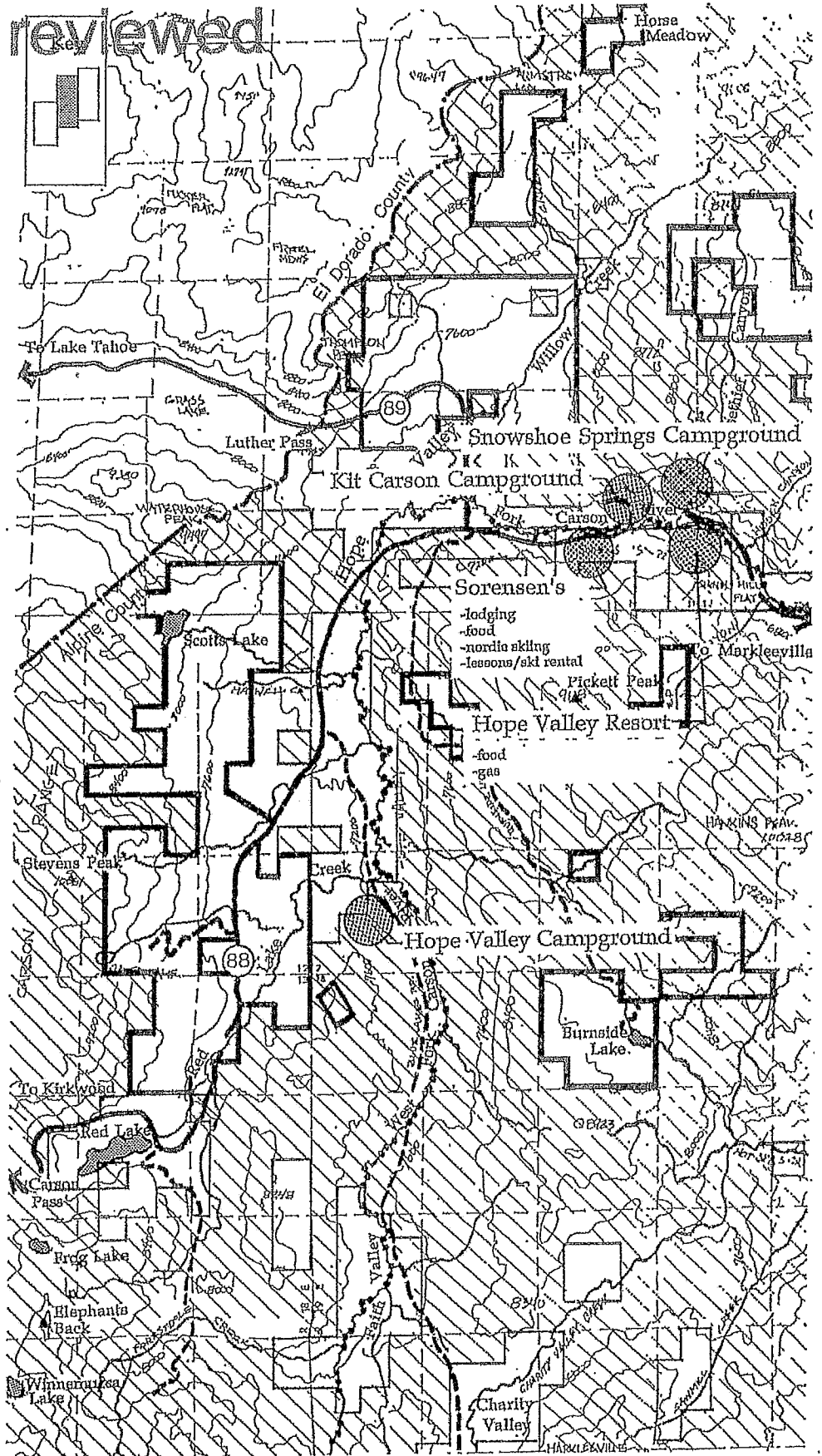
## EXISTING RECREATION

### Hope Valley Economic and Recreation Study

Alpengroup ❄️

1988

Lake Tahoe, Nevada

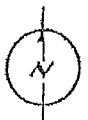


#### LEGEND

- Highway
- County Road
- County Boundary

- USFS Land
- Study Lands

NO SCALE

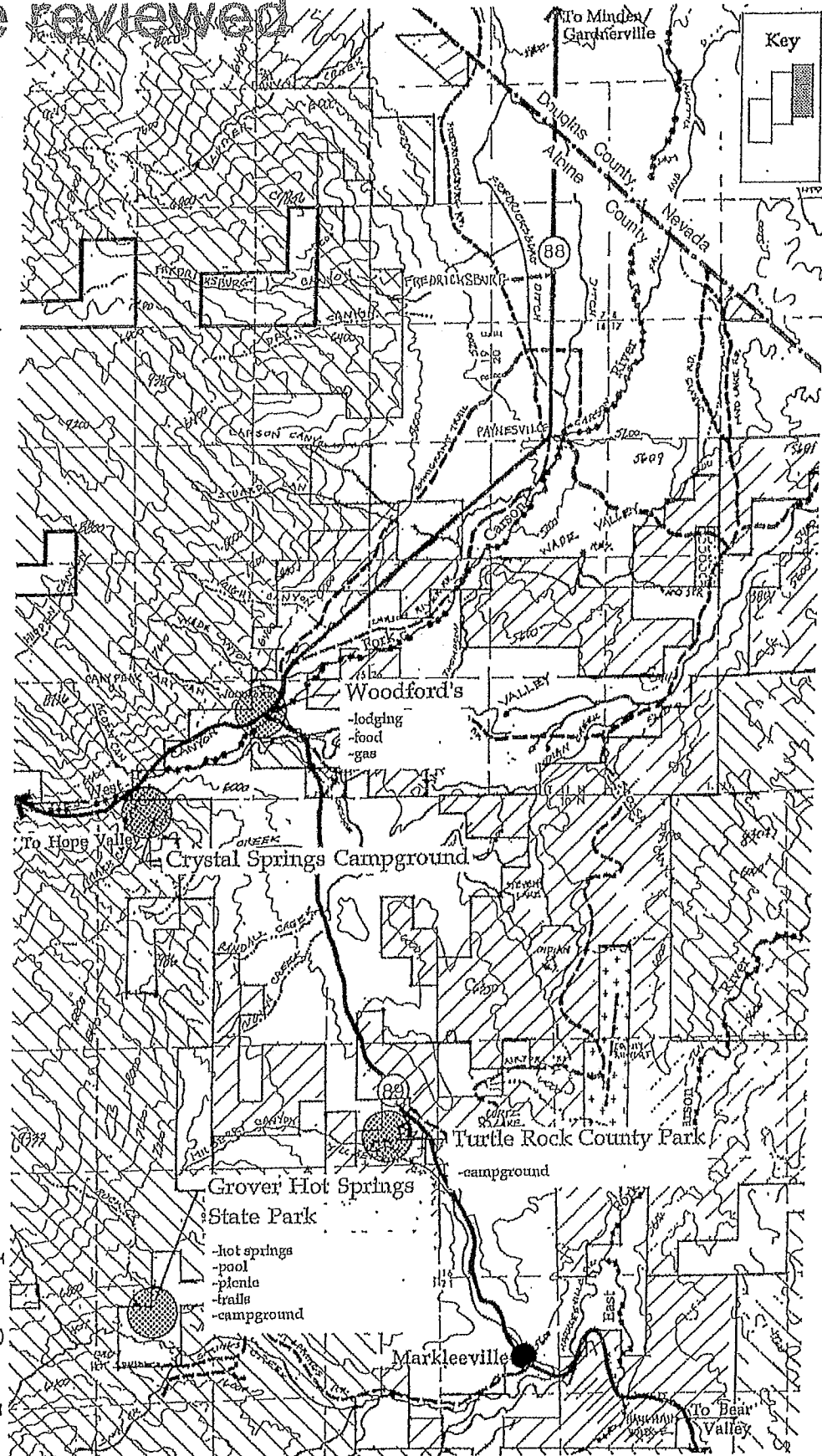


Needs to be reviewed

# EXISTING RECREATION

Hope Valley  
Economic and Recreation Study

Alpengroup 1988 Lake Tahoe, Nevada



## LEGEND

- Highway
- - - County Road
- - - County Boundary

- USFS Land
- Study Lands

NO SCALE



Needs to be reviewed

# Hope Valley Economic and Recreation Study

Final ▼ April 1989

## ▲ Future Recreation

Planned Recreation  
Study Recommendations

## Future Planned Recreation ▼

The future recreation in the study area shows an increase in the number of participants and in the variety of activities offered. Several sources help identify this trend. First, the 1988 Toiyabe Forest Plan states the major users of the Northern Sierra forests originate from central California, the San Francisco Bay area, Reno, and Carson City. Census data shows these areas growing in population. Smaller communities closer to the study area such as Lake Tahoe, Minden/Gardnerville and Jackson are also growing rapidly. All these communities will contribute an ever-growing number of recreationists to the Hope Valley area.

Secondly, all recreational providers interviewed for this study have witnessed a recreation growth trend. Estimates of increased use in the area in the past five years ranged from 25% to 75% for some activities. Several government studies support this trend. For example, California State Parks, in their study The Recreation and Leisure Industry's Contribution to California's Economy, identified the projected growth\* of the following high-expenditure, rapid-growth recreational activities:

- Snow skiing (49% growth)
- Visiting scenic area (35%)
- Fishing (32%)
- Hiking and backpacking (32%)
- Nature appreciation (31%)

\*Projected growth between 1980-2000

The USFS Highway 88 Future Recreation Use Determination study also supports the recreational growth trend in the area. This study recorded a steady growth in campground use between 1976 and 1980. By 1980, the campgrounds considered by the study were so popular, crowding became a limiting factor and use dropped off.

The increase in available recreational activities will also occur. For example, the National Outdoor Recreational Bicycle Association (NORBA) estimates the amount of mountain bike use in the Northern Sierra has doubled each of the last three years. Following this trend, several of the recreational providers interviewed intend to soon start renting mountain bikes for visitor use.



Another example is equestrian riding. Already a popular activity for those who own horses, Kirkwood Stables has seen its trail ride visitation more than double in 1988. This organization hopes to expand its operation into Hope Valley to meet the growing recreational use demand.

For a better picture of the recreation future in the study area, the following section describes each organization's development/expansion plans.

#### United States Forest Service

The proposed land acquisition presented in this study will most impact the USFS and the California Fish and Game's future plans. How either of these agencies may develop this land is uncertain at this time and will remain so until the land transfer and subsequent master planning effort is complete. This study presents a possible development scenario for those lands in the next section. However, the newly completed Toiyabe National Forest Land and Resource Management Plan provides policy direction and specific implementation steps for the current USFS lands.

The study area is included in the USFS Management Area #3. This area encompasses 114,600 acres of USFS land in Alpine County as well as the Mokelumne and Carson-Iceberg wildernesses. Management direction prescribes maintaining or enhancing the area's dispersed and developed recreational opportunities. In addition, visual quality, habitat and watershed protection are plan goals. Specific plan recommendations are:

1. **Camping:** Reconstruct Hope Valley Campground; build a new 120 - site campground in Faith Valley. Also, provide health and sanitation facilities along the Blue Lakes Road to enhance winter recreational opportunities.
2. **ORV:** Continually analyze ORV use to assure protection of natural values and to enhance dispersed recreational opportunities. Also, maintain road closures to resolve conflicts between snowmobilers and cross-country skiers and to protect the resource.
3. **Lands:** Promote protection of Hope Valley through local zoning or acquisition. In addition, complete the land trade with California State Parks at Grover Hot Springs.
4. **Range:** Promote continuance of private land grazing permits in Hope Valley.
5. **Planning:** Assist Alpine County in maintaining or improving its tax base through the land exchange program.

6. **Facilities:** Improve the Blue Lakes Road.

7. **Protection:** Practice an aggressive fire management program to protect watershed values and private land below Forest lands along the Woodford's face.

The El Dorado National Forest may consider a slightly different set of criteria for determining future recreation. Mountain lakes such as Caples Lake and Woods Lake provide a significant recreational feature in this Forest. These lakes and shoreline facilities are currently approaching capacity. Thus, any expansion plans must show ways to mitigate impacts on these resources.

#### California Fish and Game

Currently, this organization has no facilities in Hope Valley. Annually, they stock the West Fork of the Carson River. This helps enhance the fishing potential of this stream. With completion of the proposed land transfer, Fish and Game could own and manage 25-50% of the acres involved. Habitat restoration will be the prime goal for these lands, yet user facilities may also be required. Specific facility recommendations for this area are included in the following section.

#### California State Parks

The master plan for Grover Hot Springs State Parks dates to 1956. A major plan update required to evaluate the need for new or expanded facilities may be 5 to 10 years away. Thus, only renovation work is expected to occur before that time. Park staff recognize the need for extensive renovation of the pool complex to bring it up to state standards. Included in this may be: rebuilding the hot pool and the showers/changing room building, and restoring the landscaping.

#### Alpine County

No plans currently exist to change or increase the capacity at the Turtle Rock County Park campground.

#### Woodfords

The future of recreation in the Woodford's area is tied directly to the ability of this area to regenerate after the disastrous 1987 fire. Several studies evaluating the attractiveness of recreation areas after fire show a much higher preference rating in areas that quickly recovered. In this case, the combination of the very hot fire that burned seed cones and soil organic matter, and the on-going two-year drought may

significantly slow that regrowth period. For the existing businesses, this may mean not planning for expansion. Neither the Woodford's Inn or the Woodford's Station currently have firm expansion plans. This may also deter new businesses from getting started.

#### Hope Valley Resort

The current owners of this resort took over management in August, 1988. Thus, future plans are unknown at the time of this study. Also, no master plan exists for this facility.

#### Sorensens Resort

Sorensens expansion plans are discussed fully in the Economics of Recreation section in this chapter. Briefly, this resort intends to expand most existing aspects of the operation, and add new ones. The major expansion element includes developing a lodge complete with guest rooms, a full restaurant, gift shop, and recreational equipment rental and sale. New activities will include a mountain bike program, a hostel-style dormitory, and a spa/sauna facility.

#### Caples Lake Resort

Caples Lake Resort operates under a special use permit from the USFS. The management intends to develop the property into a small, top-notch resort. Although a long-range plan has not been completed, some elements crucial to this goal have been identified. These include expanding lodging facilities, and the marina, as well as offering new activities such as organized recreational programs and conference facilities. As noted above, expansion that results in increased use of the lake should present mitigation measures.

#### Kirkwood

Kirkwood Ski Resort plans to strengthen its positioning as a year-round resort, as well as expand its winter-time activities. The 1973 Kirkwood EIS showed the resort at buildout housing 6,500 PAOT (people at one time) in the winter, and 2,200 PAOT in the summer. (1987 data shows existing sleeping capacity is 1,684.) These figures are considered the carrying capacity for the area.

Specifically, Kirkwood plans to build additional tennis courts, a swim/recreational complex, more lodging/living units, new chair lifts that open new terrain, and a new ski base serving facilities such as food and beverage areas. In addition, the

resort plans to organize and offer family and individual recreational programs. These could include mountain bike facilities, and organized backpacking, horsepacking and tennis programs. Additional conference facilities are also planned. These plans will expand the yearly summer visitation from 10,000 to 100,000 guests and winter use from 380,000 to 450,000 skier visits.

Kirkwood Stables plans expansion in several ways. This program hopes to increase the duration, routes and types of rides it can offer. This will include longer rides that travel to a wider variety of destinations. Pack trips that deliver campers into the backcountry, and guided overnights may also be included. Kirkwood Stables could also organize special event rides such as trailing the historic Emigrant Trail. With this program, visitation could increase fourfold.

The Kirkwood Nordic Center operates with a special use permit from the USFS until the year 2002. Under that permit, ski trail and base facility expansion could occur. Summer use of the facility to offer activities such as mountain bike rental must mitigate impacts on other resources as explained above. Expansion in existing winter-time special events such as races and volksski (group ski) represents one possible expansion technique.

## Study

## Recommendations ▼

Hope Valley is a place of great natural beauty and recreational potential. The increasing number of visitors and the growing number of recreational and service providers combine to insure its continued popularity. Hope Valley and the area around it are also sensitive natural habitats and vulnerable to disturbance and degradation. Thus, recreational use must be carefully planned and monitored.

After completion of the land transfer process, the USFS and the California Department of Fish and Game will complete a joint management and master plan for Hope Valley. Many other groups should be involved in the planning process, helping to set plan goals, recreation policy, and program recreational facilities. These groups include Alpine County, Friends of Hope Valley, the Chamber of Commerce, and other interest groups such as National Outdoor Recreation Bike Association (NORBA) and other recreational associations.

As a result of the research necessary for this study, Alpengroup has gained insight into this issue. Through numerous interviews, document research, and a look at other groups future plans, this study can identify some features necessary to fulfill the recreation potential of the area. The following section describes Alpengroup's study recommendations beginning with a concept for the area, and including recommended use policies, facility development and phasing.

### Plan Concept:

The Hope Valley area's greatest asset to its visitors is its natural beauty. It offers an important experience in our modern, hectic lifestyle: getting away from the crowds, experiencing a natural setting and taking part in vigorous, healthful activities. Future uses should encourage dispersed activities that allow appreciation of the natural environment. Where visitors must congregate, facilities should be screened or hidden from the road and major trails. Short duration, special uses should focus attention on the area's natural or historic resources.

The following uses could be developed to implement that plan concept.

### Summer:

Many users interested in a variety of activities could be accommodated in the area. However, conflicts between uses and with the natural environment could develop; thus, crucial to all uses should be a developed, organized approach to interpretation. Interpretive display boards at all trailheads and parking areas should include information about natural resources and how to use the area wisely. As often as possible, trail uses should be professionally guided or managed to decrease improper use.

**Camping.** The area's campgrounds currently experience overcrowding, indicating a need for increased units. The natural resources could accommodate additional over-night use if properly developed and managed. This study recommends moving the undeveloped Picketts Junction camping area further up the road to Burnside Lake. This campground should remain small with the units spread into the trees. No group units should be developed here.

Along the Blue Lakes Road, more camping units should be developed. A total of 120 campsites should be available to accommodate a variety of users. The site plan could show three campground areas; one designated for traditional family camping, one for small to medium sized groups, and one to serve as an equestrian pack station/trailhead. The latter would meet the need of current users who trailer their horses to the area to ride, as well as provide a base facility for pack trips and trail rides into the back country around Hope Valley. During the winter, some or all of these units could accommodate snowmobilers, skiers, or other winter campers using the area.

This study encourages the USFS to develop this facility as a joint public-private operation. This will not only ensure more timely completion, but will help the short-staffed public agency with enforcement and interpretation duties in the area.

**Hiking.** Hiking trails should be developed from the campgrounds and picnic areas described. These could connect to existing, long-distance trails such as the Pacific Crest Trail. They should also provide shorter loops, preferably accessing the river with interpretive information concerning the habitat restoration process. Some should also take into account the needs of special access groups such as the handicapped or elderly.



**Fishing.** With habitat restoration, this activity should greatly increase in Hope Valley. Special consideration must be given to visitor access when developing the restoration program. This may require public access restrictions until the vegetation gets established, yet long-term restrictions will discourage use and may be hard to enforce. The visual character of any required fencing should also be considered; fences lining the river for any great distance would detract from the existing scenic quality of the valley.

This study proposes two primary visitor access treatments for fishermen.. The first would accommodate all overnight visitors in the valley. These would include designated pedestrian access points from campgrounds or lodges through any fences to stable stream banks. The second access type would provide off-road parking, limited picnic facilities and fish cleaning areas. Care should be given to locating such parking areas to limit their visual impact. Interpretive information about habitat restoration should be located in these areas.

**Picnicking.** In addition to the picnic facilities provided above, designated hike-in picnic areas should be located. These areas should be within two miles of a trailhead and provide a view of the valley. Pack-it-in, pack-it-out signs should be located at the designated trailheads.

**Mountain Biking.** As this sport grows in popularity, the USFS will need to develop a policy concerning trail use. This study recommends encouraging mountain bike use of existing developed dirt roads. In addition, all hiking trails should be evaluated to allow this use on those trails stable enough to accommodate it. All steep, highly erodible trails should be considered inappropriate for mountain bike use. New trails could be built to provide linkages and more challenging rides. Private groups such as Sorensen's or Kirkwood could spearhead this effort.

**Equestrian.** A trailhead and pack-station facility would provide access to a historic and appropriate trail use in Hope Valley. This facility is described above.

**Other Uses.** A developed citizen information campaign should highlight other dispersed activities in the area such as primitive camping and mountain climbing.

## Winter:

**Snowmobiling.** Snowmobiling should continue to be encouraged along the Blue Lakes Road. The campground described above will facilitate this use.

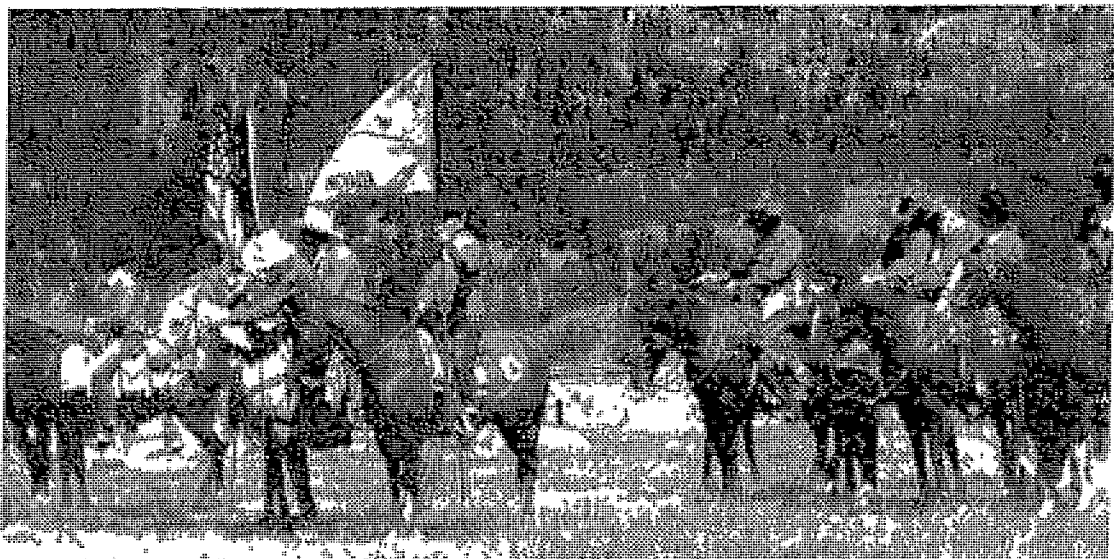
Continued education should aim towards reducing conflicts with cross-country skiers. Snowmobiles should be excluded from the north and west side of Highway 88.

**Cross-Country Skiing.** Hope Valley should become a destination for cross-country skiers. A trail system with groomed and marked trails should ring the Valley, with special emphasis on the north and west side of Highway 88. Cross-country skiing should be discouraged along the Blue Lakes Road to decrease conflicts with snowmobilers. Longer trail connections could be made from the Valley to Freer Peak and Grass Lake.

**Snow-Park.** A snow-park facility should be located in Hope Valley. This parking lot, ideally a winter-time use of a summer-time picnic area, should sit at the edge of the open space to reduce its visual impact. Snow-park users could access the ski trails described above.

#### Special Uses:

Special uses could occur in the Valley. Criteria should be established so that these uses would not conflict with the overall plan concept. They should be occasional, short in duration and highlight a natural or historical area feature. These could include: Pony Express or Emigrant Trail equestrian rides with overnights in the valley; a small rodeo, similar to the present Kirkwood rodeo; fishing derbies; ski races; a winter carnival built around snowplay; and sleigh rides. As with other facility location, environmental impacts of these uses must be considered so that degradation does not occur.



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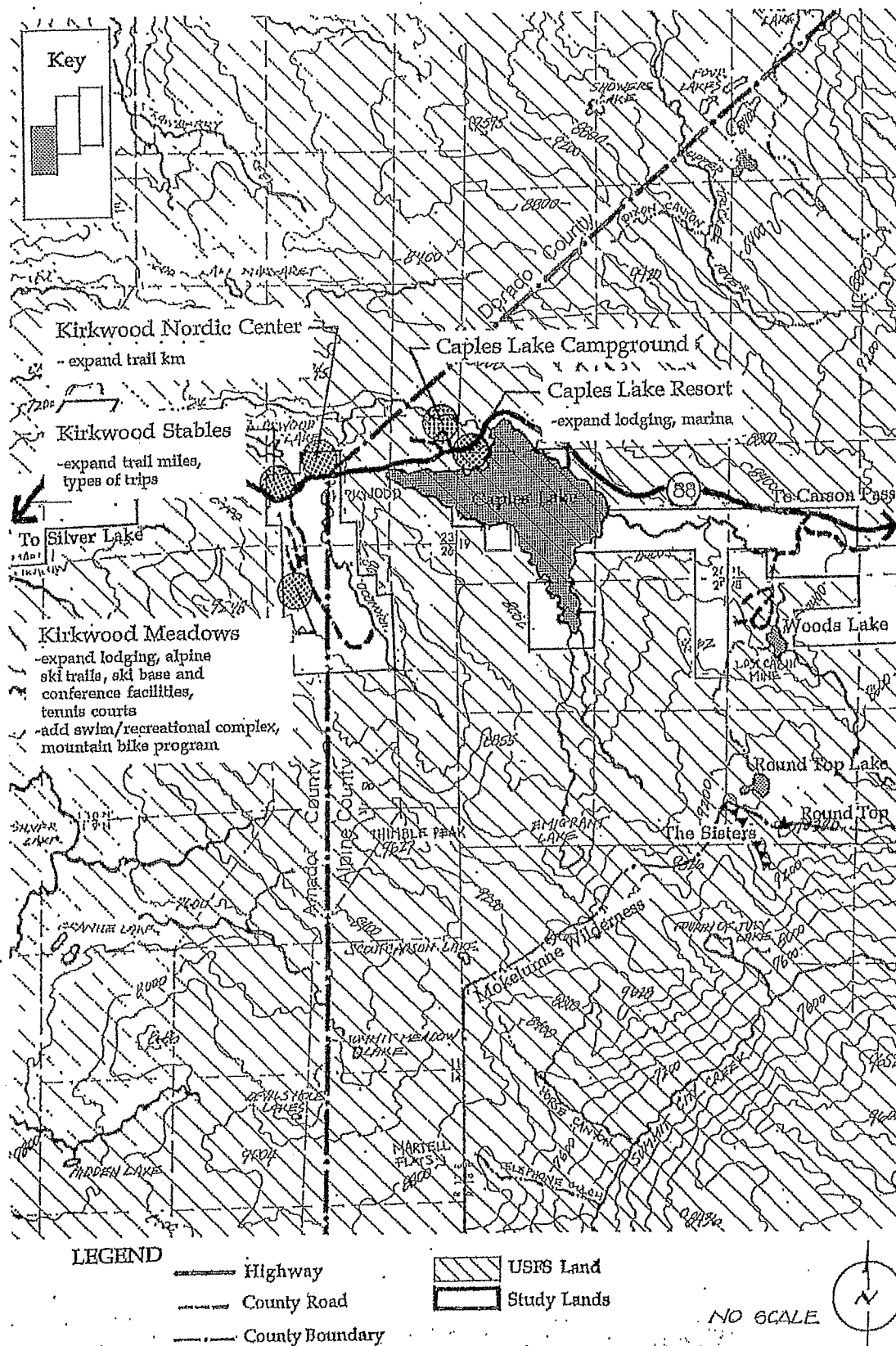
# PLANNED RECREATION

Hope Valley  
Economic and Recreation Study

Lake Tahoe, Nevada

1988

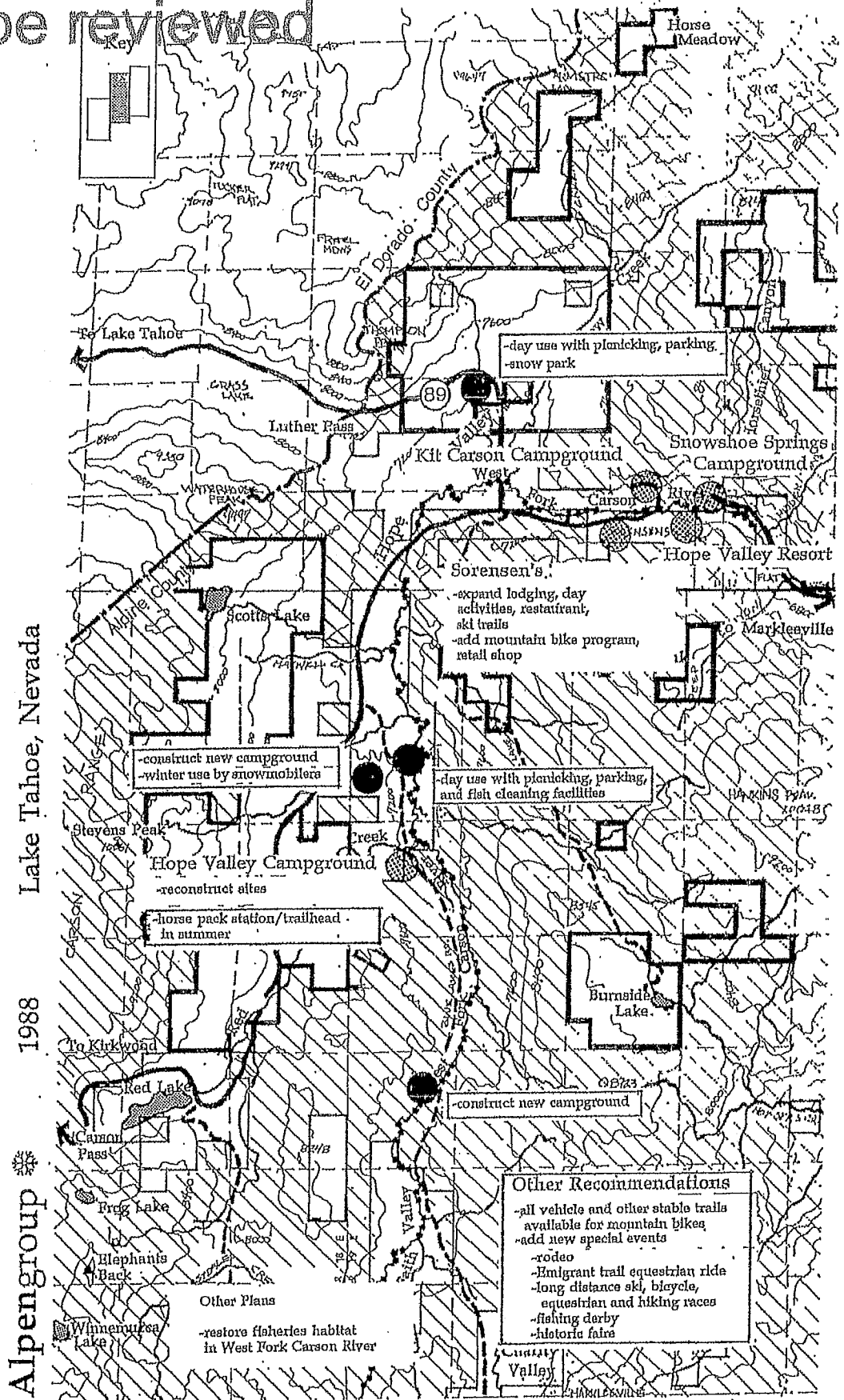
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# PLANNED RECREATION

## Hope Valley Economic and Recreation Study



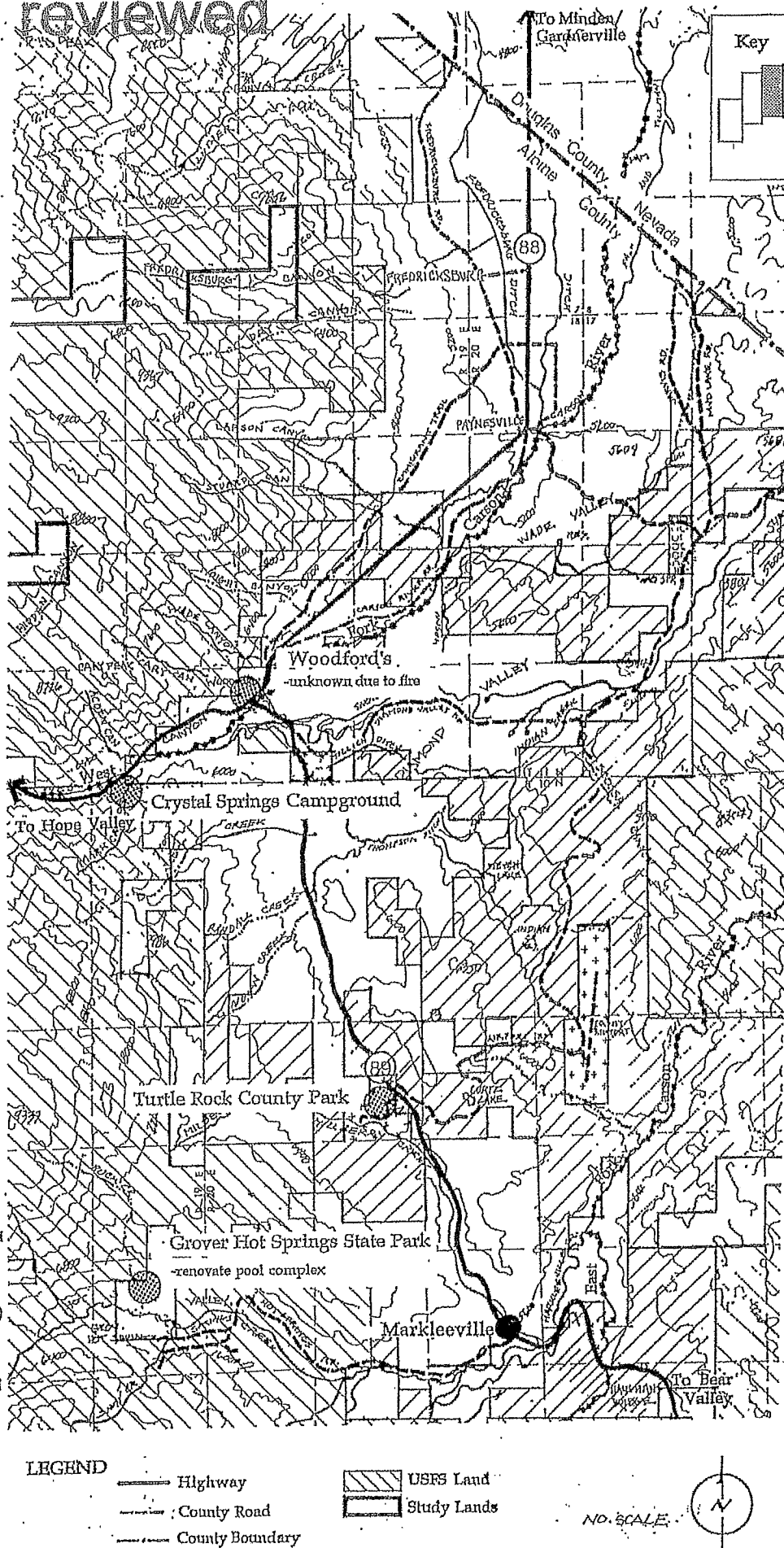
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## PLANNED RECREATION

Hope Valley

## Economic and Recreation

Alpengroup ❄️



Needs to be reviewed

# Hope Valley Economic and Recreation Study

Final ▼ April 1989

## ▲ Economics

▼ Economics of  
Recreation:  
Case Studies

▼ Economics  
Summary



### Jackson Hole Study ▼

The emergence of new, different or more powerful (in the sense of increased support) political and special interest groups is a manifestation of the increased awareness citizens have of their economic stake in publicly owned resources. In the case of fishery resources, the interest of business groups with fishery management issues is evidence that groups other than fishermen and non-consumptive users have linked their well-being to fish and fishing. The fact that interest groups, heretofore discussed only in conceptual terms, are now mobilized is an indication of the changing public perspective toward fishery management.

The increased interest comes also from the changing attitudes and preferences of fishermen, the front line users of the resource. Fishing has become more commercialized because fishermen are demanding more and better equipment, more and better services and, finally, more and better (and different) fishing opportunities. In short, we are no longer a nation—or state or county—of self-sufficient fishermen.

The more commercialized fishing becomes, the greater the economic stake becomes for those nonfishing residents regardless of whether they are associated with a fishing-related business.

If the Hope Valley area is to compete effectively with surrounding states for nonresident (and nonlocal resident) angler dollars, it needs a quality fishery. A good comparison is the current state of the fisheries in Jackson Hole, Wyoming. The surrounding states did not gain a competitive edge on Wyoming by finding or developing natural areas equal in beauty to Jackson Hole and then establish a quality fishery. Rather, quality fisheries were established in areas that were less attractive than Jackson Hole but those areas have been successful in pulling long time anglers away. The reality of the loss of long time fishermen to quality fisheries in the surrounding states is that the 11 inch average sized fish caught in the Snake River is not of sufficient size to attract and hold the nonlocal quality oriented angler.

The contribution of fishing to the Jackson Hole economy is sufficient to expect that part of the revenue collected from the recently approved room tax would be used to promote fishing. Attempts to reach the angler that would be desirable to attract through broad sweep promotion campaigns of the Jackson Hole area are likely to be ineffective. The ardent angler is a small percentage of the total tourist population. The amount of fishing detail that could be included in a broad appeal ad is so limited that it would likely get little attention from this specialized segment of the tourist population. The angler that would be worthwhile attracting probably can be reached more effectively with targeted promotional programs.

In Jackson Hole, California contributed the largest number of tourist fishermen with almost double (19.6 percent compared to 10.9 percent) the number of the second highest state, Utah. Generally, expenditures by anglers from adjacent and nearby states are proportionately less than expenditures by anglers from more distant states. Nearly 30 percent of the tourist license receipts drawn for the sample were from nearby states. Of the more distant states of origin accounting for relatively large numbers of tourist fisherman, other than California, Texas is next in line (6.4 percent) followed by Illinois (3.6 percent), Arizona (3.1 percent), New York (2.7 percent), Pennsylvania (2.3 percent) and Florida (2.2 percent).

The minimum expenditure for a fisherman staying at a dude ranch or resort, fishing without the services of a guide, runs in the \$70 to \$100 per day category. The high end runs between \$400 and \$500 per day just for accommodations and fishing services. A significant proportion of the guest ranch, resort and outfitter fishing guests purchased clothing and art objects in Jackson that amounted to more than those guests spent on fishing.

Discussion of the economic and user implications associated with different fishery management plans illustrates the problems that can arise with maximum sustained yield (MSY) management programs and reliance on fishing pressure estimates and age/size distributions to judge the effectiveness of those programs. The fishing pressure and age/size numbers could indicate the management program was a biological success whereas the community could consider the fishery to be far less than ideal. To the extent the fishing preferences of anglers deviate from the harvest objectives of a MSY management program, the fishery will produce less public benefit than it is capable of producing.

Different groups of residents derive different types of benefits from fishing. For the angler group, benefits are realized in the form of personal satisfaction. But it would be misleading to suggest that the benefits experienced by all anglers are the same. The benefit realized by catch and release fishermen may be as different from the benefit experienced by harvest oriented anglers as are their combined benefits different from the benefits that fishing-related businessmen realize.

There is a resident group that derives benefit from fishing in the form of business opportunities which, eventually, factors down to profits, salaries and wages. There is a third group of residents who neither fish nor have direct fishing-related business connections but who receive benefits from fishing in the form of secondary economic impacts from nonlocal angler expenditures. Other groups undoubtedly could be identified that have a benefit claim on the area's fishery resources. Resident fisherman have been the most active and financial supportive benefit

group of fishery management programs and, because of that support, would seem to have an additional claim on the resource.

For any particular stream segment or standing water body, only one set of use regulations can be adopted and that decision may be viewed as an either/or choice. Over the waters in a geographic area, however, use regulations tailored to different user group preferences could be implemented. The special interest anglers that prefer minimum regulations and liberal creel limits can be accommodated, as can the catch and release special interest group and the fly-fishing-only special interest group and any other special interest group who's fishing preferences would not deplete or harm the fishery.

The fishery can be allocated to accommodate or give special preference to any or all (and more) of the special interest groups named. This is not to suggest that each benefit group has an inherent right to have a portion of the fishery managed to suit their particular preferences. There will undoubtedly be special interest requests for which administrative costs would be prohibitively high. There likely will be special interest requests that can not be implemented without causing unjustifiable harm to established users. Accommodating these requests would be inconsistent with the public benefit principle. The second case is not intended to suggest that all anglers can expect to have their favorite water managed as it is presently. If fishery resources are to be managed for the benefit of the public, individuals and groups have to be precluded from gaining defacto property rights to a certain water or section of water.

The common and necessary foundation to all user groups, direct or indirect, resident or nonresident, is a healthy, viable fishery. That the fishery resource is owned in common by all citizens and held in trust for present and future generations precludes any management consideration that would deplete or harm the resource. It precludes, with limited exceptions, use regulations that would permit one or more user groups to exploit fish populations at the expense of other user groups.

How should Hope Valley's fishery resources be managed? First and foremost, in a biologically sound manner. After that baseline is satisfied, the public benefit obligation suggests that fishery management programs should key on diversity.

**Fishing and the Economy ▼****Local Fisherman Expenditures**

There is little economic consequence of a decision by a local resident to go fishing on a Saturday afternoon. The fishing spot likely is only a few miles from home, which may or may not require a fill-up of gasoline. If the outing is planned for more than a couple of hours, a convenience store stop for snacks might also occur. Depending on the type of fishing that is planned and the angler's supply of required tackle, the trip might include a stop at a tackle shop or sporting goods store. A typical Saturday afternoon outing might result in expenditures of \$2 or \$3 for gas, \$2 or \$3 for snacks and -maybe- another \$2 or \$3 for tackle. Hardly enough to fuel the fires of of an economy.

Instead of using a low end example, let's consider the angler who had been saving or planning to upgrade his/her fishing equipment and spends \$200 at a local tackle shop. Suppose, for example, the \$200 was spent on one of 30 quality rods that tackle shops in Alpine County had stocked and expected to sell during the year. The purchase of one of those rods by our fisherman was part of the expected sales pattern for the community.

The tackle shop making the sale, in competition with other local shops, benefited from the angler's decision to purchase anew rod. Since the purchase was part of the historical sales pattern for fishing equipment, it would not represent an increase in net sales at the community level. If our fisherman had saved for the rod by putting off the purchase of other items that were needed or planned, then the benefit realized by the tackle shop came at the expense of sales losses by other retail outlets. In other words, the tackle shop owners gain was a loss to other store owners in Alpine County such that, for the community, there would be neither gain nor loss. About the only way the \$200 expenditure could be considered a net community benefit is if the angler had been contemplating purchase of the equipment through a sporting goods catalog or from an out of town outlet.

The point is, that fishing expenditures, equipment or related activities, by local residents produce net economic benefit in only limited and unusual instances even if local fisherman were to double or triple their fishing expenditures. The gain by tackle shop and sporting good store owners would be offset by the loss of sales among other retail stores. The exception to this statement is the case where purchases are made locally rather than at or through nonlocal outlets. If the economy was to perform other than has been described, a good argument could be made to "spend ourselves rich".

### Nonlocal Angler Expenditures

When the "gone fishin'" sign is hung in the office and the site for that activity is Hope Valley, there is potential for net economic gain from fishing expenditures. Expenditures by nonlocal fishermen is new money coming into the local economy. These expenditures represent a new demand for goods and services and a new opportunity for producers and suppliers to expand.

Suppose there was a community that had been very stable with respect to population, income and the preferences of that population for goods and services. For ease of illustration, let's assume that the community was so stable that retail merchants could predict down to the last toothpick what residents would purchase and that orders were placed once a year. Suppose, next, the first ever nonlocal fisherman came into the area to fish. While there, the fisherman ate at local restaurants, purchased fishing equipment and replaced a tire that blew out while traveling to the area. In one sense, sales to the nonlocal fisherman would have disrupted the stability of the community. Part of the goods and services that had been ordered to satisfy the wants of local residents would now have been sold. The merchants would have to place a second order to replace the merchandise that was sold to the nonlocal fisherman or shortages would develop before the next annual order was placed. Residents would find that they had money to spend on goods and services they wanted, but there were no goods and services to purchase. Since most businesses look for opportunities to expand, it seems safe to assume that they would order additional goods. At the end of the year, the community would find that sales had expanded by the amount of purchases made by the nonlocal fisherman and a little more. A close accounting of sales would reveal that the expanded sales over and above the fisherman's purchases were made to local residents who had received additional income as a result of the initial increase in sales. The community economy would have expanded by the new money brought in or the increase in goods and services sold to individuals living outside the community.

### Economic Impact Analysis

This economic principle applies to all communities, states, and regions. That is, the potential for residents (excluding the existence of savings and other forms of wealth) living in an area to purchase goods and services produced outside their immediate area depends on the amount of goods and services they sell to outside markets. These sales represent the means by which area residents earn income to purchase goods and services produced outside the area. Unless residents are content to exist on the goods and services produced within their area, they must produce good and services for markets outside the area to earn the income necessary to purchase or import the nonlocal products they desire.

### Special Regulations ▼

*The following is a Summary of Special Regulation Management Programs in Colorado, Idaho, Montana and Wyoming, and the results of the programs.*

- 1: Special regulation programs were initiated to increase both number and size of fish.
- 2: Programs were based on catch and release, slot limits, minimum size limits and reduced creel limits with catch and release and slot limits the most frequently used and, apparently, the most effective regulations.
- 3: Local resistance was encountered at each water that has been designated in the three states although the success of the programs appears to be softening the resistance.
- 4: Fishing pressures drops the first and, in most instances the second year after designation and then climbs as numbers and size of fish begin to respond.
- 5: Fishing pressure has returned to predesignation levels on almost all streams and as much as 20 to 50 percent greater than predesignation levels on some streams in Idaho.
- 6: Although the contacts in the three states generally felt the local/nonlocal balance of angler use on special reg waters had shifted in favor of nonlocal fishermen (i.e., nonlocal fishermen were attracted to the designated water), little, if any, documentation exists to verify their observations. (The Idaho and Montana biologists observed that there was a developing group of anglers that looked for special reg waters in their selection of weekend or vacation fishing sites.)
- 7: When asked to indicate the long term economic impact on the local economy of managing part of a stream under special regs, the three contacts indicated that the results were generally positive but none of the three states had conducted any follow-up studies to evaluate this point. (The Colorado and Idaho contacts referred to conversations with outfitters, tackle shop owners and Chamber of Commerce directors that supported their observations while the observation by the Montana contact was based on second hand reports from department field personnel.)
- 8: Each of the three biologists, independently, emphasized the need to tailor the



regulations that govern each designated water to the aquatic and biological characteristics of that water and to avoid arbitrary designations. (The Colorado contact indicated that the agency had made some decisions in the early phases of their program that they would like to change now that they have a better data base to work with.)

### Description of Special Regs on Representative Sample of rivers in Colorado, Idaho, Montana and Wyoming

#### Colorado

- 1: Blue River (Gold Medal section) 2.5 miles
  - a: Tackle restrictions: Artificial flies and lures
  - b: Creel limit: Two trout over 16 inches
  - c: Species regulation: none
- 2: Colorado River (Gold Medal section) 20 miles
  - a: Tackle restrictions: Artificial flies and lures, except stonefly nymphs are permitted as bait
  - b: Creel limit: One rainbow, one brown
  - c: Species regulation: None
- 3: Frying Pan River (Gold Medal section) 2 miles
  - a: Tackle restrictions: Artificial flies and lures
  - b: Creel limit: Catch and release
  - c: Species regulation: Catch and release
- 4: Gunnison River (Gold Medal and Wild Trout section) 26 miles
  - a: Tackle restrictions: Artificial flies and lures
  - b: Creel limit: Four fish but only one can be over 16 inches. All fish between 12 and 16 inches must be returned immediately.
  - c: Species regulation: None
- 5: South Platte River (Gold medal section) 19.5 miles
  - a: Tackle restrictions: Artificial flies and lures
  - b: Creel limit: Catch and release
  - c: Species regulation: Catch and release

#### Montana

- 6: Big Hole River 15 miles

- a: Tackle restrictions: Artificial flies and lures
  - b: Creel limit: Three fish under 13 inches, one fish over 22 inches
  - c: Species regulation: None
- 7: Madison River (Quake Lake to McAtee Bridge) approximately 20 miles.
- a: Tackle restrictions: Artificial flies and lures.
  - b: Creel limit: Catch and release.
  - c: Species regulation: Catch and release.
- 8: Madison River (McAtee Bridge to Ennis Lake) Approximately 20 miles.
- a: Tackle restrictions: Sculpins not allowed.
  - b: Creel limit: Five fish with only 1 fish over 18 inches and only 1 fish may be a rainbow and only 1 fish may be a grayling.
  - c: Species regulation: Only 1 fish may be a rainbow and only 1 fish may be a grayling.
- 9: Jefferson River (entire river)
- a: Tackle restrictions: None.
  - b: Creel limit: Five brown trout, only 1 over 18 inches.
  - c: Species regulation: Catch and release only for rainbows.
- 10: Yellowstone (Gardiner to Emigrant Bridge)
- a: Tackle restrictions: Artificial flies and lures.
  - b: Creel limit: Five fish, rainbows or browns. 4 fish under 13 inches. 1 fish over 22 inches.
  - c: Species regulation: Catch and release only for cutthroat.

### Idaho

- 11: South Fork of the Snake River (Irwin to Heise) approximately 30 miles
- a: Tackle restrictions: single barbless hook
  - b: Creel limit: Six fish of which 2 may be cutthroat but all cutthroat between 10 and 16 inches must be returned immediately.
  - c: Species regulation: All cutthroat between 0 and 16 inches must be returned immediately.
- 12: Henry's Fork (Harriman State Park section) 8 to 10 miles
- a: Tackle restrictions: Fly fishing only-barbless hooks.
  - b: Creel limit: Three fish under 12 inches, 1 fish over 20 inches.
  - c: Species regulation: None.

- 13: Henry's Fork (Box Canyon section) approximately 4 miles  
a: Tackle restrictions: Artificial flies and lures, single barbless hooks.  
b: Creel limit: Three fish under 12 inches, 1 fish over 20 inches.

### Wyoming

- 14: Snake River (1000 ft below Jackson Lake Dam to Moose) 23.9 miles  
a: Tackle restrictions: Artificial flies and lures.  
b: Creel limit: Four fish with only 1 fish over 15 inches, all fish between 11 and 15 inches must be returned immediately.  
c: Species regulation: None.
- 15: Green River (Kendall Warm Springs downstream to National Forest boundary) 6.0 miles  
a: Tackle restrictions: Artificial flies and lures.  
b: Creel limit: Two fish with only 1 fish over 20 inches; all trout between 10 and 20 inches must be returned immediately.  
c: Species regulation: All trout between 10 and 20 inches must be returned.
- 16: Platte River (Colo/Wyo line to Saratoga) Approximately 55 miles  
a: Tackle restrictions: Artificial flies and lures.  
b: Creel limit: Six fish with only 1 fish over 16 inches, all fish between 10 and 16 inches must be returned immediately.  
c: Species regulation: None

### Statements of Goals for Special Reg Waters and Evaluations of Results

#### Goals:

##### Colorado

"There are two objectives of catch-and-release management in Colorado. First we want to increase the density of quality size trout (14 inch) in our best streams and then maintain that density at 30 trout/12/acre. Second, we want to maintain an overall catch rate of 0.7 trout/hour throughout the entire angling season." [20]

##### Montana

"Through use of catch-and-release fishing and slot limits (which allow only fish of

certain sizes to be kept), we have been able to provide for the opportunity to catch, but not necessarily to keep, large trout in these areas. The bulk of our rivers and streams, however, remain open to general fishing with no special restriction on tackle and fish size, thus providing a variety of angling opportunities—from the trophy trout of the Beaverhead River to the pan-sized brookies of our mountain streams.”[21]

“The Department... established a management goal for the Madison which is to provide the opportunity to catch wild trout in the 14-18 inch range. Since this goal could not be attained with the regulations of ten fish or ten pounds and one fish, and the fact that fishermen generally were selective to larger fish, additional restrictions were imposed. A catch and release artificial lure regulation was implemented in 1977 with the objective of reducing fishing mortality as much as possible and in an attempt to increase the population of larger trout.”[22]

### Idaho (South Fork of the Snake)

“Protect cutthroat...provide opportunity to catch quality fish...goal is to get fishing to point 20 percent of cutthroat that are caught will be 16 inches or better.”[23]

### Wyoming (Green River)

“Maintain a post-season trout population of at least 850 trout/mile and 14.3 lbs./acre...Maintain a post-season trout population with a size structure of 20-25 percent over 10 inches (based on trout over 6 inches)...Maintain a total catch rate of at least 1.0 trout/hour...Maintain an average trout size of 9 inches in the creel...Encourage the harvest of whitefish.”[24]

### Results:

#### Colorado

“Yes, they have been very effective. We have raised the average catch rate from 0.2 to 0.5 trout/hour under an 8 trout/day bag limit to an average of 1.1-1.8 trout/hour, far exceeding the objective of 0.7 trout/hour in virtually every case. We have been able to attain the goal of 30 quality size trout/12/acre on a sustained year to year basis in most instances.”[20]

#### Montana

“In March 1981, before initiation of the slot limit, [Big Hole River] an estimated 506

brown trout per mile, 13 inches and longer, were found...in a section of the Big Hole. Two years later, 13-inch and longer browns had increased by 33% to 674 per mile. The increase in 18-inch and longer browns during the same period was an astonishing 160% from 40 per mile to 104. The response of rainbow trout has been even better. Thirteen-inch and longer rainbows increased by 79% between fall 1981 and fall 1983, from 251 to 451 per mile. Fifteen-inch and larger rainbows jumped from 89 to 247 per mile, an incredible 178% in two years."

"Between 1977 and 1982 in the catch and release section, [Madison river] the number of 13-inch and larger trout increased 315%."

"Fish populations in the lower Rock Creek area (the three fish, one over 14 inches limit) have responded predictably. Rainbow trout have increased dramatically, by over 270% since the regulations were changes. The number of brown trout has remained virtually unchanged. It is an established fact that browns are not as easy to catch as rainbows; lack of an increase in brown trout numbers suggest anglers were not significantly affecting brown trout populations.:

"Trout populations in the catch and release section of Rock Creek have changed dramatically. The changes have not been exactly what DFWP biologists anticipated, however. The population of cutthroat trout in the catch and release section has increased over 700% since the regulations were initiated. Rainbow trout have not increased at all, suggesting that at least some of the increase in cutthroats came at the expense of rainbows." [25]

### Idaho (South Fork of the Snake River)

"In two years since special reg designation, fish population has increased 50 percent, number of cutthroat over 16 inches has increased from 2 percent of population to 8 percent. Fishing pressure has increased 20 to 50 percent." [23]---

### Wyoming (Green River)

"Evaluation through 1983 indicates a rapid response in the fishery. Numbers of 6+ inch trout already exceed the highest levels seen between 1975 and 1981. Catch rates are already exceeding 1.0 trout per hour also. We have not yet reached our objective for the percentage of trout exceeding 10 inches, however, percentage of larger trout should increase quickly as soon as they expanding population stabilizes. Admittedly, the good water flows during the past three winters have hastened the fishery's improvement." [24]

### Justification:

#### Colorado

"In Colorado, public acceptance of catch-and-release and limited-kill areas is very high. In 1980, 4,460 anglers were surveyed in eight different areas on three different streams, 1,192 by mailback postcard questionnaire and 3,268 by personal interview. An astonishing 88% favored catch-and-release areas already in existence, 6.2% were opposed to them, and 5.8% had no opinion. Of the 4,460 anglers surveyed, 2,854 (64%) were fishing in an 8 trout/day angling area with terminal tackle restrictions. Thus, despite the fact that the majority of anglers were fishing in a standard regulations area when contacted, they over-whelmingly supported the concept of catch-and-release. Similarly, in 1981, of 2,403 anglers surveyed, 1,769 (73.6%) favored catch-and-release angling areas, 397 (16.5% were opposed, and 237 (9.9%) had no opinion." [20]





### Lake Tahoe ▼

This section is based on the reports generated by the Lake Tahoe Visitors Authority in an effort to provide a basic overview and understanding of the tourist economy of Lake Tahoe.

Although the total economic contribution of tourist dollars is quite a bit greater in Lake Tahoe than in Hope Valley, several factors make studying this example worthwhile. First, like Lake Tahoe, Alpine County relies very heavily on tourism and outdoor recreation for its economic base. As this economy develops in Alpine County, some of the economic trends noted here will become more valid. Secondly, visitors to Hope Valley and Lake Tahoe share some important characteristics. These include place or origin (central California and northern Nevada), desire for scenic beauty, access to a variety of outdoor recreation opportunities and a high rate of return. Again, as Alpine County recreation areas develop, visitors patterns may trend towards those described in the following sections.

The reports identify the size, seasonality, market potential, and economic impact of the overnight visitor to the South Lake Tahoe area.

The reports provide a basic framework in which to understand the economy. They may be used as a planning tool by those interested in understanding this dynamic and seasonal economy.

Specifically, the following report include estimates of the number of overnight visitors by month, their economic impact, estimates of state visitor patterns, and the visitor pattern of those from California. In addition, the report provides a trendline comparison of eight South Lake Tahoe economic indicators that assist the reader by providing a context for the 1986 year.

Tourism is South Lake Tahoe's primary means of generating revenues. Thus, the health of the economy is critical to the level of services provided to the local community.

The California Visitor Impact Model provides a step by step set of procedures and guidelines for determining the size, nature and economic impact of a community's visitor trade.

Specific objectives of this report include the following:

1. To define the term "visitor" in a way that is meaningful to the community of South Lake Tahoe.

2. To implement the California Visitor Impact Model in an effort to determine the nature and economic impact of the overnight visitor trade in South Lake Tahoe.
3. To use the California Visitor Impact Model to establish a visitor data base which can be used to develop marketing strategies.

The estimates\* contained in this report are based upon a generally conservative methodology and were developed using the best information available at the time of this report's preparation.

\*The following estimates were produced through the use of the California Visitor Impact Model, developed by Dirk Wasenaar Ph.D., Professor of Marketing and Quantitative Studies at the School of Business, San Jose State University and prepared for the California Office of Tourism.

### Defining a Visitor

There are currently several definitions available for defining a visitor. The two most frequently used definitions include the following:

#### "100 Miles Definition"

The "100 Miles Definition" suggests that a visitor resides at least 100 miles from South Lake Tahoe. (1)

#### "50 Miles Definition"

The "50 Miles Definition" suggests that a visitor resides at least 50 miles from South Lake Tahoe. (2)

Note:

(1) Current U.S. Travel Data Center/Bureau of Census definition.

(2) Recommended definition for use in the State of California—"California Visitor Impact Model."

For the purposes of this report a visitor will be defined as someone residing 50 miles or more away from South Lake Tahoe, but excluding:

- a. Persons commuting to and from work.
- b. Persons acting as members of an operating crew of a bus, truck, or plane.
- c. Students traveling between home and school.

## Economic Drivers

The economic drivers of the South Lake Tahoe economy are several and change during each season. These economic drivers may be viewed as the primary reason why visitors to visit South Lake Tahoe. They, in effect, "drive" visitors to South Lake Tahoe to fulfil an unmet need. A seasonal breakdown of selected the primary reasons for visitation is as follows:

### Primary Reason:

	Fall	Winter	Spring	Summer
Skiing:	33%	50%		
"Get Away":	16%	8%	27%	26%
Rest and Relaxation:	12.5%	6.5%	24%	21%
Meetings:	3%	2.5%	4%	2%
Other:	15%		2%	4%

As is evidenced above, the economic drivers are what is perceived by the visitor to be of significant importance and a strong enough reason to visit South Lake Tahoe.

It should be noted that when these same economic drivers do not meet the expectations the visitor will begin to consider other vacation areas.

### ESTIMATED SPENDING DISTRIBUTION OF OVERNIGHT VISITORS TO SOUTH LAKE TAHOE

Economic Sector:	Est. \$ Amount	Est. Pct.
Service Station (1):	\$ 27,226,312	4.5%
Accommodations:	\$122,820,921	20.3%
Shopping:	\$ 47,192,275	7.8%
Gaming:	\$197,300,013	32.6%
Entertainment:	\$ 50,217,421	8.3%
Recreation (2):	\$ 38,721,867	6.4%
Dining:	\$111,325,367	18.4%
Sight-seeing:	\$ 10,285,495	1.7%
Total:	\$605,029,172	100%.

Source: Rosall, Remmen, & Cares, California Visitor Impact Model.

(1) Calif. Dept. of Commerce Estimates

(2) Includes skiing estimates.

## Summary

### 1986 In Retrospect:

In retrospect, the 1986 year was less than expected for South Lake Tahoe. The combined forces of poor winter weather, changes in the National Economy, increased competition from other resort areas, the success of "Expo 86" all contributed to a less than hoped for year for the South Shore economy.

The Winter Season suffered from a disastrous February storm of rain, sleet, and snow from which South Lake Tahoe suffered from gas and electric outages. This unforeseen storm caused many businesses to reduce services and in some cases to shutdown. Thus affecting the number of visitors to the South Shore.

This survey shows the place of origin for Californians visiting South Lake. The following table describes this information.

### CALIFORNIA VISITOR PATTERN

	SUMMER	SPRING	WINTER	FALL
Sacramento:	15.6%;	19.0%;	13.1%;	16.5%.
Stockton:	7.7%;	4.8%;	5.3%;	7.7%.
Bay Area:	37.0%;	43.1%;	46.3%;	42.9%.
Los Angeles:	14.2%;	11.1%;	8.3%;	12.7%.
Santa Ana/Orange:	3.6%;	3.4%;	3.6%;	2.9%.
San Diego:	4.1%;	2.9%;	3.6%;	2.9%.
Other California:	17.8%;	15.7%;	18.8%;	13.6%.

Source: Rosall, Remmen, Cares

### Looking ahead at 1987:

The less than hoped for 1986 year did serve to crystallize the need for a more competitive South Lake Tahoe.

The Lake Tahoe Visitors Authority, (formed in Mid 1986) has committed to diversifying the South Lake Tahoe customer base in hopes of stimulating the South Shore economy. The LTVA is focusing its resources on the Southern California market. In a cooperative effort with the South Tahoe Gaming Alliance and the South Shore Community, the LTVA is spending an estimated one million plus dollars in

1987 in an effort to bring more overnight visitors from Southern California to South Lake Tahoe. This market diversification is viewed as a start in a long term investment in returning the economy to a more vital state.

### Conclusion:

In conclusion, the overnight visitor, the mainstay of the South Shore economy, represents approximately 2 million visitors annually. These overnight visitors have a direct economic impact of approximately 640 million dollars to the South Shore economy.

The "Multiplier Effect" or trickle through is estimated by the California Visitor Impact Model to be about 1 and 1/2 to 2 and 1/2 times in support business.

With this in mind, and the fact that Tourism is the only major industry that fuels the South Shore economy it is imperative that the community as a whole continue its investment in marketing the area.

## Tourist Overview ▼ by Seasons

### Highlights of the Data: An Overview - Fall

Overall, about 80 percent of the visitors were from California. The Bay Area represented 35 percent of all visitors. Sacramento/Stockton represented 19 percent. Southern California, primarily Los Angeles/Orange County, represented 16 percent. Texas, Washington and Colorado are the largest out-of-state markets, although none are of dominant proportions. Rather, they may indicate areas of potential growth.

Day visitors represented 12 percent of the total, with overnight from California/Nevada at 70 percent of out-of-state overnight visitors representing 18 percent.

Day visitors tended to be older and married, traveling with their spouse, with relatively lower incomes than the average. They are drawn to South Lake Tahoe primarily for gaming and to a somewhat lesser extent casino entertainment. They are also more likely than the average to be here to "get-away." They are far more likely than any other group to travel by bus. They are far more frequent visitors than the average (with almost 70 percent having been in South Lake more than 20 times), and about 80 percent are certain they will return again during the year.

Overnight visitors from California tend to be younger and somewhat more affluent than the day visitors. California overnights have a similar high tendency to be married and to visit with their spouse and/or entire family during the Fall non skiing season. However, a far greater percentage of younger singles, many of whom are students, or professional/technical occupations, characterize this group during the ski season.

The overnight out-of-state visitors are the most affluent group and spend the most dollars per capita per day in South Lake. They have a greater tendency to stay in the casinos than the California overnights. Nevertheless, they are more inclined to indicate their primary reason for coming was the skiing with gaming "another" activity they will participate in during their stay. About 50 percent are first time visitors. A smaller proportion than typical, 22 percent, indicate they definitely will return this year, about 45 percent indicate uncertainty, with about 34 percent certain they will not return.

Gaming is not necessarily the primary reason most people indicate for visiting South Lake Tahoe (17 percent). In comparison, 33 percent state "skiing" and 29 percent state either "rest and relaxation" or to "get away." Frequent visitors mention gaming more often than other visitors as their primary activity.

It is apparent that new visitors and overnights, those who travel longest distances to come, are primarily motivated by the variety of activities and scenic beauty of the area, with gaming and casino entertainment one of those attributes.

South Lake Tahoe's greatest perceived strengths during the Fall period are:

1. Scenery/beauty.
2. Casinos and ski area.
3. Relaxing atmosphere.
4. Shows and entertainment.\*\*
5. A fun place to be.

South Lake Tahoe's greatest perceived weaknesses are:

1. Ease of getting there.
2. Value received for dollar spent.
3. Family orientation.
4. Ease of getting around.
5. Shopping.
6. Shows and entertainment.\*\*



7. Parking availability.
8. Friendly people.

\*\* It is interesting to note that shows and entertainment has both its proponents and its detractors.

Specific ratings tend to reflect the strengths and weaknesses evaluation, with the highest ratings occurring for:

1. Scenery/beauty.
2. Fun place.
3. Ski areas.
4. Relaxing atmosphere.
5. Accommodations.
6. Casinos.

The lowest relative ratings occur for:

1. Shopping.
2. Family orientation.
3. Value received.
4. Ease of getting around.
5. Local visitor information.
6. Ease of getting there.
7. Parking and bus shuttle.

In response to what type of events would encourage you to come to South Lake Tahoe most frequently, entertainment was the dominant factor. Sports and recreation events were also frequently mentioned.

### Highlights of the Data: An Overview - Winter

Skiing, not surprisingly, was singled out as a primary motivator by half of all Winter respondents, compared to 33 percent of the Fall. Those who mentioned gambling remained relatively unchanged (14 percent vs 17 percent in Fall), but the numbers who chose "rest and relaxation" or "get away" dropped sharply, from 29 percent combined in Fall to 14.5 percent in Winter. Casino entertainment was the third most popular choice and was particularly strong in central California.

Those who visit Tahoe in the Winter are more inclined to return in Winter, to the

exclusion of the other three seasons, in particular Fall and Spring. Fall visitors, by comparison, were more likely to have a four-season orientation.

Winter visitors gave a significantly higher rating to their overall experience than did Fall visitors, notwithstanding the poor weather conditions that characterized the February/March interview sweeps. Fifty-six percent gave their experience an Excellent rating, versus 46 percent in Fall.

Sales/buyers and secretary/office professions experienced the highest percentage gains, while students and retired showed the sharpest drops.

Winter visitors are a wealthier group than those in the Fall: 52.5 percent have incomes between \$30-75,000, versus 46 percent in Fall. Only 15 percent had incomes of less than \$20,000, against 28 percent in Fall. There was little change in age structure; the percentage of females increased.

Length of stay increased slightly, while number of people per unit went from 3.0 to 3.9. Condominiums, duplexes and cabin lodging all were up. Accommodation ratings overall were also up over Fall.

As discussed earlier, the overnight out-of-state group made up a significantly larger proportion of the overall respondent base. Texas and Washington continue to be strong outside markets, but the East Coast (Florida, New York) was well represented, and Oregon moved up. Colorado, which was the fifth strongest market behind California in the Fall, dropped out of the top ten during winter.

Out-of-state visitors are both the wealthiest and oldest of the visitor groups, typifying what many consider to be the "affluent elderly" (40-60 years of age) segment of the population, certain to draw increasing marketing and economic attention. They spend a week away from home, prefer casino lodging, have a proportionately strong interest in gambling, and give their overall South Lake Tahoe experience higher ratings than any other group.

Day visitor demographics are more similar to the overall visitor base than they were in the Fall, when they were characterized by elderly, retired gamers of limited incomes. Winter day visitors are younger, more affluent, and more inclined to ski. A large percentage originated in the East Bay, a dramatic increase over Fall figures.

Similar demographic changes occurred in the overnight California/Nevada group, although they were not as dramatic. Non-casino lodging was up, people traveled in larger groups, but they did not stay as long.

The concentration of South Lake Tahoe visitors from the Bay Area as a percentage of the total California visitor base went up, while central and southern California percentages declined.

The Bay Area was the only geographic market in which the visitor base was older and less wealthy than the Winter average. There was a dramatic increase in the representation of craft/labor/service and office/secretary occupations. Casino hotels as a share of Bay Area lodging accommodations went down, replaced by cabins and other self-contained units.

Los Angeles produced younger, wealthier visitors, while San Diego visitors were older and wealthier. Gaming as a primary motivator doubled in both markets. Sales/buyers, secretary/office, and females also increased.

### Highlights of the Data: An Overview - Spring

The Spring visitor base was characterized by a lower percentage of overnight out-of-state visitors and overnights from California/Nevada than the preceding two seasons. Oregon was the strongest out-of-state market, followed by Texas and Washington.

The high percentage of day visitors reflects a high concentration of out-of-state (non-California/Nevada) tourists, 25 percent of whom came up for the day from Reno.

Spring respondents are the oldest of all to-date research, as wealthy as Winter visitors, and characterized by a high percentage of females.

Sixty-seven percent are married, compared to 56 percent in the two previous seasons. Fifty-nine percent travel with their spouse only or with family.

The Spring visitor base is made up of the highest percentage of first-time visitors of any season, as well as the highest percentage of those who express a 0-25 percent likelihood of returning over the next 12 months.

Over 50 percent visit South Lake Tahoe in the Spring to "get away" or rest and relax compared to 40 percent in Fall. Only 11 percent are motivated primarily by gambling, the lowest of all seasons. Day visitors, however, are much more like to be visiting for gaming or a show than the average.

Only 3 percent of Spring respondents were students; 10 percent were retired, and 21.5 percent were "empty nesters."

Out-of-state visitors are not as wealthy as those in Winter, particularly in the over \$75,000 range, but are significantly older. Over 75 percent are married.

Nineteen percent of out-of-state visitors traveled to South Lake Tahoe primarily to sightsee, a percentage equal to that for "get away." Only 8 percent were in the area primarily to gamble.

Sacramento/Stockton-based visitors made up over 20 percent of all those who traveled from California, continuing to represent strong shoulder season support.

Almost 40 percent of Sacramento-based visitors traveled to South Lake Tahoe for the day only. A high percentage were motivated by gaming and casino entertainment.

Bay Area visitors made up a smaller percentage of the California-based visitor base than they did in the Winter, but represent a similar contribution as those in Fall. The North Bay, however, dropped significantly as a contributor. Those who did visit from North Bay were much older than the average -24 percent were retirees.

Visitors from the East and South Bays continued to represent above average interest in rest/relaxation and "get away"; overall, they have made less visits to South Lake Tahoe than those in previous seasons, and are less likely to return in the next 12 months.

Visitors from West Bay/San Francisco were older, wealthier and more likely to be married than in any other season. They show a stronger interest in gaming and "other recreation" as primary motivators than those from other key California markets, a finding consistent with the phone research.

Rest/relaxation and "get away" continue to be very strong primary motivators for visitors who travel to South Lake Tahoe from Southern California. Like most groups in the Spring visitor base, they are older, wealthier and more likely to be married than past seasons.

As a favorite "activity," gaming continues to represent a strong year-round draw, particularly in the shoulder seasons. Rest/relaxation, shows and sightseeing are also highly favored.

Gaming is also considered one of South Lake Tahoe's greatest assets, but rates a weak second behind scenery/beauty, which is once again an overwhelming favorite.

Parking and "getting there" are rated as the area's two greatest weaknesses. Other needs expressed by respondents include a lack of unique or quality retail outlets, few activities for children, and no scenic bus tours around the Lake. Quality entertainment is considered a strong factor in drawing people more frequently to the area.

South Lake Tahoe continues to rate well against other gaming resorts, although a small percentage continue to favor the more relaxed environment of North Shore. Over 70 percent of respondents considered South Lake Tahoe only in their most recent travel plans. Out-of-state visitors most frequently considered San Francisco as an alternative destination, while Bay Area respondents considered Reno.

Forty percent of those interviewed felt that South Lake Tahoe as a place to vacation has improved over the period of time they have been visiting, while 36 percent said the number of visits they are making to the area have been increasing. The most frequently mentioned incentives for traveling more frequently were travel/accommodation packages. This was particularly true for those who traveled from out-of-state.

Out-of-state visitors continue to spend more money than any other group during their stay. Residents of Los Angeles and Sacramento/Stockton were the highest spending visitors from California, while East Bay was lowest.

#### Highlights of the Data: An Overview - Summer

Residents of California made up a lower percentage of the overall visitor base than in any other season (67 percent).

The typical Summer visitor is older, wealthier, and much more likely to be married than those in any other season; 54 percent brought their children with them.

The "capture ration" in Summer was almost identical to that in Spring - 47 percent. Reno and San Francisco continue to represent the most frequently mentioned "other" destinations.

The primary reasons that respondents traveled to South Lake Tahoe in the Summer were very similar to those in Spring; "get away" and rest/relaxation were the strongest, followed by gaming and casino entertainment.

Twenty-six percent of all day visitors originated in Sacramento/Stockton; 27 percent were from out-of-state.

Almost one-fourth of all overnight California/Nevada visitors were in South Lake Tahoe to visit friends or because they own their own home or condo.

Out-of-state visitors showed up in numbers similar to those in Winter; eleven different states contributed at least one percent to the total visitor base.

Gaming interest as a primary motivator and secondary activity is weakest in this group compared to the others, while sightseeing is comparatively strongest.

Summer out-of-state respondents are equally likely as those in Spring to spend a significant (over 70 percent) portion of their vacation time in areas other than South Lake Tahoe.

The Bay Area's share of the visitor base dropped significantly to its lowest level of any season; the Los Angeles/Southern California share, by comparison, was its highest.

Sacramento (15.6 percent) remained the single largest California-based metropolitan source of visitors, followed by East Bay (14.2 percent) and Los Angeles (14.2 percent).

With the exception of South Bay respondents, interest in gaming as a primary motivator was highest in Sacramento than in any other market.

Despite the relatively low participation rates in the overall visitor base, Bay Area residents represented the highest capture ratios of any other market; gaming is a weak primary motivator in this market.

Per capita spending levels in Summer fell to their lowest level yet; this was primarily the result of the high numbers of respondents who drove, camped or stayed in R.V.'s.

South Lake Tahoe's single greatest asset continues to be its scenery/beauty by the widest margin yet, while rest/relaxation and sightseeing remain the two most important activities.

The crowding problems that characterize Summer at the Lake were reflected in lower ratings for parking and getting around, which were also singled out as the area's single greatest weakness.

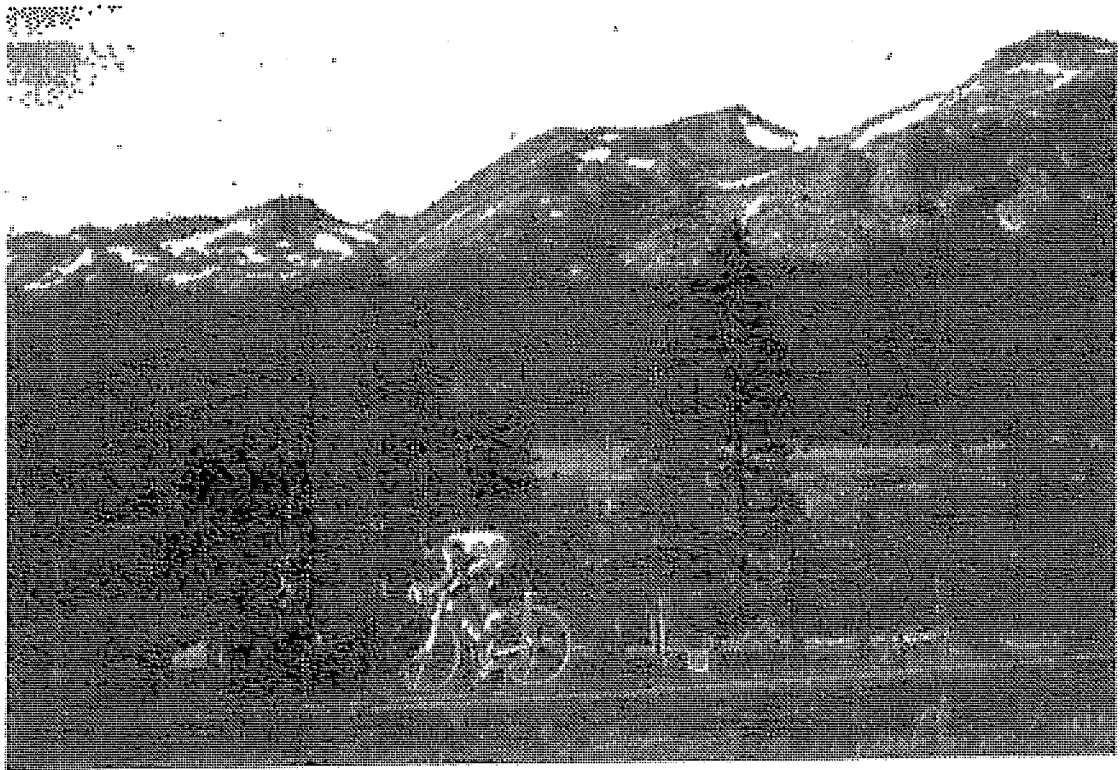
With the exception of South Bay and, less so, Los Angeles, visitors from key

California markets are much more likely to be increasing than decreasing the frequency of their visits to South Lake Tahoe.

Those who feel that the area has declined in quality as a place to vacation are more inclined to be decreasing the frequency of their visits, and vice versa. Twenty-five percent of those who have made more than 20 trips to South Lake Tahoe feel that it has declined in quality during that time.

Over half of all first time visitors were from out-of-state, representing 56 percent of all out-of-state respondents; over half of all first time visitors from California/Nevada were from Los Angeles.

Seventy-four percent of first time visitors from Los Angeles, versus 54 percent in California/Nevada and 47 percent overall, traveled to South Lake Tahoe to "get away" or rest/relax. Almost half express a 0-25 percent likelihood of return within the next 12 months.





## **THE RECREATION AND LEISURE INDUSTRY'S CONTRIBUTION TO CALIFORNIA'S ECONOMY ▼**

Most planners recognize an importance of the leisure and recreation industry to California's economy. In 1983-84, the California Department of Parks and Recreation undertook the task of studying and quantifying that importance. This study addressed such diverse issues as: what are the high growth recreational activities; what percent contribution does recreation contribute to local economies; per-day expenditures by tourists and recreationists; and the effect of public parks and recreation areas on surrounding property values.

This study focuses on California as a whole and thus provides figures of primarily state-wide importance. This can be used by local planners, both public and private, as a comparison point or as a target for future growth.

### **Highlights**

**RECREATION AND LEISURE PURSUITS ARE A MAJOR FEATURE OF THE CALIFORNIA LIFESTYLE. MORE IMPORTANTLY, THEY ARE A VITAL ELEMENT OF CALIFORNIA'S ECONOMY.**

Californians spent about \$30.2 billion on recreation and leisure pursuits in 1982. This amounted to 11.5% of total California personal consumption expenditures, making recreation and leisure third in personal spending, exceeded only by housing and food. An additional \$2 billion was spent by visitors from out of state who traveled to California for recreation, entertainment, or sightseeing.

Employment in the recreation and leisure industry accounted for one out of every 15 California jobs in 1982. Private-sector employment accounted for 769,406 jobs, while government provided 45,157. According to the 1983 Economic Report of the Governor, the greatest percentage increase in California employment during 1982 occurred in the recreation and amusements service industry.

It is estimated that state taxes generated by recreation and leisure expenditures amounted to \$1.3 billion in 1982, more than 6% of California's revenue.

Revenue to local governments from recreation and leisure expenditures in 1982 exceeded \$640 million, more than 12.6% of all local government revenue.

### **OUTDOOR RECREATION IS THE DOMINANT FORCE IN CALIFORNIA'S RECREATION AND LEISURE INDUSTRY.**

Approximately \$19.2 billion, about 64% of all recreation and leisure expenditure by Californians, was spent in pursuit of predominantly outdoor recreation away from home.

Expenditures for outdoor recreation in California are projected to grow 25% at both government and non-government facilities, and nearly 27% at joint facilities, by the year 2000. This growth will add \$8.1 billion (in 1982 dollars) to California's economy.

### **GOVERNMENT LANDS AND FACILITIES ARE A CRITICAL COMPONENT OF CALIFORNIA'S RECREATION AND LEISURE INDUSTRY.**

About 40% of all recreation and leisure spending, amounting to \$12 billion in 1982, was related to the use of government lands and facilities.

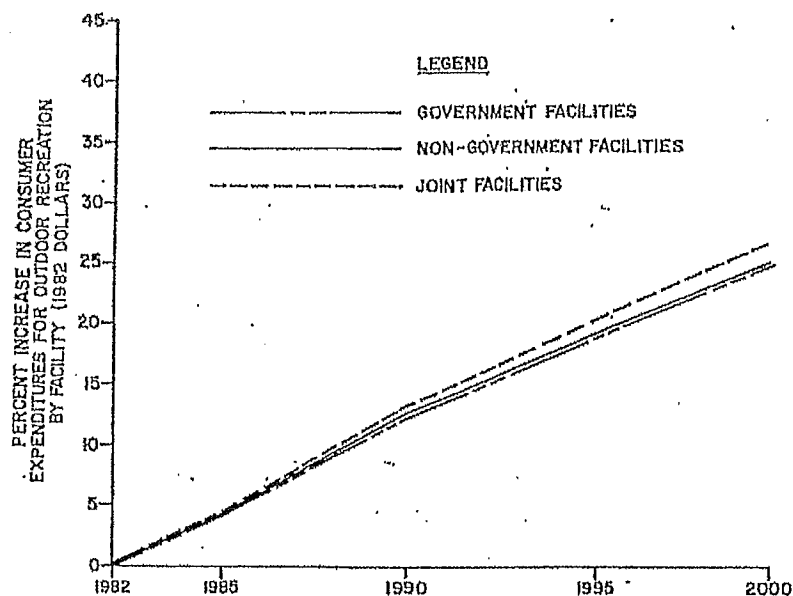
### **RECREATION AND LEISURE EXPENDITURES**

#### **Consumer Expenditures**

Nationally, recreation and leisure expenditures have grown from \$58 billion annually in 1965 to \$244 billion in 1981, an increase in inflation-adjusted dollars of 47% (U.S. Department of Commerce). About 13% of these expenditures (\$32.2 billion in 1982) are estimated to have occurred in California, which accounts for slightly over 10% of the nation's population. This includes \$2 billion estimated by the U.S. Travel Data Center to have been spent by out-of-state visitors traveling for recreation, sightseeing, or entertainment. These expenditures, which support the recreation and leisure industry in California, amount to more than 8% of the 1982 gross state product, and account for 11.5% of total California resident consumer spending, exceeded only by housing and food.

**Figure 1**

**Projected Increase in Consumer Spending on Outdoor Recreation by Facility (1982-2000)**



## Activity Expenditures

Table A provides estimates of average daily participant expenditures for California's more popular away-from-home recreation activities. Total annual expenditure estimates for each activity were determined by multiplying average daily expenditures by total annual participation days for the activity, a figure derived from the Statewide Recreation Needs Analysis study. Annual participation expenditures for these predominantly outdoor recreation activities totaled \$19.2 billion. About half of these expenditures were transportation and travel-related. Non-transportation-related expenditures for several activities were derived from data generated by this study and surveys of trade organizations and recreation establishments throughout the state.

**TABLE A**

**ESTIMATED AWAY FROM HOME RECREATION EXPENDITURES BY CALIFORNIA IN CALIFORNIA FOR 1982**

Activity	Average Activity Day Expenditure per person	Total \$ Spent
Bicycling	3.90	461,205,420
Horseback Riding	19.78	366,443,291
Tennis	6.90	323,646,709
Golf	23.89	732,654,220
Bowling	8.91	300,263,080
Pool Swimming	6.56	410,430,533
Picnicking	13.02	972,031,405
Hiking & Backpacking	13.73	733,834,862
Nature Appreciation	12.51	810,777,727
Visiting Scenic Areas	14.56	715,755,186
Crafts & Hobbies	7.89	377,949,463
Camping	29.05	1,442,771,736
OHV	45.03	1,144,666,440
Snow Skiing	49.23	369,016,019
Sports Activities	17.28	3,337,727,040
Boating	33.53	1,275,967,385
Jogging	3.03	664,335,680
Fishing	32.00	1,661,078,080
Hunting	65.00	494,310,700

## Location of Activities

Away-from-home recreation and leisure activities can take place at government-owned facilities, private facilities, or those owned jointly by government and the private sector.

The data indicates that about 62% of all away-from-home recreation and leisure expenditures can be attributed to the use of government or joint government and non-government facilities. These government-facility-related expenditures (amounting to nearly \$12 billion in 1982, or about 40% of all recreation and leisure spending) illustrate the importance of public recreation lands and facilities to California's economy.

Referring again to Figure 1, the expenditure ratio of government and non-government facilities is projected to remain about the same to the year 2000, with a slight increase in joint facility expenditures. With this in mind, and considering that expenditures related to participation in recreation and leisure activity at public

facilities currently support about 40% of the recreation and leisure industry and account for 4.6% of California consumer spending, investment in public recreation lands and facilities should be an integral part of state, regional, and local economic development programs. Land acquisition and facility development to accommodate high-expenditure activities projected to grow rapidly will be particularly desirable (Table C).

**TABLE C**

### HIGH EXPENDITURE, RAPID GROWTH RECREATION ACTIVITIES

Activity	Projected Increase in Participation, 1980-2000	Average Expenditure
Golf	53%	\$23.89
Snow Skiing	49%	49.23
Boating	38%	33.53
Visiting Scenic Areas	35%	14.56
Fishing	32%	32.00
Hiking & Backpacking	32%	13.73
Nature Appreciation	31%	12.51

### RECREATION AND LEISURE-RELATED REVENUE RETURNS TO STATE AND LOCAL GOVERNMENT

The recreation and leisure industry is an important source of state and local government revenue. State and local tax revenue generated by business firms operating within the industry, personal income tax paid by industry employees, and local property tax revenue generated by public and private recreation facilities provide the greatest contributions. However, significant revenues also accrue from a variety of non-tax sources.

#### State Revenues

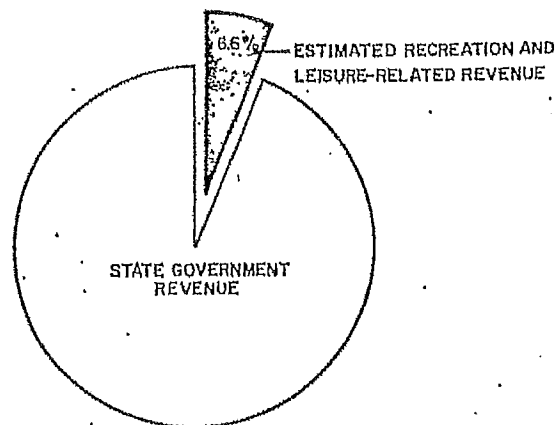
California residents and businesses paid about \$20 billion in state taxes for fiscal 1980-81. It is estimated that about \$1.3 billion of this revenue is attributable to the recreation and leisure industry.

This figure is derived as follows. The California Franchise Tax Board data indicate that about \$220 million was paid in corporate taxes by more than 49,000 recreation and leisure-related business establishments, and \$275.8 million in personal income

tax was paid by industry employees. Estimates based on State Board of Equalization data indicate that an additional \$638.9 million was collected in state sales tax on recreation and leisure-related product sales. Additionally, motor fuel tax related to recreation and leisure activity and travel amounted to about \$197.3 million (see below).

Figure 2

Recreation and Leisure-Related Returns  
to California State Government as a  
Percentage of Total State Revenue in  
Fiscal Year 1980-81



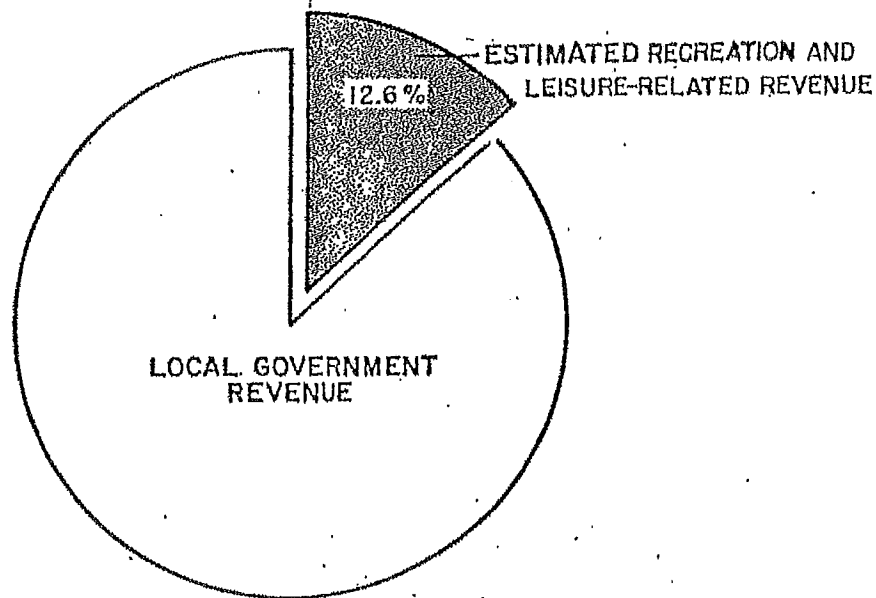
In addition to the taxes just discussed, the state derives an additional \$975.6 million in annual income from licenses and fees associated with recreation and leisure.

#### Local Revenues

More than \$640 million collected by California's cities, counties, and special districts in fiscal 1980-81 is estimated to have been generated by recreation-related business activity and employment, and public recreation facilities (see below). This is 12.6% of the \$5.1 billion of local revenue for that year.

Figure 3

**Recreation and Leisure-Related Returns  
to Local Government as a Percentage of  
Total California Local Government  
Revenue in Fiscal Year 1980-81**



Recreation and leisure-related property tax revenue, based on an estimation of taxes paid on privately owned recreation lands and taxes resulting from property value enhancement attributed to urban and suburban public parks, is estimated to have been \$360.3 million (56% of total recreation and leisure-related local revenue in 1982).

Local park and recreation use fees accounted for an additional \$147.5 million, or 23% of total local government recreation and leisure-related revenues.



## ECONOMIC IMPACT OF OUTDOOR RECREATION IN NEVADA ▼

Nevada State Parks, as part of the Statewide Comprehensive Outdoor Recreation Plan, studied the question of outdoor recreation's contribution to the state's economy. Although completed in late 1980, this study continues to be used by state and local planners to help predict economic impacts. Such information is valuable to Alpine County recreation providers because many visitors originate from Western Nevada cities and towns. The following summary includes the use trends and economic impacts for those recreation activities identified.

### I. INTRODUCTION

This study assesses the impact of outdoor recreation on the Nevada economy. Although indoor recreational activities (gambling and other forms of entertainment) are the more widely recognized recreational attractions in Nevada, outdoor recreation also supports a significant share of economic activity in the state.

Recreationists visit Nevada in large numbers to participate in cross-country and downhill skiing, hunting, off-highway vehicle (OHV) driving, fishing, hiking, backpacking, and other outdoor activities.

These visitors provide revenues for income and jobs in the state through purchases in restaurants and groceries, from rental and purchase of sporting equipment and through expenditures for lodging and other goods and services. Studies indicate that many who visit Nevada primarily for outdoor recreation also gamble and participate in other indoor entertainment activities (e.g. Colberg, 1978).

Nevada residents also contribute substantially to the Nevada economy from purchases for outdoor recreation-related sporting goods, recreational vehicles (RV's), sports clothing, and from purchases related to in-state recreational travel. Government expenditures for management (marinas, campgrounds, etc.), and for capital improvements (e.g. tennis courts, swimming pools) to recreational areas also fuel the state's economy, providing outdoor recreation-related jobs in the public sector, as well as income to private contractors and their employees.

#### A. Economic Impact and the Regional Economy

The process by which recreational activities produce jobs, income and tax revenues in a region has features somewhat different from the way in which activity in other industrial sectors impact a region's economy. In general,

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economic activities may be divided between primary (or basic) activities and secondary activities (also called non-basic, service, or residentiary activities).

Primary industrial sectors of the economy are those that provide income and jobs to a region through exports to other regions. Typically, these activities (e.g., farming, mining, manufacturing) produce goods which are sold outside the region, earning income for employees and profits for owners of the producing firms.

Resident's purchases fuel the secondary sector of the economy, providing revenues for additional jobs, income, and taxes.

There is a fine dividing line between the primary and secondary sectors. Nearly all economic activities overlap the two sectors, producing, at times, some goods and services for export, and some for consumption within the region. To analyze a regional economy, economists usually place industries in one or the other sector, depending on whether the majority of their output is destined for export or for local consumption.

The recreation industry is typical of difficult-to-categorize sectors. Recreational activities may serve local residents as well as tourists. For example, a ski resort may sell its services to a region's residents or to tourists. Tourist skiers bring fresh income into the region, buying lift tickets, equipment, food and lodging. These purchases generate employment and income for the region's residents. The "tourist portion" of the ski resort is a primary sector activity. Resident skiers, on the other hand, recirculate the region's income in their purchase of ski goods and services. The "resident portion" of the ski resort is a secondary sector activity.

Expenditures related to outdoor recreation in Nevada arise from at least five distinct sources: (1) travel expenditures in Nevada by visitors from outside the state, (2) capital expenditures in Nevada for outdoor recreation equipment by these visitors, (3) capital expenditures by Nevada residents for outdoor recreation equipment and clothing, (4) in-state travel expenditures by Nevada residents, and (5) expenditures by federal, state, and local governments for outdoor recreational capital improvements or resource management.

Travel expenses are usually defined to include costs directly related to a specific trip, including transportation expenditures, food and liquor purchases (from groceries, liquor stores, bars, and restaurants), lodging (including camping), and entertainment. Travelers may also spend money for other retail goods, such as clothing, gifts, souvenirs, and sporting equipment.

For the outdoor recreationists, these travel and capital expenses vary widely by type of recreation activity. Campers and backpackers typically make most of their equipment purchases in the region of residence. Groceries may also be purchased at home and transported to the recreational destination. Lodging expenses are often limited to small space or user fees in parks or campgrounds. Purchases by campers or backpackers in the region of

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destination might be limited to single gasoline purchase, a few groceries, and possibly a restaurant visit.

At the other extreme, the downhill skier makes many purchases at the recreation destination, including lift tickets, equipment rental, lodge rentals, and meals. Expenditures may also include the purchase of ski equipment and clothes. The ski lodges themselves, if owned by visitors, represent major capital investment in the region of destination.

## II. ECONOMIC IMPACT OF OUTDOOR RECREATION VISITATION TO NEVADA

### 1. Outdoor Recreation Visitor Expenditures

The amount of money travelers spend while visiting an area is the critical bridge to determining the impact on the destination region's economy. Unfortunately, the existing data on visitor expenditures is limited. Survey data frequently cannot be generalized to other regions. Many studies do not state their assumptions or rely on faulty procedures for determining daily tourist expenditures (see Cahill and Neale, 1979, for further discussion).

Visitor expenditure studies for Nevada, like visitation studies, are generally unreliable. It has been necessary to draw from studies of outdoor recreation expenditures in other states to obtain a feel for how much outdoor recreationists spend on journeys to Nevada.

Probably the leading national survey on the topic is the U. S. Travel Data Center's annual National Travel Expenditure Study (United States Travel Data Center, 1977). The Center, a private Washington, D. C.-based firm, uses a nationwide household survey which it correlates with data from the Bureau of the Census' National Travel Survey (Bever, 1978). The study estimates that all U.S. Travelers spent an average of \$23.07 per person per day on journeys of 100 miles or more in 1976. Visitors to Nevada spent an average of \$35.98 per day, among the highest for any state (U.S. Travel Data Center, 1977). The high cost of trips to Nevada undoubtedly reflects large expenditures for gambling and related activities.

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Table 1

Expenditures per Person per Day  
by Outdoor Recreation Travelers in the  
United States, 1976 (1988, adjusted for inflation)

Expenditure Category	Expenditures Per Person Per Day, 1976
Transportation	\$ 5.86 (12.25)
Lodging	4.04 (8.48)
Food	10.44 (22.18)
Entertainment	2.07 (4.32)
Incidentals	3.60 (7.42)
Total	\$ 26.01 (54.65)

Note: For travel of 200 miles or greater, round trip.

Source: U.S. Travel Data Center, 1976 National Travel Expenditure Studies, 1977.

The study calculated that outdoor recreationists traveling 100 miles or more in the U.S. spent an average of \$26.01 per person per day in 1976, a figure larger than the average for all travelers in the U.S. but smaller than the average for all visitors to Nevada. These figures are broken down by expenditure category in Table 1.

Using past surveys and updating expenditure amounts to 1979 prices, this study has estimated 1979 average expenditures per person per day for outdoor recreationists in Nevada. These estimates are displayed in Table 2, Estimated Daily Expenditures of Resident and Non-Resident Outdoor Recreationists in Nevada by Primary Outdoor Activity, 1979.

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Table 2

Estimated Daily Expenditures of Resident and  
Non-Resident Outdoor Recreationists in  
Nevada by Primary Outdoor Activity, 1979

Primary Activity	Expenditures Per Person Per Day, 1979 (1988, adjusted for inflation)	
	Residents	Non-Residents
Camping, backpacking	\$12 (\$20)	\$16 (\$27)
Hunting	\$35 (\$58)	\$60 (\$99)
Downhill Skiing	\$25 (\$41)	\$55 (\$95)
Outdoor Recreation-		
Overall Average	N/A	\$40 (\$76)

Note: Figures represent average expenditures per person per day for each activity. For non-residents, some expenditures are made outside Nevada. Estimates are updated from earlier studies using the United States Consumer Price Index for retail goods and the Gasoline Price Index to estimate increases in transportation costs.

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## III. FUTURE TRENDS IN OUTDOOR RECREATION IN NEVADA

The future of outdoor recreation and its impact on the economy of Nevada may best be examined first by looking at factors affecting future nationwide trends and then at variations which are likely to affect Nevada individually.

For national trends, it may be informative to look at recent trends in factors that caused the sharp increase in outdoor recreation participation between 1965 and 1977.

(1) Increase in leisure time - leisure time for Americans should continue to increase as the work week gets shorter, allowing greater participation in outdoor recreation.

(2) Women joining the labor force - this trend should continue, giving women greater individual incomes, allowing for larger participation in outdoor recreation.

(3) Decline of baby boom offspring - the bulge in the curve of 25-35 year persons caused by the post-war baby boom is receding, reducing the number of persons in the age bracket considered to be the prime purchasing age for outdoor recreation goods and services.

# Needs to be reviewed

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(4) Increased options for elderly - increase in their relative share of income should continue to increase recreational demand among the elderly.

(5) The physical fitness movement - Americans are expected to continue their interest in personal health and physical fitness through outdoor recreational activity.

For Nevada, the outdoor recreation future is probably not as bleak as one might suppose from considering the effects of gasoline prices on travel patterns of Californians, major contributors to outdoor recreation participation in Nevada. First, the population of Nevada continues to grow rapidly. This trend will have a positive effect on resident outdoor activity and purchases. Moreover, newcomers to Nevada tend to be young, and more active outdoor recreation participants. Second, although California's population is not growing at previous rates, there are a large number of persons of child-bearing age in that state. The number of babies born in California reached an all-time high in 1979, indicating that there will be a growing future demand for outdoor recreation activity near to Nevada's borders. Third, California's outdoor recreation opportunities are becoming overcrowded. Nevada is a logical choice to receive a portion of overflow demand.



# Needs to be reviewed

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## SORENSENS ▼

Throughout this study, questions about the economic impacts of increased recreation were considered. How much could the County expect to benefit financially from such increased use? Other case studies in this section reflect research that identifies how much money tourists and recreationists spend in other areas. Based on this kind of information, it is obvious that increased visitation will result in increased revenue to the County. However, this information shows only a general trend; it cannot show specific increases.

To give a better sense of what the County can expect, this section provides a case study looking at actual and projected tax increases from an Alpine County business. Sorensens Resort was chosen for this case study for several reasons. First, Sorensens stands to gain the most directly from increased access to the lands under USFS acquisition consideration. Secondly, John and Patty Brissenden have owned and operated this resort for six years, providing a good historical tax record. And thirdly, they have completed a comprehensive master plan for the resort's future. This allows a realistic tax projection based on planned improvements.

This case study shows a marked increase in tax revenue produced by a resort completely dependent on recreation and tourism. Other businesses in the county may benefit from increased recreation in different ways, yet this example clearly shows some benefit will be felt.

In 1981, Sorensens Resort consisted of 20 cabins rented on a monthly basis and a small restaurant. The resort at that time was rundown and operated inefficiently. In 1982, John and Patty Brissenden purchased the 165 acres and began to renovate and plan for the future. In March of 1987, the Sorensens Report Expansion Master Plan and resulting EIS were completed. By that year, all the existing structures had been renovated and the resort was operating as a year-round resort offering a wide range of recreational activities.

Sorensens Resort currently includes 23 cabins, an owner's residence and a guest duplex. The small restaurant serves resort guests and others, though it is not open for all meals. Also in the restaurant, guide books, artwork, wine and other gift items are available.

The resort offers conference facilities for small groups and many organized recreational activities. These include guided nature walks, astronomy and art lessons, and cross-country ski rental and lessons. Also, the owners will arrange special events for guests. This includes weddings, llama pack trips and equestrian rides at Kirkwood Stables.

# Needs to be reviewed

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The future of the resort shows ambitious plans. The EIS provides a description at buildout, in approximately 15 years. It states:

It is planned that Sorensen's will be a destination resort featuring accommodations for conferences, seminars and workshops. The facilities will include bed and breakfast and timeshare lodging as well as a sauna and spa on the premises. The resort will sponsor year round outdoor activities centered on the resort as well as surrounding areas.

Specific facilities expansion includes:

Cabins. Twenty existing cabins will be renovated and remain on the lower benchlands near Highway 88, with some increase in density on the side of the creek. (All renovation is completed, 1988)

Twenty proposed housekeeping cabins will have one bedroom with kitchen and bathroom facilities with wood exteriors. They will be located behind and to the east of the existing Norway House on two smaller benches that afford some views of the meadows and will be tucked into the hillside and screened with existing vegetation.

Fifteen larger housekeeping cabins or vacation timeshare cabins will be sited around a small lake above the existing resort area. These cabins will consist of 2 or 3 bedrooms, living room, kitchen and bath facilities and the present design concept is a log or wood exterior to blend with the existing landscape.

Bed and Breakfast Lodge. The lodge will consist of 18 rooms, approximately 16 of which will be European style with a common bath at the end of the hall and the remainder will be private suites. The lower floor will consist of a restaurant facility with a small lounge area, dining area which will seat approximately 50 to 75 people and could double as a conference room for guests. The manager's quarters and gift shop will also be housed on this floor.

Other Living Units. Two hostel cabins will be located in close proximity to the lodge and will sleep 18-20 people each, dormitory style. These units will also serve as conference rooms.

Not included in this description, the resort may also offer mountain bike rentals and expand the cross-country ski operation. The latter currently provides some groomed trails, and ski rentals and lessons. The expansion could include many more km of groomed trails, and ski and clothing retail.

John and Patty Brissenden have seen not only their resort and plans grow, their tax contribution to Alpine County has grown also. The following table shows a 205% increase in property tax as they have renovated the existing structures. As more improvements are added, this could increase as much as 12,094%. Also, with the additional rooms and retail opportunities planned, their TOT and sales tax contributions rise.

# Needs to be reviewed

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The following record shows the actual increase in tax revenue generated by Sorensens between 1981 and 1987 as well as that projected for 2002 (planned buildout for the resort).

	Property Tax	Sales Tax	TOT (Bed Tax)
1981(1)	\$ 2,400	Unknown	\$ 1,754
1987(2)	\$ 4,932 (+205%)	\$ 624	\$ 16,790 (+957%)
1988(3)	\$ 7,432 (+150%)	\$ 1,000* (+160%)	\$ 22,330 (+132%)*
2002(4)	\$63,833*(+858%)	\$10,470*(+104%)	\$110,000 (+492%)*

Total \$ collected by Alpine County from Sorensens resort:

1981: \$ 4,154 (plus amount of sales tax generated)  
1987: \$ 22,346  
1988: \$ 30,762  
2002: \$184,303\*

- (1) The year before the Brissenden's purchase. See above for a facility description.
- (2) Facilities: All original structures restored and area operated as a resort with wide variety of recreational activities available year-round.
- (3) Facilities: Owner's house added, also three new cabins built and original owner's unit renovated as a guest duplex.
- (4) Facilities: Buildout. See above.

\*Projections. All projections for this comparison should be considered conservative. No attempt was made to account for increased building costs as the resort develops, increased resort prices, inflation, or changes in the various tax rates. The latter may change in the future as Alpine County's TOT rate is several percentage points below other California counties with similar tourist-based economies.

A factor that could offset this tax contribution would involve increased need for county services. In this case, however, the 1987 EIS did not identify any public service needs that project mitigations could not address.

# Needs to be reviewed

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## Conclusion:

This example shows the long-term economic benefits of public recreation and tourism to Alpine County. Other benefits produced by the success of businesses such as Sorensens include: the increased value of nearby private land; heightened awareness of Hope Valley as a destination recreation area; and the possibility of currently vacant land to develop and provide recreational amenities.

Needs to be reviewed

Hope Valley  
Economic and Recreation Study

Final ▼ April 1989.

▲Economic  
Summary

## Economics Summary ▼

This section is a summary of the employment potential, and the economics of the proposed land purchase. These figures are the best estimate that could be made at this time, as collected from the participants in this study.

### Employment

As recreation is seasonal, few of the private sector groups hire anyone full-time. The figures are what the participants considered to be "year-round, full-time equivalents". For example, Caples Lake Resort employs almost 15 people at their peak season (August). This works out to be 5 full-time equivalents.

The projected employment figures are based on the owner/manager's vision of their resort. All the public groups such as the USFS refused to predict future staffing levels because that is totally dependent on legislative whim. The estimates appear to be low if the resorts develop as envisioned. With an economic slow-down or some other development inhibitory, these estimates will be high.

#### EMPLOYMENT

Recreation/Support Services Provider	Current	1998
USFS*	.4	.4
CA State Parks	10	10
CA Fish and Game	.5	.5
Kirkwood		
Kirkwood Stables**	1	5
Kirkwood Nordic Center**		
Sorensens	4	10
Caples Lake Resort	5	8
Tahoe Winter Sports**	.5	.5
Woodfords Inn	2 (family members)	3
Woodfords Station	2 (family members)	2
Total	25.4	39.4

\* Includes only Toiyabe Forest, no information gathered for the El Dorado Forest portion of the study area.

\*\* These businesses are seasonal only.

# Needs to be reviewed

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## Land Purchase

The Hope Valley has become a major nonurbanized recreation resource adjacent to the Lake Tahoe Basin in California and Nevada. While the Lake Tahoe Basin still remains the major recreation destination in the Sierras Hope Valley has become a destination for low intensity recreation including hiking, fishing, cross country skiing, snowmobiling, and camping. In addition, there is one destination resort, Sorensons, and at opposite ends of the Valley area Kirkwood ski area, and the towns of Woodfords and Markleeville. Adjacent to Markleeville is the Grover Hot Springs a favorite day use and camping area. Hope Valley lacks significant commercial services and public utilities which has delayed its growth as an intensive recreational center. Recently, the area has become the subject of intensive debate about the potential for further development. Its proximity to the Lake Tahoe Basin has resulted in pressure to intensify development activity.

The Trust for Public Land has purchased options on larger tracts of land within the study area and has identified a number of potential options for subsequent conveyance of the optioned lands. In addition, the voters of California recently passed Proposition 70 which provides bond funds for open space acquisition, local recreation funds, historic preservation, and fisheries and state park development. Included within the \$81.3 million allotted to the California Wildlife Conservation Board is \$4 million to purchase land within the Hope Valley. Alpine County is also included as the recipient of \$100,000 in automatic grants. The Proposition includes \$11 million for historic preservation, and \$5 million for trail development for the entire State. These funds must be applied for and the County would need to compete with other counties in the State.

The Trust for Public Land has purchased options on two properties known as the Dressler and the Helm's property. The Dressler property includes approximately 4,000 acres, and the Helms property under option includes approximately 11,000 acres. Acquisition of these properties and subsequent conveyance to a public agency would result in the reduction in property tax collections by Alpine county.

The historical taxable assessed valuation of the Dressler property is \$298,000, estimated property tax proceeds are \$2,983 annually. The Helms property is currently assessed at \$3,234,710 and the estimated property tax collections are \$32,347 annually. The historical taxes received by the county were approximately \$36,000.00. The new assessment, as of 1988, of these properties is approximately \$70,000.00.

Conveyance to a public agency could result in the loss of up to \$70,000.00 to the County in property taxes annually. In 1984-85 secured and unsecured property taxes totalled \$845,000. There is a period of approximately One to Three years before the total impact of the reduction will be recovered by the



# Needs to be reviewed

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combination of private and public funds. The impact of this reduction can be offset by additional development of recreation opportunities within the study area or by additional development within other areas of the County. This additional development of recreation opportunities will be tied to the proposed purchase. The proposed acquisition would necessitate revisions to the current County General Plan. These revisions must incorporate measures to offset the impact of the acquisition including recreational, commercial and residential development.

The Forest Service currently returns 25% of revenues generated on properties included in acquisitions to the county. Additional revenue would accrue to the county from these lands upon use for increased recreational or resource activity. In 1987, Alpine county received \$13,470 from county lands within the Toiyabe National Forest. The current Forest Service Plan envisions reconstruction of the Hope Valley Campground, promotion of continued grazing activity, retention of natural conditions, and within 20 years construction of the 120 unit Faith Valley campground. At this time the Forest Service was unable to give a figure of revenues that would be generated by the proposed purchase.

## Assessed Taxes

Helms	\$32,347.00
Dressler	2,983.00
Total	\$35,330.00 (Historical)
Total	approx. \$70,000.00 (Current)

## Proposed Land Exchanges

<u>Parcel</u>	<u>Assessed Value</u>
Woodfords 80 acres	220,000.00
Shay Creek	195,000.00
Kirkwood 20 acres	140,000.00
(Buildout	4,500,000.00)

The privatizing of the Shay summerhome area which includes 35 dwellings, with an assessed value of the land is \$195,000, will bring in an undetermined tax increase as the property is reassessed since the residents own all the improvements including structures and the water system.

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As the Economic Case Studies in the previous section showed, if the current developed recreation facilities continue to expand (i.e. Sorensens Resort) their taxes within 3 years will be approximately \$78,221.00. This amount alone will off-set the impact of the reduction to the county tax base. Assuming that the other developed recreation facilities will continue to expand at near or same rates, Alpine County will have traded a short term wind-fall with a more stable long range economic plan. Public lands are a critical component of California's recreation and leisure industry, about 40% of all recreation and leisure spending, amounting to \$12 Billion in 1982, was related to the use of public lands.

## Summary of the Proposed Land Purchase

### ALPINE COUNTY TAX SCHEDULE THRU 3/20/91

Produced: 3/01/89

The Helms Property	\$46,987
The Dressler Property	\$ 5,395
The Orvis Property	\$ 6,783
	\$59,165

Note: The Helms value is based on an average of 2 years of taxes at Total \$70,000 and 3 years of the historical rate of \$32,948.

<u>Project</u>	<u>Est. Close Date</u>	<u>Tax Value</u>	<u>Paymnts to Co.</u>	<u>Form of Credit</u>	<u>Net gain or Loss</u>	<u>Cum Total</u>
Horsethief Canyon Phase 1	closed	\$2,461*				
Burnside Lake	closed	\$2,694*				
Hope Villy North	closed	\$0	\$8,270	WCB in-lieu pmt		
Dangberg Camp	closed	\$12,052*	\$18,875	WCB in-lieu pmt		
Horsethief Canyon Phase 2	closed	\$398*				
W of Pickett Peak	closed	\$101				
E of Calpine Mine	closed	\$191				
Burnside Mine	closed	\$195				
NW of Pickett Peak	closed	\$31				

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<u>Project</u>	<u>Est. Close Date</u>	<u>Tax Value</u>	<u>Paymnts to Co.</u>	<u>Form of Credit</u>	<u>Net Gain or Loss</u>	<u>Cum Total</u>
Burnside Lake	closed	\$87				
Sub-total closed projects		\$18,210	\$27,145		\$8,935	\$8,905
Orvis	3/31/89	\$3,497	\$10,710	WCB in-lieu pmt		
Fredericksburg Canyon	4/15/89	\$1,090*				
Deep Canyon	5/15/89	\$168	\$2,091	Shay Creek Exchange		
Little Indian Valley	6/30/89	\$238	\$714	Kirkwood exchange		
Vaquero Camp	6/30/89	\$1,876*				
Monitor Pass	6/30/89	\$2,089*				
Sub-total by	12/10/89	\$8,958	\$13,515		\$4,557	\$13,462
Carson Pass	12/31/89	\$3,287				
Clover Valley	1/31/90	\$422				
Big Indian Valley	1/31/90	\$377				
Armstrong Pass	6/30/90	\$2,129*				
Poison Flat	6/30/90	\$1,337*				
Bagley Villy Phase 1	6/30/90	\$1,505*	\$1,530	w/150k BLM exchange		
Bagley Villy Phase 2	6/30/90	\$6,024*				
Von Schmidt	6/30/90	\$494*				
Hope Valley	6/30/90	\$12,786*				
Sub-total by	12/10/90	\$28,361	\$1,530		(\$26,831)	(\$13,369)
Faith Valley	3/20/91	\$499				

# Needs to be reviewed

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<u>Project</u>	<u>Est. Close Date</u>	<u>Tax Value</u>	<u>Paymnts to Co.</u>	<u>Form of Credit</u>	<u>Net Gain or Loss</u>	<u>Cum Total</u>
Sawmill Creek	3/20/91	\$210				
Red Lake Creek	3/20/91	\$2,418				
N of Red Lake	3/20/91	\$472				
E of Crater Lake	3/20/91	\$20				
E of Alpine Mine	3/20/91	\$17				
Sub-total by	12/10/91	\$3,636	\$0		(\$3,636)	(\$17,005)
Total by	12/10/91	\$59,165				

\* Helm's tax values are based on the 3/2 average and are close approximations.

Within the study area of Hope Valley the focus is on recreational opportunities development. Three public entities may become involved in management of the acquired lands depending upon the method acquisition, the United States Forest Service, California Department of Fish and Game, and the California State Parks system. If Federal funding is received as is currently being solicited, management would most likely be by the Forest Service as part of the Toiyabe National Forest. If acquisition occurs using funds from Proposition 70 through the California Wildlife Conservation Board the California Department of Fish and Game could obtain management responsibility over 25-50% of the Hope Valley purchase. The Department of Fish and Game plans on developing a cooperative recreation plan with the USFS for management of these lands. The primary concern of Fish and Game is to lessen the impact of cattle grazing upon the fishery habitat. Upon a determination of the appropriate level of grazing activity for the entire valley by both entities each entity would administer their own land separately.

In summary, plans for any of the potential management agencies interested in the Hope Valley acquisition are vague at this point. The lack of these plans will delay implementation of any increased recreational opportunities. The County will suffer the loss of tax revenues for at least 1-3 years while management alternatives are assessed. Dispersed recreation activity will most likely be the focus of management alternatives. Fees generated from these alternatives cannot be predicted due to the lack of implementation plans.

# Needs to be reviewed

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It is this study's recommendation that the Alpine County become actively involved in area planning with a focus on recreation as a source of revenue. And that they seek funding from Proposition 70 to help with their planning needs for these recreation areas. Absence of fee based recreational uses will result in a continuation of revenue losses by the county from acquisition. These losses can only be minimized by early attention to recreational opportunities. Proposition 70 contains funding which could be applied for by the county but long term revenues can only be guaranteed by the implementation of recreational and resource master plans.

Needs to be reviewed

# Hope Valley Economic and Recreation Study

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## ▲ Appendix

References  
Interviews

Needs to be reviewed

# Hope Valley Economic and Recreation Study

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Milt Kauffman  
Chuck Lowerie

### California State Parks

Bob Macomber  
Gary Howard  
John Scull  
Ross Henry

### Nevada State Parks

Jim Najima

### California Fish & Game

Jim Messersmith  
Pat O'Brien

### Alpine County

Leonard Turnbeaugh

### Alpine County Chamber of Commerce

Dodie Halverson

# Needs to be reviewed

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## Private Sector

Woodfords:  
Sorensens:

Grace  
John & Patti Brissenden  
Mike Lenoy

Caples Lake Resort:  
Tahoe Winter Sports:  
Kirkwood Stables:  
Kirkwood Associates:  
Sierra Ski Touring:  
Husky Express:

Joe Voss  
Ari Makinen  
Jim A. Hagen  
John Wagnon  
Dave Beck  
Dotty Dennis

Needs to be reviewed

101

## Alpengroup ❄

Design & Planning Related Disciplines for Alpine Environments

### Project Team

For

Economic and Recreation Study  
For Hope Valley

Philip Caterino - Principal Planner

Sue Irelan - Senior Planner

Susan Lindstrom - Cultural Resources

Jerald Misfelt - Biophysical

James Dana - Planner/Economics

Michael Capp - Project Analyst

Cover Photo by Richard Johnson ©1986

All other photos, Alpengroup © 1989

RESOLUTION OF THE BOARD OF SUPERVISORS,  
COUNTY OF ALPINE, STATE OF CALIFORNIA,  
SUPPORTING CHANGING SHAY CREEK FROM  
FEDERAL OWNERSHIP TO PRIVATE OWNERSHIP

RESOLUTION NO. 88-026

WHEREAS, Alpine County values the open space, historic, recreational and scenic beauty of Hope Valley; and

WHEREAS, the Trust for Public Land has acted in a manner to purchase lands in Hope Valley for preservation and public access; and

WHEREAS, over 90% of Alpine County is already federally or state owned and the loss of property taxes to the general fund will be significant as these lands are purchased and transferred into public ownership; and


WHEREAS, in working with the County of Alpine, Trust for Public Land has agreed to work on certain conditions and projects which will help to alleviate the tax loss by transferring Shay Creek Forest Service lands near Markleeville into private ownership to relieve the tax loss in Hope Valley by putting homes in Shay Creek on the local property tax rolls; and

WHEREAS, the United States Forest Service, Trust for Public Land, Alpine County, and the residents of Shay Creek are in unanimous agreement about the transfer; and

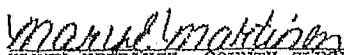
WHEREAS, all land transfers regarding the Forest Service are currently in litigation and require an Act of Congress for exemption;

NOW, THEREFORE, BE IT RESOLVED that the Alpine County Board of Supervisors unanimously requests an Act of Congress to exempt Shay Creek from the litigation in order to proceed with the transfer of Shay Creek into private ownership.

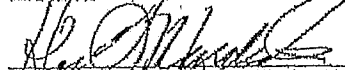
AYES : Supervisors Jardine, Freeman, Jung, Gansberg and Chairman Bennett  
NOES : None  
ABSENT: None

  
JOHN BENNETT, CHAIRMAN OF THE  
ALPINE COUNTY BOARD OF  
SUPERVISORS, STATE OF CALIFORNIA

ATTEST:

  
KAREN KERBAUGH, COUNTY CLERK  
AND EX-OFFICIO CLERK OF THE  
BOARD OF SUPERVISORS  
By Mary E. Martinez, Deputy Clerk

APPROVED AS TO FORM:

  
HENRY G. MURDOCH, COUNTY COUNSEL









Tracking Number: (2018-017)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Ben Wolfe III

Address:

Telephone number:

Email address:

**2. Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: pursuant to the authority vested by sections 200, 205, 265, 313, 5508 and 5509 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 313, 399, 5508 and 5509 of said Code

**3. Overview (Required)** - Summarize the proposed changes to regulations:

Section 27.65 Fillet of Fish on Vessels (b)(10) Ocean whitefish: Fillets must be a minimum of 6 and one half inches in length and shall bear the entire skin intact.

Delete minimum fillet size so this section reads: Fillets shall bear the entire skin intact.

**4. Rationale (Required)** - Describe the problem and the reason for the proposed change:

Section 28.58 Ocean Whitefish does not specify a minimum size for Ocean Whitefish. There is no reason to have a minimum fillet size on a fish for which there is no minimum size specified.

Since any size Ocean Whitefish can be legally kept then any size fillet should be allowed.

## **SECTION II: Optional Information**

1. **Date of Petition:** 11/21/2018

2. **Category of Proposed Change**

- ☒ Sport Fishing
- ☐ Commercial Fishing
- ☐ Hunting
- ☐ Other, please specify: [Click here to enter text.](#)

3. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- ☒ Amend Title 14 Section(s):Section 27.65 Fillet of Fish on Vessels (b)(10) Ocean whitefish.
- ☐ Add New Title 14 Section(s): [Click here to enter text.](#)
- ☐ Repeal Title 14 Section(s): [Click here to enter text.](#)

4. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or ☒ Not applicable.

5. **Effective date:** If applicable, identify the desired effective date of the regulation.  
If the proposed change requires immediate implementation, explain the nature of the emergency: [Click here to enter text.](#)

6. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)

7. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: [Click here to enter text.](#)

8. **Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

**SECTION 3: FGC Staff Only**

Date received:

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition \_\_\_\_\_

Tracking Number

- ☐ Granted for consideration of regulation change

RECEIVED  
CALIFORNIA  
FISH AND GAME  
COMMISSION

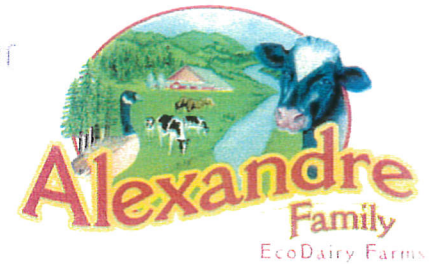
2018 NOV 27 AM 8:15

RECEIVED  
CALIFORNIA  
FISH AND GAME  
COMMISSION

October 4, 2018

2018 OCT 10 AM 10:07

Brad Burkholder  
Environmental Program Manager  
California Department of Fish and Wildlife  
1812 9<sup>th</sup> Street  
Sacramento California



Dear Mr. Burkholder,

We are writing to you today three years into a Private Lands Management (PLM) plan for Roosevelt elk on Alexandre Dairy located in Crescent City California which we implemented to help reduce elk population numbers. Our dairy farm has participated in the PLM program since 2016 with the plan's adoption by the California Fish and Game Commission. We write to you today to plead for the States assistance in helping to properly manage Roosevelt Elk populations on Alexandre Dairy lands and lands adjacent to the dairy by increasing the level of harvest under the Dairy's PLM.

The Dairy supports approximately 2,700 milking and dry cows plus an additional 1,100 other dairy heifers which utilize pasture approximately 10-12 months out of the year depending on weather and livestock age classes. The Dairy also supports a pastured poultry program that feeds approximately 60,000 organic laying hens, producing approximately 160,000 eggs a week for export out of Del Norte County. Our goal has always been to work with nature and not against it, however it has become increasingly obvious that our efforts to help alleviate the continuous pressure by Roosevelt Elk on Dairy lands has not been effective at reducing numbers even with our participation in the PLM, SHARE Program and Northwestern Hunt.

We are pasture based organic dairy farmers who rely on our pastures to support silage and grazing programs all year around. Roosevelt elk have increased so dramatically since their first appearance on the Dairy in 2010, that they are now having a significant impact on our forages.

Year	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Population	262	254	195	147	136	97	65	53	43	0	0

The reproductive success rate of Roosevelt elk on Dairy lands is high. The Dairy believes with the high forage quality it produces, lack of predation, and low herd mortality that future growth of the herd cannot be checked soon enough. Overwinter survival appears increasing based on observations by Department biologists. Overall body condition of the elk is very healthy. Cows are weighing in over 1,000 pounds and mature bulls harvested are

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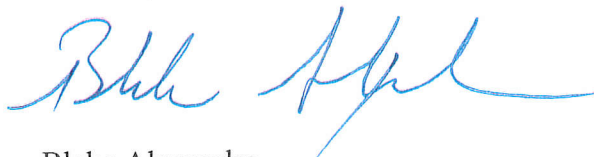
Alexandre EcoDairy Farms  
8371 Lower Lake Road  
Crescent City, California 9551

commonly however 1,400 pounds. Organic grasses within the pasture are likely the reason for the overall herd health as it appears to be of preference year around in the herd's diet. Indications of heavy browse and other undue range damage by elk has been a factor as the population of the herd has increased rapidly since 2010. There has been a significant decrease in high quantity forage available for the Dairy's milk cows during the winter months, as both the Dairy's livestock and elk compete for forage on the same pastures. It is estimated that the average cow elk is consuming approximately 25 pounds of dry matter a day, and the mature bulls approximately 35 pounds of dry matter per day.

The loss of forage is not the only issue the Dairy is faced with. Tree mortality has been very high. Large pines, Sitka spruce and other coniferous species have been killed during the rut when bulls sharp their horns. Fencing we utilize to control dairy cow grazing is constantly being fixed. Our lead herdsman is repairing 4-5 sections per week throughout the year. This is a significant issue for a pasture based dairy like Alexandre who's entire grazing program is based on a Pasture Promise to our customers and effects 10 grazing groups of cows.

We have worked cooperatively with State Biologist Carrington Hillson to help record what we are seeing and allow State biologist access to our lands 24/7. However, data has not currently helped to elevate our growing problem. We do know that 50% of the Del Norte groups reside on Alexandre Dairy. We feel our local biologists are dedicated to assisting before we are overrun. We strongly believe without a change in the Departments management practices in the near future that the Dairy will not experience any relief from the expanding number of Roosevelt elk.

Sincerely,



Blake Alexandre  
Alexandre EcoDairy Farms  
707-487-1000

Cc: Senator Mike McGuire  
President Eric Sklar, California Fish and Game Commission  
Deputy Director Stafford Lehr  
Chairman Chris Howard, Del Norte County

---

Alexandre EcoDairy Farms  
8371 Lower Lake Road  
Crescent City, California 9551



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**From:** Anita Youabian  
**Sent:** Thursday, November 8, 2018 9:19 PM  
**To:** FGC  
**Subject:** Please Don't Miss Opportunity to End Driftnet Fishery & Protect Ocean Wildlife

California Fish and Game Commission

RE: Please Don't Miss Opportunity to End Driftnet Fishery & Protect Ocean Wildlife

Dear ,

Dear CA Department of Fish & Wildlife, and CA Fish & Game Commission,

I am writing to express my support for California to take all possible actions to end the driftnet fishery happening off our state's coast. For too long, this fishery has been allowed indiscriminately kill ocean wildlife, including endangered species.

Improvements to the fishery have not made the fishery acceptable. Driftnets are still curtains of death. With the advancement of deep-set buoy gear, regulators have a golden opportunity to end the driftnet fishery. I encourage California to do everything it can to stop the slaughter from driftnets.

Like many people, I was disappointed when federal regulators withdrew protections for some of the species most affected by driftnets. I want California to protect the environment, not abuse it. California has a chance now to continue its role of being an environmental leader. Please take action to end the driftnet fishery - California needs to live up to its reputation as a good environmental steward.

Thank you.

Sincerely,  
Miss. Anita Youabian



GREENFIRE  
LAW, PC

RECEIVED  
CALIFORNIA  
FISH AND GAME  
COMMISSION

2018 NOV 26 PM 1:00

RACHEL S. DOUGHTY  
2550 Ninth Street, Suite 204B  
BERKELEY, CA 94710  
PHONE: 510.900-9502  
EMAIL: rdoughty@greenfirelaw.com  
WWW.GREENFIRELAW.COM

November 20, 2018

Ms. Melissa Miller-Henson, Acting Executive Director  
California Fish & Game Commission  
1416 Ninth Street, Room 1320  
P.O. Box 944209  
Sacramento, CA. 94244-2090  
fgc@fgc.ca.gov

Ms. Leslie MacNair, Regional Manager  
California Department of Fish and Wildlife  
Region 6, Inland Deserts Region  
3602 Inland Empire Blvd, Suite C-220  
Ontario, CA 91764  
AskRegion6@wildlife.ca.gov

**RE: Petition to the California Fish & Game Commission and California  
Department of Fish and Wildlife for investigation of and enforcement against  
Nestlé Waters North America, Inc. regarding potential violations of  
California Fish & Game Code § 1602**

Dear Director Miller-Henson and Regional Manager MacNair,

This law firm represents the interests of the Story of Stuff Project, a global non-profit organization headquartered in Berkeley, California. On behalf of the Story of Stuff Project, we formally request an investigation into Nestlé Waters North America, Inc. ("Nestlé") for potential violations of California Fish & Game Code section 1602 ("Section 1602") resulting from its extraction of water from the Strawberry Creek Watershed within the San Bernardino National Forest.

### **1. About the Story of Stuff Project**

The Story of Stuff Project has been actively involved in environmental sustainability and resource conservation efforts since its founding in 2008. The Project has more than 30,000 members in California, 800 of whom live in San Bernardino County near the San Bernardino National Forest, which is managed by the U.S. Forest Service. The Project is deeply troubled by Nestlé's continuing diversion and extraction of water from the Strawberry Creek Watershed





within the San Bernardino National Forest to support its for-profit water bottling operation.

## **2. Section 1602: Lake and Streambed Alteration Agreements**

As you know, Section 1602 requires Nestlé to obtain a Lake and Streambed Alteration Agreement (“LSA”) if its ongoing diversion of water resources from the Strawberry Creek Watershed does any of the following:

- Substantially diverts or obstructs the natural flow of any river, stream, or lake;
- Substantially changes the bed, channel, or bank of any river, stream, or lake;
- Uses material from any river, stream, or lake; or
- Deposits or disposes of debris, waste, or other materials containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

(See Cal. Fish & Game Code, § 1602.) In order to assess whether an LSA is required in any instance, Section 1602 requires an entity, like Nestlé, to notify the California Department of Fish & Wildlife (“CDFW”) prior to commencing any activity that may cause the impacts identified above. The notification requirement applies to *any* river, stream, or lake, including those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body. Therefore, if Nestlé’s diversion of water from the Strawberry Creek Watershed causes alterations to any river, stream, or lake, then CDFW has authority to impose conditions on the project to conserve existing fish and wildlife resources. (*Id.*)

## **3. Nestlé’s Operations in the Strawberry Creek Watershed**

Nestlé’s expansive operation consists of water collection tunnels, horizontal wells, water transmission pipelines, and associated infrastructure within the Strawberry Creek Watershed within the San Bernardino National Forest. Nestlé’s infrastructure was most recently authorized by a special use permit, which expired in the 1980s. On June 27, 2018, the Forest Service authorized Nestlé’s continued occupancy and use of improved water development facilities by approving Nestlé’s application for a new special use permit. I am attaching a copy of the Forest Service’s Decision Memo regarding the Special Use Permit (SUP) for your reference.

In order to approve Nestlé’s SUP, the Forest Service assessed its obligations under the National Environmental Policy Act (NEPA) which requires consultation with CDFW in those areas which are germane to its statutory responsibilities. For your convenience, I am attaching a copy of CDFW’s May 2, 2016, consultation letter to the Forest Service (CDFW Comment). The CDFW comment encouraged Nestlé to “contact CDFW as soon as possible to determine if an LSA may be required for this project” because “the project includes facilities and appurtenances that have been constructed within the bed, bank, or channel of a stream.” (See CDFW Comment, p. 6.) The comment pointed out that Forest Service issuance of a special use permit would not preclude CDFW’s exercise of jurisdiction under Fish & Game Code section 1600, *et seq.*, “should the project anticipate impacts to any streams.” (*Id.*)

Among other concerns about potential impacts, the CDFW comment expressed concern “with the lack of analysis of impacts to biological resources in the proposal and the deferral of analysis to a later date.” (CDFW Comment, p. 2.) Noting that the project implicates several of CDFW’s statutory responsibilities, including review of areas within its jurisdiction under the California Environmental Quality Act (CEQA), the CDFW comment recommended concurrent analysis under NEPA and CEQA (*Id.*, p. 4.) However, the Forest Service conducted no detailed environmental review and based its project decision on a categorical exclusion from NEPA.

In addition to CDFW’s observations and concerns, former Forest Service biologist Steve Loe submitted a public comment during the scoping process that identifies several potential impacts to the Strawberry Creek Watershed’s fish and wildlife resources. Mr. Loe is a representative of the Southern California Native Freshwater Fauna Working Group. In addition to his public comment, on May 2, 2016, Mr. Loe submitted a declaration under oath in federal court in which he identified several measures Nestlé could take to mitigate impacts to fish and wildlife resources in the San Bernardino Forest. Mr. Loe has also charged that Nestlé’s actions result in substantial reduction in flow of Strawberry Creek. I attached Mr. Loe’s comment letter and declaration for your reference.

Despite the evidence of need, as of July 2018, CDFW staff confirmed that Nestlé has neither responded to CDFW’s request to contact it to determine whether an LSA was required for its work in the Strawberry Creek Watershed, nor submitted notification of its intention to alter a lake or streambed as required by Section 1602. This inaction is despite the fact that between 1947 and 2015, Nestlé reported extractions from the springs in the San Bernardino National Forest averaging 192 acre-feet per year. Nestlé’s failure to engage CDFW regarding the necessity of an LSA was no doubt intentional, but investigation is needed to confirm whether, as the Forest Service indicates “water extraction is reducing surface flow in Strawberry Creek.” (FS Decision Memo, p. 8.)

#### **4. Impact to Trust Resources**

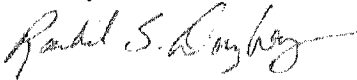
Notably, as the Forest Service worked through its decision-making process regarding the SUP, the California State Water Resources Control Board staff issued its “Report of Investigation and Staff Findings of Unauthorized Diversion Regarding Complaint Against Nestlé Waters North America, Strawberry Creek, San Bernardino County” (ROI) on December 20, 2017. I am attaching a copy of the ROI for your convenience. The ROI concedes that Nestlé’s use of water from the Strawberry Creek Watershed “could be unreasonable if it injures public trust resources, such as instream habitat for certain species, in such a way that it outweighs the beneficial use.” (ROI, 31.) Yet in a glaring omission, the ROI declines to provide substantive analysis addressing Nestlé’s injury to public trust resources. (ROI, 31.)

The public trust doctrine requires more than acknowledgment and deferred analysis. It is “an affirmation of the duty of the state to protect the people’s common heritage of streams, lakes, marshlands and tidelands, surrendering that right of protection only in rare cases when the abandonment of that right is consistent with the purposes of the trust.” (*Environmental Law Foundation v. State Water Resources Control Board* (2018) 26 Cal.App.5th 844, 857 (quoting *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 441).) Notwithstanding

complementary public trust duties relating to areas within the State Board's responsibilities, CDFW is the state agency best positioned to determine whether Nestlé's operations will have a substantial impact on wildlife trust resources in the Strawberry Creek Watershed and must investigate Nestlé's operation to determine whether Nestlé is operating without an LSA in violation of Section 1602.

The Project is ready to assist CDFW in its pursuit of an investigation into Nestlé's violation of Section 1602, as well as the related issues noted above. If you have any questions, please do not hesitate to contact me. We look forward to working with you.

Sincerely,



Rachel S. Doughty  
Greenfire Law, PC

Enclosures:

1. San Bernardino National Forest Decision Memo, dated June 27, 2018
2. CDFW Consultation Letter, dated May 2, 2016
3. California State Water Resources Control Board, Report of Investigation, dated December 20, 2017
4. Declaration of Steve Loe, dated May 4, 2016
5. Southern California Native Freshwater Fauna Working Group Comment Letter, dated May 1, 2016
6. The Story of Stuff Project Comment Letter, dated May 1, 2016



**DECISION MEMO**  
**NESTLÉ WATERS NORTH AMERICA INC.**  
**SPECIAL USE PERMIT**  
**U.S. FOREST SERVICE**  
**STRAWBERRY CREEK**  
**FRONT COUNTRY RANGER DISTRICT**  
**SAN BERNARDINO NATIONAL FOREST**  
**SAN BERNARDINO COUNTY, CALIFORNIA**

**BACKGROUND**

Nestlé Waters North America (Nestlé) owns and operates water collection tunnels, horizontal wells, water transmission pipelines and associated improvements on the San Bernardino National Forest. These developments, commonly referred to as the Arrowhead Springs Permit, have been authorized since 1929, with the latest permit issued in 1978. Nestlé has been operating and maintaining the improvements under the terms and conditions of the 1978 permit. These developments are located within the Strawberry Creek watershed, which is tributary to East Twin Creek, which is tributary to the Santa Ana River. The permit area is shown in Figure 1.

**PURPOSE AND NEED FOR ACTION**

There is a need to respond to a request to authorize the continued occupancy and use of the existing water development facilities, water transmission pipelines, electronic telemetry equipment, helicopter landing areas, and access trails on National Forest System (NFS) lands. The Forest Service purpose is to authorize the existing facilities under a current Forest Service permit that is consistent with state and federal law, regulations, and the San Bernardino National Forest Land Management Plan (LMP).

Nestlé's project purpose is to continue to operate and maintain the existing system to supply bottled drinking water for retail sale. Nestlé is responsible for the safe and reliable operation of their water system under a variety of federal and state laws, and would operate the system on NFS lands according to the terms of the permit.

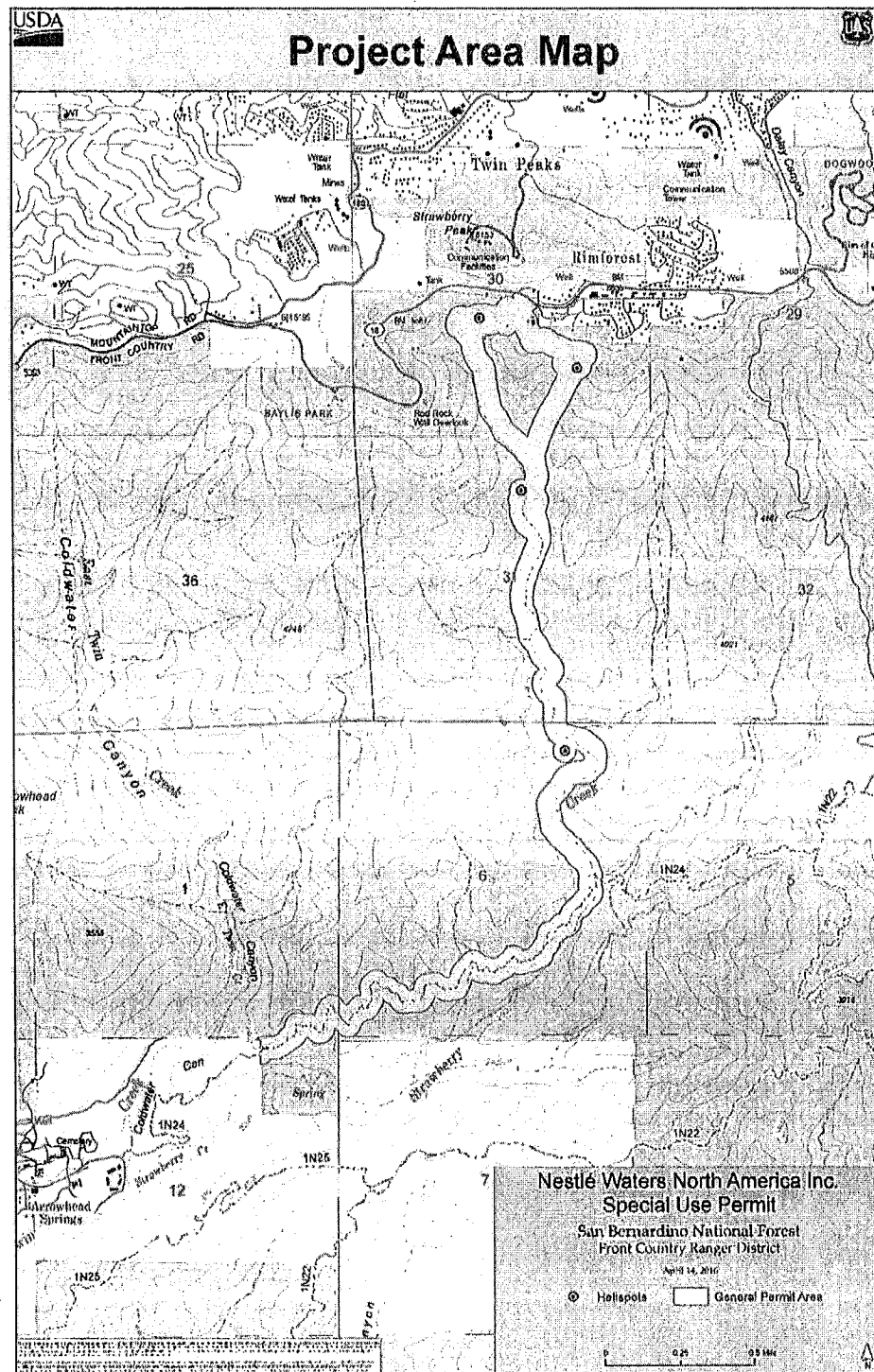


Figure 1. Project Area

## DECISION

As District Ranger I have the delegated authority to approve special uses for terms that do not exceed 5 years. I have reviewed the project record (including public comments, specialist reports, and consultation with other agencies) and I have decided to approve the continued occupancy and use of NFS lands for the extraction and transmission of water using existing improvements, subject to resource mitigation measures designed to ensure compliance with the LMP. The initial permit term will be three (3) years, with discretionary annual permits for an additional two (2) years. The analysis summarized in this Decision Memo is based on a maximum permit term of five (5) years. In addition to approving the continued use of the existing improvements, Nestlé will conduct hydrologic and riparian area studies and modify operations under an Adaptive Management Plan (AMP) as necessary. The AMP would identify whether incremental changes to the mitigation measures are necessary to reduce effects on National Forest resources.

My decision to approve the continued use and occupancy of existing facilities with conditions is based on the agency objective to authorize and manage special uses of NFS lands in a manner which mitigates natural resources and public health and safety concerns, consistent with the LMP and all other relevant law. The resource mitigation measures, are designed to ensure that the impact to natural resources will be minimal, may improve resource conditions when compared to the existing condition. These resource mitigation measures protect and do not infringe upon water rights for developed spring water held by Nestlé under California state water law, as described by a recent report from the California Water Resources Control Board staff. The AMP provides the permittee with operational flexibility in how those resource measures will be addressed. A complete discussion of water rights associated with this authorization is found on pages 21 to 22 of this decision memo. As described further in this decision, including the analysis of the potential for extraordinary circumstances as supported by the specialist reports, the impacts from the authorized activities, including any adjustments (resource mitigation measures) that may be necessary, will not result in extraordinary circumstances. While the AMP provides operational flexibility for meeting resource mitigation measures, implementing the AMP will not result in increased impacts from approved activities or cause extraordinary circumstances to occur. My decision is consistent with the LMP and meets the present and future needs of the American people.

Based on comments from the public I have made changes and clarifications to the proposed action and the changes are incorporated in the description below and displayed in italics to differentiate information added since scoping.

The right-of-way occupies approximately 4.5 acres of NFS land. This use of National Forest System land is authorized under the authority granted to the Secretary of Agriculture by several laws, including the Federal Land Policy and Management Act of 1976 and the Organic Act of 1897. The authorized activities are further described in the following sections.

The following existing improvements will be authorized:

- 2 water collection tunnels
- 10 horizontal wells located within 4 concrete vaults
- 5 electronic monitoring telemetry sites and associated equipment
- 4 helicopter landing areas

- 5.7 miles of access trails (4.5 miles of trail are along the water transmission lines)
- 4.5 miles of 4" steel water transmission pipe and associated valves
  - 2.75 miles of above ground pipeline
  - 1.75 miles of buried pipeline (along Forest road 1N24)
- 20 pipeline support bridges

The permit would also continue to authorize administrative use and maintenance of Forest Road 1N24 on a shared basis.

The working area is the area needed for temporary use when routine maintenance work is conducted on the existing improvements. This working area is calculated based on set distances from approved facilities, and is used to identify the area that may be used if work is needed during the term of the permit. Those working areas are described in Table 1.

**Table 1. Working Areas.**

Improvement	Working Area
Vault Structures	5' around structure
Above ground pipeline	2.5' each side
Buried pipeline and road 1N24	10' each side
Trails	3' each side
Helicopter landing areas	30' radius circle

**Operation of the system** – This decision approves the continued operation of the current system subject to the terms and conditions of the new permit, including the adaptive management plan requirements. *No expansion of the well system is authorized.* The system is operated to collect water on a year-round basis. Water infiltrates under the influence of gravity into the collection tunnels or horizontal wells and is transported through pipes to storage tanks on private land. Pipeline pressure is regulated through a series of valves located along the pipeline. There is no storage of water on National Forest System lands.

Electronic devices are used to monitor conditions at the vaults. The information is sent via radio signals to a company owned facility on private lands. The power for the devices is provided by solar panels with battery backup.

**Maintenance of the system** – This decision approves the continued maintenance of the existing system subject to the terms and conditions of the new permit. *Maintenance does not include expansion or change to the water system components, but does include replacement or repair of facilities "in kind."* The system is maintained based on periodic inspections by Nestlé. Every piece of equipment is inspected at least annually. The maintenance work includes:

**Well and pipeline sanitizing** – collection facilities are sanitized annually or more frequently as indicated by weekly tests. Collection areas are treated with a 200 parts-per-million solution of chlorine. Treated water is dechlorinated with Sodium thiosulfate and discharged through the pipeline system on private property. The pipeline system as a whole is sanitized by adding chlorine at the collection points and running that chlorinated water through the pipeline system to a release point on private land. All water released in conjunction with routine maintenance is regulated under National Pollution Discharge Elimination System permit CA #G998001, issued by the Santa Ana Regional Water Quality Control Board.

Horizontal well cleaning – the horizontal wells are cleaned by brushing and water jetting the full length of each boring screen. The wells are typically cleaned once every 10 years.

Equipment maintenance/replacement – all equipment including valves, sensors, and telemetry equipment is inspected monthly for proper operation, and maintained as needed. Maintenance could include cleaning and exercising valves, replacing parts within valves, and replacing defective components as needed. Isopropyl alcohol is used to disinfect any serviced components that are part of the water system.

Pipeline repair – Any sections of pipeline that are damaged or broken by falling rocks, trees or other debris are repaired as soon as possible, typically as emergency work. For the above ground pipeline, the damaged section of pipeline is cut out and a new section is welded in place, with pipe supports replaced as needed. For the buried pipeline located along 1N24, a backhoe will be used to expose the broken section of pipe. Materials will be flown to remote repair sites using helicopters. Equipment powered by generators or gas motors could be used to perform the work, along with common hand tools.

Vegetation management – vegetation is cleared 5 feet around vaults and 2.5 feet around the pipeline using motorized equipment and hand tools on an as-needed basis. Slash is lopped and scattered to minimize fuel loading or concentrations. Under the new permit work would be prohibited during the Limited Operating Periods described in the Resource Mitigation Measures. *No use of herbicides is permitted as part of this authorization.*

Monitoring Stations – *The new permit will require monitoring of resource conditions in locations downstream from the authorized facilities. Some monitoring sites will include some instrumentation such as streamflow stage recorders but all sites will include simple markers for established plots and cross sections.*

*The Hydrologic and Riparian studies described below will require clearing of helispots in the East Twin Creek drainage to provide access for monitoring. Up to three helispots (TC 1 through 3) within Section 36, Township 2 North Range 4 West (refer to the June 14, 2017 map in the project records) may be developed. Helispots would be cleared of brush in a 20' by 20' area, however no trees would be removed. Brush would be cleared along foot trail access routes from the helispots to East Twin Creek monitoring locations. Up to 12 additional helicopter flights may be needed to support monitoring.*

Access – This decision approves the continued use and maintenance of designated access trails (with a tread width of 50" or less), designated helicopter landing areas, and use of Forest road 1N24. Maintenance crews will access work sites by using one of the authorized access points and then traveling cross-country or along the pipeline to reach the work site. Helicopter access is the most common access method used to reach the improvements, and typically 32 helicopter flights to the existing helicopter landing areas are required on an annual basis for routine inspections and maintenance. Helicopter flights for pipeline repair and emergency work would be on an as-needed basis.

Trails are not regularly maintained, allowing vegetation to encroach on the trail. When the trail is needed for access, motorized equipment and hand tools are used to maintain foot access. Helicopter landing areas are maintained as needed to prevent vegetation encroachment using motorized equipment and hand tools.



*A minor amount of brushing will be required to access monitoring stations and established plots along Strawberry Creek and in East Twin Creek. Access is typically gained by foot from Forest Road 1N24, or from established helicopter landing areas.*

**Emergency Work** – Work on the system may be required on an emergency basis and emergency repair to pipelines and structures are conditionally authorized under this new permit. The permit holder will be required to notify and request approval from the Forest Service of any emergency work as soon as possible. The holder will be required to utilize previously approved temporary work areas to the extent such use is possible.

**Resource Mitigation** – Permit Sections V and VIII contain standard and supplemental provisions for resource mitigation that cover compliance with environmental laws, and protection of water quality, esthetics, and threatened, endangered and sensitive species habitat. These sections of the permit also include requirements that Nestlé will follow if there is an unanticipated discovery of archeological or paleontological resources, or human remains, funerary objects, sacred objects, or objects of cultural patrimony. Supplemental standard clauses are also included to require a Fire Control Plan and an Invasive Plant Species Prevention and Control Plan. The Operating Plan required by permit section III C will include implementation details of how Nestlé will comply with the permit terms and the required resource mitigation measures. *Nestlé will submit the Operating Plan within 60 days of permit issuance and implement the Operating Plan within 30 days of Forest Service approval.* Resource mitigation measures developed by the Forest Service in accordance with the Federal Land Planning and Management Act (FLPMA) and the LMP during the development of the proposed action and in response to scoping and environmental review include:

- The appropriate site-specific National Best Management Practices (BMPs) for the protection of water quality (USDA USFS, FS-990a, April 2012) will be applied to the operation and maintenance of the pipeline, helispots, trails, roads, etc. such as those BMPs in the Facilities and Nonrecreation Special Uses Management Activities, Operations in Aquatic Ecosystems, Water diversions and conveyances, and Road Management Activities categories.
- Maintain a Limited Operating Period (LOP) for the protection of least Bell's vireo (March 15 through September 15) and southwestern willow flycatcher (May 1 to August 31), both federally listed species, during the breeding season for any disturbance related activities within ¼ mile of suitable habitat.
- Maintain a limited operating period (LOP) prohibiting activities within approximately .25 miles of a California spotted owl nest site (US Forest Service sensitive species), or activity center where nest site is unknown, during the breeding season (February 1 through August 15), unless surveys confirm that the owls are not nesting.
- *Nestlé will install suitable shut-off valves or other flow control devices to ensure that water will not be extracted in excess of the holders ability to store or transport water without waste or spillage from local storage. This requirement will be implemented within 30 days of Forest Service approval of the Operating Plans.*
- *Maintain minimum flows in two locations as described in the Adaptive Management Plan as follows:*
  - *Lower spring complex (10, 11, 12) - 20 gallons per minute (gpm) in the drainage area A tributary of Strawberry Creek immediately above the confluence of*

drainage area A and B as defined in URS 2002. Drainage area A is the watershed influenced by the water extraction.

- Borehole complex 1, 1A, and 8 – 6.25 gpm as measured at water right A6108.
- Install, supply water to, and maintain two wildlife “drinkers”, one in the vicinity of tunnels 2 and 3, and the other near the well 7 complex. Plans for these features will be submitted to the authorized officer for approval prior to installation.
- Continue the addition of water (irrigation) to support success of native special status vegetation and provide for wildlife habitat linkages if determined that less than 70% of expected aquatic life forms and communities are present based on riparian studies.
- Implement actions identified in the AMP, such as maintaining surface water flow to support macroinvertebrate populations and riparian vegetation, and determining if benthic macroinvertebrate (providing base of food chain to riparian dependent wildlife resources) diversity and abundance supported by base flows measured in East Twin Creek control watershed are not maintained at the 70% level by the 6.25 gpm and 20 gpm initial minimum flows in the diversion subwatershed
- Implement actions identified in the AMP, such as the direction to conduct a paired watershed study to assess the riparian health of East Twin Creek compared to the subwatershed of Strawberry Creek where the extraction points are located. Multiple paired study locations may be used to look at different parts of the watershed. Define current riparian/stream health in each watershed at all comparison study reaches to determine if native vegetation is vigorous, healthy and diverse in age, structure, cover and composition on <75% of the riparian/wetland areas in the diversion subwatershed where extraction is taking place compared to the East Twin Creek control area.
- Trash shall be removed daily during all on-site activities for the protection of wildlife.
- Provide an annual Project Aviation Safety Plan to the SBNF Unit Aviation Officer (UAO) as part of the Annual Operating Plan for approval. The Plan should include: i) Aircraft company/pilot contact information, ii) Radio Frequencies, iii) Schedule of proposed flights, iv) Base of operations and proposed flight routes in/out of watersheds, v) Emergency protocol for mishap.
  - Provide Notification to Permit Administrator and UAO two weeks prior to any flight in order to: i) Determine if Limited Operating Period (LOP) is needed for nesting/ breeding bird season for flycatcher/vireo if determined to be present during the permit period, ii) Avoid any concerns with other flights in area – de-conflict airspace if needed, ii) Provide FICC/dispatch with information to track flight if needed during fire season.
  - Communicate with FICC/dispatch the day of any flight to ensure positive radio communication with dispatch over assigned frequency at beginning of day/flights into area and to close out last flight/exit from area at end of day.
- The authorized officer will approve final locations for any helispots and access routes developed for monitoring in East Twin Creek. Pre-work resource surveys will be conducted if required by the authorized officer.
- Special status plants and wildlife species:
  - If occurrences of FS Sensitive or Federally listed plant or wildlife species are found at any time within the project area, they will be reported to the Forest Service immediately. New protection measures may be developed with input from

appropriate specialists, and USFWS (if federally listed species are found). Protection measures will be implemented by the project proponent for all activities that may affect the identified occurrences.

- Invasive Plant Species Management
  - All off-road equipment will be cleaned **prior to entering NFS land**. The cleaning measures must be practical, verifiable, and not cause other unacceptable environmental problems. Depending on the nature of the debris, the equipment may be cleaned using water or mechanical methods (brushing, scraping, prying), compressed air, high-pressure water, or steam. This includes wheels, tires, buckets, stabilizers, undercarriages and bumpers.
  - All gravel, fill, erosion control or other materials are required to be weed-free and subject to review and approval by the Forest Service line officer with input from appropriate resource specialists.
  - Use only weed-free equipment, mulches, and seed sources. Salvage topsoil from project area for use in onsite revegetation, unless contaminated with weeds. All activities that require seeding or planting must utilize locally collected native seed sources when possible. Plant and seed material should be collected from or near the project area, from within the same watershed, and at a similar elevation when possible. This requirement is consistent with the USFS Region 5 policy that directs the use of native plant material for revegetation and restoration for maintaining “the overall national goal of conserving the biodiversity, health, productivity, and sustainable use of forest, rangeland, and aquatic ecosystems.” Seed mixes must be approved by a Forest Service botanist.
  - Minimize the amount of ground and vegetation disturbance during construction and maintenance.
  - A weed management plan will be prepared in cooperation with the Forest Service for survey, prevention, reporting, controlling and monitoring weed populations in the project area. The plan will be included in the Adaptive Management Plan.
  - *Take action as described in the weed management plan if the cover, quantity or extent of current infestations are increasing, or new invasive species are identified.*

**Hydrologic and Riparian Studies** – Under the new permit, Nestlé will conduct hydrologic and riparian studies to better understand the relationship between water withdrawals, surface flows, and riparian habitat in order to ensure that water withdrawals under state law are also consistent with the LMP standards. The initial studies provided by the permittee suggest that water extraction is reducing surface flow in Strawberry Creek. The effect of this flow reduction has not been thoroughly studied. The permittee will study comparison sites in adjacent unmanaged drainages to determine what conditions would exist in Strawberry Creek without water extraction in the upper watershed. This approach is typically referred to as a “paired basin” study. This study will also be used to support the Adaptive Management Plan.

The permittee will consult with the Forest Service in the development of the study plan, and will submit a draft study plan to the Forest Service for approval within 30 days of permit issuance. The permittee will implement the plan within 30 days of Forest Service approval. The study period is expected to last for a minimum of three years. The Forest Service has determined that three years is a reasonable term to complete the studies and ensure that adequate information is

available to consider a longer-term permit with appropriate terms and conditions. I recognize that additional time (up to two years) may be needed for the studies, so my decision provides for discretionary annual permits for two (2) additional years. The resource mitigation measures for the permit will provide adequate protection and ensure effects are beneath the extraordinary circumstances threshold while the studies are completed.

*The study plan will incorporate the use of "test flows" to determine the response of the streams to reduction in water extractions. These "test flows" may involve suspending extraction for set time periods to evaluate any changes in streamflow. The study plan will also include an analysis of the full hydrograph and evaluate the change in the annual hydrograph from project operations. The studies will include isotope studies/chemical analysis of the extracted water to determine water source and other characteristics.*

**Adaptive Management Plan (AMP)** – The permittee will implement an Adaptive Management Plan that addresses resource mitigation needs, and are consistent with San Bernardino National Forest LMP standards as required by the National Forest Management Act (NFMA). Adaptive management provides an implementation tool that incorporates an "implement-monitor-adapt" strategy that provides flexibility to respond to monitoring information that indicates that desired conditions are not being met. If monitoring demonstrates that the intended effects are not being achieved through the initial management action, the action can be modified using one or more of the adaptive management actions to achieve the intended effects. Each component of the Adaptive Management Plan would include:

- 1) A Forest Plan objective (standard, requirement, handbook)
- 2) A monitoring scheme to assess if the objective is being met
- 3) Trigger point(s) where the Forest Plan objective is not being met
- 4) Action(s) to meet Forest Plan objective(s)
- 5) Monitoring to assess success of mitigation and restoration

The Adaptive Management Plan outline is attached to this decision as Appendix 1. The permittee will develop the implementing details of the Adaptive Management Plan using the outline in consultation with the Forest Service and will submit the detailed Final AMP to the Forest Service for approval within 30 days of permit issuance, unless the authorized officer extends the time for submission. *The permittee will implement the plan within 30 days of Forest Service approval.* The Final Adaptive Management Plan will be active for the term of the permit, and may be amended based on the results of the paired basin studies described above.

So long as monitoring indicates that the environmental effects of the adaptive management approach do not exceed the scope of those anticipated in this decision, and the actions serve to move the project toward the intended effects, implementation continues using the "implement-monitor-adapt" cycle without the need for new or supplemental NEPA review. If any changes are proposed that are outside the scope of this decision, the provisions of Forest Service Handbook 1909.15 Section 18 would apply.

## **DECISION CATEGORICALLY EXCLUDED FROM ADDITIONAL DOCUMENTATION**

For the reasons summarized in the following section, this action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The decision fits an identified category and no extraordinary circumstances are present which would require further analysis in an EA or EIS.

### **Applicable Category**

This decision on the permit application fits within the category of actions is identified in agency procedures as "Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization" (36 CFR 220.6(e)(15)). This category of action(s) is applicable because my decision to approve the issuance of a new permit replaces an existing or expired permit, specifically Nestlé's 1978 permit for the same facilities. Nestlé is in full compliance with their existing permit.

The new permit would not change any of the authorized facilities nor would it increase the scope or intensity of Nestlé's authorized water extraction activities. The additional monitoring is necessary to determine compliance with current law, policy, the LMP, and permit conditions, and the additional monitoring of helicopter landing areas are temporary and have minimum impacts. I am adding additional resource mitigation measures to ensure that the permit complies with the Land Management Plan as required by the National Forest Management Act. The Land Management Plan post-dates Nestlé's 1978 permit. I'm also correcting and updating the administrative use codes, and the number of occupied acres due to more accurate mapping. The terms and conditions of the new permit reflect those that have become standard since Nestlé was last issued a permit. These administrative changes are necessary to ensure the new permit is consistent with current law, regulation, policy and direction.

The category identified as "Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land" (36 CFR 220.6(e)(3)) would also apply to this action. This category includes actions such as approving utility right-of-ways and approving the continued use of land where the use has not changed since authorized and no change in the physical environment or facilities are proposed. The existing facilities would not be expanded or changed, and the area occupies less than five contiguous acres.

### **Finding of No Extraordinary Circumstances**

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. This conclusion is based on implementation of the required resource mitigation measures as supported by the Adaptive Management Plan. The resource mitigation measures are designed to provide for consistency with the LMP. Implementation of the Adaptive Management Plan will allow for operational adjustments along the way to ensure the permitted actions remain consistent with the resource mitigation measures that prevent extraordinary circumstances. While the method used to achieve those resource conditions may

vary as described by the Adaptive Management Plan, meeting those resource conditions removes uncertainty as to the expected outcome.

I took into account the resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

1. There are no extraordinary circumstances associated with federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species based on the biological analysis for the proposed permit.

**Federally listed wildlife species** - Protocol surveys for species were conducted in suitable habitat in and around the project area. There were no detection of any federally listed species in the project area during these surveys. The Wildlife Biological Assessment documents the following determinations:

A *No Effect (NE)* determination has been made for the implementation of the issuance of a permit for up to 5 years for the conveyance of water across NFS lands for the following species:

Coastal California gnatcatcher, Western yellow-billed cuckoo, Santa Ana sucker, San Bernardino kangaroo rat

A *May Affect – Not Likely to Adversely Affect (NLAA)* determination has been made for the implementation of a permit for up to 5 years for the conveyance of water across NFS lands for the **California condor** due to possible disturbance from helicopter operations on condor that may be foraging in the project area in the next 5 year period.

A *May Affect – Not Likely to Adversely Affect (NLAA) with Beneficial Effect (BE)* determination has been made for the implementation of a permit up to 5 years for the conveyance of water across NFS lands, including implementation of the Adaptive Management Plan and resource mitigation measures for minimum flow requirements, for the following species:

Mountain yellow-legged frog, Arroyo toad, California red-legged frog, Southwestern willow flycatcher, least Bell's vireo

Endangered Species Act Section 7 consultation was completed June 27, 2017 with the US Fish and Wildlife Service, with a Letter of Concurrence on the determination calls for threatened and endangered species.

**Forest Service sensitive wildlife species** - Surveys for species were conducted in suitable habitat in and around the project area. There were detections of two-striped garter snake and willow flycatcher (migrant); both are Forest Service sensitive species. The wildlife Biological Evaluation documents the following determinations for Forest Service wildlife sensitive species:

The proposed permit will have no direct or indirect impacts (NI) for the following sensitive species:

Arrowhead blue butterfly, northern goshawk, Townsend's big-eared bat, San Gabriel Mountains elfin butterfly, bald eagle, white-eared pocket mouse, San Gabriel Mountains – Nelson's desert big horn sheep, arroyo chub, Western pond turtle, gray vireo, Orange-throated whiptail snake, three-lined boa, San Bernardino flying squirrel, Fringed myotis bat, pallid bat, California spotted owl, Willow flycatcher migrant

The proposed permit will have *May Impact Individuals or Habitat – Beneficial Impacts (MIIH-BI)* at spring sites 1, 2, 3, 4, 8 and the FS spring site for the following species (or habitat) due to the increase in surface water at these sites required by the new permit:

Large-blotched Ensatina salamander, San Gabriel Mountains slender salamander, Yellow-blotched Ensatina salamandersouthern, California legless lizard

The proposed permit will have *May Impact Individuals or Habitat – Beneficial Impacts (MIIH-BI)* for the following species at spring sites 10, 11, and 12 and associated riparian habitat on the main stem of Strawberry Creek due to the required minimum flows:

Willow flycatcher (migrant), two-striped garter snake, Santa Ana speckled dace

**Federally listed plant species** - The Botany Biological Assessment (as documented in the Botany Report) documents the determination that there are no currently-listed threatened or endangered plant species known to occur within the project area. There is also no suitable habitat for any Threatened and Endangered plant species that has been identified or any designated Critical Habitat for plants within the project area. The proposed reissuance of the existing permit will not affect any federally listed plant species.

**Forest Service sensitive plant species** - A search of existing records and project related field surveys conducted from 2015-2017 found no occurrences of FS Sensitive plant species within the project area, however for the species listed in the table below there are known occurrences of some found nearby and/or suitable habitat for some may be present within the project area.

The resource mitigation measures require that additional plant surveys be completed in the project area, as well as the paired watershed and if special status plants are found, other measures will be implemented. Therefore the determination detailed in the Botany Biological Evaluation (as documented in the Botany Report) is that due to the design criteria (resource mitigation measures), the proposed reissuance of the existing permit may affect individuals (if present but undetected), but is not likely to result in a trend toward Federal listing or loss of viability for any FS Sensitive plant species as listed in the following summary table:

### Summary of Effects Determinations for TES Species

Common Name	Occurrence Information <sup>1</sup>	Determinations <sup>2</sup>
<b>Threatened &amp; Endangered Plants</b>		
<i>Berberis nevadensis</i> (E)	H/U	NA
<i>Brodiaea filifolia</i> (T)	Y/U	NA
<i>Dodecahema leptoceras</i> (E)	P/U	NA
<b>Forest Service Sensitive Plants</b>		
<i>Calochortus palmeri</i> var. <i>palmeri</i>	Y	MAI
<i>Castilleja lasiorhyncha</i>	Y/U	MAI
<i>Chorizanthe parryi</i> var. <i>parryi</i>	Y/U	MAI
<i>Imperata brevifolia</i>	Y/U	NA
<i>Lilium parryi</i>	P	MAI
<i>Monardella macrantha</i> subsp. <i>hallii</i>	P	MAI
<i>Plagiobothrys collinus</i> var. <i>ursinus</i>	P	MAI
<i>Schoenus nigricans</i>	Y/U	NA
<i>Sidalcea hickmanii</i> subsp. <i>parishii</i>	P	MAI
<i>Sidalcea malviflora</i> subsp. <i>dolosa</i>	P	MAI
<i>Sidothea caryophylloides</i>	P	MAI
<i>Symphotrichum defoliatum</i>	H/U	MAI
<sup>1</sup> <b>Occurrence Codes:</b> Y = Species is known to occur in or near the project area. P = Occurrence of the species is possible; suitable habitat exists (or could exist with restored hydrology) and it is within the known distribution of the species. H = Historic record. U = Unlikely to be present in project area due to lack of appropriate habitat N = Outside known distribution/range of the species. <sup>2</sup> <b>Determination Codes:</b> NA = No effect expected NLAA = not likely to adversely affect for T/E species; MAI = may affect individuals but not likely to lead to a trend to Federal listing for Sensitive species.		

- There are no extraordinary circumstances associated with flood plains, wetlands, or municipal watersheds. The Surface Water Hydrology Report and the Geo-Sciences Specialist Report (available in the project record) describe the effects of issuing the proposed permit on watershed resources.

Based on this analysis, the overall watershed condition for the East Twin Creek watershed (which includes Strawberry Creek) is currently "Impaired Function". Studies completed by Nestlé and validated by Forest Service field work have demonstrated that the current water extraction is drying up surface water resources (springs and streams) that would have normally been perennial water resources. This extraction of water under the existing permit is not in accordance with the subsequent adoption of Standard 46 of the Forest LMP.

Surface water diversions and groundwater extractions, including wells and spring developments may only be authorized when it is demonstrated by the user, and/or agreed to by the Forest Service, that the water extracted is excess to the current and reasonably foreseeable future needs of forest resources as required by the LMP. Implementation of resource mitigation measures will allow for Nestlé's water extraction activities consistent with applicable state water rights and the LMP. Overall these changes will move the



watershed condition up one level to "Functioning At-Risk" as described further in the Specialists' reports. This change in watershed condition is consistent with LMP direction and will help move the watershed towards the desired condition.

3. There are no extraordinary circumstances associated with congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas. There are no wilderness areas, wilderness study areas, or national recreation areas in the permit area.
4. There are no extraordinary circumstances associated with inventoried roadless areas or potential wilderness areas. The permit is partially located within the City Creek Roadless Area. Roadless areas are managed under the requirements of the 2001 Roadless Area Conservation Rule (36 CFR 294 Subpart B, 2001). The purpose of the rule is to provide, within the context of multiple use management, lasting protection for inventoried roadless areas within the National Forest System. That is accomplished by the prohibition on road construction and timber cutting, sale, or removal.

As described in the Roadless Area Report (available in the project records), the authorized activities and improvements will not change the existing roadless character of the area. No roads (either constructed, reconstructed, or maintained) are proposed under the new permit. There is no timber cutting or sale associated with the new permit. The new permit will be consistent with the Roadless Area Conservation Rule.

5. There are no extraordinary circumstances associated with research natural areas. There are no research natural areas in the permit area.
6. There are no extraordinary circumstances associated with American Indians and Alaska Native religious or cultural sites. There are no religious or cultural sites present.
7. There are no extraordinary circumstances associated with Archaeological sites, or historic properties or areas. The Heritage Program Manager has documented by memo (available in the project records) that this undertaking may be treated as a Screened Undertaking (Regional PA 2013), which has no or little potential to cause effects to historic properties if they are present in an Area of Potential Effects.

This project complies with Section 106 of the National Historic Preservation Act of 1966, as amended in accordance with provisions of the Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forest of the Pacific Southwest Region (Regional PA 2013).

Standard permit conditions (Section V, conditions D and E) describe the requirements for protecting any discoveries of cultural resources.

In addition to considering the resource conditions listed in the Forest Service regulations, I considered impacts on LMP land use zones/desired conditions; general wildlife species and habitat connections; fire management; and air quality and noise impacts as requested by public comments received in response to the proposed action. None of these additional areas of concern present circumstances that require further analysis in an EA or EIS. I have included a brief

summary of those resource concerns in the Public Involvement section of this decision, and further information is located in the project record.

## PUBLIC INVOLVEMENT

This action was originally listed as a proposal in the San Bernardino National Forest Schedule of Proposed Actions on January 1, 2016, and updated periodically during the analysis. I began the public scoping process for the proposed Nestlé Waters Special Use Permit on March 18, 2016. Letters were sent to over 2,000 individuals, groups, agencies, tribes, local governments, elected officials and media contacts, including land owners adjacent to the project area. Information about the project was, and continues to be, delivered over the internet through the project webpage at:

<http://go.usa.gov/cGyXH> (please note - this URL is case sensitive)

A public meeting was held on April 14, 2016 at the San Bernardino National Forest Supervisors Office in San Bernardino California. Over 100 people attended the meeting. The scoping comment period ended on Monday, May 2, 2016.

For this project, comments were accepted by email, mail, at the public meeting, and on the project web page. Over 40,000 comments were received during the scoping period (including over 3,800 duplicate submittals). The majority of individual comments (39,895) came through email, 360 comments were submitted through the project web portal, and 22 written comments were received at the public meetings. With the exception of material with offensive language, all of the comment documents are available on the web in the public reading room at the following web address:

<https://cara.ecosystem-management.org/Public/ReadingRoom?Project=48530>

Of these comments, about 30,000 were form letters, 4,200 were expanded form letters (a form letter with expanded text) and close to 1,700 were unique comment letters or emails. All of the unique letters, form letters, and expanded form letters were reviewed as part of the scoping process, and over 5,300 comments were recorded. Those comments were grouped and then categorized as either outside the scope of the analysis or within the scope of the analysis. A full description of the process is included in the Scoping Report that is part of the project record.

I incorporated several changes and clarifications to the Forest Service proposed action based on those comments and suggestions. These changes and clarifications to the proposed action include:

- No use of herbicides will be authorized (clarification)
- No expansion of the system will be authorized (clarification)
- The discussion of maintenance activities has been expanded (clarification)
- Several resource mitigation measures were added, including measures to reduce water diversions in excess of storage capacity, require minimum flows, protect wildlife, require coordination of helicopter flights, and to prevent the spread of invasive species (change).
- A discussion of the standard clauses for noxious species control plans and fire control plans was added (clarification).

- Incorporate the use of “test flows” as part of the riparian studies to determine the response of the streams to reduction in water extractions. These “test flows” may involve suspending extraction for set time periods to evaluate any changes in streamflow (change).
- Include an analysis of the full hydrograph and evaluate the change in the annual hydrograph from project operations (change).
- Include Isotope studies/chemical analysis to determine the source of water and connections between the springs and surface water (change).

These changes and clarifications are incorporated in my decision and are displayed in italics as indicated above.

I appreciate the public interest in this project and I wanted to provide further clarification on key concerns brought forward during scoping. In particular, many commenters asked for: specific analysis to be completed; questions to be answered, and alternative actions to be taken. The following section provides a summary of my consideration of the concerns expressed during the scoping comment period.

**Resource analysis suggested during scoping** – Commenters suggested several resource areas that should be included in the analysis of the project effects. Those resource topics and my consideration of them are presented in the following section.

**Land Management Plan Land Use Zones and Place Desired Conditions** - The upper portion of the proposed permit area is in a Developed Area Interface (DAI) land use zone, the lower wells and the majority of the above ground pipeline is in a Back Country Non-Motorized (BCNM) land use zone, while the balance of the above ground pipeline and the buried pipeline is within the Back Country (BC) land use zone. A map of the permit area compared to land use zones is available in the project record.

Non-Recreation special uses (low intensity land use) are listed as suitable uses (LMP Table 2.4.3) in the DAI and BC land use zones, and allowed by exception in the BCNM land use zone.

I am approving continued occupancy and use by exception in the BCNM land use zone. Roaded access in this land use zone is not authorized by the new permit and motorized access is provided by helicopter by exception (LMP Table 2.4.2). The LMP states that access to authorized facilities and private land may occur by exception when there are existing rights to such access. Nestlé’s use is of long-standing and precedes the adoption of the LMP standards. The activities and improvements authorized under the new permit will have minimal effect on the character of this zone and I have concluded that approving the continued use in this area by exception is consistent with the LMP direction.

The permit area is located within the San Bernardino Front Country Place. The desired condition for the area is to maintain a natural appearing landscape while managing vegetation to provide fire protection for adjacent urban communities, recreation areas and wildlife habitat. Habitat conditions for threatened, endangered, and sensitive species are improving over time. Heritage properties and Native American gathering areas are identified and protected. The program emphasis is on community protection from wildland fire and conservation of habitat for

threatened, endangered, and sensitive species, such as the southwestern willow flycatcher, mountain yellow-legged frog and speckled dace.

I have concluded that the resource mitigation requirements included in project design and reflected in permit terms and conditions, and the resulting effects of the authorized activities and improvements, are consistent with the direction for the San Bernardino Front Country Place.

**Wildlife** – As documented in the Wildlife Specialist Report (located in the project record), the new permit would not change the function of existing wildlife habitat connection corridors and would not create an impassible barrier to wildlife movement across the landscape. The new permit would not adversely impact migratory land birds or their habitats through implementation of the required resource mitigation measures. Issuing the new permit would not change the risk for the introduction of non-native terrestrial or aquatic wildlife species.

**Fire and Fire Risk** – As documented in the Fire and Fuels Specialist Report (located in the project record), the new permit would not present a significant impact on the San Bernardino National Forest Fire Management Program. Local fire managers are accustomed to mitigating for the presence of infrastructure that goes with fire suppression operations in an urban environment.

The public raised a concern during scoping that water extraction may alter the riparian ecosystem such that fuels, species composition, and microclimate become similar to uplands, diminishing their value in fire control as firefighter safety zones and suppression control lines. The biological reports address the nature of the vegetation within the riparian zones. The Wildfire Specialist Report considered the use of riparian areas as suppression control lines and fire fighter safety zones.

The Strawberry Creek drainage is located within a south facing watershed along the San Bernardino front country. The stream channels are steep and located within narrow canyons. Historical fire data running back to the early 1900's was analyzed for the specific drainages identified in either the proposed action or reference study area and the fire perimeters were found to have shown little regard to the watershed boundaries or stream channels. Several large fires, including the Old Fire of 2003, have burned across the entire slope. Under no circumstances were the final fire perimeter boundaries established in drainages.

Fire managers in Southern California typically look to prominent ridge systems for both direct and indirect firefighting efforts that include aerial attack supported by heavy equipment and line personnel on the ground. Drainages along south aspects are avoided and would never be considered safe areas for personnel to take shelter from an advancing fire. Based on these factors, the new permit would have no effect on the ability to suppress fires in the affected watersheds, nor would it diminish fire fighter safety.

**Noise** – The new permit would authorize the continued access to the permit area by helicopter. Approximately 32 flights per year are typically conducted in support of operation and maintenance activities, with additional flights needed to support monitoring. The public raised a concern regarding the noise related to use of helicopters. The Forest Service does not have requirements or LMP standards related to noise. San Bernardino County ordinances exempt temporary operation between 7 a.m. and 7 p.m., except for Sundays and Federal Holidays, from

the County regulations. The permittee is required to comply with local regulations, and would have to operate within the timeframes outlined by County regulations.

**Air Quality** - Maintenance of the existing facilities authorized by the new permit would generate emissions from helicopter use to transport staff to the remote site. As documented in the Air Resource Specialist Report (located in the project record), the total emissions of criteria pollutants from the operations authorized by the new permit are less than the federal general conformity de minimis threshold emission rates. Therefore, the general conformity requirements do not apply, and the decision to approve continued occupancy and use of the existing water development facilities, water transmission pipelines, electronic telemetry equipment, helicopter landing areas, and access trails on National Forest System (NFS) lands complies with the Federal Clean Air Act. The total emissions of criteria pollutants from the operations authorized by the new permit would be less than South Coast Air Quality Management District's significance thresholds and therefore complies with local rules and regulations.

**Additional Questions Raised During Scoping** – Many of the comments received were presented as questions regarding a broad range of topics, including questions about how the analysis would be conducted and how the decision would be made. The questions and my responses are presented in the following section.

**Questions related to the general use of Science/Baseline for analysis** – Many of the commenters questioned whether the proposed action relies on the use of a credible scientific approach for the required resource surveys and the Adaptive Management Plan. They also questioned the role of the permittee (Nestlé) in completing resource studies as required by the new permit. Concerns raised by the public include:

- Lack of study plan details
- Need for unbiased studies
- Need to define baseline

**Forest Service Response** - My decision incorporates both clarification and changes to the hydrologic studies and adaptive management plan. Although Nestlé will complete the studies, a burden that typically falls to permittees, the qualifications of the scientists and resource specialists completing the work will be reviewed and approved by Forest Service staff. In all cases the results of the studies will be independently reviewed by staff before being accepted as completed work.

Baseline is a concept that helps evaluate environmental effects from a specific condition or point in time. In this case, baseline for the environmental analysis is the current condition as it exists today, while recognizing that this baseline condition is influenced by the past and present water extraction that is authorized under the existing permit. Using the current condition as the baseline does not imply that the existing condition is producing acceptable environmental effects or is consistent with the LMP. The analysis of effects in the specialist reports for each resource area discloses the changes to baseline that will result from implementing the new permit. The specialist reports are included in the project record.

**Questions about the Decision Process** – Some commenters raised questions about the application of the NEPA definition of “significantly” found at 40 CFR 1508.27. Other commenters suggested that the proposed restrictions are arbitrary and capricious, questioning the

jurisdiction of the Forest Service to regulate water diversions and challenging the applicability of the Land Management Plan to the operations.

**Forest Service Response** - My decision and the process I used to support my decision are consistent with the Forest Service NEPA regulations found at 36 CFR Part 220, and Forest Service directives found in the Forest Service manual (FSM 1950) and Forest Service handbook (FSH 1909.15). My decision to issue a special use permit qualifies under the categorical exclusion regulations as discussed above. I have documented my finding that the degree of the effects on the listed resources did not result in extraordinary circumstances. The record also reflects the need for, and benefit of, the resource mitigation measures to comply with LMP standards which apply to this decision. The question regarding the jurisdiction of the Forest Service is addressed below.

**Questions about roles and authorities** – There was widespread concern about the relationship between the Forest Service and Nestlé, particularly as it relates to the role of the permittee in conducting resource studies used in the AMP. Many commenters suggested stronger roles for other agencies, or suggested an independent review of the proposed action.

**Forest Service Response** - While the Forest Service special use regulations allow applicants/permittees to complete studies related to the impacts of their proposed use, I am responsible for ensuring that the Forest Service completes an independent review of the submitted material. Forest Service staff reviewed the studies provided by Nestlé, and if the studies met Forest Service standards they were referenced in the appropriate specialist reports. Staff has also spent time in the field to spot check the survey work submitted by Nestlé, and to support their own independent assessment of the environmental effects. Staff has also coordinated with other agencies, and hosted an interagency field trip early in the review process and completed the necessary regulatory consultation and/or compliance. That is the role of the Forest Service as the land management agency, and my decision is consistent with that responsibility. It is not a responsibility that can be assigned to an independent review group.

**Questions about consistency with law, regulation, and policy** – Numerous comments were related to the consistency of the proposed action with law, regulation, and policy. Specific comments included questions whether:

- The existing permit issued to a corporation that was dissolved through merger in 1987 was valid
- The Forest Service followed policy when it accepted the application
- The Forest Service followed policy when it changed the scope of the proposed permit without consulting Nestlé
- The Forest Service properly applied the special use screening criteria
- The proposed action is consistent with the Organic Act requirements for the use of water on the National Forest (16 USC 481)
- The Forest Service analysis should be limited to the impacts of the right-of-way, and whether the impacts of water extraction related to any impacts from the right-of-way and subject to mitigation requirements imposed by the Forest Service.
- Nestlé water rights are valid existing rights exempt from the requirements of the National Forest Management Act (NFMA) or the Federal Land Management Policy Act (FLPMA)
- The proposed action must be consistent with the LMP standards

- Nestlé needs other federal or state permits
- The proposal violates other federal, state, or local plans

**Forest Service Response** - I appreciate the level of interest and focus on management of the San Bernardino National Forest represented by these questions. I certainly agree with many of the comments. My decision must be consistent with existing law, regulation, and policy. My decision addresses those questions in the section that discusses findings required by other laws. Rather than repeat that discussion here, I will emphasize that the Forest Service has both the authority and obligation to regulate the occupancy and use of National Forest System lands in a manner that is consistent with all applicable laws, regulations, and policy. That authority includes the ability to impose terms and conditions needed to comply with applicable law, regulation, and policy, and I believe the terms and conditions that I have adopted are within my authority and will meet my statutory obligations.

**Questions regarding the use of water** – Several commenters pointed out that the existing 1978 permit incorrectly categorizes the use of water as irrigation.

**Forest Service Response** – The comment is correct. This will be corrected in the new permit. The use will be categorized under the Forest Service special use manual direction (FSM 2720) as having a primary use code of 915; which applies to water transmission lines smaller than 12", and a secondary use of 931, which applies to wells.

**Questions regarding "Spring Water"** – Several commenters suggested that the designation of "Spring water" by Nestlé is not consistent with the federal Food and Drug Administration (FDA) regulations found at 21 CFR 165.110.

**Forest Service Response** – This is not an area within my jurisdiction, but permittees are required to comply with all applicable laws and regulations. I contacted the FDA and passed along the public concern. The FDA reviewed the information that was supplied by the Forest Service as well as what was in their own records and was able to affirm that several of the tunnels and bore holes meet the standards in the FDA regulations. They did not have sufficient information to determine the status for several other bore holes, but did not conclude that there was any violation of the regulations. I directed Nestlé to work with the FDA to resolve any outstanding questions and Nestlé provided additional information regarding these other bore holes to the FDA. In a letter dated August 21, 2017, FDA concluded that the remaining bore holes in question could be "labeled as "spring water" as long as the current conditions are as you (Nestlé) have described (i.e., the water flows from the bore hole using the same natural forces that cause the spring to flow to the natural orifice) and all other applicable provisions of the bottled water standard are met." Nestlé is in compliance with the existing permit on that basis.

This question is not related to a potential environmental impact, and does not change the expected effects of implementing the new permit, nor would any actions that the FDA may take alter or increase the environmental effects of the new permit. There is no potential that any change in the resolution of this question would lead to extraordinary circumstances.

**Questions about continued use** – Many commenters felt that allowing continued use during the analysis is inconsistent with the NEPA regulations that limit actions taken during the analysis.

**Forest Service Response** - Allowing use under an existing permit is not inconsistent with the NEPA regulation at 40 CFR 1506.1, which applies to limitations on actions taken on a proposal

during the NEPA process. Nestlé has an existing permit that allows them to occupy and use National Forest System land, and may continue to operate and maintain their improvements as the new permit is evaluated.

**Questions about consistency with state water rights law** – Questions were raised regarding the California state water rights held by Nestlé. Specific comments include questions whether:

- Nestlé has a valid state water right, and their use is consistent with the California water codes
- Regulating water extraction exceeds Forest Service jurisdiction in conflict with California water rights law

**Forest Service Response** – I recognize that the state of California regulates water rights through the State Water Resources Control Board (SWRCB). The SWRCB staff offered to assist the Forest Service in our review, and the Forest Supervisor accepted their offer in May of 2016.

The SWRCB, Division of Water Rights also received several water rights complaints against Nestlé starting on April 20, 2015, including a complaint that Nestlé was diverting water without a valid state water right. The SWRCB released their Report of Investigation (“investigation” or “report”) on December 20, 2017. The full report with attachments is available online at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/enforcement/complaints/nestle.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/complaints/nestle.html)

The SWRCB staff concluded that:

- **Nestlé is diverting water without a basis of right** – the investigation concluded that a significant portion of the water currently diverted by Nestlé appears to be diverted without a valid basis of right, after examining a variety of water rights claims put forward by Nestlé and finding them flawed.
- **Nestlé’s claim to a pre-1914 water right is not valid** – Nestlé’s claims of senior water rights that originate from an 1865 possessory claim by David Noble Smith is limited to riparian uses and is not valid for Nestlé’s current appropriative diversion and use of water from the San Bernardino National Forest.
- **The Del Rosa judgment did not award water rights** - Nestlé claims to have pre-1914 water rights originating from its predecessor, which was awarded access to water from the upper reaches of the Strawberry Canyon Watershed under the Del Rosa Judgment. The judgement was a stipulated settlement agreement between private parties resulting from a judicial proceeding, and could not supersede requirements to comply with the 1913 Water Commission Act, which established the exclusive means of appropriating water in California through a comprehensive permitted scheme.
- **Nestlé may be able to claim a pre-1914 water right to Indian Springs** – the investigation concluded that Nestlé may have an appropriative right to 26 acre-feet (8.5 million gallons) of water per year from Indian Springs, which is a spring located on the national forest but in a different tributary from the current water system. Nestlé has never claimed this right, but the staff report concluded that it could be applied to the current



operation. The state assumed that this water right was used as part of Nestlé's water diversions.

- **Nestlé may be appropriating ground water** – the investigation concluded that Nestlé is withdrawing percolating groundwater from several horizontal wells. California does not grant the SWRCB permitting authority over groundwater, so Nestlé's diversion of groundwater may continue with permission of the overlying landowner.

**Corrective Actions:** the staff report identified several recommended actions that Nestlé would have to complete to be in compliance with state law, including:

- **Immediately cease any unauthorized diversions**
- **Within 30 days** file notices for both the authorized and unauthorized diversions
- **Within 60 days** submit an interim compliance plan for review and approval by the SWRCB
- **Within 90 days** submit an investigation and monitoring plan for SWRCB approval
- **Within 18 months** submit a final report and compliance plan, including a model for determining how diversions impact surface flows

**Other recommendations:** the staff report recommended that no action be taken on the claims of injury to public trust resources pending the implementation of the Forest Service special use process and adaptive management plan.

The staff recommendations are prospective and they indicated Nestlé's claim of water rights was reasonable if mistaken. Under these circumstances Nestlé is in compliance with the terms of their existing permit so long as they comply with the lawful orders of the SWRCB. This same standard applies to the permit approved in this decision.

As with any area where jurisdiction is shared with another agency, the Forest Service authority to regulate occupancy and use is independent of the SWRCB. Nestlé is subject to this shared jurisdiction, and will be required to follow any final direction from the state, as well as the conditions of their Forest Service permit. There is nothing in the SWRCB staff recommendations that would require the Forest Service to reduce or alter the resource mitigation measures outlined in this decision or allow for an increase in the environmental impact of the authorized actions that would result in extraordinary circumstances.

There is overlap with the SWRCB requirement for an investigation and monitoring plan and the Forest Service required hydrologic studies and Adaptive Management Plan. I will ensure that Forest Service staff coordinates with the SWRCB to the extent possible so that the studies are conducted in an efficient manner that is consistent with LMP standards and the permit requirements. Nestlé is currently conducting monitoring as part of the current permit, and that monitoring will continue under the new permit. Nestlé will need written Forest Service approval for any additional monitoring on the National Forest and must secure that approval prior to conducting any additional monitoring work on the Forest.

Nothing in my decision requires transfer of any state water right from Nestlé to the United States. Surface water in California is a public resource that is regulated by the State Water Resources Control Board, which determines the basis for Nestlé's right to use water. With full recognition of those rights, the San Bernardino National Forest Land Management Plan allows

for water extraction from National Forest System lands, but does require that permitted uses protect forest resources and operate in compliance with all applicable laws and regulations.

The Forest Service controls the use of the National Forest System lands. If a water rights holder wants to install and maintain infrastructure to access water on the National Forest, they must obtain a land-use authorization from the Forest Service and follow any terms and conditions included. If the Land Management Plan requirements can be met, and the applicant has a valid state water right, then the access and infrastructure that facilitates water extraction can be authorized.

**Questions about the public involvement process** – Several commenters suggested that public involvement should have included a different approach, including:

- Public field trips
- Meetings with technical work groups
- A public meeting format where agency official made a presentation and took questions from the audience
- A public meeting format where the audience could make verbal comments on the record

**Forest Service Response** - I used an approach that included direct mail notification to over 2,000 contacts, including property owners within the affected watershed, and held a public meeting where the public could discuss the project directly with Forest Service staff. The Forest Public Affairs Officer responded to numerous media requests, and the permit review has been widely covered in both the local and national news. I chose not to hold public field trips due to safety concerns. The permit area is located in steep, rugged terrain that is accessed by foot. Parking in the vicinity is limited and along a busy state highway with narrow road shoulders. Given those constraints it would not be practical to offer a public field trip under those conditions. I would note, as reported in the media, that small groups of interested public have accessed the site. There are no forest orders or other limits on public access to the area.

I also did not see the need to hold technical workshops. The staff that I have assigned to the project are qualified, experienced and capable of providing me with technical analysis and professional advice. Those same staff were available to discuss the project directly with the public during our public meeting. I find the informal public meeting setting more productive, efficient, and less confrontational than the suggested hearing format. People that attended the public meeting could and did submit written comments, and staff had material available to facilitate that process.

**Alternative actions** - I also evaluated a number of alternative actions suggested during scoping. I incorporated several changes and clarifications to the Forest Service proposed action based on public comments and suggestions (see pages 15 and 16). I have briefly summarized my considerations of these alternative actions.

**Suspend Operations while studies are conducted** - Many commenters who generally oppose the new permit as proposed by the Forest Service requested I consider suspending all Nestlé's operations while studies are completed. Under this approach, the Forest Service would not authorize the extraction of water while studies were being completed on Strawberry Creek, however the improvements would be authorized and Nestlé would be allowed to maintain the improvements for eventual use. Further, there would be no need for a paired basin study or adaptive management plan as all required studies would be conducted within the affected

watershed. Under this alternative action it is likely that operations would be suspended for three to five years to allow for adequate study time.

**Forest Service Response** - Nestlé's operations on the National Forest are of long-standing, and have been permitted since 1929. Nestlé's operations have been consistent with prevailing Forest Service law, regulation and policy through the intervening decades. Nestlé has undergone multiple permit renewals prior to the current review. In such circumstances, suspending operations to study the effects of issuing a new permit for an existing use is not necessary in the judgment of the Forest Service as long as the permittee is operating consistent with the terms and conditions of the existing authorization, as is the case here. There is no compelling evidence before the agency that suspension of the permitted activities is necessary to determine terms and conditions of a new permit for the activity that will adequately protect the federal resources.

**Issue a 1 year or 10-year Permit** - Several commenters suggested issuing shorter term permits. Another commenter suggested a 10-year permit would be appropriate. Forest Service regulations (36 CFR 251.56(b)(1)) require, in part, that "The duration shall be no longer than the authorized officer determines to be necessary to accomplish the purpose of the authorization and to be reasonable in light of all circumstances concerning the use...". Forest Service policy (at Forest Service Manual section 2703.3) states "Limit the use to the minimum area and period of time required to accommodate the use."

**Forest Service Response** - In this case the Forest Service has selected a three (3) year initial term in light of all circumstances concerning the use as an appropriate length of time to accommodate the use and associated studies, with a provision for discretionary annual permits for an additional two (2) years. The Forest Service has determined that three years is a reasonable term to complete the studies and ensure that adequate information is available to consider a longer-term permit with appropriate terms and conditions while recognizing that additional time may be needed to complete the studies prior to the expiration of the initial three-year permit. The resource mitigation measures for the 5 year timeframe will ensure effects are beneath the extraordinary circumstances threshold while the studies are completed. A short term permit would not allow enough time to complete meaningful studies. While extending the term may be more advantageous to the permittee, it does little to ensure that the operations and water extraction are conducted in a manner that protects national forest resources within the shortest amount of time.

**Implement Voluntary Measures** - Nestlé proposed a voluntarily Adaptive Management Plan during scoping and offered a detailed plan as an alternative action to the Forest Service proposed Adaptive Management Plan. Under this proposed approach, implementation of the Adaptive Management Plan would be discretionary on the permittees part. Under such a voluntary approach, the Forest Service would have no regulatory recourse if the permittee were to change its commitment to the plan.

Nestlé submitted an unsolicited "Final Draft Adaptive Management Plan" (Final Draft AMP) to the Forest Service on December 20, 2017. According to Nestlé, this Final Draft AMP is based on their proposed AMP submitted on May 2, 2016. Nestlé stated that this latest version of their Draft AMP reflects communications with the USFS on the appropriate elements of an AMP.

The proposed alternative Adaptive Management Plan would study the same objectives as the Forest Service proposed plan, but the triggers and actions for riparian area objectives would be

different. Triggers for streamflow would be based on the Palmer drought index as a trigger for reduction in water extraction. Reductions would be implemented by reducing extraction using a fixed percentage of the extracted flow. Under the original proposed Adaptive Management Plan submitted in 2016, water extraction would be reduced, potentially up to 50% in extreme drought conditions. Under the December 2017 Final Draft AMP, the proposed reductions in extraction have been modified so that the range is now potentially up to 30% decrease in extreme drought, or 40% if photo monitoring shows a 30% loss of riparian canopy from the prior year.

**Forest Service Response** - FLPMA requires that "Each right-of-way shall contain (a) terms and conditions which will (i) carry out the purposes of this Act and rules and regulations issued thereunder; (ii) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment...", and Forest Service regulations (36 CFR 251.56(a)(1)) require that "Each special use authorization must contain: (i) Terms and conditions which will: (A) Carry out the purposes of applicable statutes and rules and regulations issued thereunder; (B) Minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment;...". Voluntary adoption of a plan to protect riparian resources is not consistent with the requirement that each permit must contain such conditions. Voluntary measures are not reasonable when the regulatory structure requires mandatory conditions.

Further, the proposed alternative Adaptive Management Plan and the updated Final Draft AMP are inconsistent with the Land Management Plan (LMP) and FLPMA requirements and therefore do not meet the Purpose and Need for this Forest Service action. LMP Standard 46 requires that water extraction will only be authorized when the user demonstrates that the water extracted is excess to the needs of National Forest resources. Under the LMP standards, if the riparian resource needs are met, any water in excess of that need is available for extraction. While the alternative approach would reduce extraction by 10%, 20%, 30%, or 40% there is no mechanism proposed to assure that the various levels of reduction will provide adequately for riparian resources. In addition, the approach proposed does not provide a measurable basis for a starting point from which flows would be reduced. While this approach provides for a greater degree of certainty for water extraction operations, it does not satisfy the LMP requirements. This alternative AMP was not considered further because it is not consistent with the LMP.

**Reissue a New Permit Under the Same Terms as the 1978 Permit**—One comment suggested that the Forest Service should evaluate an alternative action that would issue a permit for a 10 year term that does not contain permit terms that differ from the existing 1978 permit. More specifically, the comment suggested that the Forest Service should evaluate a new permit that does not include conditions that would restrict the extraction of water from National Forest System lands.

**Forest Service Response** - New permits must use the most current standard form, and from an administrative standpoint it would not be feasible to issue a new permit based on the old permit form, which is now obsolete. In addition, as explained in the purpose and need section, any new permit issued must comply with Forest Service law, regulation, policy, and LMP standards, all of which have changed since Nestlé was last issued a permit. The LMP, first adopted in 1989 and revised in 2005, places an increased focus on balancing development with environmental protection, and imposes specific direction for protecting watershed function. The 1978 permit, which was issued 11 years prior to the first LMP, does not include conditions that reflect this management direction.

When a permit does not provide for renewal, as is the case here, the decision to reauthorize the use is discretionary. Consistent with Forest Service regulations (36 CFR 251.64), the authorized officer may modify the terms, conditions, and special stipulations to reflect new requirements in current land use plans. The proposal to maintain terms and conditions from the expired permit does not meet the project purpose and need, which includes the need to respond to a request to authorize a permit that is consistent with state and federal law, regulation, policy, and with the San Bernardino National Forest LMP.

**Actions outside the scope of the analysis** - A few comments suggested actions that are outside the scope of this analysis, including reducing plastic waste, changing the diversion to the lower watershed, and evaluating the area for wild and scenic designation.

Several comments suggested an alternative action that reduces plastic waste. According to those comments, Nestlé may produce up to 13 billion bottles of water from the water extracted from the San Bernardino National Forest. The proposed alternative action presumes that many of these bottles end up as waste and or litter. No specific reduction is proposed.

There is no question that reducing waste and recycling plastic bottles is an important societal issue. California has an extensive recycling program that includes producers, distributors, recycling facilities, along with a redemption program. Nestlé must participate in this program as a producer. Developing an alternative action that goes beyond the existing framework is beyond the scope of this analysis and outside of Forest Service jurisdiction.

Several commenters suggested moving the extraction point to the lower end of the Strawberry Creek / East Twin Creek watershed. This alternative action is based on the premise that extracting water in the lower watershed would have less impact on Strawberry Creek surface water flows within the National Forest. One comment suggested that Nestlé relocate to another location with more plentiful supply of water such as headwaters of the Mississippi river.

As this is an existing use of long-standing, the decision framework is whether or not I will approve continued use and occupancy and authorize a new permit for the existing facilities at the request of the permittee, and if so what conditions apply. My decision does not include a need to find a new location for the facilities if I chose not to approve the continued use of NFS lands. It would be up to Nestlé to determine if they wanted to pursue a new permit for a different location. Therefore, an alternative action to relocate the facilities is outside the scope of this analysis.

One comment suggested an alternative action that would consider and evaluate Wild and Scenic River eligibility for Strawberry Creek. Wild and Scenic River eligibility was evaluated as part of the LMP revision in 2005. As described in Appendix E of the LMP Final Environmental Impact Statement, free flowing streams with outstandingly remarkable characteristics were evaluated. Strawberry Creek did not make the eligible rivers list. Since this alternative action was already considered in the LMP, it is outside the scope of this analysis.

## **CONSULTATION WITH OTHER GOVERNMENT AGENCIES**

The March 18, 2016 scoping notice was distributed to federal, state, and local agencies. Written replies were received from the US Environmental Protection Agency, the US Fish and Wildlife Service, the State Water Resources Control Board (SWRCB), the Santa Ana Regional Water Quality Control Board, the California Department of Fish and Wildlife, and San Bernardino County. Copies of the correspondence are available in the project record.

The SWRCB is conducting their own investigation into the water rights held by Nestlé, and the Forest Service has worked directly with the SWRCB staff on that matter, including participation in a June 15, 2016 site visit. As I've described earlier in the decision, the SWRCB staff issued their Report of Investigation on December 20, 2017. Although the SWRCB staff has made numerous recommendations in their report, the SWRCB has not taken formal action. The Forest Service will continue to work with the SWRCB as requested.

The Forest Service is also working directly with the US Fish and Wildlife Service (FWS) and the California Department of Fish and Wildlife (CDFW). I have incorporated the FWS suggestion that our watershed studies measure the isotopes in the water to help determine travel time and source locations. I have consulted with the FWS as required by Section 7 of the Endangered Species Act, requesting informal consultation for the findings documented in the Wildlife Biological Assessment. The FWS concurred with the findings by letter of June 27, 2017.

As discussed above, the Forest Service corresponded with the FDA to relay public concerns relating to Nestlé's labeling of its bottled water.

### **TRIBAL CONSULTATION**

The Forest Service initiated government to government consultation with the San Manuel Band of Mission Indians by letter of January 23, 2016. The Front Country District Ranger and Forest Tribal Liaison met with tribal leaders and staff in August of 2016 to discuss the proposed permit in more detail. Government to Government consultation is on-going.

### **OTHER PERMITS REQUIRED**

Nestlé, as the permittee, is subject to the jurisdiction of other federal agencies, as well as state and local agency requirements. Nestlé must comply with federal and state drinking water standards, follow state and local requirements for their wells, hold a valid state water right, and comply with any Regional Water Quality Control Board discharge requirements. The California Department of Fish and Wildlife may also require permits related to stream alteration.

### **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

The findings related to the Endangered Species Act, the National Historic Preservation Act, the Migratory Bird Treaty Act, the Clean Water Act, and the Clean Air Act were addressed in my evaluation of extraordinary circumstances or in response to resource topics suggested by the public during scoping. I also considered the following laws, regulations and policy as they relate to my decision.

### **The Organic Act**

The Organic Act established the forest reserves and continues to provide the basic authority for the management of those lands. Part of the act states that "All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder." (16 USC 481). The State of California Water Resources Control Board regulates water rights and beneficial uses of water within the state. The Santa Ana Regional Water Quality Control Board (a subdivision of the SWRCB) has identified beneficial uses for the Santa Ana watershed, including the use of surface waters of

Strawberry Creek as “Municipal and Domestic Supply” (MUN), which are waters that are used for community, military, municipal or individual water supply systems. These uses may include, but are not limited to, drinking water supply. Based on my review of the basin plan, I have concluded that the authorized use of the water is consistent with the requirements of the Organic Act.

### **Multiple-Use Sustained-Yield Act (MUSYA)**

The MUSYA provides that:

“It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.”(16 USC 528)

My decision is consistent with the purposes for which the San Bernardino National Forest was established. The resource mitigation measures include provisions for the protection of watershed, wildlife, and fish (aquatic) resources.

### **The Federal Land Policy and Management Act (FLPMA)**

Under FLPMA, the Secretary of Agriculture has authority to issue rights-of-way for:

“...reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water...”(43 USC 1761)

Provided:

“Each right-of-way shall contain--

(a) terms and conditions which will (i) carry out the purposes of this Act and rules and regulations issued thereunder; (ii) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment; (iii) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law; and (iv) require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards...”(43 USC 1765).

My decision adopts resource mitigation measures, terms, and conditions that will protect the environment and require compliance with applicable federal, state, and local laws. My decision is consistent with the requirements of FLPMA.

### **The National Forest Management Act (NFMA)**

The NFMA provides the statutory direction for the development of Land and Resource Management Plans (commonly called Land Management Plans). It also requires that:

“Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans.” (16 USC 1604(i))

The current LMP was adopted by the Regional Forester on April 3, 2006. The Record of Decision that adopted the LMP required that re-issuance of existing authorizations be treated as new decisions, which must be consistent with the new direction described in the revised LMP. The various specialist reports include an evaluation of the consistency with the San Bernardino National Forest LMP requirements, and based on that analysis my decision is consistent with LMP direction. Two standards in particular were important to my decision. Those standards are:

- **S45:** All construction, reconstruction, operation and maintenance of tunnels on National Forest System lands shall use practices that minimize adverse effects on groundwater aquifers and their surface expressions.
- **S46:** Surface water diversions and groundwater extractions, including wells and spring developments will only be authorized when it is demonstrated by the user, and/or agreed to by the Forest Service, that the water extracted is excess to the current and reasonably foreseeable future needs of forest resources.
  - Consideration of beneficial uses, existing water rights, and the absence of other available water sources will be part of the water extraction application.
  - Approved extractions and diversions will provide for long-term protection and reasonable use of surface water and groundwater resources.
  - Feasibility and sustainability assessments should be appropriately scaled to the magnitude of the extraction or diversion proposed.

Based on the record and the analysis provided by staff, I have concluded that minimum flows are required to meet the current and foreseeable needs of forest resources during the term of the new permit. The paired basin study and adaptive management plan provide practices to adjust those minimum flows during the permit term to ensure that resource mitigation measures are met, which then ensure that the degree of potential adverse effects on the surface expression of the water associated with Nestlé's tunnels and horizontal wells are minimized.

#### **Executive Order 13112 of February 3, 1999**

This order directs federal agencies to prevent the introduction of invasive species, detect and respond rapidly to and control such species, not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

I have adopted standard permit conditions that address the requirements of this Executive Order, and have adopted additional resource mitigation measures that provide additional detail as to how invasive species will be detected and controlled. My decision to authorize this use is consistent with this Executive Order.

#### **Executive Order 13790 of April 25, 2017**

The "Promoting Agriculture and Rural Prosperity in America" executive order establishes policy that states:

"A reliable, safe, and affordable food, fiber, and forestry supply is critical to America's



national security, stability, and prosperity. It is in the national interest to promote American agriculture and protect the rural communities where food, fiber, forestry, and many of our renewable fuels are cultivated. It is further in the national interest to ensure that regulatory burdens do not unnecessarily encumber agricultural production, harm rural communities, constrain economic growth, hamper job creation, or increase the cost of food for Americans and our customers around the world.”

The order also creates a Task Force and includes direction for that Task Force to “identify legislative, regulatory, and policy changes to promote in rural America agriculture, economic development, job growth, infrastructure improvements, technological innovation, energy security, and quality of life.” Among the changes that the Task Force is directed to consider are “changes that would... ensure that water users’ private property rights are not encumbered when they attempt to secure permits to operate on public lands...”

The executive order is a prospective approach creating a Task Force to consider possible changes on many topics, including any changes that might be warranted to avoid encumbrance of water users’ private property rights in federal permitting. The order does not change applicable current law, regulation, or Forest Service policy, nor does it “impair or otherwise affect” the authority granted by law to executive departments or agencies or the heads thereof.

My decision is consistent with current law, regulation, and policy, which includes requirements for measures for the protection of fish and wildlife resources, and when necessary, measures to comply with Land Management Plans. My decision does not attempt to encumber, expand, or determine the scope of, any private property rights Nestlé may have in association with their water use. As discussed above, my decision leaves any issue concerning the extent of Nestlé’s water rights to the state agency who has that authority--the SWRCB.

#### **Executive Order 13807 of August 15, 2017**

The “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects” executive order applies to Federal review of certain infrastructure projects. Policy established by the order includes direction to find more efficient and effective ways to develop infrastructure without sacrificing environmental, health and safety, transparency, and other concerns. The order further establishes a definition for an “infrastructure project” and provides process enhancements to achieve the policies expressed in the order.

The order does not apply to my decision because the decision is not authorizing an infrastructure project. The Nestlé wells, pipelines, and other support facilities in question already exist and no new pipelines or other improvements are authorized. In addition, Nestlé’s water extraction and transport operations are for purposes of its private commercial bottling operations and are not an infrastructure project “designed to provide or support services to the general public.” My decision also is consistent with the spirit of the order in that it involves a single federal agency decision utilizing a categorical exclusion with conditions based on the agency objective to authorize and manage special uses of National Forest System lands in a manner which protects natural resources and public health and safety and is consistent with the Land Management Plan.

## Special Use Regulations and Policy

Forest Service regulations for special uses found at Title 36 of the Code of Federal Regulations (CFR) Part 251 Subpart B apply to the analysis and decision, as well as Special Use policy in the Forest Service Manual section 2700.

Nestlé's predecessor requested a new permit in 1987. That request was accepted as an application for a new permit, and is being processed under the current regulations. Those regulations at 36 CFR § 251.64 provide:

(a) When a special use authorization provides for renewal, the authorized officer shall renew it where such renewal is authorized by law, if the project or facility is still being used for the purpose(s) previously authorized and is being operated and maintained in accordance with all the provisions of the authorization. In making such renewal, the authorized officer may modify the terms, conditions, and special stipulations to reflect any new requirements imposed by current Federal and State land use plans, laws, regulations or other management decisions. Special uses may be reauthorized upon expiration so long as such use remains consistent with the decision that approved the expiring special use or group of uses. If significant new information or circumstances have developed, appropriate environmental analysis must accompany the decision to reauthorize the special use.

(b) When a special use authorization does not provide for renewal, it is discretionary with the authorized officer, upon request from the holder and prior to its expiration, whether or not the authorization shall be renewed. A renewal pursuant to this section shall comply with the same provisions contained in paragraph (a) of this section.

The 1978 permit does not provide for renewal, however the paragraph (b) requirements incorporate the provisions of paragraph (a), including the provision for modifying the terms consistent with new land use plans, and the requirement to conduct appropriate environmental analysis. Consistent with that direction, I have adopted terms and conditions that reflect new requirements imposed by Forest Service regulations and the LMP. I have completed an environmental analysis as documented in this Decision Memo. The new permit itself reflects the latest version of the standard Forest Service special use permit (FS-2700-4), and includes numerous standard administrative conditions as well as project specific terms. My decision is consistent with this regulation.

My decision is also consistent with the terms of the existing permit clause 23, which states in part "a new permit to occupy and use the same National Forest land may be granted provided the permittee will comply with the then existing laws and regulations governing the occupancy and use of National Forest lands..."

## Water Uses and Development Policy

Forest Service Water Uses and Development policy in the Forest Service Manual 2540 provides additional direction for privately held water rights and special use authorizations for water developments. Section 2541.34 states, in part:

"The establishment of a water right on National Forest System land does not limit the Regional Forester's authority to regulate land use and occupancy, nor to prevent injury to

property of the United States. Although a permittee may make beneficial use of water on National Forest System land, the Regional Forester retains the authority to determine management actions needed to comply with rules and regulations for land use and occupancy.”

Section 2541.35 directs:

“Special-use authorizations that involve water storage, transmission, or diversion facilities on National Forest System lands (FSM 2729) authorize occupancy of the land only for the specific development purpose. In no case does the United States necessarily relinquish any water right it may have, or waive the right to use such water. Include stipulations in the authorizing documents to ensure the quantities of water needed to fulfill purposes of the National Forest and for environmental needs will be maintained instream. Clearly inform the permittee that the authorization does not confer any legal right to the use of the water, nor does it provide a basis for acquiring such a right as against the United States (FSM 2782 and 2783.12).”

My decision, which includes resource mitigation measures, is consistent with this policy direction. The Forest Service has developed standard permit terms that further implement this direction, and standard permit clause D-25 will be included in the new permit.

## REFERENCE MATERIAL

All documents referenced in this Decision Memo, such as the various reports and assessments, are available on-line through the project webpage at:

<http://go.usa.gov/cGyXH> (please note - this URL is case sensitive)

## ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is not subject to the 36 CFR Part 218 Project-Level Pre-decisional Administrative Review Process. The Forest Service no longer offers notice, comment and appeal opportunities for categorically excluded projects pursuant to 36 CFR Part 215, which were replaced by the 218 rule.

My decision is not subject to appeal under the 36 CFR Part 214 Post-decisional Administrative Review Process For Occupancy Or Use Of National Forest System Lands And Resources regulations as specified in 36 CFR § 214.4(c). Specifically my decision to issue a new permit is not a decision to modify, suspend, or revoke a special use authorization. The existing special use permit does not provide for renewal and will terminate according to its terms once the new permit is executed or the implementation process described below is complete.

## IMPLEMENTATION

This decision to authorize the continued use, subject to terms and conditions that implement the LMP, concludes the Forest Service review of Nestlé’s application for a new permit. The new permit will become effective when signed by both the applicant and me (as the authorized officer). The permit must be signed by Nestlé and returned to me within 60 days of its receipt by Nestlé, unless I extend that time. Refusal by Nestlé to sign and accept a special use authorization within the time allowed, and before its final approval and signature by an authorized officer,



shall terminate an application and constitute denial of the requested use and occupancy (36 CFR 251.62).

## CONTACT

For additional information concerning this decision, contact: Tasha Hernandez, Forest Planner, at [nestle\\_decision\\_sbnf@fs.fed.us](mailto:nestle_decision_sbnf@fs.fed.us).

JUN 27 2018

Joseph Rechsteiner

Date

District Ranger

San Bernardino National Forest

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THE STORY OF  
**STUFF**  
PROJECT

May 1, 2016

Stiv Wilson  
Campaigns Director  
The Story of Stuff Project  
[Stiv@storyofstuff.org](mailto:Stiv@storyofstuff.org)  
503.913.7381

Front Country Ranger District Office  
1209 Lytle Creek Road  
Lytle Creek,  
CA 92358  
Attn: Nestle Waters

**Re: Nestlé Waters North America Inc. Special Use Permit #48530**

Dear US Forest Service:

I respectfully submit the following comments regarding Nestle Waters North America Inc. Special Use Permit #48530 on behalf of The Story of Stuff Project, a California registered 501c3 that works on issues of waste and public resources, representing over one million concerned citizens, globally. The Story of Stuff Project reaches over 100 million people, annually.

For almost three decades, The United States citizen taxpayers have been subsidizing a foreign corporation's occupation of public lands, severely diminishing the health and recreational value of our publicly owned National Forest System. Since the expiration of the permit, Nestle has drawn nearly 1.8 billion gallons of water from public lands according to San Bernardino Municipal Water District records<sup>1</sup> including during a time of prolonged drought. As such, The Story of Stuff Project, The Center for Biological Diversity, and Courage Campaign filed suit in federal court, demanding that Nestle's SUP be subject to review, and as such, given proper scrutiny as required by the National Environmental Policy Act and several other relevant federal statutes.

The Forest Service should conduct an independent, publicly transparent, and incredibly stringent Environmental Impact Statement, paid for but not conducted by Nestle, to determine the impacts to our publicly owned lands, as massive amounts of water are being taken. No other SUP is even near the size of Nestle's take. The proposed Adaptive Management Plan, made public several weeks ago Forest Supervisor Jody Noiron, allows Nestle's operation to continue unabated, which is unacceptable. This is illogical for a number of reasons. For one, in order to determine whether the water Nestle extracts is surplus to the needs of the forest, which is the only criteria by which Nestle would be

continued to occupy lands with water extraction infrastructure, The Forest Service must immediately halt Nestle's extraction in order to determine natural, baseline flows in Strawberry Creek. On April 4<sup>th</sup> at 17:30 Pacific Daylight Time, according to USGS's publicly viewable stream gauge<sup>ii</sup>, Strawberry Creek recorded the lowest flow ever for Strawberry Creek; flowing at less than 10% of a 94 year mean, which undoubtedly is disastrous to our public lands and the animals and plants legally protected in these areas.

### **Subsidizing Waste**

Over the past decade, The National Parks Service has actively worked to ban the sale of bottled water within the park system, given the tremendous amount of waste that bottled water products create, both in the waste stream and accounting for litter in the parks themselves. Grand Canyon National Park was the first park to ban water, and since then, at least 17 other parks have followed suit. According to Los Angeles based Container Recycling Institute, the average package size for bottled water is 16.9 ounces in plastic bottles. This translates to The Forest Service subsidizing over 13.68 billion plastic bottles entering the waste stream, where only half were recovered for recycling. What's ironic, given the fact that Nestle is the largest water bottler in the world, it's likely that at least some of the plastic bottles littered in the Grand Canyon National Park originated from San Bernardino National Forest and Nestle's operation there. Beyond the irony, it's clear that The National Parks system, though managed differently than National Forests, has taken a stance against bottled water for its inherent wastefulness.

The Forest Service has not only indirectly subsidized an incomprehensible amount of waste as a result of allowing Nestle to occupy public lands, it has also indirectly contributed to greenhouse gas emissions associated with bottled water production to the tune of 675,000 tons of carbon dioxide, roughly equivalent to the emissions of 112,000 cars, annually<sup>iii</sup>.

Though Nestle has argued that they own a valid water right, public records show that The Forest Service has not done its due diligence with regard to determining whether Nestle owns a valid water right in the first place.<sup>iv</sup>

In addition to comments made here, The Story of Stuff Project is submitting an additional comments of over 280,000 concerned taxpayers regarding The Forest Service's mismanagement of public resources. We hope that given the tremendous amount of citizen outrage associated with Nestle's operation in San Bernardino National Forest, The Forest Service will amend their SUP review to ensure that no more damage will be done to our public lands, nor will The Forest Service continue to subsidize the tremendous waste the extraction creates.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. Smith" or similar, written in a cursive or semi-cursive style.

Stiv J. Wilson  
Campaigns Director  
The Story of Stuff Project

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<sup>i</sup> <http://www.sbcity.org/civicax/filebank/blobdload.aspx?BlobID=3722>

<sup>ii</sup> [http://nwis.waterdata.usgs.gov/ca/nwis/uv?cb\\_00060=on&cb\\_00065=on&format=gif\\_default&site\\_no=11058500&period=4&begin\\_date=2015-07-13&end\\_date=2015-08-12](http://nwis.waterdata.usgs.gov/ca/nwis/uv?cb_00060=on&cb_00065=on&format=gif_default&site_no=11058500&period=4&begin_date=2015-07-13&end_date=2015-08-12)

<sup>iii</sup> <http://pacinst.org/publication/bottled-water-and-energy-a-fact-sheet/>

<sup>iv</sup> [file:///Users/agentstiv/Downloads/2015-10-13%20-%20Dkt%20001%20-%20COMPLAINT%20\(1\).pdf](file:///Users/agentstiv/Downloads/2015-10-13%20-%20Dkt%20001%20-%20COMPLAINT%20(1).pdf)

paragraphs: 32, 33, 37, 38, 39, 44, 45, 53.



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## State Water Resources Control Board

DEC 20 2017

CERTIFIED MAIL

In Reply Refer to:  
VV: INV 8217

Larry Lawrence  
Natural Resources Manager  
Nestlé Waters North America, Inc.  
5772 Jurupa Street  
Ontario, CA 91761

CERTIFIED NO. 7003 1680 0000 2962 1098

Rita Maguire, Esq.  
Maguire, Pearce & Storey, PLLC  
2999 North 44th Street, Suite 650  
Phoenix, AZ 85018

CERTIFIED NO. 7003 1680 0000 2962 1104

Dear Mr. Lawrence and Ms. Maguire:

### REPORT OF INVESTIGATION AND STAFF FINDINGS OF UNAUTHORIZED DIVERSION REGARDING COMPLAINT AGAINST NESTLÉ WATERS NORTH AMERICA, STRAWBERRY CREEK, SAN BERNARDINO COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received several water rights complaints against Nestlé Waters North America (Nestlé or NWNA), starting on April 20, 2015. The complaint allegations included diversion of water without a valid basis of right, unreasonable use of water, injury to public trust resources, and incorrect or missing reporting, all regarding Nestlé's diversion of water from springs at the headwaters of Strawberry Creek in the San Bernardino National Forest (SBNF) for bottling under the Arrowhead label. Many of the complainants emphasized their concerns about the impacts of Nestlé's diversions during California's recent historic drought. Nestlé reports diversions under 11 groundwater records under the State Water Board's Groundwater Recordation Program. Over the period from 1947 to 2015, Nestlé's reported extractions from the springs in the SBNF have averaged 192 acre-feet, or 62.6 million gallons, per year. Nestlé claims several bases of right for the diversion and use of water from the Strawberry Creek Watershed.

Division staff completed their investigation into the allegations. The attached Report of Investigation (ROI) includes Division staff's analysis, conclusions, and recommendations as they pertain to Nestlé's diversion and use of water. Conclusions and recommendations from the ROI are summarized below.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

---

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



The ROI can additionally be found at the following web address:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/enforcement/complaints/nestle.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/complaints/nestle.html).

**Based on the Report of Investigation and as described in more detail below, NWN's current operations do not appear to be supported by rights to the diversion or use of water exceeding 26 acre-feet per annum (AFA) and, accordingly, any diversions in excess of that amount may be unauthorized. NWN must limit its appropriative diversion and use of water to 26 AFA unless it has evidence of valid water rights to water within the permitting authority of the State Water Board and/or evidence documenting the extent of additional water claimed to be percolating groundwater, as any diversion or use without a valid basis of right is a trespass subject to enforcement actions in accordance with the Water Code.**

Based on review of available information, Division staff has concluded the following:

- Nestlé's claim to a pre-1914 water right that originates from an 1865 possessory claim by David Noble Smith is limited to riparian uses and is not valid for Nestlé's current appropriative diversion and use of water from the San Bernardino National Forest;
- Nestlé could claim up to 26 AFA for appropriative diversions from Indian Springs, including developed water, under a pre-1914 basis of right identified by Division staff based on 1912 plans to bottle water in Los Angeles;
- Nestlé likely has an appropriative groundwater claim to an unknown amount of developed percolating groundwater that would not have contributed to surface flow in a natural channel elsewhere in the watershed;
- While Nestlé may be able to claim a valid basis of right to some water in Strawberry Canyon, a significant portion of the water currently diverted by Nestlé appears to be diverted without a valid basis of right;
- The Del Rosa Judgment recognized that Nestlé's predecessors had a right to the diversion and use of water from Strawberry Canyon as against a prior water right claimant;
  - The diversion and use of water under the right recognized in the Del Rosa Judgment would have required a permit insofar as it was not based on an appropriation initiated before 1914 or diverted under a claim for groundwater that is not within the State Water Board's permitting authority;
  - Nestlé may be able to seek an exemption from the Declaration of Fully Appropriated Streams (see, e.g., Orders WR 2000-12 and WRO-2002-0006);
- At this time, there is insufficient information to determine if Nestlé's diversion injures public trust resources in such a way that it outweighs the beneficial use.

## RECOMMENDATIONS

Division staff recommends that Nestlé immediately cease any unauthorized diversions.

Additionally, Division staff recommends Nestlé take the following actions:

- Within 30 days, for any diversion not subject to a notice filed under Part 5 of the Water Code, submit to the Division an initial Statement pursuant to Water Code § 5101 for:
  - (1) unauthorized diversions; and
  - (2) diversions under any valid pre-1914 claim of right
- A Supplemental Statement must be filed annually for any diversion not subject to a notice filed under Part 5 of Division 2 of the Water Code (i.e., the Groundwater Recordation Program);
- Update ownership of Groundwater Recordations. If annual diversions of groundwater not within the permitting authority of the State Water Board from Strawberry Canyon fall below 25 AFA, reporting under the Groundwater Recordation Program for diversions of groundwater is no longer required.
- Within 60 days, submit an interim compliance plan for Division review and approval to ensure that diversions do not exceed those allowable under any valid bases of right;
- Within 90 days, submit an investigation and monitoring plan for Division review and approval. The investigation and monitoring plan should include:
  - (1) Investigation and monitoring to determine the portion of developed water, if any, that is not tributary to flow in any natural channel and can therefore be diverted without authorization from the State Water Board; and
  - (2) Monitoring of diurnal, seasonal, and other flow variations using industry standard equipment and methods for measuring flow;
- Within 18 months, submit a final report and compliance plan for Division review and approval. The final report should:
  - (1) Determine the amount of water to be diverted that will not be within the permitting authority of the State Water Board;
  - (2) Include a detailed explanation of methods;
  - (3) Include a model for determining how diversions impact or do not impact surface flows, and provide a sufficiently detailed description of the model to allow Division staff to evaluate the model; and
  - (4) Include a final compliance plan.

- For its current operations in the SBNF, if Nestlé wishes to divert water subject to the permitting authority of the State Water Board, i.e., in excess of the 26 AFA for which it likely has a valid pre-1914 claim, it must apply for and receive a water right permit before diverting or using water. While the Santa Ana River is a fully appropriated stream system, Nestlé may seek an exception and choose to apply for a post-1914 water right permit. The application will not be accepted unless Nestlé can demonstrate that there is water available for appropriation.

Other Division staff recommendations:

- Take no further action on the allegations of unreasonable use and injury to public trust resources at this time. If future hydrologic and riparian studies indicate that Nestlé's diversion of water injures public trust resources in a way that cannot be mitigated by implementation of the adaptive management plan in development as part of the US Forest Service Special Use Permit process, the Division should revisit this issue.

Please note that the State Water Board has the authority to initiate enforcement action at its discretion for alleged unauthorized diversion or use of water or alleged waste or unreasonable use of water. Therefore, you should take all necessary actions to ensure that your diversion is authorized, up to and including ceasing unauthorized diversions and/or use.

If any of the parties disagree with the conclusions and recommendations contained in the report, **please submit written supporting evidence within 30 days from the date of receipt of this letter.** Unless compelling evidence is provided to counter the information contained in the enclosed report, Division staff will forward its recommendation to the Assistant Deputy Director for appropriate action.

Thank you for your cooperation and prompt response to the complaint. If you have any questions, please contact me at (916) 323-9407 or via email at Victor.Vasquez@Waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Victor Vasquez, P.O. Box 2000, Sacramento, CA 95812-2000. A copy of this letter will be provided to the complainants and involved parties.

Sincerely,  
ORIGINAL SIGNED BY:

Victor Vasquez, Senior WRCE  
Sacramento Valley Enforcement Unit  
Division of Water Rights

Enclosure: Report of Investigation

cc: (continued on next page)

Larry Lawrence  
Rita Maguire, Esq.

- 5 -

DEC 20 2017

**cc: (w/out enclosures)**

League of Women Voters  
of the San Bernardino Area  
PO Box 3394  
San Bernardino, CA 92413

San Bernardino County  
Department of Public Works, Environmental  
Management Division  
Attention: Nancy Sansonetti, AICP, Senior Planner  
825 East Third Street, Room 123  
San Bernardino, CA 92415

**ec: (w/out enclosures)**

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Facsimile: (310) 798-2402

*Attorneys for Plaintiffs Story of Stuff  
and Courage Campaign*

Case No. 5:15-cv-02098-JGB-DTB

**DECLARATION OF STEVE LOE  
(SECOND) RE: REMEDIES**

VS.

Defendants.

1 Los Angeles Metropolitan Water District ("LAMWD") on the Arrowhead-Inland  
2 Feeder Tunnel Project ("Tunnel Project"). The Inland Feeder is a 44-mile long  
3 high capacity water conveyance system that connects the California State Water  
4 Project to the Colorado River Aqueduct and Diamond Valley Lake. The  
5 Metropolitan Water District of Southern California designed the system to increase  
6 Southern California's water supply reliability in the face of future weather pattern  
7 uncertainties, while minimizing the impact on the San Francisco Bay/Sacramento-  
8 San Joaquin River Delta environment in Northern California. The Arrowhead East  
9 Tunnel travels across lower Strawberry Canyon and required a special use permit  
10 from the San Bernardino National Forest. The Forest Service required substantial  
11 redesign to make the tunnel nearly waterproof to prevent groundwater inflow (loss  
12 from the Forest) as part of the final project. This was the largest tunnel on any  
13 National Forest in the country. I was the lead biologist for the Forest Service and  
14 the more than decade-long project included the protection of Strawberry Creek  
15 from any tunnel impacts.

16 4. As a professional biologist I am heavily involved in species protection  
17 and restoration in southern California. I am a founding member of the Southern  
18 California Freshwater Fauna Working Group ("Freshwater Working Group"). This  
19 is a group of professional fish and wildlife biologists from dozens of agencies and  
20 academic institutions, as well as independent biologists that work together to  
21 protect and restore native freshwater fauna in southern California. Protection of  
22 Strawberry Creek and its Santa Ana speckled dace and other riparian and aquatic  
23 species has been a focus of this group for many years. For over two years this  
24 group has been petitioning the Forest Service to protect Strawberry Creek from the  
25 Nestlé water removal during the extreme drought we are currently experiencing.

1           5.     In 2004, I was awarded the National Forest Service's Jack Adams  
2 Award for sustained and dedicated service on behalf of fish and wildlife resources  
3 on the National Forest System lands. Each year, the person that best exemplifies  
4 the character of Jack Adams in the entire Forest Service is awarded this honor.

5 **Impact of Water Removal**

6           6.     Based on over ten years of intensive study and monitoring of the  
7 Tunnel Project, the Forest Service and LAMWD learned what the impacts of  
8 groundwater withdrawal were on streams, seeps, springs and riparian areas in the  
9 San Bernardino National Forest. Drawing from my experience and the data  
10 generated in studying the Tunnel Project, it is clear that Nestlé's removal of up to  
11 over 500 acre feet (162 million gallons) of water each year from the Strawberry  
12 Creek headwaters is having a significant detrimental impact to that watershed.

13           7.     Independent of Nestlé's water removal, the Strawberry Creek  
14 Watershed is experiencing a prolonged and extreme drought. According to San  
15 Bernardino County Flood Control measurements, the Strawberry Creek Watershed  
16 has received approximately 60 percent of average precipitation for this water year,  
17 based on readings of rain gauges in and around the Strawberry Creek  
18 Watershed.<sup>1</sup> Based upon my experience on the Tunnel Project during the past  
19 five years, the region has never received rainfall of the amount and duration that  
20 produces significant recharge of aquifers in these mountains. My opinion of the  
21 likely effect of the drought on groundwater recharge in the Strawberry Creek area  
22 is supported by observation of local aquifers throughout Southern California,

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24  
25  
26 <sup>1</sup> SAN BERNARDINO COUNTY FLOOD CONTROL, RAINFALL TOTALS,  
27 <http://www.sbcounty.gov/dpw/pwg/alert/index.html> (last visited May 3, 2016).  
28 DECLARATION OF STEVE LOE RE REMEDIES  
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1 which are reaching lowest levels recorded and continuing to drop.<sup>2</sup> The situation is  
2 so dire that fish are being rescued from some local streams because of drying.

3 8. Continued removal of groundwater by Nestlé during this drought is a  
4 severe threat to the Strawberry Creek Watershed, the San Bernardino National  
5 Forest, and adjacent communities. In addition to five years of below-average  
6 precipitation, the rainfall pattern has contributed to groundwater depletion as the  
7 region has not received the type of winter rains that result in significant  
8 groundwater recharge. In my professional opinion, the cumulative effect of  
9 Nestlé's removal of groundwater with the drought is likely severely depleting  
10 groundwater stores.

11 9. Nestlé has reported taking between 25 and 130 million gallons of  
12 water annually from the Strawberry Creek Watershed. In my professional opinion,  
13 removal of this amount of water from the Strawberry Creek Watershed is  
14 immediately detrimental and protection of the resources is unsustainable over any  
15 period of time.

16 10. The United States Geological Service stream gauge showed in-flow  
17 measures of Strawberry Creek at the lowest level in 93 years (the extent of  
18 recorded measurement) for some days last summer.<sup>3</sup> The summer of 2016 is

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20 <sup>2</sup> Charlie Frye, *Strawberry Creek Area Water Levels*,  
21 [http://landscapeteam.maps.arcgis.com/apps/Viewer/index.html?appid=f51db12000](http://landscapeteam.maps.arcgis.com/apps/Viewer/index.html?appid=f51db12000a24b11823d652211e6fff7)  
22 [a24b11823d652211e6fff7](http://landscapeteam.maps.arcgis.com/apps/Viewer/index.html?appid=f51db12000a24b11823d652211e6fff7) (last visited May 3, 2016).

23 <sup>3</sup> United States Geological Service, National Water Information System: Web  
24 Interface, *USGS 11058500 E Twin C NR Arrowhead Springs CA* (May 3, 2016,  
25 1:23 P.M.) USGS Streamgauge (East Twin/Strawberry Creek combined flows,  
26 [http://nwis.waterdata.usgs.gov/ca/nwis/uv?cb\\_00060=on&cb\\_00065=on&format=](http://nwis.waterdata.usgs.gov/ca/nwis/uv?cb_00060=on&cb_00065=on&format=gif_default&site_no=11058500&period=15&begin_date=2016-03-04&end_date=2016-03-24)  
27 [gif\\_default&site\\_no=11058500&period=15&begin\\_date=2016-03-](http://nwis.waterdata.usgs.gov/ca/nwis/uv?cb_00060=on&cb_00065=on&format=gif_default&site_no=11058500&period=15&begin_date=2016-03-04&end_date=2016-03-24)  
28 [04&end\\_date=2016-03-24](http://nwis.waterdata.usgs.gov/ca/nwis/uv?cb_00060=on&cb_00065=on&format=gif_default&site_no=11058500&period=15&begin_date=2016-03-04&end_date=2016-03-24)).

1 predicted to be dryer than the exceptional summer of 2015, and if the predicted La  
2 Niña materializes, conditions could be drier than normal for several years.<sup>4</sup>  
3 Lacking significant recharge this winter and spring (2015-2016) of the  
4 groundwater that is the source of most summer flow in Strawberry Creek, it is  
5 likely that Summer 2016 will have the lowest flows in recorded measurement, and  
6 in all likelihood the lowest flows in recorded history due to the combined effect of  
7 the severe drought and unsustainable diversion by Nestlé over the course of the  
8 five year drought. This could result in the complete drying of large reaches of the  
9 Creek. In addition, the few remaining untapped springs in the Strawberry Creek  
10 Watershed will likely lose surface expression for the first time in recorded history  
11 due to the excessive removal of groundwater.

12 11. The portions of the Watershed able to support riparian vegetation will  
13 significantly shrink as the watershed continues to dewater, and this will adversely  
14 affect many wildlife and plant species.

#### 15 **Species**

16 12. Presently I am working with the California Department of Fish and  
17 Wildlife and the United States Fish and Wildlife Service as well as local water  
18 agencies to restore native fish and other species where they have been extirpated.  
19 The Strawberry Creek Watershed is a very important stream and has been a

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21 <sup>4</sup> Kurtis Alexander, *Dry La Nina period likely to follow El Niño*, S.F CHRONICLE  
22 (April 22, 2016), <http://www.sfchronicle.com/bayarea/article/Dry-La-Ni-a-period-likely-to-follow-El-Ni-o-7294795.php>; Piper Dixon, *NOAA predicts La Niña for next winter, big snow for PNW*, TETON GRAVITY RESEARCH (April 20, 2016),  
23 <http://www.tetongravity.com/story/news/noaa-predicts-la-nina-for-next-winter>;  
24 Eric Holthaus, *We Already Know 2016 Will Be the Warmest Year on Record – and It's Only April*, SLATE (April 20, 2016),  
25 [http://www.slate.com/blogs/the\\_slatest/2016/04/20/record\\_temperatures\\_again\\_in\\_march.html](http://www.slate.com/blogs/the_slatest/2016/04/20/record_temperatures_again_in_march.html).  
26

1 priority for restoration, but only if more natural flows can be assured. With more  
2 natural flows Strawberry Creek would support significantly improved habitat for  
3 the threatened, endangered, and sensitive species that already use the Watershed.  
4 Species that have been extirpated from this portion of the creek due to unnatural  
5 water removal such as the Santa Ana speckled dace (and, potentially, mountain  
6 yellow-legged frog) would be able to be restored. The amount of riparian habitat  
7 and surface water available for hundreds of species would increase significantly.  
8 Areas that are unnaturally dewatered would recover and become lush, productive  
9 habitat again.

10 13. The critical impact of water diversion during this drought is creating  
11 imminent danger to the Strawberry Creek Watershed. I anticipate that the  
12 following effects on wildlife may be felt in the Summer 2016:<sup>5</sup>

- 13 a. Drying of springs in the Strawberry Creek Watershed which can result  
14 in the total loss of some invertebrate species such as springsnails that  
15 evolved at that spring system. Due to the remoteness of the stream and  
16 springs, species that have never been found or described could be lost  
17 forever.
- 18 b. Wildlife species that are dependent on riparian habitat and surface or  
19 near surface moisture will lose a significant portion of their suitable  
20 habitat. This includes least Bell's vireo and southwestern willow  
21 flycatcher,<sup>6</sup> both endangered species, and the southern rubber boa, a

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23 <sup>5</sup> See generally, United States Forest Service, *Southern California National Forest*  
24 *Animal Species Accounts*, [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/  
25 stelprd3832681.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3832681.pdf) (last visited May 3, 2016).

26 <sup>6</sup> UNITED STATES FISH AND WILDLIFE SERVICE, CARLSBAD OFFICE, APPX. B TO  
27 HABITAT CONSERVATION PLAN FOR L.A. DEPT. OF WATER & POWER (2015),  
28 *available at*:

DECLARATION OF STEVE LOE RE REMEDIES  
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1 California Threatened species. Drying of the stream mid- to late-  
2 summer could result in the loss of any nesting that has started for the  
3 two endangered bird species. Southern rubber boa could be severely  
4 affected by drying of their summer and winter hiding and hibernating  
5 areas deep in fractures and cracks in bedrock and outcrops near the  
6 wells and tunnels. Use of the surface by boas in the summer would be  
7 difficult as the area unnaturally dries from excessive groundwater  
8 removal.

- 9 c. Wildlife species that require surface flows such as frogs, toads, and  
10 the two-striped garter snake, a Forest Service Sensitive Species, will  
11 be significantly affected. Breeding of tree frogs and western toads that  
12 starts before the stream dries could fail as the stream recedes. Losing  
13 reproduction of these species for a year or multiple years is a  
14 significant impact. Two-striped garter snake can only survive in this  
15 area with surface water to support prey like the frogs and toads.
- 16 d. California-listed Threatened southern rubber boa uses rock outcrops  
17 and their fissures and cracks in rock to find moisture and temperature  
18 conditions to survive hot summers and cold winters.<sup>7</sup> Reducing the  
19

20 [https://www.fws.gov/carlsbad/HCPs/LADWP/Appendix\\_B\\_Species\\_Habitat\\_Suitability\\_Analysis\\_Models\\_SW\\_Willow\\_Flycatcher\\_Survey\\_Results.pdf](https://www.fws.gov/carlsbad/HCPs/LADWP/Appendix_B_Species_Habitat_Suitability_Analysis_Models_SW_Willow_Flycatcher_Survey_Results.pdf).

22 <sup>7</sup> Stephen A. Loe, *Habitat management guide for southern rubber boa (Charina*  
23 *bottae umbratica) on the San Bernardino National Forest*. Prepared for the U.S.  
24 Dept. of Ag. San Bernardino National Forest (1985); Robert H. Goodman, Mark R.  
25 Jennings, Glenn R. Stewart, *Sensitive Species of Snakes, Frogs, and Salamanders*  
26 *in Southern California Conifer Forest Areas: Status and Management*, in  
27 PLANNING FOR BIODIVERSITY: BRINGING RESEARCH AND MANAGEMENT TOGETHER  
(2015), available at: <http://www.treesearch.fs.fed.us/pubs/27022>;

1 moisture in southern rubber boa habitat has always been considered a  
2 significant impact when biologists are judging project effects. The  
3 trough of depression in the aquifer caused by continued removal of  
4 groundwater through Nestlé's diversion tunnels and horizontal wells  
5 is undoubtedly having an increasingly damaging and growing impact  
6 on the southern rubber boa.

- 7 e. California spotted owl which needs cool, moist canyons to summer  
8 and successfully breed in this predominately chaparral environment  
9 will be adversely affected as the canyon dries.<sup>8</sup> They are not able to  
10

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11 Santa Ana Watershed Association, *Sensitive Species of the Santa Ana Watershed*  
12 *Southern Rubber Boa (Charina umbratica)* (Jan. 20, 2010), [http://sawatershed.org/](http://sawatershed.org/sites/default/files/posters/SouthernRubberBoaFactSheet.pdf)  
13 [sites/default/files/posters/SouthernRubberBoaFactSheet.pdf](http://sawatershed.org/sites/default/files/posters/SouthernRubberBoaFactSheet.pdf); IUCN Red List of  
14 Threatened Species Entry for *Charina bottae* (Rubber Boa, Southern Rubber Boa),  
available at <http://www.iucnredlist.org/details/62228/0> (last visited May 3, 2016).

15 <sup>8</sup> See Rachelle Meyer, *Strix occidentalis*, in *Fire Effects Information System*;  
16 UNITED STATES FOREST SERVICE, ROCKY MOUNTAIN RESEARCH STATION, FIRE  
17 SCIENCES LABORATORY (2007), available at: [http://www.fs.fed.us/database/feis/](http://www.fs.fed.us/database/feis/animals/bird/stoc/all.html)  
18 [animals/bird/stoc/all.html](http://www.fs.fed.us/database/feis/animals/bird/stoc/all.html); Cameron W. Barrows, *Roost site selection by spotted*  
19 *owls: An adaptation to heat stress*, in *The Condor*, vol. 83, no. 4, COOPER  
20 ORNITHOLOGICAL SOCIETY (1981), available at:  
21 [http://www.jstor.org/stable/1367496?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/1367496?seq=1#page_scan_tab_contents). Gordon I.  
22 Gould, Jr., *Habitat requirements of the spotted owl in California*, in. *Wildlife*  
23 *Transactions*, CALIFORNIA/NEVADA SECTION OF THE WILDLIFE SOCIETY (1975),  
24 available at: <http://www.tws-west.org/transactions/Gould.pdf>; Cameron Barrows  
25 and Katherine Barrows, *Roost Characteristics and Behavioral Thermoregulation*  
26 *in the Spotted Owl*, in *Western Birds* vol. 9, no. 1, UNIVERSITY OF CALIFORNIA  
27 (1978), available at [http://angelo.berkeley.edu/wp-](http://angelo.berkeley.edu/wp-content/uploads/Barrows_WesternBirds1978.pdf)  
28 [content/uploads/Barrows\\_WesternBirds1978.pdf](http://angelo.berkeley.edu/wp-content/uploads/Barrows_WesternBirds1978.pdf); United States Fish & Wildlife  
Service, *Habitat Suitability Index Models: Spotted Owl*, in *Biological Report*  
82(10.113), DEPARTMENT OF THE INTERIOR (1985), available at  
<http://www.nwrc.usgs.gov/wdb/pub/hsi/hsi-113.pdf>.

1 tolerate high temperatures. The loss of live oak, bigcone Douglas- fir,  
2 and riparian cover is occurring and will increase due to the drying  
3 conditions and this will make this watershed unsuitable for owls.

4 Every bit of moisture in the watershed is critical due to the stressed  
5 condition of the water dependent vegetation. Humidity is important in  
6 cooling habitats during the summer months providing cooler  
7 conditions for the birds.

8 14. The California Department of Fish and Wildlife ("Department") and  
9 U.S. Fish and Wildlife Service ("Service") are aware of the situation in Strawberry  
10 Creek. Now that the Forest Service is beginning a new NEPA process, it will need  
11 to prepare a Biological Assessment/Biological Evaluation and provide it to the  
12 Service as part of consultation under the Federal Endangered Species Act. The  
13 Service will later render a Biological Opinion regarding impacts to federally listed  
14 species. The Department requires that projects which take state protected species  
15 also obtain a take permit under California law, and the project proponent is  
16 responsible for obtaining that permit. The Forest Service does not formally consult  
17 with Department, but has a memorandum of understanding that it will cooperate in  
18 considering projects that affect state protected species. There is little doubt that  
19 take of some protected species could occur with the current conditions, Nestlé's  
20 water removal, and extreme drying in the summer.


#### 21 **Fire Suppression**

22 15. Riparian areas that are unnaturally dry due to water removal do not  
23 have the fire suppression benefits of well-watered riparian areas. The susceptibility  
24 of the Strawberry Creek Drainage and surrounding lands and structures to wildfire  
25 will be increased by the continued drying of the watershed. Healthy, well-watered  
26 riparian areas are beneficial in reducing the spread and intensity of wildfires,

1 aiding in the ability to fight fire, and reducing damage from wildfire.<sup>9</sup> Since several  
2 communities sit directly above the Strawberry headwaters, this poses a threat to the  
3 community as the canyon dries from the drought and groundwater removal.

4 16. Strawberry Creek is a regionally significant riparian area. It has an  
5 East-West orientation while other nearby waterways are oriented North-South.  
6 This lateral orientation could help seriously reduce the threat and spread of fire up  
7 the mountain from the foothills above San Bernardino.

8  
9 I declare under penalty of perjury that the foregoing is true and correct and  
10 was executed this 4th day of May, 2016, at Yucaipa, California.

11  
12   
13 Steve Loe  
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24 <sup>9</sup> J. Boone Kauffman, *Workshop on the Multiple Influences of Riparian/Stream*  
25 *Ecosystems on Fires in Western Forest Landscapes Summary Report*, presented to  
26 Rocky Mountain Forest and Range Experiment Station, Stream Systems  
27 Technology Center (2001), available at: [http://www.stream.fs.fed.us/publications/](http://www.stream.fs.fed.us/publications/PDFs/Riparian%20Fire%20Final.pdf)  
28 [PDFs/Riparian%20Fire%20Final.pdf](http://www.stream.fs.fed.us/publications/PDFs/Riparian%20Fire%20Final.pdf).



State of California - Natural Resources Agency  
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EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



May 2, 2016

Front Country Ranger District  
1209 Lytle Creek Road  
Lytle Creek, CA 92358  
Attn: Nestle Waters

Subject: Nestle Waters Special Use Permit  
File Code 1950; 2720

Dear US Forest Service, Front Country Ranger District:

The Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the San Bernardino National Forest's proposed issuance of a 5-year special use permit to Nestle Waters to authorize continued occupancy of and use of National Forest Service lands for the extraction and transmission of water using existing improvements. Pursuant to The Guidelines for the Implementation of CEQA (Cal. Code Regs., tit. 14, § 15000 *et seq.*; hereafter CEQA Guidelines), CDFW has reviewed the scoping materials distributed on the project and offers comments and recommendations on those activities involved in the project that are within CDFW's area of expertise and germane to its statutory responsibilities, and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 & 15204).

#### CEQA ROLE

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect biological resources. As a Trustee Agency, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

CDFW may also act as a Responsible Agency based on its discretionary authority regarding project activities that impact streams and lakes (Fish & G. Code, §§ 1600 – 1616), or result in the "take" of any species listed as candidate, threatened, or endangered pursuant to the California Endangered Species Act (CESA; Fish & G. Code, § 2050 *et seq.*).



## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the San Bernardino National Forest (SBNF) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources.

### CDFW Specific Comments

#### *Authorized improvements, and operations and maintenance*

The proposed action will permit facilities and appurtenances associated with Nestle Water's current operations as well as maintenance of the system and the associated Forest Service access road 1N24. CDFW recommends that the SBNF evaluate, at a minimum: impacts associated with the operation and maintenance of the project, including but not limited to: the water collection tunnels, horizontal wells, concrete vaults, pipes and delivery systems; vegetation removal and/or trimming; road/trail maintenance; installation of BMPs to reduce erosion; restoration of habitat where equipment/vehicles have departed from designated roads, trails and staging areas; spill prevention and containment measures; and long-term trash removal.

#### *Impacts to Biological Resources*

CDFW is concerned with the lack of analysis of impacts to biological resources in the proposal and the deferral of this analysis to a later date. The proposal states that initial studies conducted by Nestle suggest that water extraction is reducing surface flow in Strawberry Creek, but that the effect of this flow reduction has not been thoroughly studied. Further, CDFW does not agree a "paired basin" study is the appropriate method to determine the conditions that would exist if there was no extraction in Strawberry Creek. Due to the volume of water and the placement of the extraction at the headwaters, a site specific study is justified. CDFW requests the NEPA process include a study to adequately assess and identify the impacts of the extraction within Strawberry Creek.

Also, although some information on wildlife and botany was supplied with the proposal, no specific information about this data was provided. For example, the proposal fails to provide information on the source of the data, how it was collected, when it was collected, etc. CDFW is concerned that species list is not comprehensive and excludes a number of species that are known to occur in the project area.

Where a project could affect the hydrologic regime of a watershed, the necessary elements to successfully maintain the downstream biological diversity needs to be identified to facilitate sound management decisions. Based on CDFW's review of the proposal, this information is not currently available. Instead, the proposal states that water extraction will continue during the period when such baseline data is collected. CDFW is concerned by this proposed approach, and recommends that a baseline study

be completed to identify the environmental impacts and effects since the expiration of the previously issued permit.

CDFW recommends that the NEPA document require the following:

1. A thorough assessment of the quantity of water extracted in the water collection tunnels, horizontal wells, and concrete vaults, with a focus on seasonal fluctuations.
2. A thorough assessment of the habitat, species, and life history criteria specific to the project area and downstream.
3. A *recent* and thorough assessment of the flora and fauna within, adjacent to, and downstream of the project area, with particular emphasis on identifying endangered, threatened, and sensitive species and sensitive habitats. The assessment should rely on protocol surveys. Use of species databases (for example, CDFW's California Natural Diversity Database, and those maintained by the US Forest Service) may provide current information on any previously reported sensitive species and habitat, in the vicinity of the proposed project. However, please note that these databases are not exhaustive in terms of the data they house, nor are they absence databases. CDFW recommends that they be consulted as a starting point in gathering information about the *potential presence* of species within the general area of the project site.
4. Identification of minimum instream flows necessary to maintain the health and perpetuation of aquatic resources and associated habitat in Strawberry Creek.
5. Quantification of the loss of biological resources and impacts to biological resources that may occur as a result of reduced surface flow in Strawberry Creek and downstream. The analysis should contain a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. Project impacts should be analyzed relative to their effects on offsite habitats. Specifically, this should include nearby streams located downstream of the project, public lands, open space, mitigation sites, adjacent natural habitats, and riparian ecosystems.
6. A specific proposal to reduce water extraction to restore surface flow within Strawberry Creek to allow for maintenance of any existing riparian and aquatic habitat, fish, and wildlife resources
7. A specific proposal to reduce water extraction to provide minimum flows in Strawberry Creek for maintenance of any existing riparian and aquatic habitat, fish, and wildlife resources.
8. A detailed mitigation plan to replace lost plant, fish, and/or wildlife resources. This plan must include a survey which quantifies the loss of resources that will occur as a result of this project. It must also specify measures that will be taken to offset impacts to resources and outline specific mitigation and monitoring programs.

CDFW recommends that the NEPA document prepared for this project contain sufficient, specific, and current biological information on the existing habitat and species at the project site; measures to minimize and avoid sensitive biological resources and important biological areas; and mitigation measures to offset the loss of native flora and fauna.

Based on CDFW's review of proposal, the project includes facilities and appurtenances that have been constructed within the bed, bank, or channel of a stream. As maintenance of these areas is included in the proposal, the project has the potential to impact areas within CDFW's jurisdiction under section 1600 *et seq.* of the Fish and Game Code. CDFW recommends that Nestle Waters consult with CDFW as soon as possible to determine if a Lake or Streambed Alteration Agreement may be required for operations and maintenance activities. Additional information on CDFW's Lake and Streambed Alteration Program is found later in this letter.

#### CDFW General Comments

##### *California Environmental Quality Act (CEQA)*

As defined by CEQA Guidelines Section 21065, a "project" is "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following: (a) An activity directly undertaken by any public agency...(c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." Based on information included in the scoping materials the project may require approval from local, state, and federal agencies due to the potential of these activities to have both direct and indirect changes on the environment. For these reasons, the activities proposed in the special use permit may be considered "projects" under CEQA; thus CEQA may need to be addressed by Nestle Waters.

CDFW acknowledges that Nestle Waters is not required to address CEQA concurrently with NEPA however CDFW strongly recommends they do so in order to maintain coordination between state and federal agencies and to avoid delays in the CEQA process and any permitting processes.

Please note that as a Responsible Agency, CDFW must rely on the CEQA document prepared by the Lead Agency in order to prepare and issue a Lake or Streambed Alteration Agreement and/or Incidental Take Permit (ITP) for the project. If the CEQA document for this project fails to identify all project impacts and adequately mitigate those impacts, the project proponent may be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of CDFW to ensure that all project impacts are identified and adequately mitigated.

### *California Endangered Species Act (CESA)*

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA. CDFW recommends that a CESA ITP be obtained if the project has the potential to result in "take" of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. Revisions to the California Fish and Game Code, effective January 1998, require that CDFW issue a separate CEQA document for the issuance of a CESA ITP unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

### *Fully Protected Species*

Several of the species having the potential to occur within or adjacent to the project area, including, but not limited to: American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), and golden eagle (*Aquila chrysaetos*), are fully protected species under the Fish and Game Code. Fully protected species may not be taken or possessed at any time. Project activities should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area.

CDFW recommends that the environmental document fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the environmental document include an analysis of how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.

### *Nesting Birds and Migratory Bird Treaty Act*

Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

CDFW recommends that the NEPA document include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur.

#### *Wildlife Movement and Connectivity*

The project area supports significant biological resources and contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations. Onsite features, which contribute to habitat connectivity, should be evaluated and maintained. Aspects of the project could create physical barriers to wildlife movement from direct or indirect project-related activities. Indirect impacts from noise, dust, and increased human activity may displace wildlife in the general area. A discussion of both direct and indirect impacts to wildlife movement and connectivity should be included in the NEPA document.

#### *Lake and Streambed Alteration Program*

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to CDFW pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, CDFW then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

As previously mentioned, the project includes facilities and appurtenances that have been constructed within the bed, bank, or channel of a stream. Based on this information CDFW encourages Nestle Waters to contact CDFW as soon as possible to determine if an LSA may be required for this project. Please note that although the proposed project occurs on the San Bernardino National Forest (SBNF) and the SBNF may be issuing a special use permit for this project, it does not preclude CDFW's jurisdiction under section 1600 *et seq.* of the Fish and Game Code, should the project anticipate impacts to any streams.

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and CDFW recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays. Please note that failure to include this analysis in the project's environmental document could preclude CDFW from relying on the Lead Agency's analysis to issue an LSA Agreement.

without CDFW first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA Guidelines for the definition of mitigation.

#### Further Coordination

CDFW appreciates the opportunity to comment on the proposed special use permit for Nestle Waters (Project Code 1950; 2720). If you should have any questions pertaining to the comments provided in this letter, please contact Jeff Brandt at (909) 987-7161, or at [jeff.brandt@wildlife.ca.gov](mailto:jeff.brandt@wildlife.ca.gov).

Sincerely,



Leslie MacNair  
Regional Manager

For

cc: State Clearinghouse, Sacramento

Date submitted (UTC): 5/1/2016 4:21:05 PM  
First name: Steve  
Last name: Loe  
Organization: Southern California Native Freshwater Fauna Working Group  
Title: Co-Coordinator and Strawberry Permit Lead  
Official Representative/Member Indicator:  
Address1: b6  
Address2:  
City: Yucaipa  
State: CA  
Province/Region:  
Zip/Postal Code: 92399-2337  
Country: United States  
Email: b6  
Phone: b6  
Comments:

Southern California Native Freshwater Fauna Working Group

May 2, 2016  
Jody Noiron, Forest Supervisor  
San Bernardino National Forest  
602 S. Tippecanoe Ave.  
San Bernardino, CA 92408

Re: Input to Scoping for Nestle Permit NEPA in Strawberry Creek  
Dear Ms. Noiron:

We are a group of citizens and scientists who are dedicated to the protection and restoration of the Southern California native freshwater fauna. Our group has members from the general public and from many government agencies, universities and conservation groups.

We are extremely concerned about the on-going historic and potentially long-term drought and the effects of a long-expired permit on Strawberry Creek (San Bernardino Mountains, Santa Ana Watershed) and associated resources. We are also concerned that the Forest Service permit for the spring development and removal of water by Nestle expired a long time ago, but they continue to remove all the water they can draw from the headwater aquifer for bottled water. Conditions have changed greatly since the permits were issued. We now know much more about groundwater/surface water relationships, the habitat, and riparian/aquatic species use in this area as a result of all the work done by the Forest Service and Metropolitan Water District (MWD) on the Arrowhead Tunnel project. We now know the stream is very important to many imperiled species.

Our group has been concerned about the health of Strawberry Creek for many years. Strawberry Creek supported Santa Ana speckled dace (*Rhinichthys osculus* ssp.) for thousands of years; the dace were only recently extirpated. This was in part we believe because of a drying climate and the unnatural removal of so much water from the headwaters. The Santa Ana speckled dace is a California Species of Special Concern (SSC) and has been a focus of effort for our group, the Forest Service and the Dept. of Fish and Wildlife. California Department of Fish and Wildlife has designated certain species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. This fish is designated as Sensitive by the U.S. Forest Service and Threatened by American Fisheries Society. Restoring Santa Ana speckled dace to Strawberry Creek and East Twin has been a priority for all the cooperators.

Many of our members have worked in Strawberry Creek. The stream is severely impacted by the removal of up to 500 acre feet per year in high rainfall years and an average of 200 acre feet per year. This is a huge amount of water for a stream like Strawberry Creek when it is taken from the headwaters. Removal of water in the summer months results in large areas of the stream being dewatered. With this severe drought, even the areas that have not dried for thousands of years could dry up. Even the combined flow of West and East Twin and Strawberry Creek is almost non-existent in recent summers due to the severe drought and groundwater removal.

We are concerned about the health of the watershed for all other species that are dependent upon surface water, moist conditions and water within reach of roots for native perennial plants. We are seeing some loss of riparian plants due to lack of water on the margins of the stream in areas we have been able to visit. Strawberry

Creek has been identified as a priority for reintroduction of Santa Ana speckled dace and as having potential for future mountain yellow-legged frog (*Rana muscosa*) reintroduction. We are concerned about the potential loss of two-striped garter snake from the watershed and believe the unnatural drying of the watershed is adversely affecting tree frogs, toads, and salamanders. We are also concerned about the adverse effects of water withdrawal on other riparian dependent species known to use the area such as least Bell's vireo and southwestern willow flycatcher. Strawberry Creek is an extremely valuable resource in maintaining southern California's biological diversity. This is a priority in the Forest Plan and a priority of our group. Please explain how this proposal complies with the Forest Plan and laws and regulations regarding Threatened and Endangered Species, wetland and riparian protection, maintenance of stream flows, and the public trust. We were a part of the groups and individuals who wanted to meet with the Forest Service and Nestle in September of 2014 regarding the stream and the expired permit, and were very disappointed that the Forest Service and Nestle were not willing to meet at that time. Changes in water withdrawal were needed then and still need to be made immediately to protect the stream this next summer and in perpetuity. Please don't put off a decision to stop water removal. It needs to be done now to let the stream recover.

With the continued severe drought and almost no rain in the highest rainfall months of the year, Strawberry Creek is in big trouble. This summer is looking like it might be even dryer than last year when some day's flows were the lowest ever recorded for that date. Please consider not removing any water from the Strawberry Creek wells and tunnels until the drought is over, the permit is brought up to date and includes measures that will protect the ecosystem. We have members who have knowledge of Strawberry Creek and groundwater/surface water relationships that are willing to volunteer to help find management solutions and design studies to help determine what is in excess to National Forest needs.

We have reviewed the Forest Service proposed action and adaptive management plan. The proposed action is to continue to allow Nestle to take all the water they can while studying the issue for 5 years. Nestle is to hire and manage consultants and the Forest Service is to monitor the consultants and approve their work as we understand it. Since Strawberry can't recover or function naturally while Nestle is taking water, the proposal is to study East Twin to see how a natural stream would act. If problems with water removal are proven by Nestle's contractors, then the permit could be modified under an adaptive management strategy to try to create a more natural stream in Strawberry. A request for a field trip so people could see the resource has been denied by the Forest Service.

We have major concerns with this proposal.

1. There is so much variability in the geology, topography and vegetation, aspect and other factors that using another watershed is a problem and will not give an accurate picture of what Strawberry would do if water removal was stopped. Only by seeing how the stream, springs and riparian areas will function outside the drought and without artificial withdrawal can you determine the amount of water that is in excess of National Forest needs and thus available to Nestle.

2. If the consultants work directly for Nestle, they will have a very difficult time being independent and making conclusions and determinations that might not favor the client. It is best for everyone concerned that any consultants work for and take direction from the Forest Service as the managers and protectors of the public lands. Nestle can and should be involved, but not in control in any manner. Nestle has told us in our initial meeting in 2014 that they are not in favor of restoring populations of Santa Ana speckled dace or mountain yellow-legged frog to Strawberry Creek. With such a different philosophy and mandate than the Forest Service they cannot be expected to be unbiased. One example of this is the speckled dace evaluation they did for Perrier/Nestle in the early 2000's. They concluded that there would be more habitat and better habitat with the more natural flows, but that it was insignificant because the biomass of dace lost by water removal is minor and not significant. Using biomass as the measure shows the difference in missions. The study, if done and directed by the Forest Service would have evaluated things like summer survival, drought survival, wildfire survival with reduced flows, connectivity of suitable habitat with increased flows, long term survival etc., etc.. Not just how much biomass would be lost.

3. There must be some other alternatives considered than allowing them to continue unlimited water removal. One alternative has to be not renewing the permit, which is a very likely scenario when considering how the Forest manages its land under today's laws and mandates. No way would the Forest Service give a permit for taking groundwater from the headwaters of a stream that was occupied by numerous threatened and endangered species. Front Country perennial streams are very important to maintaining the diversity of the flora and fauna and the Forest Service would not even consider such a proposal today.

An alternative that removes groundwater from springs at the bottom of the watershed with horizontal wells as currently practiced in the top of the watershed would be much more environmentally sound and easy to manage for protection of the watershed. There are some springs as shown on topo maps at the furthest



downstream National Forest property. The temporary disturbance to install wells and infrastructure would be minor compared to dewatering the watershed in perpetuity as is currently planned. This lower area is some of the best Santa Ana speckled dace habitat and also supports southwestern willow flycatcher and least Bell's vireo. By removing water down at the bottom of the watershed, the existing USGS Twin Creek stream gage would be ideal to use for monitoring. As long as the stream was flowing adequately at the stream gage, the ecosystem of the entire watershed would be protected from the taking of water. The 40th Street crossing in North San Bernardino would also be a good and easy spot to monitor flows and set trigger points for the lower end. This would be a huge difference from the current practice of removal all the groundwater possible above 5000 feet and cumulatively dewater the watershed all the way to the bottom. Please consider and analyze this alternative if believe you are forced to provide water to Nestle.

4. Use caution if you use the studies done in the early 2000's. They were commissioned and managed by Nestle in part to give them the non-significant reports they thought they needed to renew their permit without a lot of constraints. The Forest Service and Fish and Game biologists that reviewed the reports had serious problems with the methods and conclusions. The same findings even though questionable would have been considered significant by the Forest Service ID team and Fish and Game using what we now know about stream flows, dace, springs, southern rubber boas, two-striped garter snake, mountain yellow-legged frogs, least Bell's vireo, and southwestern willow flycatchers. There is no excess water in southern California streams except during floods.

5. Based on field work completed last summer, we believe that dace were more widely distributed historically in the watershed than was documented in recent years. We believe their distribution included more and longer reaches than were occupied in recent years up until 2004. As part of your analysis, we would request that you do a habitat assessment of the entirety of Strawberry Creek to determine where flows, gradient and substrate would be suitable dace reintroduction. Since you will be looking at East Twin Creek, we request that you survey the habitat in both drainages for suitability for both dace and mountain yellow-legged frog. Being able to do this for Strawberry will require letting the watershed recover with no removal of groundwater.

6. We would appreciate a field trip to see the lower canyon. Several of our members that have worked in Strawberry Creek for many years as Forest Service and Fish and Game biologists, contractors, and volunteers are suffering from various ailments that make it impossible for them to walk into the site from the long distances required. We also have new members that would like to see Strawberry during this drought to better understand the resources at stake. There is a good access road into the confluence of Strawberry and East Twin that we have used for years. This would be a good place to look at the stream as many of our members have been there in the past. The Forest Service has administrative access and the fact that Campus Crusade has a FS water permit should make them cooperative. If the Forest Service cannot provide access, should we ask Fish and Wildlife about organizing a field trip? We would be happy to help with logistics.

7. We have heard and seen the claims of Nestle that they own the water they are taking. The State owns the water. Some of our members have been looking into the water rights claims and it seems that Nestle is and has been running a bluff. They have no California surface rights with a point of diversion in upper Strawberry. All they have are horizontal wells and tunnels on National Forest and they report the amount of groundwater taken from the wells as groundwater. It is groundwater and the Forest Service has control of how much water can be removed that is in excess to National Forest needs and for maintaining favorable conditions of flow. The Forest Service has reserve rights even for groundwater. Nestle is using the Forest to produce water under FS permit and that permit is all the rights they have. If their wells collapsed, they would have no State rights to take any surface water. They would be dependent on landowner giving them the right to drill new groundwater wells. Please really investigate the state water rights justification given to the Forest Service by Nestle's attorney. We have, and there are many, many holes in their justification. Please don't trust them without really checking out all of their claimed connections and past company relationships. They do not have State water rights that predate the FS as they claim.

Please call Steve Loe at b6 or Jonathan Baskin at b6 if we can help. This permit is extremely important to our shared mission.

Sincerely,

Steve Loe, Certified Wildlife Biologist, TWS  
Co-coordinator and Strawberry Creek

Permit Lead, SCNFFWG

Jonathan N. Baskin, Ph.D.  
Co-Coordinator, SCNFFWG  
Emeritus Professor of Biological Sciences  
California State Polytechnic University Pomona  
Pomona, CA 91768

Cc:  
Southern California Native Freshwater Fauna Working Group

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COMMISSION

2018 OCT -9 PM 12:30

## **Alpine Biomass Collaborative**

04 October 2018

California Fish and Wildlife Commission  
Attn: Valerie Termini, Executive Director  
PO Box 944209  
Sacramento, CA 94224-2090

Re: Request to Remove the Hope Valley Unit from the Lands Pass Program

Dear Ms. Termini,

The Alpine Biomass Collaborative (ABC) is requesting the removal of Hope Valley in Alpine County from the Lands Pass Program. The ABC's mission statement is "Unifying partners to promote forest and watershed health, and local economic development". The area is largely unfenced and has been used by the public for decades, well before its acquisition by the California Department of Fish and Wildlife (CDFW).

Members of the public cross these lands to access public land in and around Hope Valley and have done so for decades prior to it being acquired by CDFW. There isn't and has not been any significant fencing nor signage to indicate that now this access is prohibited without paying a fee. Land ownership in the Hope Valley is a mixture of US Forest Service, private, and CDFW. It is not possible for a visitor to know which lands are which. Furthermore the boundaries are not adequately signed, and whether it is correct or not, the public assumes that it is public land and has used it as such for decades. The public arrives and even if they are willing to pay a fee, there is not an easy reliable way to do so as cell phone coverage is unreliable in this area.

We understand that CDFW stated at an Alpine County Board of Supervisors' meeting that statewide, CDFW expects to receive about \$53,000/year in revenue for all the recently added "fee areas" in the state. This is a trivial amount statewide and an unnecessary revenue stream for CDFW that discourages the public from experiencing the benefits of outdoor recreation.

*Unifying partners to promote forest and watershed health, and local economic development.*

We join the Alpine County Board of Supervisors, the Alpine County Chamber of Commerce, and the Alpine Watershed Group among others in requesting that the Hope Valley Unit be exempt from the Lands Pass requirement.

Thank you for your consideration.

Respectfully submitted



David Griffith  
Markleeville, CA  
2018.10.03 09:14:27 -07'00'

*Alpine Biomass Collaborative*

Per: David Griffith, Chair

cc Alpine County Board of Supervisors



RURAL COUNTY REPRESENTATIVES  
OF CALIFORNIA

RECEIVED  
CALIFORNIA  
FISH AND GAME  
COMMISSION

2018 NOV 26 PM 1:00

November 20, 2018

Ms. Valerie Termini  
Executive Director  
California Fish & Game Commission  
P.O. Box 944209  
Sacramento, CA 94244

**RE: Hope Valley Wildlife Area Land Pass Program**

Dear Ms. Termini:

On behalf of the Rural County Representatives of California (RCRC), I am writing in support of the Alpine County Board of Supervisors' petition to request removal of the Hope Valley Wildlife Area (Hope Valley) from the Land Pass Program (Program). RCRC is an association of thirty-six rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

Hope Valley is known for its beautiful scenery and rich history of land use and recreation. For decades, the local community and tourists alike have enjoyed access without fees. Since the acquisition by the California Department of Fish & Wildlife (CDFW), it has become increasingly difficult for visitors to decipher which lands are subject to the Program and which are not, since the boundaries are surrounded by other public lands. Further frustrating enjoyment of their experience, even when a visitor is willing to pay a fee in accordance with the Program, there is no reliable payment method due to unreliable telecommunications coverage.

The economy of Alpine County relies heavily on tourism. Hope Valley is among the reason many visitors go to Alpine County and we believe it should be available to all. The rich heritage of Hope Valley is a place to share, not a place to charge a fee to visit, especially when it is unclear where the boundaries lie and there is no ability for visitors to pay the use-fee.

1215 K Street, Suite 1650, Sacramento, CA 95814 | [www.rcrcnet.org](http://www.rcrcnet.org) | 916.447.4806 | Fax: 916.448.3154

ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE EL DORADO GLENN HUMBOLDT IMPERIAL INYO LAKE LASSEN MADERA MARIPOSA MENDOCINO MERCED  
MODOC MONO NAPA NEVADA PLACER PLUMAS SAN BENITO SAN LUIS OBISPO SHASTA SIERRA SISKIYOU SONOMA SUTTER TEHAMA TRINITY TULARE TUOLUMNE YOLO YUBA

Ms. Valarie Termini  
Hope Valley Wildlife Area Land Pass Program  
November 20, 2018  
Page 2

For these reasons, we join the Alpine County Board of Supervisors in requesting that Hope Valley be exempt from the Lands Pass requirement. If you should have any questions, please contact me at (916) 447-4806 or [mwarmerdam@rcrcnet.org](mailto:mwarmerdam@rcrcnet.org).

Sincerely,

A handwritten signature in blue ink, reading "Mary-Ann Warmerdam". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

MARY-ANN WARMERDAM  
Senior Legislative Advocate

cc: Susan LaGrande, Deputy Director, Office of Legislative Affairs, CDFW  
Members of the Alpine County Board of Supervisors



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COMMISSION

**Pacific Asset Capital Willow Glen LLC**

7171 Alvarado Blvd. Suite 203  
La Mesa, CA 91942  
(619) 283-0588

2018 OCT -9 AM 10:06

October 5, 2018

Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814

Attention: John Laird  
Secretary of Natural Resource Agency

CC: California Department of Fish and Wildlife  
Melissa Miller-Henson  
Acting Executive Director

Reference: Petition for Regulatory Change  
California Fish and Game Commission  
Tracking Number 2018-012

Dear Mr. Laird:

We have submitted a revised petition request for consideration by the Commission which would create the opportunity for a land donation to the Department of Fish and Game consisting of our 24.6 acre parcel on the Sweetwater River in San Diego. If adopted, other properties in the State could also potentially be restored as native habitat at no cost to the State. A copy of the petition is attached.

The site was submitted to the Army Corp of Engineers (ACE) as a mitigation site starting in February 2012, the ACE had approved the project and it went to public notice in November 2013. At the time we were informed it would take 3-5 years to get the Bank Enabling Instrument to sell mitigation credits. The project was later abandoned because of the time frame and a declining economic market for the sale of mitigation credits.

The site was offered for sale with a land conservation real estate broker, and no offers were received on the property in 4 years. A new proposal was given to the ACE in April, 2017 that we would donate the land to the US Fish and Wildlife (USFWS) as part of their San Diego National Wildlife Refuge (SDNWF), provided we were allowed to temporarily mine sand, replant the property with native, noninvasive species, and create an endowment fund for maintenance of the site in perpetuity. The property had been in the sphere of influence for the SDNWR, but was

removed earlier in the decade because of it was adjacent to the California Department of Fish and Wildlife's McGinty Mountain Ecological Reserve. ACE and USFWS suggested we contact the California Department of Fish and Wildlife (CDFW). We met with Fish and Game Commissioner Pete Silva on September 25, 2017 to explain our idea of mining sand and donating land to the CDFW and sent him supporting material. CDFW then said they could not accept a donation of land that was going to have sand mining because Title 14, Section 550 regulations did not allow for sand mining.

We then approached the staffs of Assembly Member Randy Voepel and State Senator Joel Anderson, in whose Districts the property is located, about introducing a bill to change the regulations on mining sand on CDFW property. After researching the request, Senator Anderson staff advised we approach the Fish and Game Commission to get the regulation amended to allow sand mining on CDFW property.

This Regulatory Change will impact both the Department of Fish and Game and the Department of Conservation, as hundreds of acres of land currently privately held along California rivers and streams could be mined for sand with the provision that the land owner would reclaim the land by planting with native species (riparian forest), maintain the plantings for 5 years, and establish an endowment fund for the maintenance of the property in perpetuity at no cost to the State of California, as reviewed by the Water Conservation Board, and approved by the Fish and Game Commission provided the State of California, Department of Conservation, Division of Mines and Geology has classified the property as MRZ 2, under the provision of The Surface Mining and Reclamation Act (SMARA) of 1975.

This regulatory change presents an opportunity to create prime wildlife land with endowment funds for maintenance. At the same time it would allow millions of tons of sand to be used as was the intent of the SMARA while saving the citizens of California millions of dollars due to decreasing the cost of aggregate material and creating additional riparian land for conservation as a no-cost byproduct.

Sincerely,



Pacific Asset Capital Willow Glen LLC

Daniel J. Dallenbach, President of Managing Member, Pacific Asset Capital, Inc.

CC: California Department of Fish and Wildlife  
Melissa Miller-Henson, Acting Executive Director  
Charlton "Chuck" Bonham, Director



Ed Pert, Region 5 Manager

CC: California Department of Conservation  
David Bunn, Director

CC: California Geological Survey  
John Parrish, State Geologist

CC: California Wildlife Conservation Board  
John Donnelly, Executive Director  
Peter Perrine, Assistant Executive Director  
John Walsh, Acquisitions Manager  
Elizabeth Hubert, Restoration and Development Manager

CC: California State Mining and Geology Board  
Jeffrey Schmidt, Executive Officer



Tracking Number: ( \_\_\_\_\_ )

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).  
Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

### **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

1. **Person or organization requesting the change (Required)**  
Name of primary contact person: Dan Dallenbach, David Rice  
Address: 7171 Alvarado Road, # 203. La Mesa, CA 91942  
Telephone number: (619) 283-0588  
Email address: [dan\\_christina@pacificassetcapital.com](mailto:dan_christina@pacificassetcapital.com)
2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: Pursuant to the authority vested by Section 108 of the Fish and Game Code and to implement, interpret, or make changes, and per Section 662, Title 14, California Code of Regulations (CCR), and per Section 207 of the Fish and Game Code that the regulations per Section 550 Title 14, California Code of Regulation, General Regulations for Public Use on all Departments of Fish and Wildlife Lands, (g) Protection of Resources, add new subsection 550 (g) (5) Allow the mining of sand in 8 acre increments on land owned by the Department of Fish and Wildlife or land contiguous to be donated to the Department of Fish and Wildlife, with the provision that the land owner donor, could mine the sand provided the land owner would reclaim the land by planting with native species (riparian forest), maintain the plantings for 5 years, and establish an endowment fund for the maintenance of the property in perpetuity at no cost to the State of California, as reviewed by the California Wildlife Conservation Board, and approved by the California Fish and Game Commission, provided the State of California, Department of Conservation, Division of Mines and Geology has classified the property as MRZ 2, under the provision of The Surface Mining and Reclamation Act of 1975.
3. **Overview (Required)** - Summarize the proposed changes to regulations: Allow the mining of sand in 8 acre increments on land owned by the Department of Fish and Wildlife or land contiguous donated to the Department of Fish and Game with the provision that the land owner donor could mine the sand, the land owner would then reclaim the land by importing material, finish grading the area, planting with native species (riparian forest and upland buffers), maintain the plantings for 5 years, and





establish an endowment fund for the maintenance of the property in perpetuity provided the State Geologist had classified the property MRZ-2 for sand mining in the Special Reports for the Mineral Land Classification. This project would allow the Department of Fish and Wildlife to receive a donation of property that has been replanted with native species and provide an endowment fund to maintain the property, so residents could enjoy the use of the property without requiring tax funds each year for maintenance, and at no cost to the State of California for acquisition and development. Additionally, the property may be possibly be used to offset mitigation requirements for other state agencies at no cost to the State of California.

- 4. Rationale (Required) - Describe the problem and the reason for the proposed change:** The Surface Mining and Reclamation Act of 1975 (SMARA) mandated the initiation by the State Geologist of a mineral land classification in order to help identify and protect mineral resources in areas within the State subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB) after receiving classifications from the State Geologist, to designate lands containing mineral deposits if regional or statewide significance. Construction aggregate was selected by the SMGB to be the initial commodity targeted for classification because of its importance to society, its unique economic characteristics, and the imminent threat that continuing urbanization poses to that resource. In 1980, at the request of SMGB, SMARA was amended to provide for the classification of non-urban areas subject to land-use threats incompatible with mining. The California Mineral Land Classification System has four major divisions, "MRZ-2 Areas of Identified Mineral Resource Significance," "MRZ-3 Areas of Undetermined Mineral Resources Significance," "MRZ-4 Areas of Unknown Mineral Resource Significance," and "MRZ-1 Areas of No Mineral Resource Significance;" wherein lands classified MRZ-2 are areas that contain identified mineral resources. The proposed pilot project for the sand mining would be in the County of San Diego on 24.64 acre property at 2695 Willow Glen Drive, El Cajon, California owned by Pacific Asset Capital Willow Glen LLC (APN # 518-030-30-00), which would generate 24 acres of native plantings, 5 year maintenance period, an approximately \$1.0 million endowment fund, and the Department of Fish and Wildlife 61.6 acre property (APN # 518-030-17-00), which were originally one parcel that was mined for sand in the 1960's, but were separated in the 1990's so San Diego Gas and Electric could donate the 61.6 acres to the Department of Fish and Wildlife for mitigation land. Our estimates indicate that the 61.6 acres belonging to the Department of Fish and Wildlife as part of the McGinty Mountain Ecological Reserve would generate up to \$18 million of funding for the Department of Fish and Wildlife after paying for planting, maintaining for 5 years, and fund a \$2.8 million endowment fund. MRZ 2 for sand mining in Special Report 153-1982 Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region prepared by California Department of Conservation, Division of Mines and Geology in accordance with the Surface Mining and Reclamation Act of 1972. Attached is a vicinity map, aerial plan of the two properties, and a picture of a similar project in Lakeside, California where sand was mined 40 feet below the water table in the San Diego River, material imported to bring the river to the finish grade desired, planted with native species for the riparian forest and upland buffer with a trail for pedestrian use completed in 2016 .

## **SECTION II: Optional Information**

- 5. Date of Petition: September 20, 2018**





**6. Category of Proposed Change**

- ☐ Sport Fishing
- ☐ Commercial Fishing
- ☐ Hunting
- ☒ Other, please specify: Acquisition and development of properties for Department of Fish and Wildlife

**7. The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- ☐ Amend Title 14 Section(s):
- ☒ Add New Title 14 Section(s): 550 (g) (5)
- ☐ Repeal Title 14 Section(s): [Click here to enter text.](#)

**8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition 2018-012**  
Or ☐ Not applicable.

**9. Effective date:** If applicable, identify the desired effective date of the regulation.  
If the proposed change requires immediate implementation, explain the nature of the emergency: [Click here to enter text.](#)

**10. Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Upon acceptance of petition, Applicant will submit to the Fish and Game Commission at their monthly scheduled meeting, a SUMMARY with Figures and Attachments (600 pages) for consideration by the Fish and Game Commission for a land donation in the Sweetwater River in San Diego County to be reviewed by the Wildlife Conservation Board .

**11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Would generate \$ 18 million in revenue for Department of Fish and Wildlife, create 10 – 15 jobs for 10 years, and reduce the air pollution since trucks hauling sand from Imperial, Riverside, San Bernardino Counties, and Mexico would be reduced.

**12. Forms:** If applicable, list any forms to be created, amended or repealed:  
Economic and Fiscal Impact Statement (Regulations and Orders) STD 399 to be created

**SECTION 3: FGC Staff Only**

Date received: [Click here to enter text.](#)

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority



State of California – Fish and Game Commission

**PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE**

FGC 1 (NEW 10/23/14) Page 4 of 4

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

☐ Denied by FGC

☐ Denied - same as petition \_\_\_\_\_

Tracking Number

☐ Granted for consideration of regulation change

---

**From:** patricia mc pherson  
**Sent:** Wednesday, November 7, 2018 1:26 PM  
**To:** FGC; Bochco, Dayna@Coastal; Luevano, Mary@Coastal; Turnbull-Sanders, Effie@Coastal; Brownsey, Donne@Coastal; Aminzadeh, Sara@Coastal; Vargas, Mark@Coastal; Peskin, Aaron@Coastal; Sundberg, Ryan@Coastal; Groom, Carole@Coastal; Howell, Erik@Coastal; Uranga, Roberto@Coastal; Padilla, Stephen@Coastal; Ainsworth, John@Coastal; Willis, Andrew@Coastal; Revell, Mandy@Coastal  
**Subject:** Fwd: CDFW & RESTORING FRESHWATER BALLONA WETLANDS  
**Attachments:** San Jacinto wetlands...water piping.pdf

Hello Fish and Game Board Members and California Coastal Commissioners and staff,  
Please review the following information regarding Ballona Wetlands Ecological Reserve.  
Thankyou for your consideration,  
Patricia McPherson, GC



## RESTORING FRESHWATER BALLONA WETLANDS

### CDFW USING RECLAIMED FRESHWATER

To: Director, California Department of Fish & Wildlife; LA REGIONAL WATER QUALITY CONTROL BOARD; State Water Quality Control Board; USACE; COUNCIL DISTRICT 11-Mike Bonin; LA County Board of Supervisors; California Coastal Commission; US FISH & WILDLIFE SERVICE; California State Lands Commission; ELECTED

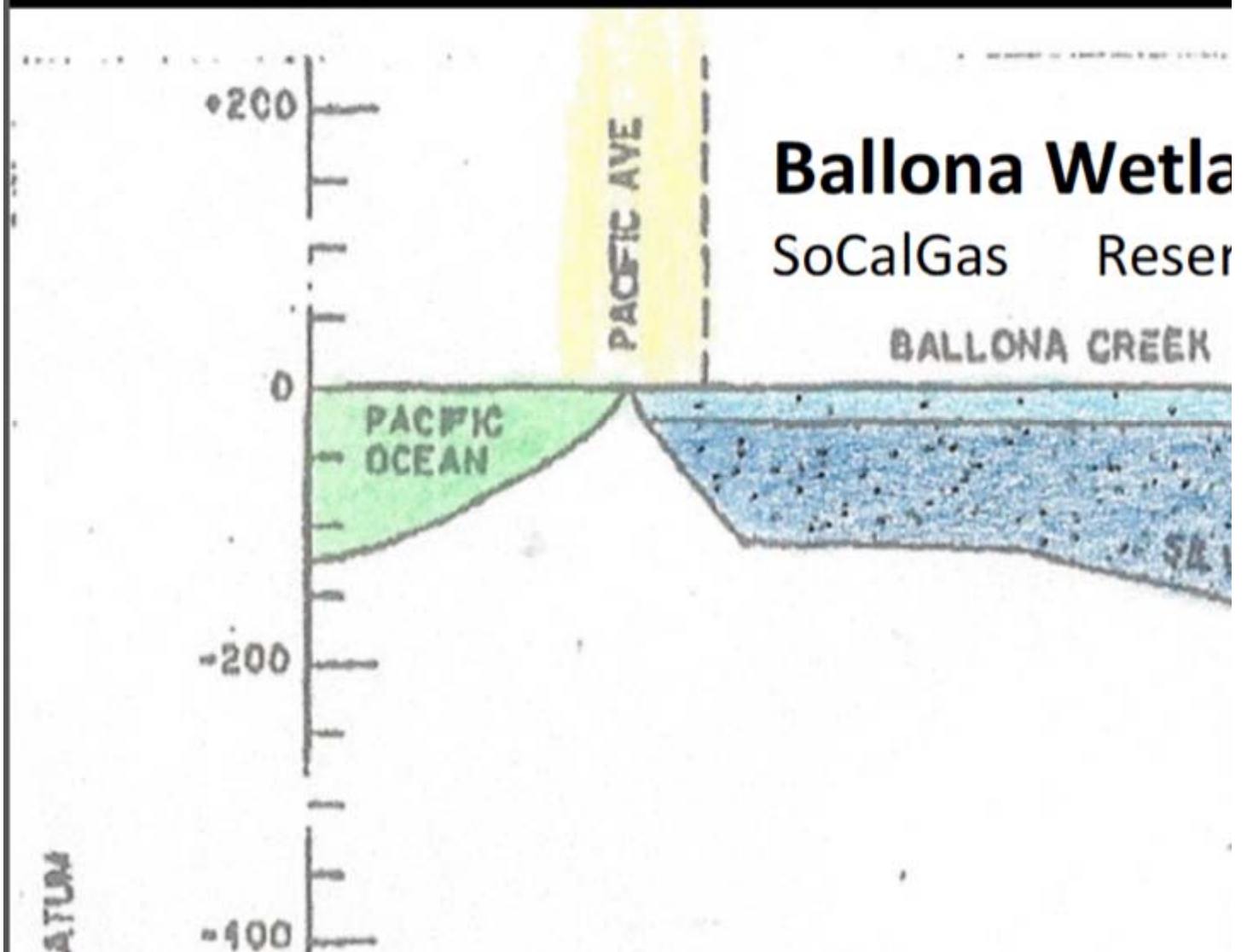
(YOUTUBE Videos discussing freshwater restoration for Ballona Wetlands by Tribal Administrator and Litigator; Tongva Ancestral Territorial

Tribal Nation (TATTN) JohnTommy Rosas.)

<https://www.google.com/search?q=TATTN+BALLONA+FRESHWATER+&ie=utf-8&oe=utf-8&client=firefox-b-1>

<https://www.youtube.com/watch?v=cKoeT7oUMPY>

No Aquitard is known to exist between the  
Hydraulic continuity between the  
**zone** under most of the Plant Site  
( \*The Silverado Aquifer is the major





**T**he Playa Vista EIR mitigation measures cited in the EIR & Vesting Tract Agreements, commit the development to cleansing groundwaters and runoff water to be reused to recharge the underlying freshwater aquifers.

Currently, this water is, instead, predominantly being pumped, drained and thrown away into the Sanitary Sewer System and/or sent into the CLOSED SYSTEM that is Playa Vista's flood control catch basin aka, Freshwater Marsh System (System) .

The flood control System has liners of both HDPE and Clay Layers that prevent groundwater recharge. Hence, the water is instead part of a closed system that simply sends the water out into the Ballona Channel.

Conversely, and as part of Best Management Practices, EIR adherence, and a host of Groundwater Protection Acts alongside other laws such as Porter-Cologne; it would benefit the predominantly freshwater, seasonal Ballona Wetlands to receive the freshwater that Playa Vista currently throws away and starves Ballona from its migration throughout Ballona.

**The following 1990 example of San Jacinto Wildlife Area in Riverside County, is just one example of the California Dept. of Fish & Game working in concert with the Water Municipalities, agencies, the public and developers such as the Playa Vista developers.**

**The difference at Ballona is that the freshwater is already there, not having to be purchased. It is instead, a matter of stopping the throw-away of the precious groundwater, rainwater and runoff.** Stopping the illegal drainage of Ballona via Grassroots Coalition's lawsuit against CDFW and Playa Capital LLC was a start of undoing the throw-away of Ballona's precious resources.

<https://www.wildlife.ca.gov/Lands/Places-to-Visit/San-Jacinto-WA>

## San Jacinto Wildlife Area



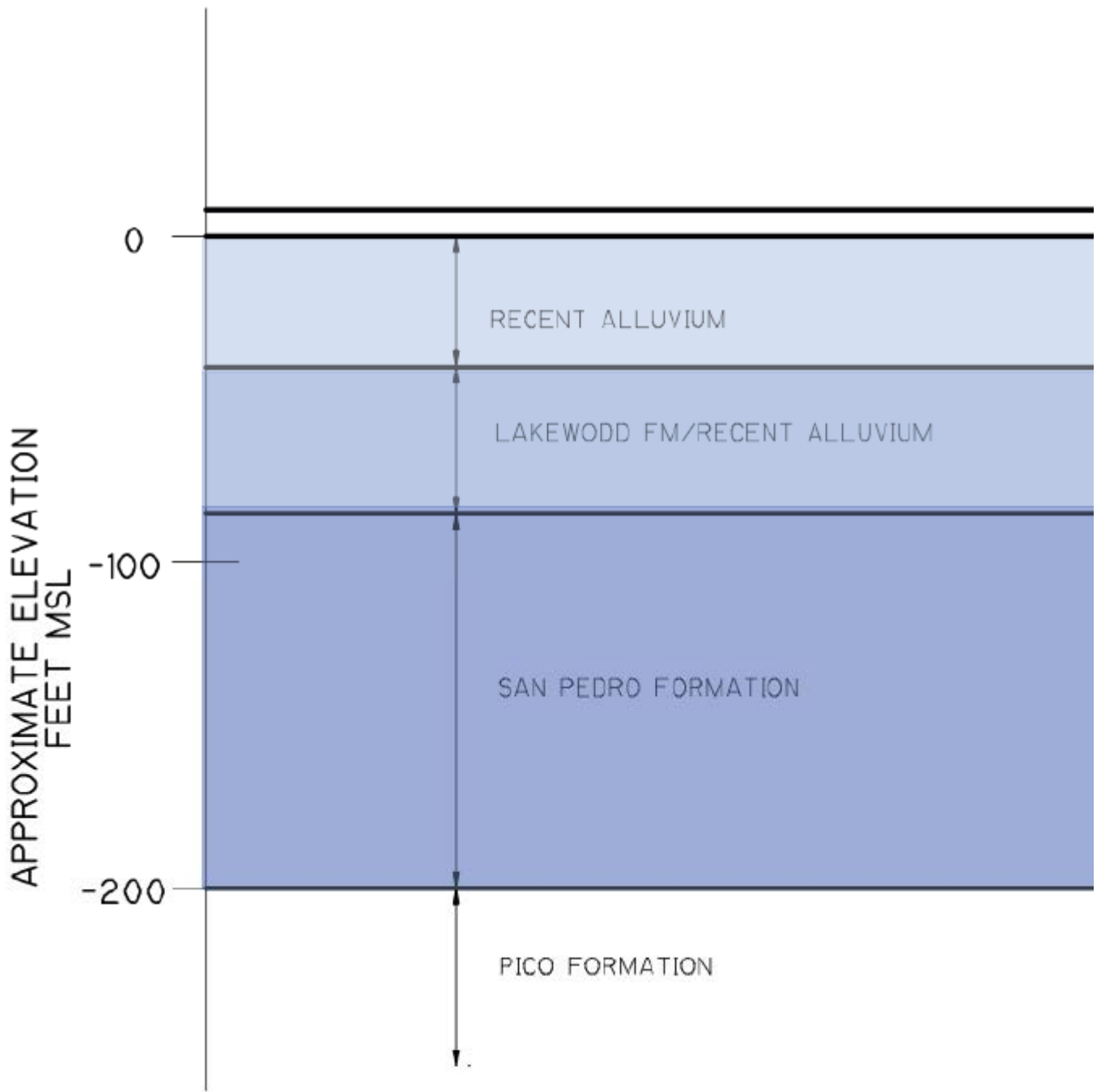
### Description

San Jacinto Wildlife Area is approximately 19,000 acres, with 9,000 acres of restored wetlands. It is the first state wildlife area to utilize reclaimed water to enhance its wetlands. Improvements are ongoing. Waterfowl, wading birds, and quail are a few of the many animals found here. Surrounding land users are primarily agricultural, principally dry land wheat farming and dairy operations. The 150-acre Double Bar "S" Horse Ranch represents the only substantial in-holding. Read more about [San Jacinto Wildlife Area Habitats \(PDF\)](#).

The public has paid out over \$140 million for Ballona Wetland's restoration. The Proposition Agreements and bond funds used to both acquire and restore Ballona, cited minimal restoration needs per the costs assigned and included funding for further acquisition of adjacent open land. The acquisition funds could be used to acquire additional corridors of Ballona, including the current Tule Wetland area, purchased by Toyota for approximately \$600,000 in 2008.

Restoration of Ballona must include actual restoration, namely restoration as a predominantly freshwater, seasonal wetland—one of the rarest of California coastal wetlands today. Ballona Wetlands Ecological Reserve was provided the highest, most protective status that exists via the California Department of Fish & Wildlife (Game)—an Ecological Reserve.

### BALLONA WETLANDS ECOLOGICAL RESERVE




**It is time for agencies and all stakeholders to partake in remedies that will restore Ballona's freshwater, protect Ballona now and, do no further harm to Ballona.**

The attached news stories and CDFG/ Municipal Water District collaboration is an example of protecting and enhancing a wildlife area through reuse of freshwater. At Ballona, the freshwater already exists onsite but is being diverted and otherwise thrown away, diminishing Ballona as habitat. This water is already legally dedicated to Ballona and must be returned and allow for Ballona to restore itself.

Plans of cleansing the waters flowing down Ballona Channel are already in motion. This freshwater can ultimately also be used for Ballona's recharge and replenishment.





LOSS....DOES IT MAT  
WHAT CAN BE LOST WITHO

These questions have only been asked by the public  
attention paid to the massive elimination of speci  
Predetermined Plan of the state is

BALLONA IS HOME TO a myriad of rare and endangered species and plant life. For visuals of Ballona Wetlands, see Jonathan Coffin's Ballona Wetlands photography-

<https://www.flickr.com/photos/stonebird/2389712523>

Thankyou for your support of Ballona's freshwater history and continuance,  
Patricia McPherson, Grassroots Coalition





Ballona ponding with the freshwaters of seasonal rains.  
Pickleweed and grasses dominate the wetland.

patricia mc pherson



## EMWD Background Information

### SAN JACINTO WILDLIFE AREA

Reclaimed Water for  
California Department of Fish and Game supplied by  
Eastern Municipal Water District

Wildlife and urban development can benefit from each other. As an example, the proximity of an expanding population in western Riverside county enables enough water reclamation from sewage to support a variety of wildlife in upland, grassland, riparian and even wetlands habitats.

More than 200 bird species, about 50 species of mammals, reptiles and amphibians, and 300 plant species could benefit from a dependable, inexpensive, high-quality water supply that meets standards by the California Regional Water Quality Control Board (Santa Ana Region), and the County and State health departments.

The reclaimed water is produced at Eastern Municipal Water District's Hemet/San Jacinto Regional Water Reclamation Facility and is normally used for agriculture and for other purposes except directly into the domestic drinking supply.

Delivery of reclaimed water at the wildlife area in January 1990 culminates three and a half years of cooperation among EMWD, the California Department of Fish and Game and the Wildlife Conservation Board in funding and constructing a 10-mile gravity pipeline from San Jacinto to Lakeview's 4,850-acre wildlife area east of Lake Perris. Project costs topped \$5.3 million, with EMWD paying nearly 80 percent. DF&G has a 25-year contract to annually purchase up to 4,500 acre-feet of reclaimed water,



initially at \$10 an acre-foot. In comparison, EMWD supplies fresh water to its retail customers at more than \$300 an acre-foot. Rights for 6.5 million gallons/day (20 acre-feet/day) in the wildlife area are reserved during the nine months from September 1 through May 31 during the life of the project. If additional water is needed at other times and supplies are available, arrangements are possible.

From EMWD's viewpoint, the seasonal requirements of the wildlife area are ideal because large temporary storage ponds at treatment plants are required when agriculture takes advantage of occasional rainfall or lets land remain fallow for winter seasons. But that is also the time when wildlife--particularly migratory birds--could benefit most from an increased feeding, nesting and roosting habitat in the Pacific Flyway.

A project of this scope and location also helps mitigate for wildlife losses from construction of the State Water Project in Southern California. The terminal reservoir of that project--Lake Perris--is located westerly of the wildlife area.

Reclaimed water can be used beneficially throughout EMWD's 534-square mile service area, including Moreno Valley, Perris, Sun City, Murrieta Hot Springs, Temecula, Winchester, Hemet and San Jacinto. Most common uses are for golf courses, agriculture and large landscaped areas. In addition to supplying about half the fresh water used in an area larger than the city of Los Angeles, EMWD operates five regional water reclamation facilities, with a total capacity of some 27 million gallons a



day. The Hemet/San Jacinto reclamation facility is presently the largest, with 11 million gallons a day capacity.

Other reclaimed water customers of what is known as the Lakeview Effluent Pipeline include dairies, farmers and duck clubs. The route leaves the EMWD facility on Sanderson Avenue in a 42-inch pipeline north of Cottonwood Avenue, west to Warren Road, north to the Ramona Expressway, westerly to Bridge Street, north to near the San Jacinto River crossing, and then west in a 36-inch line to the wildlife area. The first-year quota is 1,500 acre-feet and will increase by 300 acre-feet a year to an annual maximum of 4,500 acre-feet.

Once on site, water will normally fill a storage reservoir near the north end of the wildlife area. From there, about 300 acres above the flood plain, including 100 acres of green feed for geese and other waterfowl can be irrigated. An on-site distribution line can also take water directly from the main EMWD pipeline or the storage reservoir west across Davis Road, where it will irrigate habitat for upland wildlife on about 1,000 acres of floodplain grasslands. About seven miles of pipelines extend water throughout the 4,850 area.

Two sportsmens' organizations have also contributed significantly to this project. In 1987, Ducks Unlimited constructed a mile-long levee at a cost of \$94,000, to impound the 130-acre reclaimed water storage reservoir. In 1988, Ducks Unlimited and Southern California Ducks both donated funds to construct waterfowl nesting islands within the reservoir site,



and three additional levees to divide the reservoir into manageable units.

Until the pipeline was completed, DF&G relied on groundwater for 45 acres of ponds; by June 1990, ponding with reclaimed water will be possible on 225 acres. As the system develops, wetlands may expand to 600 acres or more, distributed throughout about 2,000 acres comprising the relatively flat portions of the wildlife area.

This increase in wetlands is consistent with the state's Fish and Game Commission Wetlands Policy and Senate Concurrent Resolution 28 (January 1, 1983) encouraging 50 percent greater wetlands habitat acreage statewide by the year 2000. Federal policy also encourages the expansion of wetlands.

EMWD continues to investigate other beneficial uses for reclaimed water with the federal Bureau of Reclamation, other government agencies, private individuals, business and industry for the eventual disposition of 200 million gallons a day. Every gallon recycled locally increases self-sufficiency by permitting regional and local water agencies to use more costly fresh water from underground or imported from hundreds of miles away for higher priority domestic uses.

###

January 8, 1990

stats.sjw





The Press-Enterprise

# Dry ponds now wetlands

By JENNIE CLAYTON  
The Press-Enterprise

A month ago four ponds at the San Jacinto Wildlife Area were just dry depressions in the ground. Yesterday morning naturalist Becky Christensen escorted about a dozen people to the area, now a "wetland" home for waterfowl.

No, the area wasn't visited by a monsoon.

It's wet because Eastern Municipal Water District is pumping 5,000 gallons of reclaimed sewage water per minute into the ponds.

"If you live in Hemet or San Jacinto, you may have known this water at one time," Christensen said.

The water is clean enough to irrigate crops for animal feed or to fill duck ponds, but not drinkable.

As an example of how quickly the change to wetlands can happen, Christensen said water was turned on about 3 p.m. Friday through a 24-inch pipeline to one of the ponds. About a third of the pond was flooded for yesterday's walk and dozens of coots, a duck-like bird with a white bill, and other waterfowl were making use of it.

The California Department of Fish and Game, which owns and manages the 4,700-acre wildlife area near Lakeview, recently purchased additional acreage for the storage of reclaimed water. The wildlife area is the first in the state to use reclaimed water to enhance its wetlands.

Walks through the wildlife area will be open to the public at 9 a.m. on the first and third Saturdays of the month through April. Area entrance fee is \$2.25 per person, or an

(See WETLANDS, Page B-2)

## Wetlands . . .

(From Page B-1)

annual pass is available for \$11.

In addition to the wetlands walk, the department offers a walk through the rocky hills of Coyote Pass in the Bernasconi Hills.

The water district will initially provide 1,500-acre feet of water per year of reclaimed water to the refuge. That amount will increase by 300-acre feet per year until the maximum of 4,500-acre feet per year is reached, according to Peter Odencrans, water district spokesman.

An acre-foot is 325,851 gallons of water or the amount that can meet the needs of a family of four for a year.

The water district has agreed to provide reclaimed water to the

wildlife area for 25 years so duck pond operations can be expanded.

The cost of developing wetlands was prohibitive without low-cost water. On the other hand, the water district needs a large consumer of reclaimed water for the winter months when agricultural usage is low, Odencrans said.

"We could never do what we're doing with well water," Christensen said.

The San Jacinto Valley was once a blend of wetlands and grasslands, lost when agricultural use and flood control development took place in the 1800s. The replacement of the wetland area will be a partial compensation for that loss, Christensen said.

"The money we collected today (from entrance fees) will help put a wetland back where a wetland was and that makes a lot of sense to me."



# Wildlife area plans for more animals, people

By GAIL WESSON  
The Press-Enterprise

The state Department of Fish and Game wants to lure more wildlife to the San Jacinto Wildlife Area and at the same time provide recreation opportunities for hunters, fishermen and nature lovers.

Proposals to improve wildlife habitats and expand recreation uses are contained in a five-year management plan that is scheduled for review at a public meeting Wednesday. The meeting is set for 7:30 p.m. at the Moreno Valley Public Library at 25480 Alessandro Boulevard.

Later the plan will be reviewed by the state Fish and Game Commission before a final version would be approved by the department's director.

The 4,669-acre wildlife area is northeast of Lake Perris and north of the Ramona Expressway on both sides of Davis Road. It is

intended to preserve habitats from urban encroachment.

State and local water agencies purchased land to create the wildlife area in 1981, to compensate for the nearly 9,000 acres taken to build the California Aqueduct. Additional public and private money has been used to purchase more land.

The wildlife area is home to 223 plant species, 217 migratory or resident bird species, 24 mammal species and an estimated 38 amphibian and reptile species, according to the management plan. About 1,000 acres of alluvial slope grasslands have been identified as suitable habitat for the endangered Stephens' kangaroo rat, which has been found in the area.

Money from sales of state hunting and fishing licenses and day use fees collected from visitors to other wildlife areas help finance preservation of the area. Collection of day use fees started last year and the money will be used to improve wildlife habitats and provide visitors with educa-

tional programs and hiking trails, the plan states.

Improving habitats and increasing recreation opportunities would rely on completion of a 10-mile pipeline that would deliver treated sewage water from Eastern Municipal Water District's Hemet-San Jacinto treatment plant to fill a series of ponds and shallow wetlands at the wildlife area. Water delivery is expected to start in September.

For part of the year, the wildlife area has 1,800 acres designated for upland game hunting. Game includes mourning doves, quail and rabbits.

The management plan recommends that consideration be given to expanding the hunting area into the Bernasconi Hills; introducing wild-trapped chukars, a game bird, into the Bernasconi Hills; and increasing the population of ring-necked pheasants and establishing a hunting safety program for young people.

Seasonal hunting for waterfowl in the wildlife area is allowed Wednesday and Sunday

mornings by reservation for three groups each day. The plan recommends increasing the number of groups allowed as the waterfowl habitat is increased.

The plan also recommends investigating the possibility of allowing other recreational activities, including sport fishing and frogging.

The wildlife area has five ponds and marsh areas totaling 45 acres. Sport hunting and conservation groups have helped finance and construct levees that will retain water for shallow wetland areas.

The plan proposes a phased expansion of wetland areas and the planting of grassland areas in feed, such as barley, to attract more birds.

Earlier, the U.S. Air Force was concerned that enlarging the wetlands would attract more migrating birds and increase the number of bird strikes by military aircraft. An agreement was reached with the state to phase in the wetlands and monitor any problems.

Press Enterprise  
Southwest Edition  
2/25/89



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**From:** afa@mcn.org  
**Sent:** Friday, October 19, 2018 1:20 PM  
**To:** Office of the Secretary CNRA; Wildlife DIRECTOR; FGC; Cornman, Ari@FGC

Friday

FYI - See link below, some encouraging news from Arkansas. One wonders how many of these Arkansas turtles end up in California markets, or released into local waters....

x  
Eric Mills, coordinator  
ACTION FOR ANIMALS

[https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.biologicaldiversity.org%2Fnews%2Fpress\\_releases%2F2018%2Farkansas-turtles-10-18-2018.php&data=02%7C01%7Cfgc%40fgc.ca.gov%7C07003cb60ae3457e0e9308d63600370e%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636755771883244868&sdata=btDzu1wTPeGTeZjRu%2F50mdZHA3zORI%2BVEqBAYD7h%2Ffk%3D&reserved=0](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.biologicaldiversity.org%2Fnews%2Fpress_releases%2F2018%2Farkansas-turtles-10-18-2018.php&data=02%7C01%7Cfgc%40fgc.ca.gov%7C07003cb60ae3457e0e9308d63600370e%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636755771883244868&sdata=btDzu1wTPeGTeZjRu%2F50mdZHA3zORI%2BVEqBAYD7h%2Ffk%3D&reserved=0)

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**From:** afa@mcn.org  
**Sent:** Sunday, October 28, 2018 12:12 PM  
**To:** Office of the Secretary CNRA; Wildlife DIRECTOR; FGC; Cornman, Ari@FGC  
**Subject:** [Fwd: INVASIVES: NEW ZEALAND MUD SNAILS]

Sunday - Today's SAN FRANCISCO CHRONICLE.

As if invasive bullfrogs, turtles and quagga mussels weren't enough...

x  
Eric Mills, coordinator  
ACTION FOR ANIMALS  
Oakland

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

Subject: INVASIVES: NEW ZEALAND MUD SNAILS  
From: afa@mcn.org  
Date: Sun, October 28, 2018 12:04 pm  
To: afa@mcn.org  
-----

<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sfchronicle.com%2Fscience%2Farticle%2FDestructive-snails-are-invading-Bay-Area-waters-13340955.php&data=02%7C01%7Cfgc%40fgc.ca.gov%7C9ffde429ee2a441c070108d63d094848%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636763507417786077&data=3z%2FTpcCaRgGFVSGS8EJoRCv9SaHL168IHtnBW7pXac4%3D&reserved=0>



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**From:** afa@mcn.org  
**Sent:** Sunday, November 25, 2018 1:08 PM  
**To:** Office of the Secretary CNRA; Wildlife DIRECTOR; FGC; Cornman, Ari@FGC  
**Subject:** [Fwd: CLIMATE CHANGE - article by Bill McKibbon, 11/26/18 THE NEW YORKER]

Sunday

Here's a sobering article on climate change by Bill McKibbon ("The End of Nature"), in this week's THE NEW YORKER magazine. Gives credence to E.O.

Wilson's claim that we, as a species, are "innately dysfunctional."

Please disperse accordingly.

Season's Greetings,

Eric Mills, coordinator  
ACTION FOR ANIMALS

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

Subject: CLIMATE CHANGE - article by Bill McKibbon, 11/26/18 THE NEW YORKER  
From: afa@mcn.org  
Date: Sun, November 25, 2018 11:33 am  
To: afa@mcn.org  
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<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.newyorker.com%2Fmagazine%2F2018%2F11%2F26%2Fhow-extreme-weather-is-shrinking-the-planet&data=02%7C01%7Cfgc%40fgc.ca.gov%7Cd0085d655caa481d518908d6531a0b4d%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636787768668869547&sdata=D711yzwukFNtAWHGxcsT9KgsCyd%2FPzITyOMv07cfz6o%3D&reserved=0>