

Response to Comments  
 Water Rights Application 31491 of G. Scott Fahey  
 Initial Study Mitigated Negative Declaration  
 SCH# 2011022066

**California Department of Transportation**

COMMENT	SUMMARY COMMENT	RESPONSE
1	An encroachment permit will be needed for work done in the State right of way	Comment noted. The project does not propose any road widening or other construction activities within the State highway right of way.

**U. S. Forest Service, Stanislaus National Forest (Forest Service)**

COMMENT	SUMMARY COMMENT	RESPONSE
1	Forest Service staff understands that the 20 gallons per minute (gpm) is a maximum amount of diversion at any time. <b>Please clarify the maximum diversion in your initial study and Mitigated Negative Declaration (MND).</b>	Simultaneous diversion from two springs (aka Marco and Polo Springs) can reduce the flow in each unnamed stream that the springs flow into by a maximum of 20 gpm, with a cumulative reduction in flow in Hull Creek of 40 gpm. Refer to MND Section C.1 Project Summary. Details of the diversions and the effect on flows in Hull Creek and Clavey River were discussed in sections 5.0, 6.0 and 7.0 of the Water Availability Analysis report dated July 14, 2010. The details of the effect of the diversions of Marco and Polo streams are tabulated in the Addendum to the Water Availability Analysis report dated November 29, 2010.

COMMENT	SUMMARY COMMENT	RESPONSE
2	<p>Forest Service review of the Riparian Survey Report (March 2010) found that Riparian Community Monitoring was identified as a form of project mitigation. The Riparian Community Monitoring included in the Riparian Survey Report (March 2010) was not included in the MND. All mitigation in the Riparian Survey Report should be included in the MND.</p>	<p>In response to this comment and comment 4, the monitoring plan has been revised to include the Forest Service' proposed monitoring metric (size and/or area of wetland) and included in the Mitigation Monitoring and Reporting Plan (MMRP) and any water right permit.</p> <p>A qualified biologist, acceptable to the Deputy Director for Water Rights, shall conduct a monitoring inspection in July of each year and shall report the results of the inspection to the Division with the Progress Report by Permittee and shall also report to the Forest Service annually. The inspection shall utilize the same transects on a year-to-year basis to monitor the size and area of the wetland. At a minimum, the number of transects identified in the Biological Survey Report (BSR), Riparian Community Monitoring Plan shall be used. The final transect locations shall be selected in cooperation with the Forest Service, and any additional transects required by the Forest Service shall be included in future submittals to the Division. Permittee shall submit a map to the Division showing the final transect locations, after completing consultation with the Forest Service. No diversion is allowed under this permit after July 30 in any year that the monitoring inspection is not conducted, until termination of this condition. Baseline monitoring shall be conducted prior to any diversion under the permit.</p> <p>If the size and/or area of the wetland along the transect declines below baseline conditions, diversions at the specific spring shall be reduced to 16 gallons per minute (gpm) (20 percent reduction) by August 1. When this occurs, monthly monitoring shall be conducted starting in August and continuing until freezing conditions preclude monitoring. If monitoring documents continued decline from baseline conditions, permittee shall reduce diversions in 20 percent increments until monitoring documents no further reduction in baseline conditions. The monthly monitoring (except during freezing conditions) and diversion adjustments shall continue until the biologist determines that the wetland area has returned to baseline conditions.</p> <p>If permittee documents that baseline conditions have been restored, diversions may be increased to the last known extent that did not cause reduction in size and/or area of the wetland.</p> <p style="text-align: center;">Page 2</p>

COMMENT	SUMMARY COMMENT	RESPONSE
		Monitoring may be terminated after five consecutive years of no-net change in wetland area. The last documented diversion rate that resulted in no-net change shall become the permanent diversion limit for each spring under the permit.
3	It does not appear that the potential for any upstream impacts from the water removal sites were considered. At a minimum, documentation of the existing vegetative conditions for a specified distance upstream and monitoring of those conditions over time (with mitigation identified) seems reasonable.	The surface location of the wellhead is 600 feet downstream of the Marco Spring and 200 feet downstream of the Polo Spring. The Plant Habitat maps in the BSR (Pouch A and B) show the Greenline Transect to begin upstream of each spring. Therefore, the Riparian Community Monitoring Plan (BSR Appendix E) (as revised in the permit condition listed under Forest Service comment 2) which is incorporated by reference (IS/MND page 20, para 2) will include monitoring a specified distance upstream from the water removal sites.
4	Previous Forest Service input requested that small wetland areas in the vicinity of the project be monitored over time to see what impacts to the size/area of the wetland might occur due to the proposed water removal. If this input was subsequently addressed, please clarify this in the Proposed MND.	The BSR Appendix E-2-B located four vegetation plots within the wetland area of the Polo Stream. Appendix E-2-C shows four wetland sample plots (SP 1, 2, 3, 4A) within wetland along Polo Stream and one wetland sample plot (SPM-1) within a meadow at Marco Spring. The size/area of the small wetlands is shown on the Plant Habitat Maps. Please refer to the proposed mitigation measure listed under Forest Service comment 2, which is a revision to the Riparian Community Monitoring Plan. The revised term was developed to address this concern.

**Tuolumne County Community Development Department**

COMMENT	SUMMARY COMMENT	RESPONSE
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COMMENT	SUMMARY COMMENT	RESPONSE
1	County Use Permit 91CUP-0206 allowed a maximum of 42 tanker fills per week. The Use Permit must be amended before additional trips are allowed	Applicant is limited to the number of truck tanker trips authorized by the existing County Use Permit. There will be no change from baseline conditions (existing County Use Permit). See more detailed responses 6 and 6a under Central Sierra Environmental Resource Center, below.

**Sierra Forest Legacy**

COMMENT	SUMMARY COMMENT	RESPONSE
1 <i>(First paragraph)</i>	The project will divert 40 gpm on a year round basis and only leave 5 gpm in the two streams.	<p>Although 20 gpm may be withdrawn at each spring, 5 gpm will remain at each point of diversion. According to the Water Availability Analysis (WAA), the streams are gaining stream reaches; therefore, flow at the Railroad grade is expected to exceed the minimum flows. During the four (4) year period evaluated WAA, the average flow rates of the unnamed streams into which Marco and Polo Springs discharge were 45 and 34 gpm, respectively. If 20 gpm were diverted during that same WAA timeframe, each stream would have had average flows of 25 and 14 gpm.</p> <p>The 5 gpm bypass rate was based on review of the bypass developed in consultation with Department of Fish and Game (DFG) biologists for the nearby Deadwood and Sugar Pine Springs Application (Water Rights Permit 20784) and incorporated into the DFG 1600 permit for that project. This bypass rate is double the 2.5 gpm requirement at Deadwood and Sugar Pine Springs. The existing diversions under Permit 20784 have been ongoing and the Division has received no information indicating a detrimental effect on the wetlands under Permit 20784.</p>

COMMENT	SUMMARY COMMENT	RESPONSE
2  <i>(Second paragraph)</i>	The diversions are in conflict with the Riparian Conservation Objectives for the Clavey Critical Aquatic Refuge and are counter to the Region 5 Ecological Restoration Initiative.	No conflict is expected. See mitigation measure under Forest Service comment 2. Monitoring will be required to establish no change in wetland area. Diversion reductions will be required should change occur to restore the wetlands to the baseline condition. Reductions will be required to continue until monitoring shows that wetlands are restored to the baseline condition.
3  <i>(Third paragraph)</i>	Request State Water Board to deny application 31491 due to high levels of water diversion	Comment noted.

**Tuolumne River Trust**

Comment	Summary Comment	Response
1  <i>(First paragraph)</i>	Diverting 40 gpm on a year-round basis has high potential to cause major significant impacts to aquatic resources.	See response to Sierra Forest Legacy, comment 1.
2  <i>(Third paragraph)</i>	Request State Water Board to deny Application 31491 and require additional alternatives.	Comment noted.

**Tuolumne Group of the Sierra Club**

COMMENT	SUMMARY COMMENT	RESPONSE
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COMMENT	SUMMARY COMMENT	RESPONSE
1 <i>(First paragraph)</i>	The project will divert 20 gpm from each spring on a year round basis.	See response to Sierra Forest Legacy, comment 1.
2 <i>(Second paragraph)</i>	Requests State Water Board reject the application due to stream flow reductions and related impacts on riparian spring flows. Also, more than one-half mile of new vehicular routes will be built.	Comment noted.
3 <i>(Second paragraph, last sentence)</i>	Claims that new truck tanker trips will increase greenhouse gases.	Applicant is limited to the number of truck tanker trips authorized by the existing County Use Permit. There will be no change from baseline conditions (existing County Use Permit). See more detailed responses 6 and 6a under Central Sierra Environmental Resource Center, below.

**Griffith and Masuda (Turlock Irrigation District (TID) and Modesto Irrigation District (MID))**

Comment	Summary Comment	Response
1	Requests that the Initial Study reflect the MID-TID-City and County of San Francisco (CCSF)-Fahey water exchange agreement be reflected in Section C of the Project Description	Any water right permit will be conditioned on compliance with the water exchange agreement (see January 31, 2005 letter in the Application 31491 file for specific permit language).  The Project Description in Section C is amended to reflect the following: G. Scott Fahey has entered into a water exchange agreement with TID, MID and CCSF for the period from June 16 to October 31 of each year when water is not available for appropriation in the Tuolumne River and the Sacramento-San Joaquin Delta systems.

**California Department of Fish and Game (DFG)**

COMMENT	SUMMARY COMMENT	RESPONSE
1 <i>(Page 1, para 2)</i>	The biological survey reports were not provided.	The Biological Survey Report (BSR) was provided on June 8, 2011. Where applicable, the following responses reference DFG comments as addressed in the BSR which is part of the Initial Study/MND, Section D.1 Overall Environmental Baseline Conditions para. 6., p. 11.
2 <i>(Page 1, para 2)</i>	The MND does not provide information as to how it was determined that the two springs produce 40 gpm.	The WAA dated July 14, 2010 and the Addendum dated November 29, 2010 are attached to these responses. Section 9.0 of the WAA describes the methodology and measurements of the spring flow. The Addendum addresses the statistical validity of these measurements. See also response to Sierra Forest Legacy, comment 1.
3 <i>(Page 2, para 1)</i>	Road construction and pipeline installation activities could result in removal of mature trees used for raptor nesting. These activities could impact bird foraging, resting and reproductive behaviors.	No mature trees are being removed with project construction activities within the pipeline route or between the spring diversions and the railroad grade. BSR p. 28 and Discussion on pages 29 and 30; also MND Sec. C.5 Project Details, Construction Access, para. 3.
4 <i>(Page 2, para 2 and 3)</i>	Defines DFG regulatory authority regarding "take" of threatened or endangered species. Impacts to all species must be included in the MND if the DFG is to issue an incidental take permit (ITP).	The information is included in the BSR p. 6 and Tables 2 and 3. BSR p. 5 and 6 give qualifications of each of the Biologists and describe their experience with Endangered Species in the Central Sierra Nevada. Tables 2 and 3 give status codes (definitions on p. 18) as used in the DFG 2000 (Guidelines) and CNDDDB 2010 (Natural Diversity Data Base), BSR Appendix F. The predominant reference for special status species comes from the National Forest Sensitive Species list and District Biologists.

COMMENT	SUMMARY COMMENT	RESPONSE
5  <i>(Page 2, para 4)</i>	Identifies avian species issue - State Endangered great gray owl and Species of Special Concern California Spotted Owl and northern goshawk are known to occur in the Project site vicinity.	BSR p. 6 Methodology refers to special status avian species (spotted owl, goshawk and great gray owl). Also, Table 3, p. 21-22 and RESULTS p. 27, and DISCUSSION p. 29.  Avian species were surveyed for and reported by Tom Beck, whom DFG, Fresno, refers to as an expert (see DFG Central Region letter, March 7, 2011 to Tuolumne County CDD by Jim Vang ... shows "literature cited" as Beck, Thomas W. ...).
6  <i>(Page 2, para 4 and Page 3, para 1)</i>	The limited operating period (LOP) should be extended to California spotted owl and for great gray owl and northern goshawk (February 1 through September 15) along the entire length of the project for all project related activities.	Mr. Beck and the District Biologist both agreed on a generous LOP for the spotted owl. The Applicant proposes to begin on portions of the RR Grade that are extremely remote from California Spotted Owl territory in order to complete his project in a timely manner.  Regarding additional surveys for the great gray owl and goshawk, the initial guidelines for the project were obtained from DFG Biologist Dan Applebee on Feb. 23, 2007 (BSR Appendix F - Consultation) at which time he stated that he would agree with what Tom Beck recommended. Mr. Beck reported his findings in the BSR.
7  <i>(Page 3, para 2)</i>	Concern that diverting 20 gpm will result in a loss of functional habitat for the riparian vegetation along the Marco and Polo streams.	See response to Sierra Forest Legacy, comment 1 and Forest Service, comments 1 and 2.
8  <i>(Page 3, para 2)</i>	Questions whether there will be adequate volumes of water and herbaceous riparian cover for amphibious species (foothill yellow legged frog or California Red legged frog	BSR p. 5. Herpetologist explains that there is no habitat for amphibians in the Riparian Community Monitoring Area. See report in Appendix D of the BSR and refer to maps in Pouch A and B of the BSR.

COMMENT	SUMMARY COMMENT	RESPONSE
9  (Page 3, para 2)	It is unclear if the bypass water will flow through the existing spring orifices or if it would be released through well pipes. Concerned with impacts to wildlife and riparian habitat and wetlands.	The Applicant will be required to meet the bypass flows, irrespective of whether the bypass requirement is met passively (spring flow) or actively (release through a well pipe). See response to Sierra Forest Legacy, comment 1 and Forest Service, comments 1 and 2.
10  (Page 3, para 3 and 4)	Has a wetland delineation been prepared and submitted to US Army Corp of Engineers? The Department has a no net loss policy regarding impacts to wetlands. Any net loss is considered significant.	<p>The Marco and Polo Springs are comprised of wetlands and other waters of the United States as defined under the federal Clean Water Act 404. The primary Biological and Wetland Consultant (a qualified Wetland Consultant under the Sacramento District U.S. Army Corps of Engineers) determined and delineated wetlands within the spring and stream Riparian Community (Appendix E-2-C of the BSR).</p> <p>All wetlands are shown on the Plant Habitat Maps in Pouch A and B of BSR. The "other waters" or streams is the Ordinary High Water Mark (OHWM) indicated by stream width. The Wetland Consultant mapped the outer edge of the Riparian Community along each stream (BSR Plant Habitat Maps). The project design located the wellhead (beginning of pipeline) on an existing skid trail (dirt road) outside the Riparian Community at a point at least 50 feet upslope from each respective stream. Since this wellhead location is close enough for possible indirect impacts through siltation during the construction phase, mitigation measures (MM IX-1, -2, -3, -4 on p. 51 of MND) were instituted. As the pipeline is constructed toward the RR Grade through the upland Sierra Mixed Conifer Habitat, the pipeline is located greater than 100 feet from the stream. As a part of the Forest Service Use Permit for the pipeline, erosion-control measures are specified as follows: back-fill pipeline ditch, grade to former slope contour and cover with natural leaf-litter obtained from adjacent forest land. This method is described in the MND Section C.5, Construction Access, para 2 and 3.</p>

**Central Sierra Environmental Resource Center (Central Sierra)**

COMMENT	SUMMARY COMMENT	RESPONSE
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COMMENT	SUMMARY COMMENT	RESPONSE
1 <i>(Page 1, 1<sup>st</sup> para)</i>	Comment letter is an official protest of Application 31491	Application protests are only allowed during the noticed protest period. The letter was filed outside the noticed protest period and does not constitute a protest. However, Central Sierra filed a protest during the applicable period and the issues identified in the original protest are addressed in the MND and responses to comment.
2 <i>(Page 2, middle heading)</i>	No long term daily or monthly hydrological flow data provided  In many years, spring-fed streams reflect erratic flows due to variable precipitation levels.	The WAA provides hydrologic flow data.
3 <i>(Page 3, No rationale para)</i>	No scientific justification is provided for the 5 gpm minimum flow.	See response to Sierra Forest Legacy, comment 1 and Forest Service, comment 2.
3a <i>(Page 3, 2) Proposed minimum flow..." para)</i>	Increased temperature due to reduced flow (5 gpm) has potential to harm macro-invertebrates and other aquatic species.	BSR p. 30 and Appendix E-1 evaluate potential to harm aquatic species.  According to the WAA, the gaining stream reaches downstream of the springs receive influent groundwater. It is expected that the temperature of the influent groundwater will be the same temperature as the spring discharges. Therefore, temperature fluctuations are expected to be dampened by the influent groundwater.
3b <i>(Page 4, 2<sup>nd</sup> to last para)</i>	Alternative flows should be discussed.	A mitigated negative declaration is not required to consider project alternatives CEQA Guidelines §15071. The Applicant currently diverts water from two springs located at the same elevation and within the same geographic area under Permit 20784. For those two spring sites, the DFG requires a 2.5 gpm minimum flow at each spring. The proposed permit requires a 5 gpm minimum bypass flow at each spring.

COMMENT	SUMMARY COMMENT	RESPONSE
3c <i>(Page 4, 2<sup>nd</sup> to last para)</i>	Urges State Water Board to require that 50 percent of average monthly flows in normal water years be set as minimum flow.	See response to Sierra Forest Legacy, comment 1 and Forest Service, comment 2.
4 <i>(Page 4, 2<sup>nd</sup> Potential for Increased ...heading)</i>	Potential for increased invasive species will not be mitigated by 5 gpm minimum flow.	BSR Appendix E-1 requires monitoring and reporting of potential invasive species.
4a <i>(Page 5, item 5 para)</i>	An invasive plant prevention and monitoring plan should be provided.	The invasive plant prevention and monitoring plan for the pipeline right-of-way will be incorporated as standard language in the Forest Service Special Use Permit and the proposed permit requires the Permittee to obtain all necessary federal approvals.

COMMENT	SUMMARY COMMENT	RESPONSE
<p>5</p> <p><b>(Page 5, New Equipment access...para a)</b></p>	<p>New temporary equipment routes of 2,900 to 3,000 feet to access the Marco and Polo spring sites are not adequately discussed nor are the impacts mitigated.</p>	<p>IS/MND Section C.5. Project Details, "Marco Spring Diversion", "Polo Spring Diversion", describes pipeline construction for access to Marco and Polo Spring sites. The Project Description provides for erosion control as prescribed by the National Forest.</p> <p><u>Marco Site</u> The Marco temporary equipment route has been approved by the Forest Service. No trees will need to be removed. The RR Grade to natural forested slope transition has been reviewed and approved by the Forest Service, no impact to the historic RR Grade cut and/or fill slope shall occur.</p> <p><u>Polo Site</u> The access route to the Polo site has been approved by the Forest Service. The route, an abandoned plantation thinning roadway, leaves Forest Service Road 2N20, and leads 500 feet downhill to the spring site; thence the diversion pipeline follows and stays on an existing logging skid trail down-slope for approximately 1,200 feet. The last 500 feet or so of pipeline will be hand dug and installed in an existing stand of timber, no equipment access is needed, and no trees will be cut. The hand-dug Polo pipeline will transition to the main pipeline on the RR Grade by accessing the grade at a point where the historic RR cut-slope terminates. No impact to the historic RR Grade cut and/or fill slope shall occur.</p>
<p>5a</p> <p><b>(Page 5, 2<sup>nd</sup> full para)</b></p>	<p>How will the 20 foot access road be installed? Explain impacts on ephemeral drainages, tree removal, etc.</p>	<p>See response to Comment 5, above. Ephemeral drainages are not present. Burney Creek avoidance is described.</p> <p><u>Marco Site</u> The route will be constructed using a backhoe and bull dozer. No trees will be removed. The access road shall be obliterated when the route is restored to its natural line and level. The obliteration and restoration will use the same equipment. The route transverses a cross slope with a consistent cross-section, there are no down slope depressions being crossed to access the site.</p> <p><u>Polo Site</u> There is no equipment required to build an access route to this site because it already exists.</p>

COMMENT	SUMMARY COMMENT	RESPONSE
<p>6 <i>(Page 5, last para)</i></p>	<p>Greenhouse gas emissions impacts and fourfold increase in truck traffic not addressed.</p>	<p>The tanker truck hauling operation is governed by Tuolumne County Use Permit 91CUP-0206 (use permit). The use permit was issued after potential impacts were evaluated in a document titled Amended Fahey Initial Study Environmental Assessment, SCH # 94032020. Page 18 of the CEQA document evaluated the impacts of 6 tanker trips per day. The Applicant currently averages 5.8 tanker trips per day, with a standard deviation of 1.5 trips per day.</p> <p>No increase in tanker truck trips beyond the level allowed by the use permit is anticipated as part of this project; and Applicant has nearly maximized use under the County use permit. As such, the tanker truck traffic impacts are part of existing baseline conditions. Although additional water diversions will be allowed under any new permit issued on Application 31491, Applicant will need to balance diversions under the new permit and Permit 20847 to avoid exceeding the use permit.</p>
<p>6a <i>(Page 6, 2<sup>nd</sup> last and last para)</i></p>	<p>Tanker truck trip impacts on existing residences have not been addressed. There will be a fourfold increase in truck traffic.</p>	<p>As noted above, tanker truck traffic impacts are part of the existing baseline conditions. Since the Applicant is not proposing an increase in actual water volume sales, truck traffic will also not increase over existing levels. According to a conversation with Tuolumne County Planning Division on April 20, 2011, regarding the Tuolumne County Use Permit 91CUP-0206 provisions, there have been no formal complaints filed and no violations issued regarding tanker truck traffic associated with the approved use permit. The County provided comments on the MND, but the comment letter did not identify any issues related to ongoing operations. The County did, however, state that any increase above the currently authorized levels requires its authorization. Applicant has not applied to the County to amend its use permit, and has indicated that it has no intention to do so.</p>

COMMENT	SUMMARY COMMENT	RESPONSE
<p>7 <b>(Page 7, Applicant failed to notify para)</b></p>	<p>Proper notice not given to residents affected by truck traffic or members of the public who have officially signed up for the Schedule of Proposed Actions Quarterly with the Forest Service.</p>	<p>The State Water Board observed the Notice requirement of the California Water Code when the application was noticed. Notice was posted in the Tuolumne Post Office pursuant to Water Code standards. The MND was noticed in accordance with CEQA regulations and copy provided to all persons requesting notification with the State Water Board, Division of Water Rights.</p>
<p>8 <b>(Page 8, 1st para)</b></p>	<p>Inconsistent information regarding depth of pipeline installation.</p>	<p>The terrain over which the pipeline may be constructed is variable and/or undulating in places. In order to maintain gravity flow through the pipeline network and avoid pumping, some places may require a deeper trench. In any case, the minimum depth will be as shallow as 1.5 feet, but nominally between 2 and 3 feet.</p>
<p>9 <b>(Page 8, 2<sup>nd</sup> para)</b></p>	<p>The project description represents that construction and project access will be available in mid-April. Some years, due to snow pack, the access road into the project area will be closed until later.</p>	<p>It is understood that access into the water diversion points may be delayed until the National Forest opens the road.</p>
<p>10 <b>(Page 8, 3rd para)</b></p>	<p>The Initial Study on page 12 of the MND fails to provide important information about the pond in the Polo Spring section and how it might be impacted</p>	<p>BSR Plant Habitat Map for the Polo Stream shows specifics of the “pond.” It is described in Appendix D, Environmental Setting. Pipeline construction is planned at least 100 feet away from the Pond and stream and no direct impact is expected. Possible indirect impacts due to diversions are to be monitored – see BSR p. 30 and Appendix E-1.</p>

COMMENT	SUMMARY COMMENT	RESPONSE
<p>11 <i>(Page 8, last para)</i></p>	<p>The MND did not disclose that the proposed water diversions are planned within the Clavey River Watershed which is designated Critical Aquatic Habitat.</p>	<p>Based on results of the WAA and on the plan to monitor and reduce diversions, as necessary, to account for any changes to riparian habitat, it was determined there would be no impact to the Clavey River Watershed.</p> <p>The Clavey Critical Aquatic Refuge designation, a federal designation developed by the Forest Service, was considered in determining the biological surveys needed for this project. Riparian Conservation Objectives were considered by Forest Service staff in consultation with the Applicant's biological consultant. Biological survey parameters were set by Forest Service staff during the CEQA data collection process and additional work requested by the Forest Service was performed.</p> <p>In addition, the Division consulted with the Forest Service prior to circulation of the MND. Forest Service staff did not comment on this issue, and there is nothing in the record prior to circulation of the MND to show a concern regarding this issue.</p>
<p>12 <i>(Page 9, last para)</i></p>	<p>The project will have a direct negative impact on riparian amphibian habitat and on downstream water temperatures in the affected streams.</p>	<p>See response 3a above. Also see response to Forest Service comments 1 and 2, describing riparian habitat mitigation monitoring and potential diversion reduction should riparian habitat be impacted. The mitigation measure requires diversion be reduced to the extent necessary to maintain riparian habitat.</p>
<p>13 <i>(Page 10, last para)</i></p>	<p>Lack of discussion of the potential significant impacts of diverting 64.5 acre feet annually from Hull Creek drainage.</p>	<p>The impact of the diversions on the Hull Creek drainage were discussed in sections 5.0, 6.0 and 7.0 of the WAA report dated July 14, 2010.</p>

COMMENT	SUMMARY COMMENT	RESPONSE
<p>14 <b>(Page 11, The "Document falsely claims .." heading para)</b></p>	<p>MND falsely claims there will be no additional greenhouse gas emissions or carbon footprint due to 400 percent increase in truck traffic.</p>	<p>The project description does not represent that truck traffic trips will increase over current levels because the number of trips is constrained by the existing County Use Permit. See responses 6 and 6a, above. Additionally, there appears to be a misunderstanding of allowed diversions under Permit 20784. The authorized diversion rate is 28 gpm, not 14 gpm.</p>
<p>15 <b>(Last page)</b></p>	<p>Summary and conclusion is support of denying Application 31491.</p>	<p>Comment noted.</p>
		<p>The project will have a direct negative impact on riparian habitat and on downstream water temperatures in the affected streams.</p>
		<p>Lack of discussion of the potential significant impacts of diverting 64.5 acm feet annually from Hill Creek drainage.</p>