

Kirkwood Recirculated Revised Final Environmental Impact Report

Volume 2: Response to Comments

Lead Agency:

Alpine County Planning Department

In Cooperation with:

Amador County Planning Department
El Dorado County Planning Department
USDA Forest Service, Eldorado National Forest

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Introduction

The comment period for the Recirculated Revised Draft Environmental Impact Report (EIR) on the Kirkwood Specific Plan (Draft Plan) ran from April 5, 2002 through May 22, 2002. During that time period, 75 letters were received; 6 from agencies, 7 from organizations, and 62 from individuals. Table 1 lists those who commented on the Recirculated Revised EIR.

#	Name and Affiliation	Address	Date (Rec'd or dated)
A1	Duane Ono Great Basin Unified Air Pollution Control District	157 Short Street Bishop, CA 93514	4/29/02
A2	Charles F. Field Amador County Transportation Commission	11400 American Legion Drive Jackson, CA 95642-9525	5/17/02
A3	Roger A. Stuart Public Works Agency	500 Argonaut Lane Jackson, CA 95642-9534	5/16/02
A4	Chris Word El Dorado Irrigation District	2890 Mosquito Road Placerville, CA 95667	5/20/02
A5	Tom Dumas Department of Transportation	PO Box 2048 Stockton, CA 95201	5/22/02
A6	Mark DeMaio Alpine County Engineer	Alpine County Planning Dept.	5/22/02
O1	Marcus Libkind Snowlands Network	PO Box 230 Livermore, CA 94551	5/17/02
O2	Paul S. Kibel Fitzgerald, Abbott & Beardsley, LLP	1221 Broadway, 21 st Floor Oakland, CA 94612-1837	5/17/02

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O3	Peter Tabacco, Chief KVFD	PO Box 247 Kirkwood, CA 95646	5/20/02
O4	R. Winston Bell, Jr., VP Foothill Conservancy	PO Box 2255 Pine Grove, CA 95665	5/20/02
O5	Joan Clayburgh Sierra Nevada Alliance	PO Box 7989 S. Lake Tahoe, CA 96158	5/17/02

Table 1. (cont'd) Commentors on the Recirculated Revised Draft Kirkwood EIR (2002).

#	Name and Affiliation	Address	Date (Rec'd or dated)
O6	James B. Hinton President, Kirkwood Meadows Association	PO Box 101 Kirkwood, CA 95646	5/17/02
O7	Evelyn de Ghetaldi Chair, Lake Kirkwood Association		5/20/02
I1	Judith W. Flinn	83 Dangberg Kirkwood, CA 95646	4/30/02
I2	Garry and Lori Gast	11 Saddlebrook Ct. Novato, CA 94947	5/1/02
I3	Peter E. McCourt	1990 Merridy St. Chatsworth, CA 91311	5/1/02
I4	Chris and Connie Benz	40 Woodleaf Court Novato, CA 94945	5/3/02
I5	Jerry W. Osgood	140 Partridge Drive Galt, CA 95632	5/3/02
I6	Ian Deas	Sun Meadows 4, Unit 311 Kirkwood Meadows Drive Kirkwood, CA 95646	5/6/02
I7	Michael and Berry Dillon	259 Chico Avenue Santa Cruz, CA 95060	5/6/02

I8	Jan Reed	PO Box 164 Kirkwood, CA 95646	5/7/02
I9	Richard M. Parrish	2505 Samaritan Dr. #305 San Jose, CA 95124	5/10/02
I10	Phil Lindsay	570 Ridgeway Drive Pacifica, CA 94044	5/10/02
I11	Gordon and Valori Stitt	25703 Lomita Linda Drive Los Altos Hills, CA 94024	5/9/02
I12	William F. Wolfson	7957 East Colette Circle #186 Tucson, AZ 85710	5/12/02
I13	Judith W. Flinn	4087 Sutro Drive Napa, CA 94558	5/14/02
I14	Garry and Lori Gast	11 Saddlebrook Ct. Novato, CA 94947	5/12/02
I15	Frank and Mary Zboralske	120 Patricia Lane Sutter Creek, CA 95685	5/13/02
I16	Jeffrey G. Klingman and Deborah A. Sedberry	285 Glorietta Blvd. Orinda, CA 94563	5/7/02
I17	Roger Clark and Connie McCarthy	PO Box 235 40 Aster Court Kirkwood, CA 95646	5/13/02
I18	Preston and Catherine Roper	656 Palm Ave. Los Altos, CA 94022	5/16/02
I19	Michael and Julie Turner	2027 Ellen Ave. San Jose, CA 95125	5/14/02
I20	Mark Gunther	146 Fifth Avenue San Francisco, CA 94118	5/14/02

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I21	Bruce Odelberg	33900 Dangberg Drive, PO Box 77 Kirkwood, CA 95646	5/14/02
I22	Leonard Moore	153 Pebble Beach Way Aptos, CA 95003	5/15/02
I23	Andrea Davis	1627 Grant St. Apt. A Berkeley, CA 94703	5/14/02
I24	Ethan Thorman and Mary Boyle	44556 Parkmeadow Drive Fremont, CA 94539	5/13/02
I25	William G. Papsco	PO Box 266 Kirkwood, CA 95646	5/16/02
I26	Richard E. and Janis M. Frey	8830 King Road Loomis, CA 95650	5/14/02
I27	Robert and Jane Gaw	3499 Mont Blanc Ct. Carson City, NV 89705	5/17/02
I28	Pete Catalano	Catalano@cruzio.com	5/17/02
I29	Bernie Benz	1265 Old Foothill Rd. Gardenville, NV 89410	5/18/02
I30	Leo Smith Member, KMPUD Board of Directors	34086 Yarrow Pl. Kirkwood, CA 85646	5/20/02
I31	Leo/Nina Smith	34086 Yarrow Pl. Kirkwood, CA 85646	5/20/02
I32	Mollie Foster	Mt. Club #325 Juniper Ridge Lot	5/18/02
I33	Gary and Elaine Gallaher	19 Valley Drive Orinda, CA 94563	5/18/02
I34	H. Anton Tucher	4264 Manuela Way Palo Alto, CA 94306	5/17/02

I35	Douglas and Amy Frey	1728 Shasta Street Richmond, CA 94804	5/18/02
I36	Marilee Jensen	2867 Bardy Road Santa Rosa, CA 95404-8479	5/20/02
I37	Reid Bennett	PO Box 202 Kirkwood, CA 95616	5/20/02
I38	Jeffrey P. and Frances Bryan	1410 Kirkwood Meadows Dr, #28 PO Box 70304 Sunnyvale, CA 94086	5/17/02
I39	Paul Blanke	PO Box 6995 Incline Village, NV 89450	5/20/02
I40	Ted and Phyllis Jones	PO Box 34 Kirkwood, CA 95646-0034	5/20/02
I41	Richard R. Reuter	PO Box 19 Kirkwood, CA 95646	5/20/02
I42	John Chapman	671 Clipper Hill Road Danville, CA 94526	5/16/02
I43	Diane Alexander	4 Coleport Lndg. Alameda, CA 94502-6513	5/15/02
I44	Bob Rose	Ryan's Place 115 South La Cumbre Lane #201 Santa Barbara, CA 93105	5/15/02
I45	Matthew and Eleanor Petri	15 Highland Court Larkspur, CA 94939	5/15/02
I46	Carol Lynn Coster	2142 Grahn Drive Santa Rosa, CA 95404	5/17/02
I47	Terry and Dorothy Parker	41787 Blossom Drive Fremont, CA 94539	5/20/02

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I48	Thomas H. Cathcart	PO Box 137 Kirkwood, CA 95646	5/15/02
I49	Standish & Anne O'Grady	506 E. Meadows Drive, PO Box 264 Kirkwood, CA 95646	5/20/02
I50	Keith Bennett	2225 Webster St. Palo Alto, CA 94301	5/17/02
I51	Edward W. Finucane	PO Box 7835 Stockton, CA 95267-0835	5/20/02
I52	Charles R. Leitzell, PE	4895 Lyle Court Mokelumne Hill, CA 95245	5/20/02
I53	Gregory Frey	1808 16 th St. North #4 Arlington, VA 22209	5/20/02
I54	Susie Schaefer	1055 Edmonds Street Edmonds, WA 98020	5/20/02
I55	Mike Jensen	1366 Westgate Lane Penngrove, CA 94951	5/19/02
I56	Sandy Sloan	1100 Alma Street, Ste. 210 Menlo Park, CA 94025-3392	5/20/02
I57	Bruce Gianola	625 Sartori Avenue Petaluma, CA 94954	5/15/02
I58	Christopher and Katherine Sheeline	15 Cedar Court Hillsborough, CA 94010	5/20/02
I59	Todd R. Lynch	244 Liebre Ct Sunnyvale, CA 94086	5/19/02
I60	Lori Chin	111 Chestnut St, Ape 807 San Francisco, CA 94111	5/3/02
I61	Frederick & Elizabeth Crews	636 Vincente Ave.	5/21/02

I62	Shawn and Diane Alexander	Berkeley, CA 94707 1377 Kirkwood Meadows Dr., # 303 Kirkwood, CA 95646	5/17/02
Received after comment period			
A7	Louis B. Green El Dorado County, Office of the County Counsel	330 Fair Lane Placerville, CA 95667	5/30/02
I63	Andrew Etherington & Trisha Mount	52 Woods Lane Los Altos, CA 94024	5/30/02 (5/9/02)

Following closure of the comment period, the letters were analyzed for substantive comments relevant to the Proposed Project or the EIR. These comments were numbered and extracted as quotes or paraphrases from the letters and organized according to discipline or subject area. The comments were then synthesized in an effort to characterize broad issues without losing the detailed points that commentators made. These comments were then provided to resource specialists so that responses could be formulated and changes made to the Final EIR where necessary.

The resulting responses to comments are presented below. The comments are organized according to the discipline or topic addressed. These broad topic headings are presented alphabetically. Following each topic heading are numbered statements summarizing the issue raised, often paraphrased directly from a comment. Related comments may follow this numbered statement, which represent aspects of the issue raised, either directly quoted or paraphrased from letters. Finally, the specialists' response follows the comment or group of similar comments.

Each comment is followed by one or more letter/number codes in parentheses. These codes are a way of cross-referencing the comments back to their original source letters. Letters are organized by source (i.e., agency, organization, or individual) and then numbered sequentially in the order they were received. For example, A1 refers to the first agency letter received, O3 would be the third letter from an organization, and I5 the fifth letter from an individual commentator. The letter following the decimal in the code refers to the specific comment within a letter. Comment A4.3 would refer specifically to the third substantive comment in the fourth agency letter. With this numbering code it is possible to readily move between the comment responses and the source of the original comment, as listed and numbered in Table 1. Copies of the comment letters, with extracted comments highlighted, follow the response sections. They are also on file at the Alpine County Planning Department, 17300 State Highway 89, Markleeville, CA.

As the issue statements are organized by general subject and numbered within each subject, a response to a given comment may be referenced in the response to a different comment by citing the subject title and issue statement number. For example, Air Quality1.a. refers to the first comment under the first issue statement in the Air Quality section.

Air Quality

1. *Additional analyses are needed and additional permitting may be required to meet air quality standards related to impacts from diesel generators.*

a. The addition of a second 320-kW diesel generator at the KMPUD facility will require permitting by the Great Basin Unified Air Pollution Control District (GBUAPCD). The potential for a cumulative cancer risk posed by the existing and proposed KMPUD diesel generators, and the potential cancer risk from the Mountain Utilities (MU) expansion must be assessed. A particulate matter source test should be done to assess effectiveness of catalytic soot filter. (A1.1, A1.2)

Response: Section 4.4.2.1 of the Draft EIR incorrectly states that the small size of the KMPUD generators excludes them from GBUAPCD permitting. The Final EIR includes the following information in sections 4.4.2.1, 4.4.4.2, and 4.4.4.5.2.

The first KMPUD generator did not require GBUAPCD permitting because its emissions do not exceed applicable air quality standards. However, the second generator would produce emissions which, when combined with the existing generator, would exceed the emissions threshold and thus require a permit. Prior to the addition of a second generator at the wastewater treatment plant, particulate matter source testing would be conducted on the first generator with the catalytic soot filter in place (see new mitigation measure 4.4 [aa]). The results would be combined with estimates of emissions from the second generator to assess the potential cancer risk of the two generators combined, and also with the emissions produced by additional generators associated with the MU plant expansion. Once the second generator was installed, KMPUD would conduct source-testing on it to assess its contribution to a potential cancer risk. If necessary, additional environmental controls would be applied on the second generator to meet applicable air quality standards. Any additional generators must meet the GBUAPCD performance standard of (currently) a cancer risk of equal to or less than 10 in 1 million.

2. ***The current (2002) 1-hour CO concentrations from the MU power plant, the KMPUD generator, and background sources should be compared. (I13.23)***

Response: CO emissions from the MU power plant and the KMPUD generator were modeled relative to CO concentrations in 2001, considered as current conditions for this analysis. These values were added to the estimated contribution of CO from traffic, which was modeled using current conditions and the amount of traffic at buildout. See section 4.4.4.1 of the Final EIR for further explanation.

3. ***Is there really an active monitoring station at Kirkwood? (I33.4) On-going monitoring should be required, involving all three air quality districts. (I33.1)***

Response: The air quality monitoring station was removed after 2 years of data collection. See section 4.4.3 of the Final EIR for this correction. Although continuous air quality monitoring in the Kirkwood area would be beneficial for future decision making, it is not required to make the determination of impacts from this project.

4. ***Assess the current and future contribution of entrained road dust (PM₁₀) to regional haze. (A1.3)***

Response: While winter road sanding was not mentioned as a scoping issue of concern, its potential to contribute to air-suspended road dust has been included in the Final EIR. The following discussion of road sanding practices at Kirkwood has been added to section 4.4.4.2 of the EIR, and the potential for there to be a contribution to air-suspended particulate matter and regional haze is discussed in section 4.4.4.4.

The Mountain Operations Department applies sand to sections of roads at Kirkwood fewer than 10 times per year (Morrow 2002b). Sand is applied as needed to intersections or down-slope areas where ice polish has formed. However, warm daytime temperatures at Kirkwood often dry roads during the day making ice rarely a problem. Most road particulates result from tire chain wear, snow removal, and construction activities. Due to the infrequency of occurrence at Kirkwood, road sanding practices do not result in a significant impact to air quality.

Road sweeping is a part of current maintenance operations at Kirkwood and is also included in the EIR as mitigation to reduce water quality impacts from pollutants in runoff. Road sweeping using a vacuum sweeper has been shown to control entrained road dust further by removing the material rather than sweeping it away from traffic areas. To ensure that entrained road dust does not significantly contribute to regional haze in the future, sweeping mitigation in the Final EIR specifies that road sweeping will be done using a vacuum sweeper. Mitigation measure 4.4 (e) has been added to the Final EIR to further reduce entrained road dust.

5. ***Mountain Utilities (MU) power plant operations issues.***

- a. Emissions from MU should be listed in Section 2.3 under “area of concern.” (I33.1)

Response: Section 2.3 of the Final EIR lists concerns raised during the scoping process and in comment letters on the previous Final EIR, which included air quality impacts from KMPUD’s generator, but concerns regarding the MU power plant were not expressed and thus, not included in the list. However, potential impacts from MU operations are discussed in section 4.4 Air Quality.

- b. The Existing MU power plant should have particulate filters. (I33.3)

Response: New California standards will require retrofitting existing particulate- matter pollutant sources with filters. These new standards will be applicable to the existing MU power plant diesel engines. Compliance will be met through a reduction to 85 percent of current emissions by 2008.

- c. SCR targets NO_x, not PM. (I33.2)

Response: The Draft EIR has been checked for this error, but it could not be found. The Draft EIR correctly refers to the role of the Selective

Catalytic Reduction (SCR) system in reducing NOx emissions. For example, see section 4.4.4.3.

6. ***Why is mitigation of woodsmoke emissions proposed if no new woodburning devices are allowed in new development? If the moratorium is lifted, will the mitigation measure actually allow for an increase in woodsmoke emissions?***

Response: Mitigation Measure 4.4(a) is intended to promote the replacement of old stoves with EPA-compliant ones, and ensure that yet to be built residences, which were bought and planned prior to the moratorium, will install EPA-compliant stoves. The measure also aims to ensure that, should the moratorium on installation of new woodburning stoves be lifted, EPA Phase II standards would still be enforced. The measure does not promote the installation of woodburning devices should their use become permitted, and therefore would not allow for an increase in woodsmoke emissions. The mitigation measure has been clarified in the Final EIR as follows (italics denote new text):

Mitigation Measure 4.4 (a). The counties can and should develop and enact an ordinance to reduce particulate emissions from wood burning within Kirkwood. The ordinance should include the following elements:

- Incentives to eliminate or replace *existing* woodburning devices that do not comply with the EPA Phase II Certification requirement.
- A requirement that all *residences previously approved for the installation of* new woodburning devices *incorporate* EPA Phase II Certified ones.
- A requirement that, upon installation of a new EPA Phase II Certified woodburning device, at least one noncompliant woodburning device be eliminated within the Kirkwood area.
- A prohibition on installation of new woodburning devices, including open hearth-style fireplaces, which do not comply with EPA Phase II Certification requirements, except that one noncompliant open hearth-style fireplace will be allowed in the following locations:
 - a common lobby area located in a building containing more than four multi-family units;
 - a common lobby area located within lodges, hotels, motels, bed and breakfast accommodations, or a public recreation/meeting facility;
 - a bar/saloon or restaurant; or
 - outdoors in the Village plaza area.

7. ***The CALINE4 model used to calculate the data in Table 4.19, was developed in 1989; how accurate is the data? (I13.24)***

Response: The reference for the CALINE4 model dated 1989 indicates when the manual was published. New user interfaces have been created since this date of the original core program (Godden 2002). The actual values used in the model are from 1998, and were downloaded as the most current data available when the study was initiated. The EPA still approves prior versions of the CALINE model.

Alternatives

1. ***Support Alternative E of the Draft Plan. Reasons for support include: ensures future economic viability while preserving the existing ambiance, balance of growth with increased protection of open space, development of Village area instead of Kirkwood North, unit reduction in Ski-In/Ski-Out areas . (I6.1, I8.1, I9.1, I11.2, I12.1, I14.1, I15.1, I16.1, I17.1, I19.1, I20.1, I24.1, I30.1, I31.1, I32.1, I34.1, I40.1, I42.1, I43.1, I44.1, I45.1, I47.1, I57.1, I59.1, I62.1, I63.1)***
 - a. Support Alternative E with consideration of the following: assurances that units will not increase beyond 1988 Master Plan, original ski-in/ski-out accessibility of West Meadows properties will be maintained, no residences in Kirkwood North, concentrate ski-in/ski-out units in the Village.(I22.1)
 - b. Alternative E should exclude the following: development north of SR 88, development north of Timber Creek, increased commercial space, significant increase in single-family development, Ski-In/Ski-Out North and South. (I36.2)

Response: These changes to Alternative E would reduce authorized development to the point that the alternative would be infeasible, inconsistent with CEQA Guidelines 15126(d).

2. ***Alternative E allows for too much expansion over 1988 Master Plan. (I13.9, I41.6)***

Response: Alternative E greatly reduces development and disturbed area in Kirkwood North as compared to the 1988 Master Plan. Also, Alternative E proposes the same total number of units as the 1988 Plan.

3. ***Support Alternative B. Reasons for support include: provides for “real” open space, eliminates single-family development in Kirkwood North, reduces cross-traffic from Kirkwood North, provides greatest reduction in overnight visitors and visual impacts. (I17.1, I27.1, I38.1, I49.4, I51.6, I58.1)***

- a. Support Alternative B of the Draft Plan, Alternative B of the MMDP, and the WWTP improvements. (I38.1)

Response: Your comments have been noted.

- b. Alternative B is acceptable with [some of] the following exclusions: increased commercial space, condominiums in the Chair 9 parking lot, development north of SR 88, Ski-In/Ski-Out North and South, increased single-family development. (I13.10, I23.1, I55.2, O7.2, I37.3, I39.1, I41.6, I46.1, O5.2, I50.1, O7.2)

Response: These changes to Alternative B would reduce authorized development to the point that the alternative would be infeasible, inconsistent with CEQA Guidelines 15126(d).

4. ***The No-Project Analysis is inadequate because it does not thoroughly discuss existing conditions at the time the NOP was published (CEQA 15126.6[e][2]). (I56.1)***

Response: The EIR does comply with the cited revisions to the CEQA Guidelines regarding the no-project analysis, as discussed in section 5.1.2.1. Section 5.1.2.1 states that “existing conditions, for the purposes of this No-Project Alternative, are discussed in detail in the Environmental Setting subsections of Chapter 4.” It goes on to explain that those subsections have been updated to current conditions in the Recirculated Revised Draft EIR, and that the updated subsections provide the baseline for determining the significance of impacts. This section also identifies the 1988 Master Plan as the No-Project Alternative, which is consistent with CEQA Guidelines direction that, when the proposed project is a revision of an existing land use plan, “the ‘no project’ alternative will be a continuation of the current plan . . . into the future” (Section 15126.6 [e] [3] [A]). This differentiates the environmental setting from the no-project scenario, allowing decisionmakers to compare future impacts of the no-project alternative, as the continuation of the current plan, to impacts of the proposed project.

5. ***DEIR assumes the 1988 Plan would be fully implemented and does not discuss whether the 1988 Master Plan could be implemented consistent with available infrastructure and without further environmental review. (I56.2, I56.3)***

Response: In accordance with CEQA requirements for the no-project alternative, the EIR does assume that the 1988 Master Plan could and would be fully implemented, consistent with available infrastructure. CEQA does not require that the no-project alternative be fully implementable without further environmental review. Our rationale for these conclusions is as follows.

The pertinent section of the CEQA Guidelines directs that analysis of the no-project alternative address “what would reasonably be expected to occur in the foreseeable future if the proposed project were not approved, based on current plans and consistent with available infrastructure and community services” (Section 15126.6 [e] [2]). The 1988 Master Plan is the “current plan,” consistent with section 15126.6(e)(3) (A) which states, “When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the no-project alternative will be the continuation of the existing plan, policy, or operation into the future.” The no-project alternative must consist of the scenario that is likely to occur if the proposed project is not approved. The no-project alternative is not equivalent to the environmental setting, but instead provides the

scenario to which decisionmakers will compare the impacts of approving the proposed project with the impacts of not approving the proposed project (Section 15126.6[e][1]).

As to consistence with available infrastructure and community services, three points support the approach taken in this EIR. The first relates to the definition of “available,” which means obtainable or accessible, but not necessarily currently in place. As a result, the no-project alternative may assume buildout of the 1988 Master Plan beyond what could be currently supported because expanded infrastructure and community services are available. Availability is ensured as long as no regulatory or physical change since the adoption of the 1988 Master Plan has made development of the necessary infrastructure and community services unobtainable. Section 5.1.2.1 of the Final EIR has been expanded to describe how those key components of community infrastructure and services that are pertinent to discussion of buildout of the 1988 Plan were reviewed as part of the process of defining the no-project alternative. No constraints that would preclude the buildout of the 1988 Master Plan were identified.

Second, common development practice is to phase the development of infrastructure and community services to reduce costs, inefficiencies, and unnecessary environmental impacts. In fact, the 1988 Master Plan expressly contemplates phased development. The 1988 Master Plan states that, “[t]he long range power needs of the resort will require either the installation of public power or an expansion of the on-site generating facilities.” (1988 Master Plan, p. 11.)

Third, it would be unreasonable to interpret the term “consistent” to mean that existing infrastructure and services must be adequate now to support all future levels of development. That would mean, for instance, that police protection services today would have to be adequate to serve a buildout population 40 years from now in order to consider the 1988 Master Plan as the no-project alternative. We have, however, assessed the consistence of current infrastructure and services in practical terms, basically determining whether they are developed to the appropriate level at this point in the community’s evolution, as guided by the 1988 Master Plan, and are not constrained from being developed further to meet future demands.

As noted in the Draft EIR section 5.2, the impacts of alternatives, including the No-Project Alternative, are discussed only to the degree that they differ from those of the Proposed Project. Projected impacts in these areas are similar, since the 1988 Master Plan is clearly identified in the EIR as the basis for the Draft Plan. Thus, given the organization of the EIR, the Chapter 4 sections addressing Traffic and Circulation (4.7), Socioeconomics (4.10), Public Services (4.13), and Utilities and Infrastructure (4.14) provide information on the current status of infrastructure and public services, and identify anticipated demands that are pertinent to both the No-Project Alternative and the Proposed Project.

Regarding the potential need for further environmental review of the 1988 Master Plan, the CEQA Guidelines do not identify this as a factor in formulating or analyzing the no-project alternative. The CEQA Guidelines state that “[o]nce a project has been approved, the lead agency’s role in project approval is completed, unless further discretionary approval of that project is required. Information appearing after an approval does not require reopening of that approval” (Section 15162 [c]).

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Alpine County has determined that the 1988 Master Plan is reasonably expected to occur given obtainable infrastructure and community services. Based upon review of KMPUD and MU files and plans, discussion with KMPUD and MU personnel, consultation with Alpine County Public Works Department, as well as upon Alpine County's expertise in land use planning and in processing development applications that require environmental review, Alpine County has determined that it is reasonable to expect that buildout of the 1988 Master Plan will occur in the foreseeable future consistent with available infrastructure and community services.

6. ***The no-action alternative is the only alternative that excludes Ski In/Ski Out. (A6.8)***

Response: It is true that Alternative A calls for completely excluding development proposed as ski-in/ski-out. However, development in this area is partially reduced in Alternatives D and E.

CEQA Process

1. ***Past development activities were not properly addressed.***

- a. Baseline conditions from which impacts are assessed should be at the start of development, not current conditions. At Kirkwood this is around 1972. (I13.1, I18.1)

Response: CEQA Guidelines Section 15125 outlines the suggested content of the environmental setting, noting that “[a]n EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project . . . [that is] no longer than necessary to an understanding of the significant impacts of the proposed project and its alternatives.” The Proposed Project assessed in this EIR is the new Draft Plan, and the proper baseline for assessing its impacts is current conditions, not historic conditions prior to development of the resort. This conclusion was upheld in *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, which also points out that there is no legislative or regulatory directive requiring the analysis to go back to conditions of an earlier time. As explained in section 3.6.1.1, the Draft EIR addresses the change from pre-development to current conditions in its description of the environmental setting under each resource discipline in Chapter 4. See also the response to comment Alternatives, 4.

- b. Cumulative impacts should include past projects as well, which would include impacts at Kirkwood going back to 1972.

(I26.4, I56.5, I55.3, O7.16, O5.5, I36.3, I37.6)

Response: As noted in the Draft EIR section 3.6, cumulative actions considered in the analysis do include past actions but, given Kirkwood's remote and relatively pristine location, few past actions other than development of the resort to date were identified. Development to date at Kirkwood is reflected in the description of the current environmental setting included under each resource discipline in Chapter 4, as noted in the Draft EIR, section 3.6.1.1. This approach meets the intent of CEQA's requirements for cumulative impact assessment.

"Temporal piecemealing" is avoided by basing significance determinations on criteria established for each resource discipline in Chapter 4. For example, under Traffic and Circulation in Chapter 4, a Level of Service of C is established as a significance threshold for traffic on SR 88 in the vicinity of Kirkwood (section 4.7.2.2). The analysis goes on to conclude that this threshold would be exceeded under the Proposed Project and all alternatives, including the No-Project Alternative. The threshold is absolute in that it includes the impacts of all the existing and proposed development within Kirkwood and is not based on the increment of change from current conditions. The Cumulative Effects section under Traffic and Circulation (Draft EIR section 4.7.6) discusses this determination in detail. See also the response to comment CEQA Process, 1.a.

2. ***The Recirculated Revised DEIR is much improved from previous versions because it includes findings of significant and significant and unavoidable impacts. (O2.1, I56.0)***

Response: The Final EIR published in 2000 also found significant and significant and unavoidable impacts. For example, see sections 2.7 and 2.7.3 of the 2000 Final EIR.

3. ***More mitigation measures should be developed and the feasibility of proposed measures needs more consideration.***

- a. All recommended and feasible mitigation must be analyzed and considered to reduce adverse environmental impacts to less-than-significant levels (CEQA 21002, LAUSD decision). (O2.2, I52.1)
- b. Section 21002 of CEQA states that public agencies should not approve projects as proposed if there are feasible mitigation measures which would substantially lessen the significant effects. A stipulation of the 1974 Court Order is that mitigation will reduce the adverse environmental impacts to less-than-significant levels. (O7.1)

Response: CEQA also states that a lead agency may approve a project that will result in one or more significant impacts if specific economic, social, or other conditions make infeasible the alternatives or mitigation that would reduce those impacts to a less than significant level (CEQA, Section 21002). To comply with the court decision, Alpine County is charged with determining whether impacts are both significant (as determined by the EIR) *and unacceptable*. For impacts that are acceptable but remain significant after the application of feasible mitigation

measures and alternatives, Alpine County will need to approve a finding in a Statement of Overriding Considerations.

c. Alpine County has not provided evidence that all mitigation measures proposed to reduce unavoidable significant impacts are infeasible. This is necessary for a valid Statement of Overriding Considerations. The following measures could be proposed and/or adopted. (O2.13)

- Kirkwood Mountain Resort (KMR) and/or Alpine County could charge overnight renters for each additional car they park at a unit;
- KMR and/or Alpine County could adopt a strict policy (enforced by car boots and tickets) that renters of one-bedroom units will only be provided with one parking space, renters of two-bedroom units will only be provided with two parking spaces, and renters of three bedroom units will only be provided with three parking spaces;
- KMR and/or Alpine County could implement a comprehensive education program to strongly discourage summer renters from visiting areas that are and/or will be subject to adverse recreational and wildlife impacts;
- KMR could provide skier and employee shuttle service from South Lake Tahoe and Carson Valley to Kirkwood;
- KMR could not place lights and/or development in areas in Kirkwood that would result in significant adverse visibility impacts;
- KMR could offer ski-pass discounts to skiers who can demonstrate that they carpooled or took shuttles to the ski area;
- KMR could commit to providing free ski area parking only to vehicles with three or more persons, and to impose a daily parking charge for vehicles with less than three persons.

Response: Evidence supporting the infeasibility of mitigation measures is not provided until after the Final EIR is published. At that time, if the project is approved and findings are therefore necessary, they are discussed in a Statement of Overriding Considerations. However, parking related impacts are not found to be significant following mitigation. The 2,500 existing spaces are adequate to accommodate future projected levels of day-visitors. Also, mitigation is noted in the EIR to monitor the parking situation at Kirkwood to ensure that additional mitigation is not needed.

To address the mitigation proposed in the comment, additional fees and parking enforcement involving tickets and/or boots does not relate to or directly mitigate the potential impact caused by inadequate parking. Minimum parking requirements associated with development have been determined by KMR, as shown in Table 4.31, section 4.7.4.2 of the Draft EIR. Mitigation Measure 4.12 (c) include KMR's role in a program to educate visitors at Kirkwood about the potential for impacts in high-use recreation areas. KMR's existing employee shuttle service is discussed in section 4.7.3 of the Draft EIR. Areas served include South Tahoe, Gardnerville, and Woodfords. A private charter bus for visitors also provides daily service from South Tahoe during the peak of the ski season. Light shielding requirements are included in the Draft Plan, Appendix 4, Kirkwood Design Ordinance. Additional light and glare mitigation is included in section 4.8.4.4.2 of the Draft EIR. Information about the existing

car pool program has been added to the Final EIR, section 4.7.3. This program reimburses scheduled employees who car pool to bring other scheduled employees to work at Kirkwood.

- d. DEIR fails to identify mitigations for significant impacts. One measure that would reduce many impacts is to further reduce development and population. (O4.1)

Response: See Table 2.5 for a list of all mitigation measures contained in the Draft EIR, which have been designed to reduce and/or eliminate significant impacts. The alternatives included in the EIR include the option of reducing the amount of development and population growth to reduce environmental impacts while remaining feasible, as is consistent with CEQA Guidelines 15126(d).

- e. Mitigation must be less vague, able to be implemented, and designated to a responsible party. (I56.12)

Response: The Mitigation Monitoring Program (MMP), which will be adopted prior to or concurrent with approval of the Specific Plan, will list all mitigation measures with details of the time frame for implementation and agencies responsible for their implementation, oversight, and enforcement.

- f. Relying on development of future plans to mitigate significant impacts, including impacts to wildlife and water quality, does not assure that mitigation will actually be implemented or that the mitigation will be effective (CEQA Guidelines, Section 15370). (O4.2)

Response: Detailed mitigation measures for water quality impacts are included in the Draft EIR, section 4.2.4.2. The water quality mitigation measures do not provide for the development of future plans. Regarding wildlife, detailed mitigation measures are provided in the Draft EIR, section 4.3.2.4.5. In addition, future monitoring to ascertain how development activities are affecting wildlife populations and habitat is a legitimate and often necessary form of mitigation, particularly when a proposed project has a long buildout period. Without monitoring, the situation could change, resulting in unanticipated impacts. For example, this approach would ensure that any newly listed or migrating species were not present and that each specific area to be disturbed was clear of any threatened, endangered, and sensitive species not just when the EIR was prepared but also in the future. Mitigation Measure 4.3.2(g) details aspects of the monitoring goals and includes the time frame for implementation. The MMP will further document who is responsible for implementation, establish a more definite time frame to ensure each measure's implementation, and stipulate monitoring mechanisms to ensure efficacy. See also response to comment Wildlife and Aquatic Resources 4.

- 4. ***Beneficial impacts are mentioned but not specified. How can a project be approved with outstanding significant impacts? (I26. 3)***

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Response: If the Lead and Responsible agencies find that the benefits of a proposed project outweigh any unavoidable, adverse environmental impacts, a project can be approved. CEQA then requires the preparation of a Statement of Overriding Considerations (CEQA, Section 21002, and CEQA Guidelines Sections 15091[a][3] and 15092[b][2]). In this statement, the agency states why each significant impact is acceptable based on substantial evidence in the Final EIR or elsewhere in the project record.

5. ***El Dorado Irrigation District (EID) disagrees with the conclusion that the DEIR does not need to address cumulative impacts of the Proposed Project to Caples Lake because the FERC Project 184 operations under the EID may be similar to past operations under PG&E. Cumulatively considerable impacts must be discussed. These operations are a past and current action and impacts of the Proposed Project must be considered cumulatively relative to Caples Lake, Caples Creek, and the Silver Fork of the South Fork of the American River. (A4.6)***

Response: The EIR does address cumulative impacts to Caples Lake, but it does not include the FERC Project 184 as a cumulative action because the FERC project would not change conditions at the lake from the current, baseline situation, which is assessed in the Draft EIR. Section 3.6.1.4 of the Final EIR has been revised to more accurately express this concept.

The potential for indirect impacts associated with increased visitors to recreation areas near Kirkwood, including Caples Lake, has been identified in the Draft EIR, section 4.12.5.3. However, it is not projected that increased visitation would act cumulatively with EID operations at the lake to result in a significant cumulative impact. Terms outlined in the Settlement Agreement and Mutual Release signed by Kirkwood Associates, Inc. and EID and EDCWA, should prevent the occurrence of recreation-related cumulative impacts at Caples Lake. These terms include that EID operations will not adversely affect Caples Lake summer recreational opportunities as measured by historic Caples Lake operations.

The Draft EIR also addresses the potential for direct and indirect impacts to Caples Creek and the Silver Fork of the South Fork of the American River in section 4.2, Water Resources. Mitigation measures are included to prevent and/or alleviate the potential for impacts to Kirkwood Creek and therefore also to any downstream water bodies. Since direct and indirect impacts to Kirkwood Creek can be avoided, through proper implementation of the identified mitigation measures, cumulative impacts to Caples Creek and the Silver Fork of the South Fork of the American River due to activities associated with the Proposed Project are not expected to occur.

6. ***Documentation of threatened, endangered, and sensitive species cannot be deferred to after the CEQA process. This seems like a piecemeal approach to identifying existing biological conditions on- and off-site. (A4.8)***

Response: Surveys that are to be performed following project approval but prior to development activity, such as the wildlife surveys in Mitigation Measure 4.3.2 (h), are in addition to the biological surveys already completed in preparation of this EIR. Because of the 40-year time frame for buildout, additional surveys would be done prior to the start of individual project construction. This is to ensure that threatened, endangered, and

sensitive species listed between now and then, or any migrating species not currently on the site, do not later inhabit the specific areas to be disturbed in the future. Mitigation Measure 4.3.2 (h) also states that survey results will be reported and submitted to the CDFG and the respective county where construction is to take place within one month of survey completion. See section 4.3.2.4.5.3 of the Draft EIR for further description, and response to comment CEQA Process, 3.f. above.

7. ***Section 4.2.2.4 of the DEIR cites several studies used to support the conclusion that the groundwater supply is adequate, but these studies were not incorporated by reference as required by Section 15150 of the CEQA Guidelines. These resources should be incorporated by reference for use by readers to follow logic used to substantiate claims that groundwater supplies will be sufficient for buildout demand. (A4.12)***

Response: Section 15150 of CEQA Guidelines does not require that all documents cited in an EIR be incorporated by reference. Rather, the section outlines when it is appropriate to, and how to, properly incorporate a document by reference. However, the studies listed in section 4.2.2.4 of the Draft EIR are part of the project record, which is maintained at the office of the Lead Agency (Alpine County) and may be accessed by interested parties at the Alpine County Planning Office, 17300 State Highway 89, Markleeville, CA. CEQA also allows simply a reference to material (CEQA Guidelines 15150).

8. ***DEIR must be revised based on more accurate population counts, to include all feasible analyses and mitigation, and to ensure legally sufficient mitigations are included for all significant impacts. A new alternative should include this, and the document should be recirculated. (O4.11)***

Response: Comments regarding population projections are addressed in this document (see Population Projections section below), as are comments regarding mitigation (see specific technical discipline sections) and alternatives (see Alternatives section above). Recirculation of an EIR is necessary if “significant new information” has been added after the close of the public comment period on the Draft EIR but before certification of the Final EIR (CEQA Guidelines, Section 15088.5 [a]). None of the cited issues have resulted in the addition of significant new information to the EIR, so recirculation is not warranted.

Cultural Resources

1. *Historical analysis of Kirkwood Inn is not complete, but is instead deferred, which is inconsistent with CEQA. (I56.11)*

Response: As stated in section 4.5.3.3 of the Draft EIR, the historical analysis has been completed (see *Historic Analysis of the Kirkwood Inn for Kirkwood Mountain Resort*, HMR 2001), but a formal request to the Office of Historic Preservation for National Register status re-evaluation has not been made. Nominations for inclusion in the National Register of an individual resource, district, or local landmark may be made by a resident, landowner, or local government (Bass et al. 1996). If a request is made in the future, the Inn's potential for Register status would not be threatened by the Proposed Project. As stated in section 4.5.4.3.1.3 of the Draft EIR, direct or indirect impacts would not occur to the Kirkwood Inn as a result of the Proposed Project or its alternatives. Therefore, mitigation measure 4.5(h) is legally unnecessary and only set forth in the EIR in order to conservatively protect any historic values associated with the Kirkwood Inn.

General

2. *General supporting comments.*

- a. Support for Friends of Kirkwood (FKA) and the comments of Fitzgerald, Abbott and Beardsley, LLP, and Charles Leitzell. (I13.26, I29.1, I36.1, I37.7, I46.4, O5.1, I49.1, I55.1, I58.2)
- b. Support for the O'Gradys comments [see letter I49] concerning general problems with alternatives proposed and impacts to visuals, traffic, parking, and power. (I58.2, I61.1)
- c. Support for letter I17, which supports Alternative B but states concern for impacts to visuals, traffic, parking, and power. (I49.2)
- d. Lake Kirkwood Association supports comments by R. Bennett [letter I37] concerning the loss of recreation opportunities that would occur with allowing development in the Ski-In/Ski-Out South area. (O7.15)

- e. Support the Kirkwood EIR and Draft Plan. (I2.1, I3.1,I5.1)

Response: Your comments have been noted.

2. ***General concern for decreased quality of life from loss of open space, light pollution, loss of air quality, noise. (I21.5)***

Response: Your comment has been noted. In the Draft EIR, see mitigation measure sections 4.8.4.4.2 for light and glare, 4.4.4.6 for air quality, and 4.9.4.7 for noise. Kirkwood Meadow and 205 additional acres are to be preserved as open space under the Draft Plan (see section 4.6.3.2).

3. ***Kirkwood North development would increase foot-traffic on SR 88 and increase safety concerns. (I51.5)***

Response: The Proposed Project does not include plans that would promote or necessitate pedestrian traffic on SR 88. The Draft Plans objectives regarding “pedestrian orientation” center of the Mountain Village and surrounding residential and commercial development. Kirkwood North is over a mile from the Village, and pedestrian access between the two locations is anticipated to be minimal. Due to safety concerns, pedestrian crossing would not be encouraged between Kirkwood North and Kirkwood development south of SR 88. Current and planned development along SR 88 is designed to provide access to commercial facilities from the highway, thus reducing the need for travelers to drive into the Village. All current and planned Kirkwood North commercial facilities are fully contained on the north side of the highway. No parking lots or other facilities and infrastructure needed to use them lie on the other side. On the basis of these facts, increased foot traffic on SR 88 is not considered a substantive concern.

4. ***The environmental analysis does not truly aim to address problems with water, air, and wetlands. (I53.2)***

Response: Impacts to water, air, and wetlands have been addressed in sections 4.2.4, 4.4.4, and 4.3.3.4 of the Draft EIR, respectively. Mitigation measures have also been identified in the accompanying mitigation sections.

5. ***Preamble of 1988 Master Plan should be included in the EIR. (O7.3)***

Response: The 1988 Master Plan is adequately described in the Draft EIR, section 5.1.2.1. Quoting this preamble would not contribute to the

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6. ***Subdivisions with spread-out infrastructure cost more to maintain than clustered ones. These costs should be funded internally by the local residents. (A6.7)***

Response: Under CEQA, the primary function of economic analysis is to help determine the significance of physical changes associated with a project (CEQA Guidelines, Section 15131 [b]). The physical implications of more dispersed development are analyzed in the EIR, primarily through comparisons of the No-Project Alternative, which emphasizes multi-family development throughout Kirkwood, and the Proposed Project, which would concentrate multi-family development in the Village but allow more widely dispersed single-family/duplex development.

1. ***DEIR didn't analyze financial impact on current homeowners. Will homeowners collect lower rents because of the glut of available rentals? Will taxes go up? (I38.4)***

Response: CEQA Guideline 15358 (b) states that effects analyzed under CEQA must be related to a physical change in the environment. Economic impacts in themselves are not considered significant environmental impacts. The potential impacts cited in this comment are not associated with environmental change.

1. ***Existing tennis courts should be owned and managed by KMPUD. (I30.3).***

Response: Comment is out of the scope of the EIR analysis.

1. ***Caretaker units would likely be occupied close to 100 percent of time and essentially convert single-family into multi-family. (I21.2) No caretaker units should be allowed. (O1.4)***

Response: Aspects of caretaker units, such as the design criteria, are described in section 3.5.1.2.1 of the Draft EIR. They are intended to provide employee housing and property security.

Geology and Soils

2. *The exposed glacial-polished granite north of SR 88 is geologically significant. (I51.4)*

Response: Most of the granite domes and outcrops north of SR 88 would be avoided during construction or are protected by the open space designation of the area. Alternatives B and E do not propose single-family development in this area.

2. *Who will monitor and enforce the Kirkwood Soil Erosion Control Ordinance, and is this expected to be adopted at the County level? (See Table 2.5.) (A6.1)*

Response: The Erosion Control Ordinance will be adopted at the county level and will be administered through the county building, planning, and/or engineering departments, depending on the appropriate office within each affected county.

3. *County public works personnel do not currently perform structural engineering/seismic review, nor does the County Building Department staff include engineers. Rephrase Table 2.5 to state that the Building Department has jurisdiction over the engineering review function prior to issuance of building permits. (A6.2)*

Response: Your comment has been noted and the Final EIR includes this clarification.

Kirkwood Lake

4. *Mitigation measures involving impacts to Kirkwood Lake should include more detail.*

- a. Adopt mitigation measures to include the following actions: discourage use of the lake and promote wildlife-protection education (I36.5), educate cabin owners and lake visitors (O7.10), prevent so many units rented out in the summer. (I55.5)

Response: Kirkwood Lake is managed by the Forest Service for public recreation. Discouraging use would be inconsistent with management objectives. Under Mitigation Measure 4.3.1 (i), KMR is prohibited from providing additional parking for accessing Kirkwood Lake. Mitigation

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Measure 4.3.1 (h) includes educating Kirkwood visitors/residents of fishing regulations at the lake. Any renting of private units at the lake is under the owners' discretion. Occupancy rates and the resulting population at Kirkwood would be limited to the PAOT as analyzed in this EIR.

- b. What mitigation is being proposed to alleviate impacts from tripling the summer PAOT? (O7.11)

Response: As discussed in more detail in the response to comment Population Projections 2.k. below, to date there has been no PAOT limit established for private lands at Kirkwood. Therefore, summer PAOT would not be tripled under the Proposed Project. However, numerous mitigation measures included in most resource-discipline sections in Chapter 4 of the EIR would serve to mitigate the impacts of increased summer use of the resort and its surroundings.

- c. Who would Kirkwood hire to do mitigation wildlife surveys at the lake and to whom would they report survey findings? What would be the criteria to monitor, and how much degradation is too much? (O7.11)

Response: As stated in section 4.3.2.4.5.2, Mitigation Measure 4.3.2 (g), wildlife surveys would be completed by an independent biologist contracted by KMR and would assess wildlife populations and habitat of the lake according to appropriate, standard survey protocol approved by the Forest Service. A baseline survey, as well as surveys every 3 years for a 6-year period, or as often as determined necessary by the Forest Service, would be performed. Survey results would be reported to the Amador Ranger District. The results would then be analyzed by Forest Service resource specialists who would be responsible for determining if negative effects were occurring, and, if so, what the appropriate mitigation response should be.

2. ***Kirkwood development will magnify problems at Lake Kirkwood, and eventually the entire meadow area. Traffic at the lake will markedly increase. (I51.1)***

Response: Impacts to the Kirkwood area from development, including increases in traffic and other effects on Kirkwood Lake, have been documented in the resource sections of Chapter 4 of the Draft EIR. Mitigation Measure 4.3.1 (i) prohibits the creation of additional parking at Kirkwood Lake.

1. ***The Lake Kirkwood Association is opposed to development. Construction and blasting will significantly contribute sediment to Kirkwood and Caples creeks. Population increase would impact wildlife, visibility, traffic. (O7.6)***

Response: Your comment has been noted. Erosion estimates and the potential for sedimentation to Kirkwood and Caples creeks are evaluated in section 4.2.4.1.1.1 of the Draft EIR, as is the potential for increased erosion at Kirkwood North. Impacts to wildlife, visual resources, and traffic due to increases in development and population have been described in the Draft EIR, sections 4.3.2, 4.8, and 4.7, respectively.

1. ***What is the proof that no hydrological connection exists between Kirkwood Lake and Kirkwood basin? (O7.13)***

Response: A field examination and geophysical traverse by Culp/Wesner/Culp (1984) indicated that a continuous ridge of Silver Lake granite exists between the two basins. This study also concluded that fractures in the granite were filled with injected quartz. Based on these observations, the study concluded that passage of surficial or subterranean water to the Lake Kirkwood basin could not occur.

1. ***In the winter of 2000-2001 there were 10 cabin break-ins. (O7.11)***

Response: Your comment has been noted. Police service is discussed in section 4.13 of the Draft EIR.

1. ***Kirkwood Lake is in Amador, not El Dorado County. (O7.9)***

Response: Kirkwood Lake was annexed into Amador County. The Final EIR includes this correction.

1. ***Mitigation measure 4.3.1 (j) is missing. Conducting surveys every “few” years is insufficient. (A7.3)***

Response: The reference to mitigation measure 4.3.1 (j) should have been 4.3.1 (i). The Final EIR has been changed. Mitigation measures in the Draft EIR that include the need to conduct future surveys state time periods more specific than “every few years.” For example, see Mitigation Measure 4.12 (b).

Land Use Designations

2. ***The school site should be zoned for a school site or remain as open space, not zoned as Service/Parking. (I18.3)***

Response: The school site (Amador County Assessors parcel #026-270-018-000) is restricted from all uses other than a school facility, except for parks and recreational facilities should the parcel revert to KMR ownership.

2. ***Note (2) to Table 3.4 should include line about use restriction of school site that correctly appears on page 3-41. (O6.1)***

Response: This change has been made to the Final EIR.

3. ***Open space designations should be more clearly defined and protected.***

- a. The tennis courts and playgrounds should be zoned Open Space/Recreation-Facilities Allowed, not Service/Parking. (I13.18, I18.4, I39.2, I41.4, I46.2, I49.3)

Response: The tennis courts and playgrounds are located in areas zoned as Open Space/Recreation– Facilities Allowed, not Service/Parking, as incorrectly indicated in Figures 3.5, 5.1, 5.2, 5.3, and 5.4 of the Draft EIR. This error has been corrected in the Final EIR.

- b. What guarantees that areas designated as open space will remain undeveloped? Conservation easements are needed. (I56.6)
Encourage conservation easements for areas of private land such as Kirkwood Meadow, north of SR 88, and south of Dangberg Dr. (O5.7)

Response: In the context of a specific plan, zoning and similar land-use-designation measures are the appropriate means of managing development. In addition, Kirkwood Meadow is permanently protected under the terms of the Scenic Agreement signed by the resort and the Forest Service as a result of the EIR (Roberts 1973) and the EIS (Forest Service 1973) completed for Kirkwood development in 1973.

- c. How many acres are being set aside as OS [open space] in the 2002 EIR and how does that relate to the Forest Service EIS? (O7.5)

Response: As listed in Table 3.2, section 3.5.1.2 of the Draft EIR, total open space equals 205.4 acres. Recreational facilities are allowed on 3.8 acres of this total. In addition to the Open Space designation, the Meadow designation totals 129 acres. Kirkwood Meadow is permanently protected under the terms of the Scenic Agreement signed by the resort and the Forest Service as a result of the EIR (Roberts 1973) and the EIS (Forest Service 1973) completed for Kirkwood development in 1973. This area was designated as “zone 1” in the Scenic Agreement, which states Kirkwood Meadow is to be preserved with no development. Minimal utility infrastructure is permitted in Kirkwood Meadow under this agreement as long as it does not degrade the open setting of the meadow.

- d. Lift structures should not be allowed in Open Space zones. (I41.5, I25.1)

Response: Your comment has been noted. Activities currently allowed in Open Space zones are consistent with the 1988 Master Plan. Easements are maintained to allow for structures that are crucial to on-mountain operations.

Noise

1. *Minimize and mitigate traffic noise. (I18.12)*

Response: As described in section 4.9.4.1, the impact from increases in traffic noise was not found to be significant. Therefore, no specific mitigation measures are necessary.

1. *Noise impact analysis should include the use of loudspeakers at special events. Loudspeakers should be prohibited. (I56.12)*

Response: The use of loudspeakers is necessary at special events such as ski races, concerts, or speeches. They are not used often, approximately six times per year, and are not operated at night. A discussion of the potential for noise impacts from loudspeakers has been added to section 4.9, and a mitigation measure has been added in section 4.9.4.7.1 of the Final EIR to ensure that the use of loudspeakers does not result in a significant noise impact.

Population Projections

2. *Data presented in the DEIR concerning population projections and unit counts do not match data in the Draft Plan, or are incorrect.*

a. Why is the data on page 29 of the Draft Plan different from the data on page 3-35 (Table 3.1) in the DEIR? (I1.2, I13. 3)

Response: As explained in the paragraph preceding Table 3.1, the unit counts reported in the table are those used in the RRC Associates (RRC) report to calculate the persons-per-unit factors subsequently employed in the EIR's population projections. The combination of single-family and multi-family units in the current Draft Plan differs by 7, reflecting a slight change in KMR's plans after the RRC report was completed. This difference does not change the persons-per-unit values. The unit counts proposed in the Draft Plan are the same as those addressed in the Draft EIR (see Tables 3.3 and 5.2).

b. Table 3.1 (page 3-35) - The calculation of population at 100 percent pillow utilization cannot be duplicated. (I1.3, I13. 4)

Response: The population projection (assuming 95 percent peak unit occupancy and 100 percent pillow utilization) is calculated by multiplying across each row in Table 3.1 of the Draft EIR. For example, the population associated with single-family units is calculated from this table as: $418 \times 3.2 \times 1.0 \times 1.8 \times .95 = 2,287$. The total from this calculation is then divided by the number of units to produce the persons-per-unit values shown in the last column.

The column in Table 3.1 of the EIR titled “Population @ 100% Pillow Utilization” is more accurately titled “Population @ 95 % *Occupancy*,” meaning that it is the population when 95 percent of the units are occupied. As stated in the RRC report, a 95 percent peak occupancy rate is used to model worst-case conditions because even on the peak day of the season not all units are occupied at Kirkwood or at other resorts.

- c. The numbers for population at 100 percent pillow utilization on page 29 of the Draft Plan cannot be duplicated. (I1.1, I13.2)

Response: See the response to comment Population Projections, 1b, which answers this same question relative to contents of the EIR.

2. ***Population analysis is faulted and population assumptions are inaccurate.***

- a. Question the methodology used in the pillow count method. (I13. 5, I18.6, I26. 5, O5.6, O7.13)
- b. Concern for accuracy of population estimates and head-count-per-unit estimates. (I35.1) Problems with the pillow count method – some people don’t use pillows, some people sleep in chairs. (O7.13)

Response: RRC is a noted resort research, planning, and design firm with substantial experience in the ski industry and in the Tahoe region. They were contracted to assist with the population projections needed to complete this analysis on the basis of their unique capabilities and knowledge of similar projects. The methodology they used to develop the persons-per-unit factors used to make the EIR’s population projections reflect an industry-standard approach. Further, the RRC report compared the values calculated for Kirkwood to actual, observed values at similar resorts, and the Kirkwood values were found to be accurate but somewhat conservative (*i.e.*, overestimated occupancy). For example, the observed values for single-family homes at the comparable resorts was 4.8 persons per unit, but the value estimated for Kirkwood at 95 percent unit occupancy was 5.5.

- c. The advertising for Kirkwood lodging does not match the number of people per unit used in the population analysis. (I13. 6, I21. 3, O2.5, O7.13, A7.4)
- d. Based simply on KMR’s advertising, total population is underestimated, which undermines the entire document. Accurate

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assessment of peak overnight population is essential to determine environmental setting and impacts. (O4. 3, I56.4, O2.9, O4.11, A7.4)

Response: The resort's advertising materials do not provide an accurate basis for population projections because that is not their purpose. The population projections in the EIR were based on the report by RRC which is discussed in the response to comment Population Projections, 2.b , which uses a standard approach and compares the occupancy analysis to *actual* values at similar resorts.

e. Has the maximum population allowed an increase from the 1988 Master Plan because of a mixing of employee heads? Please verify the head count. (I10.2)

Response: The maximum population allowed under the Proposed Project has not changed from the 1988 Master Plan. PAOT includes all persons at the resort at any given time, regardless of whether they are residents, visitors, or employees.

f. Assumptions used in calculating maximum population (PAOT) are too low. Most beds will be occupied at peak times, which is much more than was used as the basis for compliance with the 1972 EIR and legal agreement with the Sierra Club. (I50.4)

Response: The RRC report used an occupancy rate of 95 percent, which has been shown to be higher than what actually occurs at peak times at similar resorts, making this EIR's projection a conservative estimate of peak occupancy.

g. The most conservative population estimates still overstate the number of people that stay overnight in the existing condos and single-family homes. (I11.1)

Response: Your comment has been noted. See response to comment Population Projections, 2.b. above.

h. The population projections are not truly based on the RRC report, but bootstrapping substantiation. (O2.4)

Response: RRC's role in establishing the population projections completed for this analysis is discussed in the response to comments 2. a. and b. above. The persons-per-unit factors they developed were factored with the unit mix specified in the Draft Plan to yield the stated population projections.

i. No explanation for why URI book was not cited. (O2.6)

Response: The book cited is not specific to mountain resorts or to the Tahoe region. The methodology used in the EIR for projecting populations at Kirkwood employs more site-specific and industry-specific information than the URI book. See response to comments 2.a. and b. above.

j. There is no basis for the assumption that day use will decrease as overnight accommodations increase. (I56.7)

Response: The basis for the assumption that Kirkwood will become more of a destination resort is that development at Kirkwood is being planned to accommodate more overnight visitors, and KMR's plans include measures to limit day-skier visitation as destination visitation increases. For instance, the parking plan included in the Draft Plan stipulates that when day-skier parking areas are full, the resort will be closed to day skiers.

- k. The overriding document is the Forest Service EIS, which sets the summer PAOT at 2,200. How can this be increased? (O7.4)

Response: As stated in section 2.4.1.1 of the Draft EIR, the summer PAOT of 2,200 used in the 1973 EIS was an estimate for assessing impacts, and it is not included as a restriction in the Forest Service SUP. While the Forest Service has yet to specify a summer PAOT for public lands, the Draft Plan, which is the document utilized by agencies with jurisdiction over non-federal land, proposes to set the summer PAOT limit at 6,558, with a special event limit of 9,800, allowed only for the duration of the event.

3. *Some key components and factors were excluded from the population projections and analysis.*

- a. Winter weekends are the worst time for overcrowding, and the occupancy rates used underestimate this time. RRC report not applicable to Kirkwood. (I21.1)

Response: The peak-day occupancy of 95 percent used in the EIR to project populations is likely higher than would actually be experienced, but is used to account for a “worst-case” scenario such as winter weekends. See response to comments 2.a. and b. above.

- b. RRC report didn’t account for employee housing. (O2.7)

Response: Employee housing is included in the unit counts under single-family and multi-family zoning designations. Housing will be provided at Kirkwood for up to 50 percent of employees.

- c. Lofts and sofa beds are not considered in the population analysis. (I13. 7)

Response: The RRC persons-per-unit factors are based on, and supported by, actual, observed occupancy figures at similar mountain resorts. Lofts and sofa beds are part of the accommodation setting at these other resorts and are factored into RRC’s more generalized figures.

- d. Caretaker units, which will have a higher occupancy rate than a guest unit, are not included in the population assumptions. (I13. 8, I18.6, I23.2, I26. 5, O2.7)

Response: Caretaker units are categorized within the Single-family/Duplex residential land-use designation, which is described in section 3.5.1.2.1 of the Draft EIR. These units are therefore included in the population estimates, at the conservative 95 percent occupancy rate.

- e. Size of houses and condos has doubled or tripled, allowing more people per unit than once assumed. This also allows for inaccuracies in the bed count figures and undermines the analysis of environmental impacts. KMR advertises that many more can stay in

units than is assumed in the population analysis. Capacities of large houses left vacant for most of the year need to be included. (I48.1)

Response: The multi-family bed count figures used the known number of bedrooms per unit. For example, condominiums are categorized as 1-bedroom, 2-bedroom, etc. Regarding the resort's advertising claims, see response to comments 2.c. and d. above. All homes were accounted for in the population total, whether occupied or not.

Project Elements

1. *The proposed project is not consistent with environmental objectives in sections 3.3.1 and 3.3.2 of the DEIR. (O2.3)*

Response: None of the environmental objectives described in sections 3.3.1 or 3.3.2 preclude the County from determining that the Proposed Project will significantly impact any of the resource areas discussed in those sections.

2. *Issues involving Ski-In/Ski-Out development*

a. KMA homeowners will lose their ski-in/ski-out privileges with Ski-In/Ski-Out North development. West Meadows was originally marketed as ski-in/ski-out. (I13.11, I21.4, I26.1, I35.2) Provide an analysis of the economic loss of property values. (I53.1)

Response: Ski-In/Ski-Out North development would not eliminate cross-country access in West Meadows. Access to on-mountain facilities would be maintained through planned ski trails and ski ways. See the Ski-In/Ski-Out North conceptual plan, Figure 3.7a of the Draft EIR.

b. Reduce Ski In/Ski Out acreage by 1/3. Avalanche danger is too high, snowmaking noise and visual impacts are unwanted. (I18.10) Developing this area will create a loss of recreation opportunities. (I37.3)

Response: Alternatives D and E do propose a reduction in ski-in/ski-out development. Avalanche hazards have been mapped for the Kirkwood area (see Figure 4.3) and mitigation exists to lessen the potential for impacts in high and moderate hazard zones to a less than significant level (see section 4.1.4.2.7 of the Draft EIR). See sections 4.9.4.3 and 4.9.4.6.3 of the Draft EIR for a discussion of snowmaking noise impacts. Visual impacts of Ski-In/Ski-Out development are mitigated to the extent feasible (see section 4.8.4.4.1 of the Draft EIR), but have also been identified as remaining significant and unavoidable following mitigation. To address this concern, Alternatives D and E proposed reduced unit numbers in the more visible, high elevation portions of Ski-In/Ski-Out North and South. Development plans have retained ski trails through this area to preserve recreation access. See figures 3.7 a and b in the Draft EIR for development renderings, and also the response to 2.a. above.

- c. General opposition to Ski-In/Ski-Out North, as it increases the unit total. (O1.5)
- d. Concern for environmental impacts of allowing single-family development in area of Ski-In/Ski-Out North. (I56.16)

Response: Units proposed in Ski-In/Ski-Out North have been factored into the total 1,503 unit count of the Draft Plan. The potential for environmental impacts associated with development in the area proposed as ski-in/ski-out has been considered under the appropriate resource sections in Chapter 4 of the Draft EIR. Also, Alternatives D and E propose a reduction in ski-in/ski-out development to reduce impacts, which are discussed in Chapter 5.

- e. Not all development proposed at Ski-In/Ski-Out may be economically feasible because of steep slopes, narrow roads, and curves requiring variances. (A6.6)

Response: The purpose of CEQA is to ensure that public agencies mitigate, to the extent feasible, the significant environmental effects of projects (Pub. Resources Code § 21002). Thus, the economic feasibility of the proposed project is outside of the scope of CEQA, except to determine the feasibility of proposed mitigation measures or alternatives. Consequently, the Draft EIR does not include an analysis of the financial feasibility of the proposed project. Rather, a determination as to the financial feasibility of the proposed project will occur during subsequent review, approval, and construction phases.

3. ***Limit development at Kirkwood North.***

- a. Limit development north of SR 88 – modest increase in commercial space, eliminate all multi-family and single-family development. (I18.8) Limit Kirkwood North to existing developed area. (I26.7)
- b. General opposition to development north of SR 88, as it is a sensitive area and any development would detract from recreational opportunities there. (O1.1)
- c. Development north of SR 88 is ill-advised. The cumulative impact of adding more to an already over-developed area has not been addressed. (I54.2)

Response: Reductions in commercial space and residential unit development north of SR 88 have been proposed as options in Alternatives B, D, and E. Cumulative impacts are discussed at the end of each resource discipline section in Chapter 4 of the Draft EIR.

4. ***Issues involving 1988 Master Plan.***

- a. No development greater than 1988 Master Plan should be allowed. (O1.2) Development exceeds that allowed in the 1988 Master Plan. (O7.17, O2.8, I37. 1) This is evidenced by more houses, larger condos, more commercial space.

Response: The Proposed Project would cap maximum overnight population at the same level as the 1988 Master Plan (6,558). Two alternatives (D and E) propose the same maximum allowable unit numbers as found in the 1988 Master Plan (Alternative A). Alternative B provides an option to further reduce the maximum allowable overnight population from what is proposed under the 1988 Master Plan.

- b. Section 5.1.2.1 and Table 5.2 (DEIR) incorrectly state that the number of single-family/duplex units in the 1988 Master Plan is 371. The actual number is 273. (I13.22, I23.6)

Response: The Draft EIR incorrectly stated that 371 single-family/duplex units were authorized under the 1988 Master Plan. As originally drafted the 1988 Master Plan called for 273 single-family/duplex units. However, subsequent project-specific plan amendments and development agreements, requested by developers and approved by the appropriate county, resulted in a shift in the authorized unit mix. Currently 324 single-family/duplex units and 829 multi-family units have been built or approved under the 1988 Master Plan. The total number of units allowed under the 1988 Plan, 1,413, has not changed. The 371 figure for single-family/duplex units was a mathematical error. The Final EIR has been revised to more fully explain the process and the outcome of revisions to the 1988 Master Plan. See sections 1.1, 1.3.1.1, 2.2.2, and 5.1.2.1 in the Final EIR. The mathematical error has also been corrected (see Table 5.2).

5. *Project comments not related to DEIR analysis.*

- a. The proposed community recreation center (see Draft Plan Section 6.5.7) will not serve the general community as it is a Master Owner's Association project. It should not be funded by public funds. (I13.19)
- b. What happens to the additional 2.75 percent sales tax? (I13.20)
- c. Has the money received from on-going projects been accounted for? What improvements are the result of real estate profits from the last 5 years? (I28.1)

Response: The purpose of CEQA is to ensure that public agencies mitigate, to the extent feasible, the significant environmental effects of projects (Pub. Resources Code § 21002). An EIR does not include an analysis of that financing.

Recreation

1. *Impacts from increased use of wilderness, National Forest land, and RARE II area have not been addressed; these areas are at or near*

carrying capacity. (I37.4, I50.3) Proximity and potential for impacts to RARE II area. (O7.8)

Response: Impacts associated with the potential for increased recreational use on surrounding public lands due to the increase in summertime visitors to Kirkwood are addressed in the Draft EIR, sections 4.12.4.3, 4.12.5.3, and 4.12.6.1. The potential for a significant and unavoidable adverse impact as well as a cumulative impact is documented in sections 4.12.8 and 4.12.9, respectively. The status of the Caples Creek RARE II area is discussed in the Draft EIR, section 4.6.3.1.

2. Increased recreational use in the surrounding area is left as significant and unavoidable. Monitoring alone does not qualify as mitigation. Must demonstrate that it is reasonably certain to occur and mitigate impacts. (O4.9)

Response: Specific mitigation is set forth as Mitigation Measures 4.3.1(h) and 4.3.1(i), as referenced in 4.12(a). Mitigation measures that provide for visitor use surveys and ongoing monitoring further state that should impacts be attributable to Kirkwood visitors/residents, Kirkwood would work with the Forest Service to develop and implement management controls. The MMP, to be adopted at the time that the Lead Agency approves the Specific Plan, will outline time frames and parties responsible for mitigation implementation to ensure compliance. In addition, the surrounding National Forest land are open federal lands that any member of the public (from Kirkwood or elsewhere) can access.

3. Support for bridge crossing in Kirkwood Meadow and completion of Meadow Trail. (I33.8)

Response: Your comment has been noted.

4. The meadow should be a golf course. (I44.2)

Response: Early versions of the Draft Plan included a golf course, although not proposed for Kirkwood Meadow, but this element was dropped for a range of environmental and economic reasons.

5. Development will minimize/eliminate use of many Nordic trails in Kirkwood North area. (I51. 2)

a. Against development at Kirkwood North because it would obliterate the High Trail and Job's Jaunt, two popular beginner/family Nordic ski trails. (I60. 1)

Response: Section 3.5.1.3.5 of the Draft EIR states that the existing cross-country ski trails will be protected by easements. However, displaced

trails are not considered to be a significant impact. The location of multi-use trails is noted on the Kirkwood North Conceptual Plan, Figure 3.8 of the Draft EIR.

- b. Trails in the vicinity of Kirkwood Lake were in use before 1971, when section 1009 of the California Civil Code was enacted, making it difficult to destroy trails on private lands which are used by the public. (O7.7)

Response: The Proposed Project does not include development in the vicinity of Kirkwood Lake. See the location of multi-use trails on the Kirkwood North Conceptual Plan, Figure 3.8 of the Draft EIR.

6. *Cumulative recreational impacts have not been adequately addressed. Contradicting statements of 2.7.3 – recreational sites nearby would be significantly/unavoidably impacted, yet 3.6.2.2 states that activity is less in spring and fall...Provide actual usage data for discussion of existing and projected recreational use. (A4.10)*

Response: Section 3.6.2.2 of the Draft EIR states that recreational activity is less in the spring and fall and therefore the potential for cumulative impacts is not mentioned further in the analysis. This statement is in specific reference to those shoulder seasons only. The Final EIR further clarifies this point. Comprehensive data on current, dispersed recreational use is not available, and sound, quantified projections are not feasible. In the absence of this quantified information, the EIR conservatively concludes that there will be a significant and unavoidable impact on recreation sites in the region (see Draft EIR sections 4.12.7.1 and 4.12.9).

Transportation (Traffic and Parking)

1. *Assumptions used as basis for analyzing traffic impacts are not valid.*

- a. Traffic is faulted because it relies on faulty population projections, assumption of increase in destination skiers/decrease in day skiers, and includes future mitigations not yet in place or required. (I56.8, I29.2)
- b. Underestimate of population leads to underestimate of traffic and parking problems. (O2.10)
- c. Relying on the switch from day-skiers to destination skiers to substantiate claims of adequate parking is not believable. Day-

skiers will also increase because of the on-mountain improvements. (I33.6)

Response: Population projections are one of the major inputs in the EIR's assessment of traffic and parking impacts. Comments regarding the projections and the methodology used to develop them are addressed above under responses to comments Population Projections 1.a. - 3.f. The shift in emphasis from day skiers to destination skiers, and its implication for day-skier parking, is addressed in the responses to comments Population Projections, 2.j., and Transportation, 4.a. and e. Issues regarding the time frames for implementation of mitigation requirements are addressed above under CEQA Process, particularly in responses to comments 3.a.-f.

2. *Issues related to traffic analysis.*

a. LOS calculations in Appendix A are not consistent with current conditions. They use separate northbound right and left turn lanes, which are actually currently shared except for close to the intersection. (I52.17)

Response: The right turn lane does adequately function as a separate lane and is therefore necessary to include in the analysis of intersection operations.

b. Traffic should include analysis of local street impacts using Traffic Infusion Residential Environment model (TIRE), developed by The Goodrich Traffic Group. (I56.9)

Response: The TIRE model is not a recognized national format for analyzing intersections and highways. The use of the 1997 Highway Capacity Manual is a more uniform and accepted standard. The TIRE model is also not considered valuable to the analysis because the ski area is a unique situation, which is not and cannot be considered as typical of local road systems.

c. Section 4.7.3 of the DEIR suggests that the intersection LOS given for the SR88/Kirkwood Meadows Drive intersection is based on traffic volume threshold classes. Per the 2000 Highway Capacity Manual (HCM), Level of Service for a two-way-stop controlled intersection is determined by the computed or measured control delay and is defined for each minor movement. LOS is not defined for the intersection as a whole. (A5.1)

Response: LOS for sections of roadways were calculated using threshold classes, while the intersection analysis was based on the standard 1997 Highway Capacity Manual analysis procedures for an unsignalized intersection using control delay. That analysis was done prior to the release of the 2000 HCM, and the analysis utilizing the 1997 HCM remains valid. The physical conditions in the vicinity of the project at the time the Notice of Preparation is published constitute the existing environmental setting (CEQA Guidelines 15126.6[e][1]), which, in turn, provides the baseline

for evaluating an impact's significance (CEQA Guidelines 15125[a]). Here, the date of the Notice of Preparation is November 20, 1998. Consequently, the physical conditions in November 20, 1998, constitute the baseline for the EIR. Accordingly, it was appropriate to use the 1997 HCM.

- d. Same manual (HCM) uses percent time-spent-following for LOS on Class II Highways. DEIR uses traffic volume thresholds. (A5.2)

Response: The analysis was done prior to the release of the 2000 Highway Capacity Manual (see response to comment 2.c above). Data on percent time following was not available, and the traffic volume threshold method, as outlined in the 1997 HCM, is valid.

3. *Traffic analysis excludes or fails to adequately address some issues.*

- a. The impact of traffic at SR 88/ Kirkwood North intersection is not discussed relative to its impact to the intersection of SR 88/Kirkwood Meadows Drive. Mitigation should apply to both intersections. (I50.2, I52.15)

Response: The analysis of the congestion by time period is shown in Table 4.30 in the Draft EIR. Section 4.7.4.3 identifies the Kirkwood North access as operating at a LOS C or better with the 2020 projections, and therefore no mitigation was viewed as necessary at this intersection.

- b. Additional PAOT, especially on peak days, will exacerbate delays for East Meadows residents who must travel through Kirkwood to exit. This could be serious in an emergency situation. Because construction of an auxiliary road is infeasible, this impact to East Meadows residents remains significant and unavoidable. (I52.12)

Response: The maximum PAOT (i.e. the winter PAOT of 11,800) is not proposed to increase from what is currently allowed at Kirkwood. The inconvenience experienced by East Meadows residents from traffic congestion during peak times is consistent with expected conditions of a ski-resort setting. The emergency exit at the north end of East Meadows would continue to be maintained, providing year-round emergency egress. These impacts do not exceed the significance criteria established in the EIR.

- c. Identify proposed responsibility of Kirkwood Resort Master Owners Association regarding snowplowing. (A3.6)

Response: The following paragraph from section 3.5.1.6.8 of the Draft EIR discusses snow removal responsibilities at Kirkwood.

The Kirkwood Resort Master Owners' Association has been given the responsibility for snow removal along Kirkwood Meadows

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Drive and the Village Center areas. The master association also contracts snow removal services for the other HOAs at Kirkwood. KMPUD is investigating the possibility of providing snow removal services in the private streets and parking bays in Kirkwood. Should an individual HOA choose not to contract with the master association, it would be up to that individual association to privately contract with another entity providing snow removal services. At present, no funding for snow removal at Kirkwood is provided by Alpine, Amador, or El Dorado County. The KMR Master Snow Removal Plan is included in the Draft Plan. This plan outlines specific procedures to be followed for snow removal, as well as outlines snow storage standards for developed areas.

Snow removal is also discussed in section 4.13.4.7 of the Draft EIR.

d. Traffic on SR 88 is drastically impacted on heavy ski days. Delays of up to 45 minutes may occur, which increases safety hazards as drivers become impatient. (I13.17)

Response: Your comment has been noted. Adverse traffic impacts are identified in section 4.7 of the Draft EIR and are recognized as significant and unavoidable without substantial contributions of state and/or federal funds to complete necessary highway improvements.

e. Does the 300 bus users figure include in-valley shuttle? (I52.9)

Response: No, this figure refers to the number of out-of-valley users of the shuttle service.

f. Impacts to local roads in Amador County that are used as alternate routes to SR 88 and 49, such as Ridge Road, Shake Ridge Road, Fiddletown Road should be addressed. (I52.14)

Response: By county ordinance, impacts to the arterial and major collector roads mentioned in the comment would only be considered significant if a direct safety impact was identified. Regardless, traffic impact mitigation fees, which are in place in Amador County and are proposed as mitigation in Alpine County, were discussed in sections 4.7.3 and 4.7.4.5.1 of the Draft EIR. These fees would supply funding for mitigating any impacts to roads in Amador County.

- g. DEIR does not propose mitigation for traffic impacts to local roads within Amador County. (O4.7)

Response: As discussed in the Draft EIR, section 4.7.3, a traffic impact mitigation fee is in place in Amador County and would mitigate impacts from increased traffic in the county. Mitigation Measure 4.7(c) proposes the implementation of a similar fee for development located in the Alpine County portion of Kirkwood, which could also be used to mitigate impacts from Kirkwood development in Amador County. See also response to comment 3.f. above.

- h. Parking and traffic monitoring should include summertime events and consider summertime shuttles. (A6.10)

Response: Mitigation Measures 4.7(b) and 4.7(d) have been rewritten in the Final EIR to include this time period in the monitoring schedule. The use of summertime shuttles would be considered as the need arises.

4. *Issues related to inadequate parking.*

- a. Existing parking is inadequate, especially on peak days. Additional development will only exacerbate the problem. (I46.3, I18.2)

Response: The current and projected adequacy of parking at the resort is discussed in detail in Draft EIR section 4.7.4. As stated in section 4.7.4.2 of the Draft EIR, the 2,500 existing parking spaces would not be adequate at full buildout if the ratio of destination to day skiers did not change. However, as noted in section 4.7.3 of the Draft EIR, the Kirkwood Master Parking Plan calls for turning away day-visitors once available parking is full. Also note that Mitigation Measure 4.7 (d) has been revised in the Final EIR to increase TC-TAC's role in insuring that adequate day-visitor parking is provided at the resort.

- b. Parking/traffic issue is still unresolved. (I31.2, I18.5, I37.2)

Response: Traffic and parking impacts are discussed in Draft EIR section 4.7.4. Mitigation measures are included in section 4.7.4.5 of the Draft EIR to alleviate the identified problems. Impacts from increasing traffic volumes are identified in section 4.7.5 as remaining significant and unavoidable without state and/or federal monetary assistance.

- c. A parking structure should be built to provide adequate parking on peak ski days. (I10.1, I31.3, A6.11, I52.8)

Response: The possibility of constructing a parking structure is discussed in section 4.7.4.2 of the Draft EIR.

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d. Show where parking structure would be relative to county maintained roads. (A3.3)

Response: Possible locations for a parking structure are described in section 4.7.4.2 of the Draft EIR.

- e. The 2,500 parking spaces are at least 500-750 spaces too few (20-30 percent), lots are inefficiently shaped, and large amounts of human intervention are required to make the parking plan work. (I49.5)

Response: Adequacy of parking is described in section 4.7.4.2 of the Draft EIR. It is documented that existing parking would be inadequate at buildout using the current destination to day-skier visitation ratio, but this ratio is expected to shift with future development and day-visitor limits enforced by KMR (e.g. closing resort to additional day skiers once 2,500 day-skier vehicles arrive, as stipulated in KMR's Master Parking Plan). KMR does rely on parking attendants to direct traffic and maximize parking efficiency, as indicated in the Kirkwood Parking Plan.

- f. Where will the new patrons park, as existing 2,500 spaces currently are inadequate? (I13.14)

Response: As buildout is reached, destination skiers are projected to comprise the majority of visitors. The existing 2,500 spaces will be sufficient for day-skiers if their maximum contribution to total PAOT is less than or equal to 53 percent (see Draft EIR section 4.7.4.2 and responses to comments 4.a.–e. above).

- g. Is one space per 1,000 square feet of commercial space adequate, or is some visitor parking needed in the commercial areas? Is the one space per 1,000 square feet for employees or customers? Provide documentation. (I52.2)

Response: The amount of parking allocated to commercial space was approved by county planners and has proven to be adequate for customer use at Kirkwood. Employee parking is provided for separate from the commercial space parking.

- h. Parking for multi-family is inadequate based on average number of people per car (2.5) and advertised occupancy rates. Owners/renters will use day-skier parking. Mitigate by providing more parking or justify the low amounts of parking with data. (I52.3)

Response: As documented in section 4.7.4.2 of the Draft EIR, the average number of people per car used in this analysis was developed by surveying visitors during the winters of 1998/1999 and 1999/2000. The number of parking spaces provided for each development type, as detailed in Table 4.31 of the Draft EIR, was determined by local planning regulations. See response to comment Population Projections, 2.c. and d. regarding KMR's advertised occupancy rates. The most frequent number of vehicles at a multi-family unit, regardless of size, is one.

- i. Providing 0.5 spaces per hotel/bed and breakfast room is only adequate at 50 percent occupancy. Should provide a whole space per room. (I52.4, A3.2)

Response: Providing 0.5 spaces per hotel/bed and breakfast room averages in the assumption that more than one room is often reserved by one carload of visitors. Also, guests often travel to a destination resort via a tour bus or shuttle, as some guests come to a resort through a package tour or from other nearby resorts. This rate is consistent with local planning regulations.

- j. Does KMR have data that supports the figure of one parking space per employee unit? How are employee housing units defined, is one bedroom in a shared facility a unit? (I52.5)

Response: One employee unit includes a bedroom and associated living space. See section 4.10.3.2.3 of the Draft EIR for further description.

- k. Employee parking should be separate from guest parking. If employees use multi-family housing the same number of spaces should be provided. KMR needs to provide data on adequacy of employee parking. (I52.6)

Response: Employee housing units are part of the overall single-family and multi-family unit totals and are subject to the same parking space requirements. As stated in the Draft Plan, parking areas for employees are designated as such and are often served by a shuttle to transport employees to their destinations.

- l. Has it been made certain that additional land may not be used as parking, even during the construction of a structure on an existing parking site? (I38.3)

Response: Only areas zoned as service/parking may be developed as designated parking areas. Construction activities could disrupt parking and cause temporary changes in parking patterns.

- m. Section 3.5.1.7.2 of the DEIR states 1.5 parking spaces are required per unit, 0.5 of which will be provided by “other nearby resort parking lots.” It is not acceptable to allow 1/3 of the parking for housing (0.5 of 1.5 spaces per unit) to be in ski area parking. Will this detract from the existing 2,500 spaces? (I13.15, O1.6)

Response: The remainder of the sentence explains that this additional parking space “would be designated as restricted/permit-only parking.” Use of this additional parking space would only occur temporarily if needed and if available, and would not detract from the 2,500 spaces allocated to day-visitors. The Final EIR reflects this emphasis.

- n. Parking spaces allocated to new housing should not overlap with day-skier spaces. (O1.6)

Response: As detailed in Table 4.31 of the Draft EIR, a required number of parking spaces by unit type has been established, consistent with the parking plan regulating Kirkwood. These spaces are separate from the 2,500 available day-skier spaces.

- o. Address/clarify road classification for Residential Collector Road as to allowing on street parking. Submit a conceptual parking plan for review that addresses traffic safety and snow storage. (A3.4)

Response: As outlined in the Draft Plan, roads classified as Residential Collector Roads currently include allowance for on-street parking on road shoulders. Parking, traffic safety, and snow storage accommodations are also outlined in the Draft Plan. A parking plan and a snow removal plan both exist as separate guiding documents associated with the Draft Plan and were reviewed in the course of this analysis.

5. ***Allowing resort visitors and employees to park in residential areas is unfavorable to Kirkwood residents.***

- a. Due to parking inadequacies, skiers park in the residential areas (e.g. Dangberg Drive) on peak days. Associated problems include:

- Reduced homeowner access.
- Congestion.
- One-way traffic.
- Inadequate access for emergency vehicles.
- Garbage left in yards.
- Trespassing.
- Mail delivery stopped.

(I13.13, I17.2, I39.3)

- b. Parking in KMA subdivision is not an adequate solution to parking problem. (I26. 2) On busy weekends, all parking is used and the exit lane is jammed from 4-6 p.m. This is dangerous for emergency vehicles. Residents didn't buy property here and don't pay for snow

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removal to support a parking lot. (I41.3)

- c. Day skiers should not be allowed to park in Kirkwood Meadows subdivision. It may interfere with emergency vehicle access and impedes circulation and resident parking. KMR should strictly enforce their turn-away policy when day-skier lots are full. (I52.10)

Response: According to KMR, a verbal agreement exists between KMR and KMA West Meadows residents that allows either guest or employee parking on side streets as needed on peak days only. This situation usually occurs no more than 10 days a year and is strictly controlled by parking attendants. Use of the side streets in the KMA area provides parking for an additional 100 to 150 vehicles not accounted for in the parking analysis. As part of the verbal agreement, snow removal in these neighborhoods is provided by KMR in order to produce and maintain these additional parking spaces. Parking attendants are also used as needed to ensure that access for emergency vehicles is retained.

- d. Employees are given incentives to park in residential areas. (I13.13)

Response: Employees are not given incentives to park in residential areas. Also see the responses to comments Transportation, 5.a.-c. above.

6. *Concern for safety issues related to parking.*

- a. Parking, traffic flow, and pedestrian safety need more attention. Kirkwood Meadows Drive from Timber Creek to the Village needs pedestrian zones and lighting. (I20. 2)

Response: The issues of parking and traffic flow, and pedestrian safety receive some attention through the use of parking attendants. Promoting pedestrian access is an important component of the Proposed Project, as one objective stated in several sections of the Draft Plan is to create a more pedestrian-friendly community (see sections of the Draft Plan, including 3.2.1, 4.3.1, 4.4.1, and 4.5.2). The main Draft Plan elements that would promote pedestrian access are the concentration of commercial and residential development in the Village area and the provision of multi-use trails. Light and glare constraints limit the feasibility of providing highly lit pedestrian areas. Also, safety concerns and normal snow removal activities would make pedestrian zones along Kirkwood Meadows Drive hazardous and therefore infeasible.

- b. Concern for parked cars and congestion blocking emergency vehicles. (I23.3)

Response: Parking along roads is not allowed to impede traffic movement. Parking attendants are used to ensure that access for emergency vehicles is retained.

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- c. Eliminate diagonal parking, especially along Kirkwood Meadows Drive, and provide additional parking to replace spaces lost by parking cars parallel to curb. (I52.11)

Response: Diagonal parking maximizes the number of parking spaces along some roads in Kirkwood. The safety and efficiency of diagonal parking is maintained through the assistance of parking attendants.

7. *Issues related to traffic mitigation.*

- a. All feasible mitigation for traffic impacts must be implemented.(O2.11)

Response: All mitigation has been considered and, if feasible, would be implemented in accordance with CEQA. See responses to comments 3.a.-f.under CEQA Process above.

- b. Evaluated effectiveness of proposed Mitigation Measures 4.7(a) and (b) using the HCM methodology, which uses average control delay per vehicle (sec.) for each stop-controlled movement. Results showed Mitigation Measure 4.7(a) would not be sufficient. LOS at intersection would be E (a.m.) and F (p.m.). Use of both measures would increase to LOS C. (A signal warrant analysis shows that peak hour traffic signal warrants are satisfied during the p.m. peak hour at the intersection in the cumulative (2020) peak winter month scenario.) (A2.1)

- c. Based on this separate analysis, Fehr and Peers recommends the mitigation measures be changed to:

- Require both a traffic signal and permanent left and right turning lanes.
- Include a requirement to provide additional storage as needed for the critical turning movements including the northbound left-turn and right-turn, eastbound right-turn, westbound left-turn.
- Traffic monitoring should be done annually.

(A2.1)

Response: The intersection analysis was based on the standard 1997 HCM analysis procedures for an unsignalized intersection using control delay. The analysis was done prior to the release of the 2000 HCM and remains a valid method of analysis (see response to comment 2.c. above). Based on this analysis, adequate mitigation is included in section 4.7.4.5 of the Draft EIR, which includes most aspects of the mitigation suggestions in this comment. Mitigation 4.7 (a) includes provision of northbound right and left turn lanes. Mitigation Measure 4.7 (b) includes signalization and a requirement for monitoring every 3 years. It also stipulates that TC-TAC can increase the frequency of monitoring if growth in traffic warrants it. Section 4.7.3 of the Draft EIR discusses auxiliary lanes providing storage for east and west bound traffic turning into Kirkwood Meadows Drive. In short, the elements of the suggested mitigation are addressed in the EIR, and the Lead Agency will consider the suggested configuration as the MMP is prepared and conditions of project approval are formulated.

d. Mitigation Measure 4.7(c) found to be inadequate because it does not assure that a fee will be implemented or that the appropriate improvements will be included in the fee program. Also, there is no requirement for the project proponent to pay, or for the funds to be allocated for Amador County. There is no time frame for implementation of any fee payment or improvements. (A2.2)

e. The new measure should include provisions to ensure this measure is implemented, either by:

- requiring the lead agency to provide a fair share financial contribution toward planned SR 88 improvements based on the proportion of local traffic generated by the Proposed Project, OR
- the lead agency should require the project proponent to pay the Amador Co. traffic impact mitigation fee.

This would strengthen the findings of overriding consideration, and reduce the severity of the significant and unavoidable impact. If not implemented, Alpine County should explain why these measures were found to be infeasible.
(A2.2)

Response: The impact of the Proposed Project on SR 88 traffic volumes has been determined to be significant and unavoidable without a contribution of additional state and/or federal funds. Traffic impact mitigation fees are in place in Amador County and proposed as mitigation for Alpine County. There is a requirement for the project proponent to pay the impact fees in Amador County, as detailed in section 4.7.3 of the Draft EIR. The implementation schedule and parties responsible for mitigation measures outlined in the Recirculated Revised EIR will be detailed in the MMP, which will be adopted prior to or concurrent with approval of the Specific Plan. The Lead Agency will document the findings in a Statement of Overriding Considerations (SOC), as required by CEQA. See also response to comments 3a.-f. under CEQA Process above.

- f. Encourage adoption of traffic mitigation outlined in report by C. Leitzell, and shuttles and incentives for carpooling. (O5.4)

Response: Mr. Leitzell's mitigation suggestions are addressed individually in this section of the response to comments. Carpooling and shuttle incentives have been included under Mitigation Measure 4.7 (d).

- g. All mitigation in Section 4.7.4.5.1 should be implemented by next winter. Lanes should be widened to 11-12 feet, not made with cones. Intersection monitoring should also be done and the LOS recalculated. (I52.16)

Response: The Lead Agency will establish the schedule for any required mitigation measures in the MMP, and monitoring data will be a consideration. Mitigation Measure 4.7 (a) includes re-striping as an option to cones for defining turning lanes which will be considered. This measure also states that 10-foot-wide lanes would be the minimum, so wider lanes will be considered. The current LOS analysis is adequate for decision-making purposes but will be periodically re-done as called for under Mitigation Measure 4.7(b).

- h. Any improvements made to SR 88 as development of the Proposed Project occurs may require additional analysis of their impacts and in order to determine mitigation, in accordance with the Caltrans Guide for the Preparation of Traffic Impact Studies (TIS Guide). (A5.3)

Response: Projects occurring on SR 88 will be reflected in ongoing monitoring required under Mitigation Measure 4.7(b) if they affect the SR 88/Kirkwood Meadows Drive intersection, in which case they will be addressed in accordance with that mitigation measure.

- i. Mitigation Measure 4.7(c) should be implemented, and KMR should be required to contribute their fair share of the cost to improve access to Kirkwood on SR 88. (I52.13)

Response: This measure is anticipated to be implemented through adoption of an ordinance by Alpine County. Revenues generated through Mitigation Measure 4.7(c) would be used to mitigate traffic impacts on SR 88 east and west of Kirkwood that are attributable to Kirkwood development on a fair share basis

- j. Discussion of mitigation costs and areas set aside by Kirkwood for replacement of environmentally sensitive land used in road Transportation (Traffic and Parking)

construction activities should be included. (A5.6)

Response: No specific plans to increase existing pavement on SR 88 are included in the Draft Plan, but conceptual plans for Kirkwood North do indicate additional entry ways. If these entry ways or any other increase of SR 88 pavement were formally approved, state requirements for mitigation of impacts to sensitive lands would be addressed as part of the review and approval process for those specific projects.

k. Regarding Mitigation Measure 4.7(b), Caltrans requests copies of the analyses [traffic counts provided to TC-TAC every 3 years]. KMR should develop a traffic count schedule. (A5.4)

Response: The MMP will include these stipulations as part of Mitigation Measure 4.7(b).

l. The Draft Plan proposes alternative transportation such as bicycles to reduce in-valley congestion, but these options will not alleviate traffic problems in the winter. (I13.12)

Response: All forms of alternative transportation provide some congestion relief. Other forms besides bicycles, such as the in-valley shuttle, are promoted to alleviate traffic problems in the wintertime.

8. *Issues related to parking mitigation.*

a. Parking is not identified as significant in mitigation table (page 2-16). (I33.5)

Response: Adequacy of parking is identified as significant in the mitigation table before mitigation and less than significant following mitigation implementation.

b. Conducting parking studies during holiday weekends [Mitigation Measure 4.7 (d)] will not sample the peak ski days because holidays are black-out periods for Snow Bomb (cheap) passholders. (I13.16)

Response: Mitigation Measure 4.7 (d) has been changed in the Final EIR to also include other weekends in parking studies.

Transportation (Traffic and Parking)

- c. Mitigation Measure 4.7(d) is inadequate. Threshold is too high and implementation of mitigation is too vague.(I33.7)

Response: Mitigation Measure 4.7(d) has been revised in the Final EIR to provide a more practical and effective approach to parking monitoring and mitigation.

- d. Mitigation to alleviate parking demand could include encouraging car pooling. (I52.8)

Response: Kirkwood employees are already encouraged to car pool through a gas-cash program. Also see Mitigation Measure 4.7(d) in the Final EIR.

- e. KMR needs to develop and implement a measurable plan to manage vehicles, parking, and pedestrian traffic. (I17.2)

Response: Parking would be continued to be managed under the Parking Plan, which accounts for each available parking space and details the stages of parking direction through a busy resort day up to the point of turning away vehicles once all spaces are used. The use of parking attendants greatly increases the efficiency of vehicle management and public safety. Pedestrian access is a central aspect of the Draft Plan, exhibited in the proposed development design and the multi-use trail network.

9. *Shuttle service should be emphasized as a method of alleviating traffic and parking problems.*

- a. Provide a van service for shuttling employees. (I52.8, I52.7)

Response: As described in section 4.7.3 of the Draft EIR, KMR provides a shuttle service for employees between Kirkwood and South Lake Tahoe, Gardnerville, and Woodfords.

- b. Shuttle system should be expanded to remote parking areas (I20. 2); schedule bus operation from Sacramento and advertise it. (I52.8)

Response: Remote parking areas are not currently proposed under the Draft Plan or alternatives. Public transportation to the Kirkwood area is discussed in the Draft Plan. Due to its isolation, including Kirkwood on a regularly scheduled public bus route does not seem feasible. A private bus operates from the South Lake Tahoe area in the wintertime.

10. *General comments related to transportation issues.*

- a. The use of sound engineering practices should be utilized in regards to future drainage design of roads. (A5.5)

Response: The general construction practices at Kirkwood incorporate sound engineering practices. Roads and parking lots are designed to address drainage concerns.

- b. The use of California State Highways for other than normal transportation purposes may require written permission from Caltrans in the form of an Encroachment Permit. (A5.8)

Response: Table 3.7 of the Draft EIR identifies potentially required permits, approvals, and actions for implementation of the Draft Plan, and includes encroachment permits. Should this situation arise at Kirkwood the appropriate permit would be sought from Caltrans.

- c. Provide road improvement plans and Road Maintenance Agreement (RMA) per County Code for all new roads. The RMA should be a permanent, on-going snow plow and maintenance agreement. It should address public safety, water quality, and other environmental issues. Current one is temporary and was a request of KMA property owners. (A3.5)

Response: A permanent RMA is infeasible given the variety of jurisdictions governing roads at Kirkwood. Separate agreements currently exist with homeowner organizations, with the MOA responsible for common areas and roads such as Kirkwood Meadows Drive.

- d. Do not build condos on Chair 9 lot - this lot accommodates 300 cars and is convenient for families with children. Making up some of the lost parking spaces in Chair 7 lot takes away snow storage space. (I41.2, I18.9)

Response: While the Chair 9 lot would be developed under the Draft Plan, adequate, readily accessible parking would be provided in the Timber Creek area. Snow removal and storage is planned for under KMR's Master Snow Removal Plan. County building/engineering standards require the developer of any structure or subdivision to plan snow storage areas sufficient to accept the snow which must be removed for access to the development or building. Sufficient area is guided by criteria based on maximum snowfall and historical compaction rates.

Utilities and Public Services

1. ***How was the data in Table 4.46 (pg. 4-216) obtained or calculated, specifically the Projected Peak KW? Were the values in the last column randomly determined? (I13.25)***

Response: Kilowatt usage projections were done by Henwood Energy Services, Inc. for Mountain Utilities using two methodologies: history-based and representative electric industry energy consumption (HESI 1999). The history-based method used monthly energy consumption data (from the winter of 1996-1997 and the summer of 1997) for each of the major categories of electricity consumers (e.g., single-family, small commercial, or common area loads) to calculate consumption rates. Historical hourly records of power demand (reflecting the total load at Kirkwood) recorded at the power plant for the period of October 1996 to July 1998 were also used to determine annual electric system load profiles. The second method, used to validate projections from the history-based method, used typical energy consumption rates for the customer classes mentioned above published by the California Energy Commission-Energy Forecasting and Planning Division. The entire report, *Electrical Generation System -- Master Plan Mountain Utilities, Kirkwood, California* (March 30, 1999) is included in the project record and is available for review at the Alpine County Planning Office, Markleeville, California.

2. ***Power is unreliable under current conditions. Brownouts and outages are common. KMR must plan to improve power service. (I17.3)***

Response: As described in section 4.14.4.1 of the Draft EIR, some upgrades have been completed recently, and expansion of Kirkwood's power generating capabilities would be needed to meet future electricity demand.

3. ***Provide adequate snow storage. (I18. 7) Snow storage should be provided on-site or adjacent to a specific development. (A6.5)***

Response: As indicated in the Draft EIR section 4.13.4.7, snow removal and storage is comprehensively addressed in KMR's Master Snow Removal Plan. Areas are allocated to snow storage through a system of easements, which ensure adequate area exists to maintain vehicle access in severe winter conditions. County building/engineering standards require the developer of any structure or subdivision to plan snow storage areas sufficient to accept the snow which must be removed for access to the development or building. Sufficient-area determinations are guided by criteria including maximum snowfall and historical compaction rates. The standard used to calculate required snow storage areas is 10 cubic feet of snow storage for every 1 square foot of snow removal area.

4. ***Assess the increased pressure on existing infrastructure from the increase in individual home sizes. (I23.4)***

Response: The adequacy of existing infrastructure is not assessed based on individual home size, but rather on existing demands and maximum allowable population.

5. ***KMPUD should handle solid waste/recycling for entire valley. (I30.2)***

Response: Your comment has been noted. Since 1997, KMPUD has offered a solid waste program that contracts with the majority of the homeowner associations. This existing system has been carried into the currently proposed Draft Plan.

6. ***Construct road connecting East Meadows to SR 88 for emergency access. (A3. 1)***

Response: A dirt road connecting East Meadows and SR 88 does exist. However, it will not be further developed as an additional, permanent access road. It will continue to be maintained for year-round emergency access.

7. ***Public safety criteria should be outlined common to all counties involved. (A3.1)***

Response: As stated in section 4.10.4.2.4 of the Draft EIR, the Kirkwood Emergency Housing Plan outlines procedures and available accommodations to handle a disaster situation. KMPUD has a plan for water and wastewater services during a disaster or emergency situation. See response to comment Utilities and Public Services, 6 above regarding the East Meadows emergency access road. The Village Fire and Life Safety Plan and the Fire Service Master Plan include fire protection objectives and provisions. Connecting Ski-In/Ski-Out North to Dangberg Drive would be infeasible due to environmental concerns. Beyond these provisions and other details of the Draft Plan, public safety criteria common to all counties are not viewed by the Lead Agency as necessary.

8. ***Snow removal and year-round road maintenance need to be assured. (A3. 1)***

Response: Regarding the issue of snow removal, see the responses to comments Utilities and Public Services, 3, and Transportation, 3.c. above.

9. ***Kirkwood should obtain power from regional electric grid. (I24.2)***

Response: As discussed in section 4.14.4.1 of the Draft EIR, connecting Kirkwood to an out-of-valley electric source has been determined to be

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economically and environmentally infeasible at this time. This proposed project was analyzed by Sierra Pacific Power Company in Kirkwood Transmission Line Feasibility Study, July 10, 1996.

10. ***Explore the use of fuel cells. (I37.5)***

Response: This is being considered as an energy source alternative, as described in section 4.14.4.1 of the Draft EIR. However, fuel cell technology has not achieved a level of cost-competitiveness appropriate for application at Kirkwood at this time (HESI 1999).

11. ***DEIR didn't analyze the impact that the additional heat generated by increased power plant size and activity and increased woodburning would have on snow quality. (I38.2)***

Response: Assessments of this issue would be highly speculative, difficult, and not likely to identify any significant impact.

12. ***Some factual corrections and additional information are needed concerning fire protection and police services. The EIR needs to address the impact on the fire department (O3)***

- a. Section 3.5.1.6.4 – sentence on the enunciator panel is not accurate, dispatch comment is not accurate, and the fire sprinkler comment is not necessary. (O3.1)

Response: The necessary changes have been made to the Final EIR, specifically in sections 3.5.1.6.4, 4.13.3.2, and 4.13.4.2.

- b. KMPUD Fire Service Master Plan (1997) should be incorporated by reference. (O3.2)

Response: The Fire Service Master Plan (ABC 1997) has been incorporated by reference in section 3.5.1.6.4 of the Final EIR. The plan is included in the project record and is available for review at the Alpine County Planning Office, 17300 State Highway 89, Markleeville, California.

- c. Village Fire and Life Safety Plan needs to be updated and maintained. (O3.3)

Response: The Village Fire and Life Safety Plan can and should be updated as needed to accommodate development. This wording has been added to Mitigation Measure 4.13 (c) in the Final EIR.

d. DEIR fails to identify where funding will come from to hire extra police as needed. Supporting evidence to this need of additional deputies is not discussed, and mitigation is inadequate because no funding mechanism is identified. (O4.10)

Response: The increase in visitors and residents at Kirkwood that is projected to accompany the increase in overnight accommodations underlies the assumption that more police protection would be needed at buildout. As noted in section 4.13.3.1, the county general fund is the primary revenue source for the Sheriff's Departments of Alpine and Amador counties. Also, additional fees could be charged at special events should additional event protection be needed.

13. *There is not mention of a conservation easement for the meadow. Absorption beds should not be located here. (I56.15)*

Response: As stated in section 4.3.1.4.2.1 of the Draft EIR, absorption beds are no longer proposed in or near Kirkwood Meadow. Also, see response to comment Land Use Designations, 3.c.

Vegetation

1. *A rare Swiss flower (Encion) grows on the portion of the Dangberg Trail slated to be eliminated. (I13.21)*

Response: The plant mentioned in this comment is not a listed or special-status species. While reducing its habitat is unfavorable, doing so does not constitute a significant impact under CEQA.

2. *Impact to native plants is still a concern. (I54.1)*

Response: Disturbed areas will be revegetated with approved seed mixes according to the Kirkwood Draft Landscape and Revegetation Ordinance (KMR 2002), which emphasizes native and non-invasive plant species. The Noxious Weed Management Plan for Kirkwood Mountain Resort (see Appendix B of the Draft EIR) would also protect native vegetation through the prevention of weed establishment.

3. *Concern that development will eliminate many old-growth trees in area north of SR 88 and north of Timber Creek. (I51.3)*

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Response: Some tree clearing would occur with development of the Draft Plan. Provisions to regulate tree removal are outlined in the Draft Tree Ordinance (KMR 2002). This limits tree removal by individuals. In order to meet project objectives that aim to preserve the natural setting of Kirkwood, individual project designs should minimize large tree removal when possible.

4. ***The vegetation analysis focuses on construction impacts and not long-term. (I56.10)***

Response: Long-term impacts to vegetation are not expected to be significant with implementation of pertinent mitigation measures and revegetation efforts.

5. ***Use of native grasses and vegetation should be required. (A6.12)***

Response: Your comment has been noted. Use of native plant species is strongly recommended in the Draft EIR. See response to comment Vegetation 2. above.

Visual Resources

1. *The exterior lighting requirements of the Draft Plan cover shielding of outdoor lights. No exemptions should be allowed from light-shielding requirements, which are necessary to reduce light pollution. (I10.3)*

Response: Although the Draft Plan allows for some shielding exemptions, such as for outdoor lighting associated with on-mountain facilities, the Draft EIR describes specific guidelines for any additional lighting. For example, section 4.8.4.3.2 of the Draft EIR outlines lighting guidelines for the snowtubing facility to minimize light pollution. Also, section 4.8.4.4.2 of the Draft EIR establishes mitigation measures to reduce overall light and glare impacts.

2. *Architectural review and control process needs remedying. (I17.1)*

Response: Examples of this problem in the past are evident at the resort. Under current management, the Design Review Board, operating under the Master Owners Association, was established in 1998 to rectify the problem. Composed of architects and other qualified individuals, the review board is charged with review and approval of new construction plans, and they are also involved in remodeling some existing developments such as The Meadows condominiums.

3. *Minimize visual impacts, especially from lights. (I18.11) Any aspect of the proposed development that leaves significant and unavoidable impacts to visual resources should be eliminated. (O4.8)*

Response: As required by CEQA, section 4.8.4.4 of the Draft EIR includes all feasible measures to mitigate the project's visual impacts to a less than significant level (CEQA Guidelines 15126.4[a][1]). However, as described in section 4.8.5, some visual impacts would remain significant after incorporation of all feasible mitigation measures.

4. *Development at higher elevations in Ski-In/Ski-Out and Caples Crest, which causes visual impacts, should not be allowed. Allowing significant visual impacts is inconsistent with SR 88 designation. (I56.13)*

- a. Visual impacts to the viewshed of the Mokelumne Wilderness are inconsistent with the intent of wilderness designation. Impacts along the SR 88 corridor are inconsistent with the highways scenic designations. (O4.8)

- b. Increased visual impacts could result in loss of scenic designation of SR 88. (A5.7)

Response: The potential visual impact to the viewshed of the Mokelumne Wilderness has been identified in section 4.8.3 of the Draft EIR. Section 4.8.4.3.1 includes a specific discussion regarding the Caples Crest restaurant and its visibility for a 0.25-mile stretch of the Fourth of July trail through the Mokelumne Wilderness. While the view would be consistent with that expected from a resort and would therefore be less than significant, design procedures would be followed to reduce the visual impact as much as possible (see Mitigation Measure 4.8 [w]).

SR 88 is under a scenic highway/byway designation, but exceptions have been made for some development including “the Kirkwood Meadows project, the Silver Basin ski area expansion, and the construction of a highway maintenance station at Schneider Camp”(Sierra Club v. Edward Cliff 1972). Alternative E additionally addresses concern for visual impacts from SR 88 by reducing unit numbers in the higher elevations of the Ski-In/Ski-Out development. There are no plans to change the scenic highway status of SR 88.

- 5. *Size of houses and condos has doubled or tripled. This creates bigger visual impacts and allows for an increased number of beds. Limit size of new houses. (O1.3, I34. 1)*

- a. Mitigation to address the problem of larger houses: reduce the size of units and footprints, cluster units to reduce amount of road construction and retain open space, more multi-family, less single-family development. (I48.2)

Response: Mitigation measures proposed in this comment, such as unit clustering, unit number reductions, and retention of open space, have already been incorporated into one or more alternatives of the EIR. House size has been limited to 5,000 square feet in the East Meadows and Palisades developments, as set by the Kirkwood Resort Master Owners Association Covenants, Conditions, and Restrictions.

Water Resources

- 6. *The impervious surface estimates should be better explained.*

- a. The impervious surface estimates need reevaluation (Table 4.8). A reduction in impervious surfaces cannot be explained by the six

existing double-lots in KMA. (I23.5, I41.2)

Response: The impervious surface estimates reported in Table 4.8 of the Draft EIR were confusing because values for two subareas showed a reduction in impervious area. Instead of reporting the change in impervious surface area from existing or previously planned amounts to proposed amounts, the total impervious surface area is reported in the Final EIR, calculated by adding the existing area to the amount that would occur with the Proposed Project. This total is then used to calculate the percent change in impervious surface within each subarea that would occur with the Proposed Project by subtracting the percent of impervious surface existing from the percent total which would occur with the Proposed Project. This method does not change the impact determination of less than significant. These changes have been made to Table 4.8 in the Final EIR. The same protocol is also followed for corrections to Table 4.9, potential increases in erosion.

See section 4.2.4.1.1.1 of the Final EIR for the corrections in tables 4.8 and 4.9 and the associated discussion of potential impacts. Following mitigation, the potential for increases in runoff and erosion would be less than significant, as was reported in the Draft EIR, section 4.2.4.3.

b. It is not acceptable to increase the acreage of impervious surfaces and increase runoff. Relying on multiple lots by one owner to account for the increase does not ensure the lots will remain undeveloped. No increase in impervious surfaces should be allowed. (O1.7)

Response: Some increase in impervious surface area will accompany any approved development. The statement in section 4.2.4.1.1.1 of the Draft EIR that multiple lots are sometimes purchased by a single homeowner was not used to account for increases in impervious surfaces. It explained some of the reason that impervious surfaces were actually shown to decrease in the KMA and East Meadows subareas. The Final EIR corrects this confusion in impervious surface values, as explained above in the response to comment Water Resources 1.a. above.

c. According to the 2002 Notice of Availability of the Revised Draft, Kirkwood is 35-45 percent under construction or completed. This doesn't work with Table 4.8, where existing impervious surfaces equals 70.6 acres with 33.4 new. Seems like it should increase to 150-200 acres. (I26.6)

Response: The 2002 Notice of Availability states that approximately 35 to 45 percent of *allowed* development on private land is under construction or has been completed. This percentage is based on unit count, not on affected acreage. There is not a 1:1 relationship between the two, so projecting a proportional increase in impervious surfaces is not valid. See also the response to comment Water Resources 1.a.

2. ***Stormwater controls and management have not been addressed, and erosion control should be further evaluated and discussed. (I35.3)***

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- a. Section 4.2.2.3 doesn't mention NPDES non-point source stormwater program requirements. (A6.9) Phase II regulations of EPA's stormwater program for small MS4s may apply. (I26.8)

Response: Section 4.2.2.3 of the Draft EIR includes a discussion of the Central Valley Regional Water Quality Control Board (CVRWQCB) as the regulators of water quality at Kirkwood. Stormwater requirements are included under their regulation. The potential for non-point source pollution is discussed in the Draft EIR, section 4.2.4.1.3.7, and mitigation is included in section 4.2.4.2.3.6 as Mitigation Measure 4.2 (aa). Table 3.7 in the Draft EIR includes mention of the potential need for NPDES/ stormwater permitting by the CVRWQCB. Phase I and Phase II permitting both apply to stormwater from construction activity, the difference being the size of the disturbed area. As the Proposed Project would occur over a contiguous area greater than 5 acres and consists of multiple distinct construction activities, Phase I permitting would apply to the proposed development at Kirkwood. The following text will be added to the Final EIR, section 4.2.2.3, in response to this comment.

Under the Environmental Protection Agency's (EPA) Phase I regulations, operators of construction activity disturbing a minimum of 5 acres must apply for an NPDES stormwater permit. This also applies to operators of sites disturbing less than 5 acres if the activity is part of a "larger common plan of development or sale" with a disturbance of at least 5 acres. Beginning in 1999, small development projects (1-5 acres) are subject to EPA's Phase II regulations, which also require NPDES permitting and implementation of practices to minimize pollutant runoff (EPA 2000).

- b. The projects proposed are part of one undertaking and are subject to the Construction Storm Water General Permit and Requirements, including construction BMPs and SWPPP [stormwater pollution prevention plan] preparation. Kirkwood should prepare a SWPPP. (A6.9)

Response: The contents of a SWPPP are outlined in the Kirkwood Draft Erosion Control Ordinance, Appendix 1 of the Draft Plan. This ordinance is included in Mitigation Measure 4.1(a). The development of a SWPPP is subject to requirement by the CVRWQCB.

- c. Phase II permit coverage of MS4s' thresholds include having a total population close to 10,000 and a density of 1,000 people per square mile. Kirkwood peak population density would be 5,411 people per square mile within the Draft Plan area and 1,749 people per square mile within the Kirkwood Creek watershed, both of which are higher than the density threshold for consideration as an urbanized area by the U.S. Census. (I26.9)

Response: MS4s apply to areas usually considered urbanized with a large concentration of impervious surfaces and an associated high concentration of runoff contaminants. This situation does not describe conditions at Kirkwood. Also, the population criteria for small MS4s do not apply to Kirkwood. The maximum persons-at-one-time (PAOT) totals 10,800 people, not the total population. The maximum potential

overnight population is 6,558. These values are not the number of permanent residents of Kirkwood, rather they include a combination of both full- and part-time residents, overnight guests, employees, and in the case of the PAOT limit, day-visitors that could be accommodated at Kirkwood on any given day.

- d. Smart Growth concepts should be integrated into development plans, such as development clustering and attention to post-construction stormwater management. (I53.3)

Response: The planning concept of clustering is incorporated into the Proposed Project and its Alternatives B through E by concentrating development in the Mountain Village. The concept is also incorporated into Alternative C by clustering multi-family development in the Kirkwood North subarea. Stormwater management has been incorporated into development plans. For example, Mitigation Measure 4.2 (w) identifies methods to control parking lot runoff. Also, a SWPPP would be required by the Regional Water Quality Control Board, which details management practices aimed at reducing the discharge of pollutants. See also response to comment 2.b. above.

- e. Detail about erosion-control practices should be included other than use of hay bales. (I53.3)

Response: Other examples of erosion-control practices are described in the mitigation sections of sections 4.1 and 4.2 (see Mitigation Measure 4.1[a] and Mitigation Measure 4.2[z]), and in the Draft Kirkwood Erosion Control Ordinance, included in the Draft Plan as Appendix 1.

- f. Post-construction sediment control has been left up to individual homeowner's associations, such as KMHOA. A special stormwater control district, other than individual homeowner's associations, may need to be developed to monitor and control sediment. KMPUD's monitoring of Kirkwood Creek should address non-point source sediment discharge. (A6.4)

Response: As stated above, section 4.2.2.3 includes a discussion of the CVRWQCB as the regulators of water quality at Kirkwood. A special stormwater control district could be established at their direction, but is not considered necessary. Mitigation measures are identified in the Draft EIR to control post-construction sedimentation. Also, as stated in Mitigation Measure 4.2 (aa) in section 4.2.4.2.3.6 of the Draft EIR, KMPUD monitoring of Kirkwood Creek will include total suspended solids, a measure of non-point source pollution.

3. ***Additional direct, indirect, and cumulative impacts may occur to waters outside of the project area, such as Caples Creek, the Silver Fork of the South Fork of the American River, Caples Lake, and Silver Lake.***

- a. KMR expansion may result in significant additional impacts to Caples Creek and the Silver Fork of the South Fork of the American River. Sedimentation and chemical contamination associated with treated effluent inadvertently entering surface waters should

be considered potentially significant to Caples Creek and the Silver Fork, at least cumulatively. (A4.2)

Response: As the water bodies noted in the comment fall outside the project area, they are not subject to direct impacts associated with the Proposed Project. Indirect, and therefore cumulative, impacts remain a possibility, but only via impacts to Kirkwood Creek that are subsequently transferred down stream. Both indirect and cumulative impacts to downstream waters were projected to be insignificant on the basis of two facts documented in the Draft EIR. First, the direct impacts to water quality in Kirkwood Creek were anticipated to be minimal. Second, Kirkwood Creek contributes only a small portion of flows in the downstream waterways. Documentation of these facts is summarized below.

Sedimentation impacts of the Proposed Project, which would accrue to Kirkwood Creek, were discussed in the Draft EIR sections 4.2.4.1.1.1, 4.2.4.1.3.7, and 4.2.4.1.3.8, which identified potentially significant impacts to erosion potential and sedimentation due to on-mountain (MMDP) and base area (Draft Plan) construction, livestock grazing on Kirkwood Meadow, storm water runoff from impervious and disturbed surfaces, and increased flooding or increased surface runoff velocities. Measures to mitigate these impacts were identified in sections 4.2.4.2.1.1, 4.2.4.2.3.5, and 4.2.4.2.3.6, and section 4.2.4.4 concluded that, with these mitigation measures in place, there would be no significant erosion/sedimentation impact. (See also responses to comments under Water Resources 2.a.–f. above.)

Similarly, the potential for chemical contamination associated with inadvertent discharge of treated effluent to surface waters was discussed in section 4.2.4.1.3.2. This section concluded that no significant water quality impacts were likely due to (1) the documented efficacy of the absorption beds and (2) the fact that the treated effluent would meet the standards required for direct discharge to surface waters, though no direct discharge is proposed. To further reduce the potential for adverse water quality impacts, the Draft EIR went on to identify appropriate mitigation measures (section 4.2.4.3.3.3).

[Note: Section numbering in this portion of the Draft EIR was incorrect. This problem has been corrected in the Final EIR.]

In short, while some adverse water quality impacts were projected to occur as a result of increased sedimentation and inadvertent discharge of treated effluent to surface waters, such impacts were anticipated to be less than significant and, with even the less-than-significant impacts mitigated, minimal. The beneficial uses assigned to Kirkwood Creek would not be impaired.

Regarding Kirkwood Creek's contribution to downstream flows, section 4.2.3.1.1.2 of the Draft EIR noted that the entire basin's average annual runoff volume represents only 4 percent of the Silver Fork American River's flow volume, 0.5 percent of the South Fork American River's, and 0.2 percent of the American River's. A similar calculation using information provided in sections 4.2.3.1.1.2 and 4.2.3.1.1.3 indicates that the Kirkwood Creek basin's runoff represents about 18 percent of the annual average flow of Caples Creek below the confluence of the two creeks. These calculations are based on published USGS streamflow data for the downstream waterways and on a hydrologic model simulation completed

for the ungauged Kirkwood Creek by Culp/Wesner/Culp in 1984. This is the best information available. It should be noted, however, that these estimates of Kirkwood Creek's contribution may be high, because, as discussed in Draft EIR section 4.2.3.1.1.2, some of the basin's runoff goes to groundwater recharge and thus does not leave the basin via the creek. It is said that the solution to pollution is dilution, and any contamination delivered by Kirkwood Creek to larger, downstream waters would be diluted by factors ranging from approximately 6 (in Caples Creek) to 500 (in the American River).

Combining the low potential for adverse impacts to water quality in Kirkwood Creek with the creek's minor contribution to downstream flows, it is highly unlikely that any discernible impact to water quality in the cited, downstream waters would occur as an indirect effect of the Proposed Project. Without a discernible indirect effect there can be no discernible cumulative effect. The Final EIR's discussion of direct and indirect impacts (section 4.2.4.2.9) and cumulative impacts (section 4.2.6) to water resources have been revised to clarify the findings of the analysis regarding downstream water quality effects.

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- b. Can the order protecting the Silver Fork of the South Fork of the American River still be followed with the increase in treated wastewater effluent? (O7.14)

Response: See response to comment Water Resources 3.a. above. The cited order precludes the intentional or unintentional extension of the downstream waste discharge plume of any potentially degrading constituent into the Silver Fork of the South Fork of the American River. It will continue to be followed.

- c. The EIR should disclose that lake levels are first maintained for power and consumptive uses, which take precedence over recreational uses. (However, recreational use is maintained from May through August.) The EIR does not identify nor address EID operational considerations that could affect recreational use of Caples and Silver lakes. Conflicts may arise between project objectives related to summer recreation and lake operations in September and October regarding fluctuating water levels. (A4. 1)

Response: See section 3.6.1.4 of the Final EIR for an inclusion of El Dorado Irrigation Districts' operational objectives at Caples Lake. See also section 4.12.3.2.4 for discussion of lake level maintenance. The potential effect of fluctuating lake levels on recreation would not be significant, as most water fluctuations will not occur in the peak summer visitation season. Also, terms outlined in the Settlement Agreement and Mutual Release signed by Kirkwood Associates, Inc. and EID and EDCWA should prevent the occurrence of adverse cumulative impacts. These terms include the stipulation that EID operations will not adversely affect Caples Lake summer recreational opportunities as measured by historic Caples Lake operations. Recreational use of Caples Lake is not among the Draft Plan's objectives.

- d. KMR expansion may result in significant cumulative impacts to Caples Lake and habitats of listed species along Caples Creek and the Silver Fork of the South Fork of the American River. (A4. 5)

Response: The Draft EIR disclosed significant cumulative impacts to Caples Lake (see section 4.12.9). Cumulative impacts to habitats of listed species associated with Caples Creek and the Silver Fork of the South Fork of the American River could result from water quality or water quantity. As discussed in the response to comment 3.a. above, the Proposed Project is not anticipated to generate significant cumulative impacts to water quality in downstream waterways. That response also notes that Kirkwood Creek represents only 18 percent at most of the average annual flow in Caples Creek. Therefore, it is unlikely that any alteration of Kirkwood Creek flows associated with the Proposed Project would drive a significant cumulative impact based on reduced water volume in Caples Creek or the Silver Fork of the South Fork of the American River.

- e. EID questions the accuracy of data upon which the significance of impacts are evaluated. In Section 4.2.3.1.1.2 the relative stated contribution of Kirkwood Creek to downstream water bodies is less than expected by EID. Suggest that CEQA documentation should identify specific locations and data associated with the gauges mentioned to verify the EIR's conclusions. (A4.7)

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Response: As stated in section 4.2.3.1.1.2 of the Draft EIR, the stream flow of Kirkwood Creek is estimated based on model simulation (Culp/Wesner/Culp 1984). Values from this modeling were compared to flow volumes of the three rivers cited (Silver Fork of the South Fork of the American River, South Fork American River above Folsom Reservoir, and the lower American River) relative to Kirkwood Creek's contribution to them. Total flow volumes used to estimate the relative contribution of Kirkwood Creek are listed for the Silver Fork and the South Fork American River in section 4.2.3.1.1.4 of the Draft EIR. [Note: EID was sent two copies of the Culp/Wesner/Culp study on April 2, 1984.]

- f. All cumulative impacts on recreation, water quality, and biological resources of the mentioned waterways (Caples and Kirkwood creeks, Silver Fork of the South Fork) need to be added. (A4.11)

Response: See responses to Water Resources comments 3.a. and 3.d. above.

4. *Issues related to water supplies.*

- a. Section 4.14 should include a discussion on potential impacts to the EID water supply. (A4.12a) Impacts to public water supply of Caples and Silver lakes from contaminants and increased recreation. (A4.14)

Response: There are no potential impacts to the EID water supply from proposed development at Kirkwood. The potential increase in recreational activity is not expected to negatively affect the water supplies at Caples and Silver lakes, nor is a significant increase in contaminant input expected.

- b. Statements still remain that refer to using Caples Lake as future water source (Section 6.2.5). (A4.12a)

Response: Section 6.2.5 is a reference to the Draft Plan not the EIR. KMR plans to continue to use Caples Lake as a snowmaking water source, but plans to draw culinary water from the lake have been dropped.

- c. Clarify section 4.2.3.1.2 that discusses additional water source on east side of meadow. (A4.13)

Response: It was theorized in a report by Watershed Systems (1996) that an old underground channel or cross-valley could exist in the basement rock underlying the Mehrten Formation in Kirkwood Valley, and that snowmelt could potentially travel from the east slope above Caples Lake to Kirkwood Basin via this conduit. However, its existence is neither proven nor disproved. Any potential additional groundwater from this theorized source is not factored into the Kirkwood basin runoff totals or the water available for present and future consumption at Kirkwood in the EIR.

5. ***Make recommendations from the Kirkwood Creek Floodplain Study (as cited in Mitigation Measure 4.3.1 [f]) more project and location specific. (A6.3)***

Response: The following six site-specific flood-prevention recommendations are listed in the Kirkwood Creek Floodplain Study: 1) build a diversion structure to operate with the existing drain and inlet for diversion of surface water between Lifts 10 and 11; 2) prevent flooding in the area near Base Camp One condominiums by either clearing snow out of the sharp bend in Kirkwood Creek or constructing a low floodwall; 3) replace the two existing footbridges upstream of Kirkwood Meadows Drive, which currently restrict the flow of Kirkwood Creek; 4) prevent the infrequent overtopping of Kirkwood Meadows Drive by enlarging the bridge opening or constructing a floodwall eastward along the east creek bank. Some boulders could be removed from the creek in this area as well; 5) any proposed structures in this area should be built a few feet above the floodplain elevation; 6) channel work such as bank protection (subject to permit requirements).

Mitigation Measure 4.3.1 (f) has been changed in the Final EIR to include these outlined recommendations and a statement incorporating the Kirkwood Creek Floodplain Study by reference (EBCE 1996). A copy is available in the project record housed at the Alpine County Planning Department Office, 17300 State Highway 89, Markleeville, CA. These measures as written are site-specific and would be applied to specific projects as appropriate.

6. ***The grazing plan should be included as part of the analysis because it is part of the Draft Plan and will play a part in determining water quality impacts. (A4. 4)***

Response: The Grazing Management Plan for Kirkwood Meadow (Appendix B-1, Draft EIR) is part of the EIR, not the Draft Plan. It was developed to protect Kirkwood Creek and the riparian corridor, and to ensure grazing practices are held to sustainable levels.

7. ***DEIR does not analyze impacts to Caples Lake from increased snowmaking. Although water rights do not change, lake level may and should be discussed. Also, is current conveyance infrastructure adequate for increase in snowmaking? (A7. 1)***

Response: Kirkwood was allocated two permits in 1995 that each allow extraction of 250-acre-feet of water from Caples Lake. This amount is approximately 2 percent of the total lake volume. The permits allow Kirkwood to extract the water between November 1 and March 1 of any given year. Existing piping is sufficient for planned snowmaking, but additional pumping capacity would be added as more acres are covered through the addition of more manifold ports.

Not more than 50 acre-feet of permitted water has ever been used for the 55.9 acres currently covered by snowmaking. The MMDP calls for 192.1 acres ultimately to be covered by the snowmaking system. The current level is under 30 percent of this planned amount. Even at full buildout of the MMDP the entire permitted amount of water (500 acre-feet) would not be needed

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for adequate snowmaking coverage.

Environmental impacts associated with allocating water for snowmaking, including impacts to Caples Lake, were discussed and assessed in Final Environmental Impact Report and Environmental Assessment for Public Comment, Kirkwood Water Rights and Snowmaking Project (Simpson 1995d). This document was reviewed and incorporated by reference as part of this EIR.

8. ***Mitigation measure 4.2 (h) is not specific or enforceable. How will water extraction rates be reduced? How much decrease in streamflows of Caples Creek would constitute an excessive degree? (A7. 2)***

Response: Mitigation Measures 4.2 (g) and 4.2 (h) are intended to protect the Kirkwood Valley water table from excessive drawdown and the associated, adverse impacts, but this is not all they have in common. Both address impacts that are identified in the Draft EIR as less than significant before mitigation (see section 4.2.4.1.1.2), and both are subject to the problems with specificity and enforceability noted in this comment. As a result, both measures have been revised in the Final EIR to rectify these problems and to comply with standard, water agency practices for management of water consumption.

Briefly, Mitigation Measure 4.2 (g) now requires that KMPUD develop and implement a Water Stage Alert System establishing a sliding scale from voluntary to required water conservation measures based on their ongoing monitoring of aquifer levels at each well, coupled with their projections of water supply (based on precipitation data) and water demand. This type of system is nearly universal among western communities where maintenance of adequate water supplies is problematic.

Also, as noted the Draft EIR (section 4.2.3.3) KMPUD maintains two water storage tanks with a combined storage capacity of 950,000 gallons for emergency purposes. Of this amount, 593,000 gallons, or 3 days supply on an annual average basis, is allocated for culinary use.

To protect flows in Kirkwood and Caples Creek, Mitigation Measure 4.2 (h) has been revised to call for limiting withdrawals from Well 2, which taps the shallow aquifer that most influences flows in the creek (see Draft EIR sections 4.2.3.1.1.2, 4.2.3.2.2 and 4.2.3.3), during low-flow periods.

Wildlife and Aquatic Resources

1. ***Concern for significant impacts to wildlife. (I36.4)***

Response: The potential for significant impacts to wildlife have been documented in section 4.3.2 of the Draft EIR. Mitigation measures are outlined in section 4.3.2.4.5.

- a. Impact to wildlife (peregrine falcon, northern goshawks, migrating warblers and shorebirds) is still a concern. (I54.1)

Response: Appropriate wildlife surveys for species of concern with the potential to occur in the project area have been done in preparation of this EIR. See section 4.3.2 of the Draft EIR. These species included the peregrine and northern goshawk. Warblers and shorebirds were not identified as species of concern, but were addressed indirectly under General Wildlife and Biodiversity, section 4.3.2.4.1 of the Draft EIR.

- b. The impacts to wildlife in the project area and in surrounding Forests Service areas has not been adequately addressed. (I55.4)

Response: Section 4.3.2 of the Draft EIR outlines the process used to identify and analyze potential impacts to wildlife in the project area and in the surrounding region. The process is adequate and resulted in identification of significant direct and indirect impacts, mitigation measures designed to reduce impacts to less-than-significant levels, and significant and unavoidable impacts to wildlife.

2. ***Wildlife analysis fails to identify that the displaced species are often predators, which normally control populations of other mammals and insects. Prey species will increase and artificial controls may become needed to control rodents, for example. (O4.4)***

Response: Populations of prey species would likely continue to be adequately controlled by predators that are not likely to be displaced by additional development at Kirkwood. Coyotes and some birds, such as red-tailed hawks and owls, would continue to use the human-inhabited Kirkwood area as habitat.

3. ***EIR fails to analyze impacts of Caples Crest Restaurant and new lifts to near-by peregrine falcon habitat. (O4.5)***

Response: The Draft EIR (section 4.3.2.3.1) notes the existence of suitable peregrine falcon habitat in the Kirkwood area. Section 4.3.2.4.3 of the Draft EIR reports that the peregrine falcon would not be impacted by the Proposed Project, as none have been documented in the area for many years. However, should individuals move into the existing suitable habitat, they could be temporarily and indirectly impacted by construction activities.

4. ***Six years of monitoring, as specified in Mitigation Measure 4.3.2(g), are not sufficient to detect impacts expected to be ongoing for 20 years. Also, requiring the Forest Service to design a mitigation plan as needed in the future does not ensure funds will be available to implement any needed mitigation. A mitigation plan alone is not mitigation, and relying on a future plan and future surveys defers mitigation, contrary to CEQA case law. (O4.6)***

Response: Should monitoring at Kirkwood and Caples Lake during the 6-year period detect

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significant increases in impacts, as determined by agency resource specialist's review, the Forest Service would be responsible to intervene with development of a management plan to mitigate observed impacts. Part of this plan could include continued monitoring. Kirkwood Lake and most of the land surrounding Caples Lake are managed by the Forest Service for public recreation, and they would be responsible for funding future mitigation. This approach to mitigation is logical in that, due to the mobility of wildlife species and the potential for changes in the listings of special-status species, future impacts cannot be accurately predicted. To insure compliance with applicable case law, the mitigation measure has been revised to include specific actions to be considered in any future management plan and to establish performance standards for such plans.

5. ***The deer population has been drastically reduced over the last 5 years. Most of the deer at Kirkwood are black tail, not mule deer. (I41.7)***

Response: Your comment has been noted. Blacktail deer (*Odocoileus columbianus*) will be added to the list of wildlife species occurring at Kirkwood (see Table 4.12). Blacktail deer are often classified as a subspecies of mule deer (*Odocoileus hemionus*) because of their similar antler branching pattern. Mule deer populations have generally declined throughout their range over the past decade.

6. ***The mountain yellow-legged frog has been documented in the project region on a tributary to Caples Creek, but not at Caples Lake, as indicated. All potential cumulative impacts to this species and its habitat should be discussed. (A4.9)***

Response: The Draft EIR does not indicate that the mountain yellow-legged frog has been documented at Caples Lake. Rather, section 4.3.2.4.2 of the Draft EIR states that potential mountain yellow-legged frog breeding habitat occurs at Caples Lake, and that increases in human disturbance could disrupt individuals utilizing this habitat. Cumulative effects to wildlife species, which include the yellow-legged frog, are discussed in section 4.3.2.6 of the Draft EIR.

7. ***Surveys are geographically limited because they do not include habitat of Caples Creek and the Silver Fork of the South Fork of the American River. (A4.8a)***

Response: Areas that were determined as being potentially impacted by the Proposed Project have been surveyed. See section 4.3 on biological resources in the Draft EIR. See also responses to comments Water Resources, 3.a-f.

8. ***Potential increases in water temperatures from wastewater heating groundwater, which then enters waterways, could impact fisheries. Also, summer inhabitants will increase wastewater treatment and effluent during the summer, which may impact local brown trout. This should be considered as a direct and a cumulative impact. (A4.3)***

Response: Water temperatures are not expected to increase from wastewater heating groundwater,

which then enters streams. Direct impacts to local streams have not been identified with respect to wastewater treatment operations. Peak occupancy, and thus wastewater treatment, is projected to continue to occur during winter.

References

Note: This section includes only references cited for the first time in this Response to Comments. Some responses cite references included in the Draft and/or Final EIRs, and these references are not repeated in this section.

EPA 2000. Storm Water Phase II Final Rule: An Overview. Fact Sheet 1.0.

Godden, D. 2002. Personal communication with Michele Weidner, Cirrus Ecological Solutions, Logan, UT regarding air quality impacts. July 23.

Morrow, E. 2002b. Personal communication with Michele Weidner, Cirrus Ecological Solutions, Logan, UT. July 26.

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