



United States  
Department of  
Agriculture

Forest  
Service

Tahoe  
National  
Forest

631 Coyote Street  
Nevada City, CA  
95959-2250  
530-265-4531  
530-478-6118 TDD  
530-478-6109 FAX

RECEIVED NOV 02 2006

File Code: 2720-2

Date: OCT 31 2006

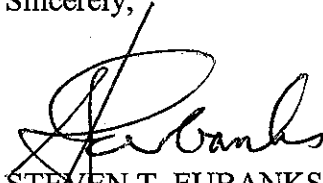
Placer County Water Agency  
ATTN: Mal Toy  
P.O. Box 6570  
Auburn, CA 95604

Dear Mr. Toy:

Enclosed is a fully executed copy of your Special-use Permit for installing, operating and maintaining stream flow gauging stations, temperature monitoring gauges, cable ways, and access corridors on the Tahoe and Eldorado National Forest (Authorization ID #ARD100303).

If you have any questions, please call Permit Administrator Mo Tebbe, American River Ranger District at (530) 367-2224-3231.

Sincerely,

  
STEVEN T. EUBANKS  
Forest Supervisor

Enclosure

cc:

Mo Tebbe, ARRD

Jon Jue, Georgetown RD (ENF)

11/7/06  
cc: Tom Johnson  
Jeff Meyer  
Don Mass  
Marie Davis



Use Code: 941  
Authorization ID: ARD100303  
Contact ID: ARD1003  
Reg/Forest/Dist: 05/17/54 &  
05/03/53 & 55  
State: 06  
County: 061 & 017  
Cong. Dist.: 04  
Expiration Date: 12/31/2016

FS-2700-4 (05/03)  
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE**  
**Forest Service**  
**SPECIAL USE PERMIT**  
**AUTHORITY:**  
**Organic Act OF 1897**

Placer County Water Agency (PCWA) of P.O. Box 6570 Auburn, CA 95604 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Tahoe (TNF) and Eldorado (ENF) National Forests (American River Ranger District [TNF] and Georgetown and Pacific Ranger Districts [ENF]).

This permit covers approximately 0.71 acres, and/or n/a miles and is described as:

various locations throughout the following drainages: Middle Fork American River, Rubicon River, Duncan Creek, and Long Canyon, in both El Dorado and Placer Counties in portions of:

Temperature Gauges

T.12N., R.13E., Section 6, MDM  
T.13N., R.10E., Sections 1 & 22, MDM  
T.13N., R.11E., Sections 2, 3, & 11, MDM  
T.13N., R.12E., Sections 12, 13, 18, MDM  
T.13N., R.14E., Section 6, MDM  
T.14N., R.11E., Section 35, MDM  
T.14N., R.12E., Section 36, MDM  
T.14N., R.13E., Sections 2, 24 & 34, MDM  
T.14N., R.14E., Sections 12 & 20, MDM  
T.15N., R.13E., Sections 23 & 24 MDM  
T.15N., R.14E., Section 21, MDM

Flow Gauges

T.14N., R.11E., Section 26/35, MDM (P-F1)  
T.13N., R.11E., Section 3, MDM (P-F2)  
T.13N., R.11E., Section 2, MDM (P-F3)  
T.14N., R.13E., Section 34, MDM (P-F5)  
T.13N., R.13E., Section 23, MDM (P-F6)  
T.13N., R.13E., Section 13, MDM (P-F7)

Cable Ways

T.14N., R.11E. Sections 26/35, MDM (P-F1) (north side of Circle Bridge), and  
T.13N., R.11E. Section 2, MDM (P-F3) (in turn out above Ralston Powerhouse on Road 23).

as shown on:

Exhibit "A" (Legend – Temperature Gauge, Flow Gauge and Cable Way Locations),  
Exhibit "B" (Instrument Location Map Overview),  
Exhibit "C" (Instrument Location Map 1),  
Exhibit "D" (Instrument Location Map 2),  
Exhibit "E" (Instrument Location Map 3),  
Exhibit "F" (Permanent Flow Gauge and Cable Way Map), and  
Exhibit "G" (Permanent Flow Gauge and Cable Way Map)

attached to and made a part of this permit, and is issued for the purpose of:

to install, operate and maintain:

- 28 temperature monitoring gauges, and access to 7 other temperature gages located on private property
- 6 stream flow gauging stations, and gain access to another stream flow gauge located on private property.
- 2 small cable ways .

These gauges will serve as monitoring and data gathering devices as part of the Holder's FERC license renewal process (License No. 2079).

Existing motorized road and foot trails are authorized for access to gauge locations. Some gauge locations are located on private property, and are not authorized by this permit, however access across National Forest land to the gauges located on private land is authorized by this permit. Access may be by hiking, boat or helicopter. Helicopter landing locations will be on existing river bars adjacent to a gauge location during low stream flows.

This permit does not authorize the construction of any new roads, trails, landings, staging or storage areas on National Forest System lands.

The above described or defined area shall be referred to herein as the "permit area".

## **TERMS AND CONDITIONS**

### **I. AUTHORITY AND GENERAL TERMS OF THE PERMIT**

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

## **II. TENURE AND ISSUANCE OF A NEW PERMIT**

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on December 31, 2016. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence by N/A and shall be completed by N/A. If construction is not completed within the prescribed time, this permit may be revoked or suspended.



### III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

### IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

## **V. TERMINATION, REVOCATION, AND SUSPENSION**

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

## VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. The holder shall pay an annual fee of Thirty Dollars (\$30.00) for the period from January 1, 2006 to December 31, 2006 and thereafter annually on January 1, Thirty Dollars (\$30.00): Provided, charges for this use shall be made or readjusted whenever necessary to place the charges on a basis commensurate with the fair market value of the authorized use.

C. Payment Due Date. The payment due date shall be the close of business on January 1 of each calendar year payment is due. Payments in the form of a check, draft, or money order are payable to USDA, Forest Service. Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest, Administrative Costs and Penalties Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, *et seq.*)

## VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

### Supplemental Terms and Conditions

#### 1. Nondiscrimination. (B-1)

a. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the

public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

b. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.

c. The Forest Service shall furnish signs setting forth this policy of nondiscrimination. These signs shall be conspicuously displayed at the public entrance to the premises and at other exterior or interior locations, as directed by the Forest Service.

d. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs.

#### 2. Operating Plan. (C-8)

The holder shall provide an Operating Plan and revise the plan every year. The plan shall be prepared in consultation with the authorized officer or designated representative and cover operation and maintenance of facilities, dates or season of operations, and other information required by the authorized officer to manage and evaluate the occupation and/or use of National

Forest System lands. The provisions of the Operating Plan and the annual revisions shall become a part of this authorization and shall be submitted by the holder and approved by the authorized officer or their designated representative(s). This Operating Plan is hereby made a part of the authorization.

#### 3. Surveys, Land Corners. (D-4)

The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges permitted by this authorization, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

4. Removal and Planting of Vegetation and Other Resources. (D-5)

The holder shall obtain prior written approval from the authorized officer before removing or altering vegetation or other resources. The holder shall obtain prior written approval from the authorized officer before planting trees, shrubs, or other vegetation within the authorized area.

5. Revegetation of Ground Cover and Surface Restoration. (D-9)

The holder shall be responsible for prevention and control of soil erosion and gully on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

6. Pesticide Use. (D-23)

Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

7. Fire-Control Plan. (F-20)

The holder shall prepare a fire plan for approval by the authorized officer which shall set forth in detail the plan for prevention, reporting, control, and extinguishing of fires on the authorized areas and within the holder's area of responsibility defined on an attached map. Such plans shall be reviewed and revised at intervals of not more than three (3) years

8. Secondary Use. (G-1)

a. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations previously approved by the authorized officer.

b. Only the authorized officer may extend rights and privileges for use of the road constructed on the premises to other non-Federal users on the condition that such users shall pay a fair share of the current replacement cost less depreciation of the road and any reconstruction costs necessary to accommodate its use.

c. The Forest Service retains the right to occupy and use the right-of-way. It also may issue other uses including rights-of-way, on and through the authorized area, provided that the occupancy and use does not unreasonably interfere with the rights granted herein.

9. Protection of Habitat of Endangered, Threatened, and Sensitive Species. (X-8)

Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

10. Archaeological-Paleontological Discoveries. (X-17).

The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

11. Signs. (X-29)

Signs or advertising devices erected on National Forest System lands shall have prior approval by the Forest Service as to location, design, size, color, and message. Erected signs shall be maintained or renewed as necessary to neat and presentable standards, as determined by the Forest Service.

12. Advertising. (X-30)

The holder, in advertisements, signs, circulars, brochures, letterheads, and like materials, as well as orally, shall not misrepresent in any way, either the accommodations provided, the status of the authorization, or the area covered by it or the vicinity. The fact that the permitted area is located on the National Forest shall be made readily apparent in all of the holder's brochures and print advertising regarding use and management of the area and authorized facilities.

13. Improvement Relocation. (X-33)

This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

14. Treasure Trove. (X-63)

The holder agrees that if treasure or other antiquities are found:

a. Excavation will cease at the instant of discovery and the Forest Service will be notified so that scientific examination may be made. Excavation will not resume until approval is given in writing by the Forest Service.

b. This authorization confers no ownership rights to the treasure. All specimens found will be held in safekeeping for one (1) year while ownership is established by applicable law. Such period will be used to establish the value, for claimants to come forward, and to negotiate or adjudicate ownership.

c. The United States as the landowner has a valid claim for all or a share of the treasure trove buried on its property. In addition, if specimens found are other than money, unmounted gems, or precious metals in the form of coin, plate, or bullion, the United States may claim all of it under the Antiquities Act (16 U.S.C. 432). It is agreed that any such claims will be settled as in item b.

15. Water Pollution. (D-2[R5])

The holder shall take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this permit. No waste or byproduct shall be discharged if it contains any substances in concentrations which will result in substantial harm to fish and wildlife, or to human water supplies. Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located to prevent any spillage into waters, or channels leading into water, that would result in substantial harm to fish and wildlife or to human water supplies.

16. Forest Service Representative. (X-R5-11)

The Forest Service representatives for this special-use permit are:

District Ranger  
American River Ranger District (TNF)  
22830 Foresthill Road  
Foresthill, CA 95631  
(530) 367-2224

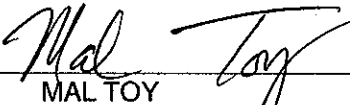
and,

District Ranger  
Georgetown Ranger District (ENF)  
7600 Wentworth Springs Road  
Georgetown, CA 95634  
(530) 333-4312

and,

This permit is accepted subject to the conditions set out above.

**HOLDER NAME:** Placer County Water Agency

By:   
MAL TOY

Title: Director of Resource Development, PCWA

Date: Oct 24 2006


**U.S. DEPARTMENT OF AGRICULTURE**  
**Forest Service**  
**Tahoe National Forest**

By:   
STEVEN T. EUBANKS

Title: Forest Supervisor

Date: 10/25/06

**U.S. DEPARTMENT OF AGRICULTURE**  
**Forest Service**  
**Eldorado National Forest**

By:   
RAMIRO VILLALVAZO

Title: Forest Supervisor

Date: 10/30/06

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service. Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.



Site ID	Township/Range/section and NF		Temperature Gauge Location	River Mile	Site Location (UTM 10N NAD83) <sup>1</sup>		Access Road	Access Description
					E	N		
DC0.1	T.14.N. R.13.E.		Duncan Cr Immediately Upstream of MF American R <b>Private land, FS access</b>	0.1	712401	4323832	FS 57	Steep hike (~1/2 mile) to Duncan - MF American confluence
DC8.4	T.15.N. R.13.E.23	TNF	Duncan Cr Downstream of Diversion Dam	8.4	717486	4334533	FS 96.52	Located at USGS Gage
DC8.8	T.15.N. R.13.E., 24	TNF	Duncan Cr Immediately Upstream of Diversion Dam	8.8	717877	4334888	FS 96.52	Located at USGS Gage
FL0.1	T.14.N.R.14.E, 12	ENF	Five Lakes Cr Upstream of Hell Hole Reservoir	0.1	729486	4329029	FS 2	Boat-in from Hell Hole Boat Launch; hike up Five Lakes Cr ~1/4 mi
LC0.1	T.13.N.R.12.E		Long Canyon Cr Immediately Upstream of Rubicon R - <b>Private Land, FS access.</b>	0.1	700326	4318266	FS 23	Take OHV road toward Buckeye Flat; hike ~1/4 mi along N.side of Rubicon to Long Canyon Creek
LC6.8	T.13.N.R.12.E, 12	ENF	Long Canyon Cr Immediately Upstream of Wallace Canyon Cr	6.8	709614	4318063	FS 13N01Y	Take Clydesdale Trail ~2/5 mi) to footbridge and creek
LC11.1	T.14.N.R.13.E, 34	ENF	Long Canyon Cr Immediately Downstream of North and South Fork Long Canyon Crs	11.1	714694	4321749	FS 2	Short hike (~1/4 mi) downstream from bridge
MF14.3	T.13.N. R.10.E, 22	ENF	MF American R Immediately Upstream of Otter Cr	14.3	686039	4314393	FS 23	River Raft
MF19.6	T.13.N. R.10.E., 1	ENF	MF American R Downstream of Volcano Canyon Cr	19.6	689844	4319176	FS 23	River Raft
MF24.3	T.13.N. R.11.E., 3	TNF	MF American R Immediately Downstream of Oxbow Powerhouse	24.3	695064	4319894	FS 23	At powerhouse outlet
MF24.6	T.13.N. R.11.E., 3	TNF	MF American R Downstream of Ralston Afterbay Dam	24.6	694919	4319599	FS 23	Short hike (~1/4 mi) upstream towards Ralston Dam from Outlet parking area
MF26.0	T.13.N. R.11.E., 3	TNF	MF American R Immediately Upstream of Ralston Afterbay Reservoir	26.0	696446	4320054	FS 23	Short hike (~1/4 mi) upstream from Ralston Picnic area
MF36.1	T.14.N. R.12.E.36	ENF	MF American R Immediately Upstream of MF Powerhouse	36.1	708245	4322433	FS 96-17	Short hike (100 m)upstream to USGS Gage
MF39.4	T.14.N. R.13.E.		MF American R Immediately Upstream of Duncan Cr <b>Private land, FS access</b>	39.7	712524	4323980	FS 57	Steep hike (~1/2 mi) to Duncan - MF American confluence
MF44.6	T.14.N. R.13.E., 2	TNF	MF American R Downstream of French Meadows Reservoir	46.6	717787	4331970	FS 22	Take spur road to USGS Gage site downstream of dam
MF51.9	T.15.N. R.14.E., 21	TNF	MF American R Upstream of French Meadows Reservoir	51.9	724150	4335051	FS 96	Short hike (~1/5 mi) upstream from bridge
NL3.1	T.14.N. R.13.E., 24	ENF	NF Long Canyon Cr Immediately Downstream of Diversion Dam	3.1	717941	4325450	FS 14N42	Short hike (10 m) downstream of diversion
NL3.2	T.14.N. R.13.E., 24	ENF	NF Long Canyon Cr Immediately Upstream of Diversion Dam	3.2	717936	4325485	FS 14N42	Short hike (100 m) upstream of diversion
NM2.3	T.14.N. R.11.E., 35	TNF	NF of the MF American R Upstream of MF American R	2.3	697272	4321900	FS 96	Short hike (50 m) down hill to site immediate downstream of Circle Bridge
OC0.1	T.13.N.R.10.E, 22	ENF	Otter Cr Immediately Upstream of MF American R	0.1	685812	4314064	FS 23	River Raft
PC0.1	T.13.N.R.12.E, 18	ENF	Pilot Cr Immediately Upstream of Rubicon R	0.1	700717	4316068	FS 13N66	Take Nevada Point Trail ( <i>12E07</i> ) ~1.5 mi to Pilot Creek
RR0.5	T.13.N. R.11.E., 2	ENF	Rubicon R Immediately Downstream of Ralston Powerhouse	0.5	696902	4319401	FS 23	Short hike (10 m) down hill to site
RR0.7	T.13.N.R.11.E, 11	ENF	Rubicon R Immediately Upstream of Ralston Powerhouse	0.7	697187	4319108	FS 23	Short hike (100 m) down hill to site
RR3.7	T.13.N.R.12.E		Rubicon R Immediately Upstream of Long Canyon Cr <b>Private land, FS access</b>	3.7	700418	4318194	FS 23	Take OHV road toward Buckeye Flat; hike ~1/4 mi along N.side of Rubicon to Long Canyon Creek; hike - 100m up Rubicon River
RR5.3	T.13.N.R.12.E, 18	ENF	Rubicon R Immediately Upstream of Pilot Cr	5.3	700778	4315974	FS 13N66	Take Nevada Point Trail ( <i>12E07</i> ) ~1.5 mi to Pilot Creek
RR14.3	T.12.N.R.13.E, 6	ENF	Rubicon R Between SF Rubicon R and Big Grizzly Canyon Cr	14.3	710726	4310041	--	Helicopter
RR22.5	T.13.N.R.13.E		Rubicon R Immediately Downstream of SF Rubicon R, <b>Private land, FS access</b>	22.5	719150	4316361	FS 2	Take trail on east side of Ellicotts Bridge ~ 2mi to South Fork Bridge
RR22.7	T.13.N.R.13.E		Rubicon R Upstream of SF Rubicon R, <b>Private land, FS access</b>	22.7	719244	4316581	FS 2	Take trail on east side of Ellicotts Bridge ~ 2mi to South Fork Bridge
RR25.3	T.13.N.R.14.E, 6	ENF	Rubicon R Upstream of Deer Cr,	25.3	720865	4319940	--	Helicopter
RR28.8	T.14.N.R.14.E, 20	ENF	Rubicon R Downstream of Intermittent Reach	28.8	722789	4324656	FS 2	Take Hunters Trail ( <i>14E09</i> ) ~4/5 mi to Rubicon River
RR35.9	T.14.N.R.14.E, 12	ENF	Rubicon R Upstream of Hell Hole Reservoir	35.9	729446	4328809	FS 2	Boat-in from Hell Hole Boat Launch; hike up Rubicon R ~1/5 mi
SF0.1	T.13.N.R.13.E		SF Rubicon R Immediately Upstream of Rubicon R, <b>Private land, FS access</b>	0.1	719302	4316374	FS 2	Take trail on east side of Ellicotts Bridge ~ 2mi to South Fork Bridge
SL3.2	T.14.N.R.13.E, 24	ENF	SF Long Canyon Cr Immediately Downstream of Diversion Dam	3.3	718818	4325494	FS 2	Site located ~5 m downstream of diversion
SL3.4	T.14.N.R.13.E, 24	ENF	SF Long Canyon Cr Immediately Upstream of Diversion Dam	3.4	719006	4325570	FS 2	Short hike (~100 m) upstream of diversion
WC1.2	T.13.N.R.12.E, 13	ENF	Wallace Canyon Cr Upstream of Long Canyon Cr	1.2	709527	4317055	FS 13N46	Take Clydesdale Trail ~1/5 mi to footbridge and creek

<sup>1</sup> WGS84/NAD83

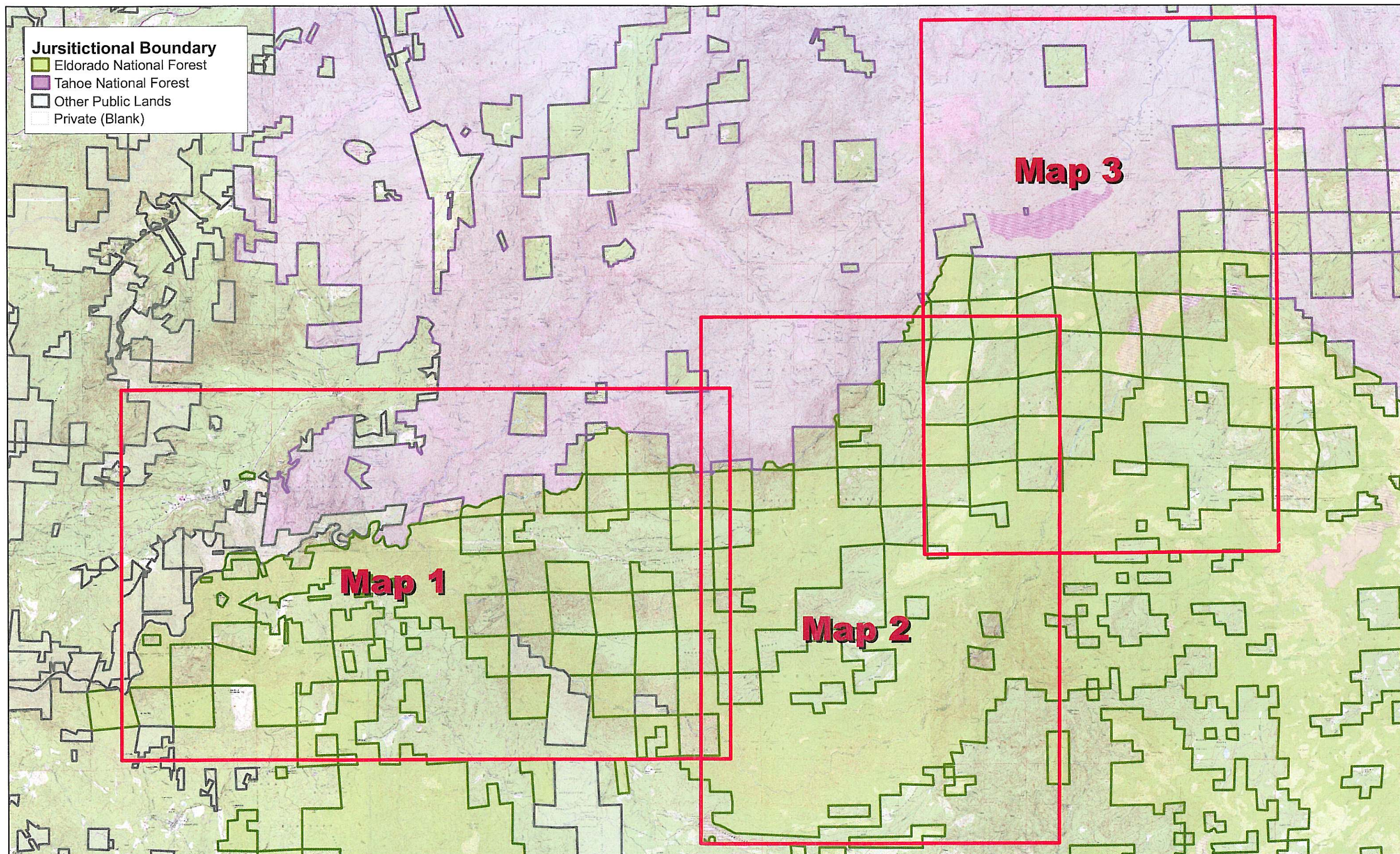
Flow Gauge Location				NAD27		Access Road	Access Description
P-F1	T14N R11E, 26/35	TNF	North Fork of the Middle Fork American River near Circle Bridge	n/a	39.023766		
P-F2	T13N R11E, 3,	TNF	Middle Fork American River upstream of Ralston Day Use	n/a	39.007476	23-4	1/3 mi hike upstream of Ralston Day Use
P-F3	T13N R11E, 2,	ENF	Rubicon River near Interbay Power House	n/a	38.999509	23-4	Park at wide spot upstream of Interbay Powerhouse, short trail
P-F4	T13N R12E.		Rubincon River and Buckeye Flat Road, <b>Private land, FS access</b>	n/a	38.990375	buckeye flat rd	downstream of buckeye flat road at the Rubicon River bridge
P-F5	T14N R13E, 34	ENF	South Long Canyon at the 14N08 road	n/a	39.019088	14N08 road	downstream of the 14N08 road on south fork long canyon
P-F6	T13N R13E, 23	ENF	Rubicon River at Gaging Sta downstream of Ellicott Trail	n/a	38.959117	short hike FS2	Rubicon River near old USGS gauging station downstream of Ellicott Trail
P-F7	T13N R13E, 13,	ENF	SF Rubicon R Immediately Upstream of Rubicon R	n/a	38.969003	FS 2	Take trail on east side of Ellicotts Bridge ~ 2mi to South Fork Bridge
Cable Ways Location						Access Road	Access Description
P-F1	T14N R11E, 26/35	TNF	North Fork of the Middle Fork American River near Circle Bridge	n/a	39.023766		
P-F3	T13N R11E, 2	ENF	Rubicon River near Interbay Power House	n/a	38.999509	23-4	Park at wide spot upstream of Interbay Powerhouse, short trail

## Exhibit A

941 PCWA (ARD100303) - Legend - Temperature Gauge, Flow Gauge & Cable Way Locations

10/20/2006 M.Tebbe





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Instrumentation Location Map - Over View

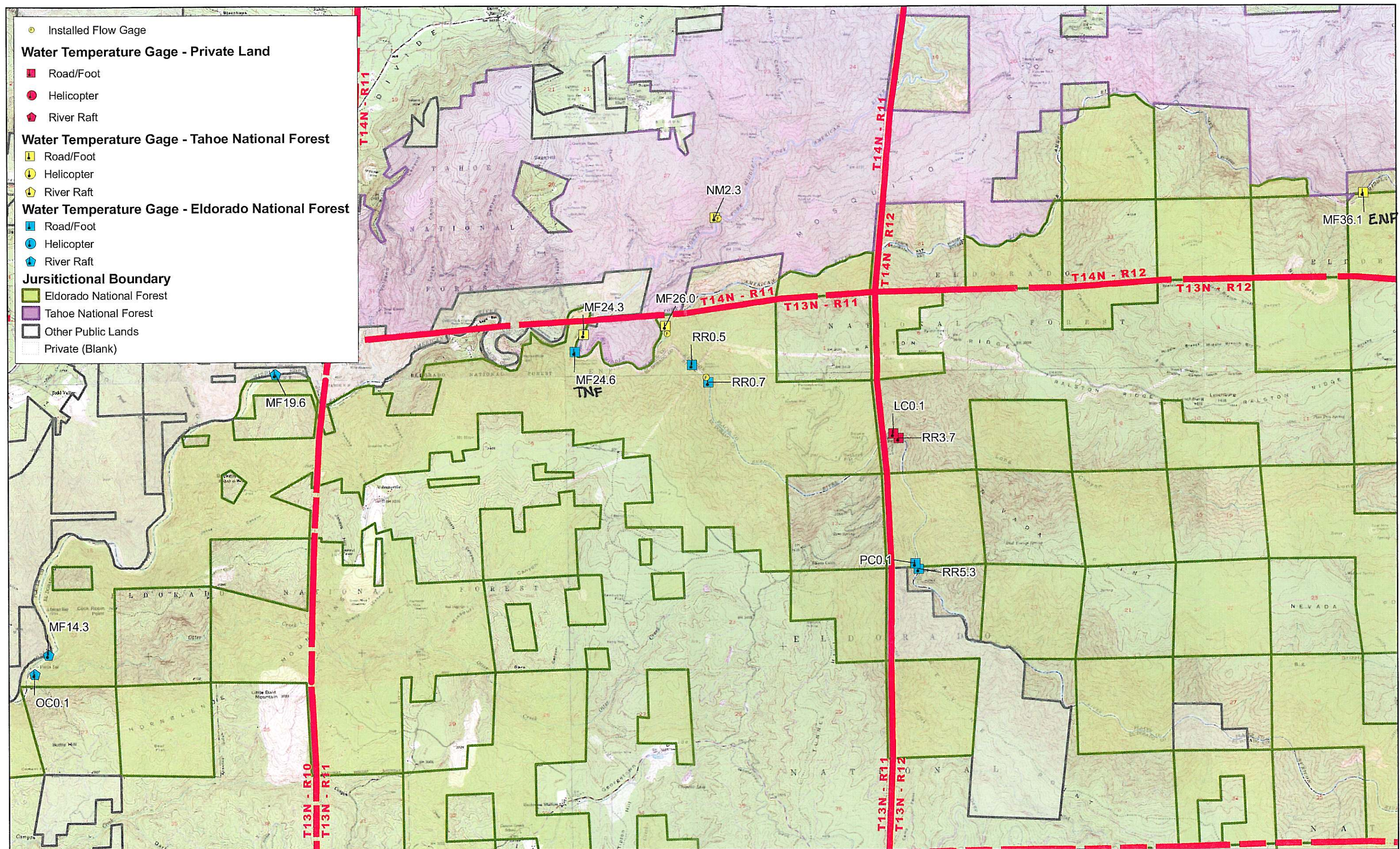
2006-039 PCWA

Use Code 941

10/2006 MT

EXHIBIT B





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Instrumentation Location Map - 1

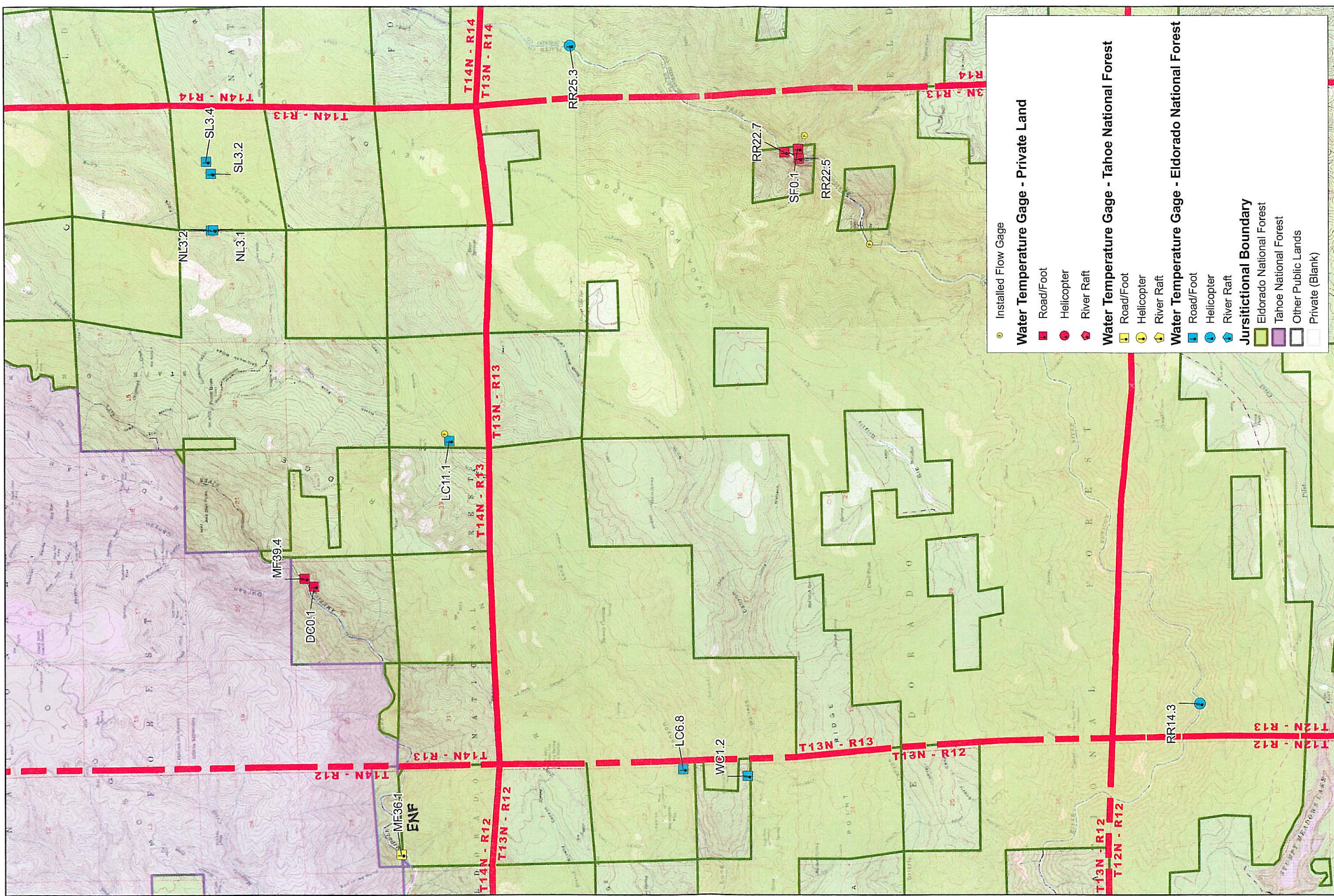
2006-039 PCWA

Use Code 941

10/2006 MT

EXHIBIT C





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Instrumentation Location Map - 2

2006-039 PCWA

Use Code 941

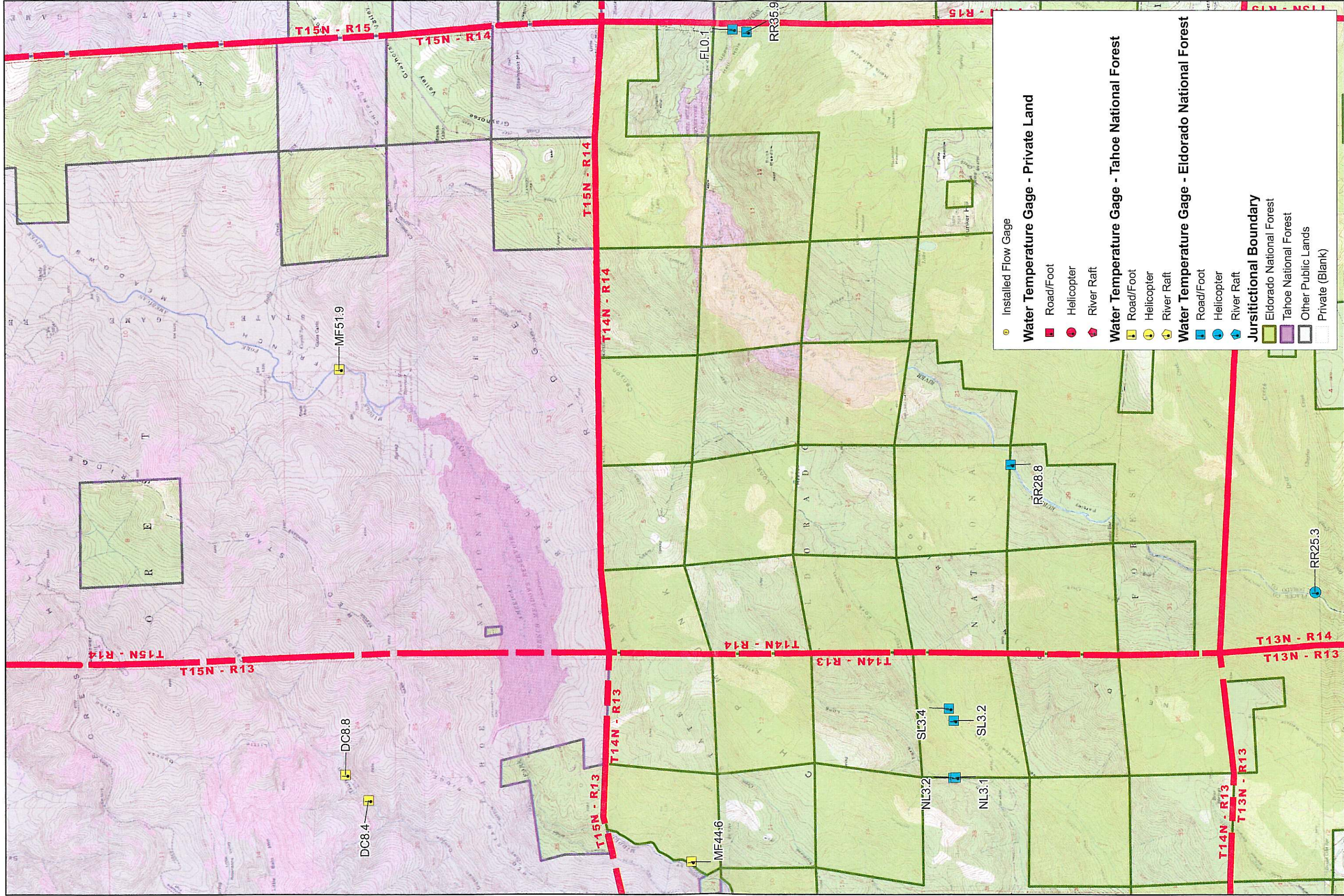
10/2006 MT

EXHIBIT D



Placer County Water Agency





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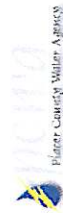
Instrumentation Location Map - 3

2006-039 PCWA

Use Code 941

10/2006 MT

EXHIBIT E





# Michigan Bluff Quad

P-F1

P-F2

P-F3

P-F4

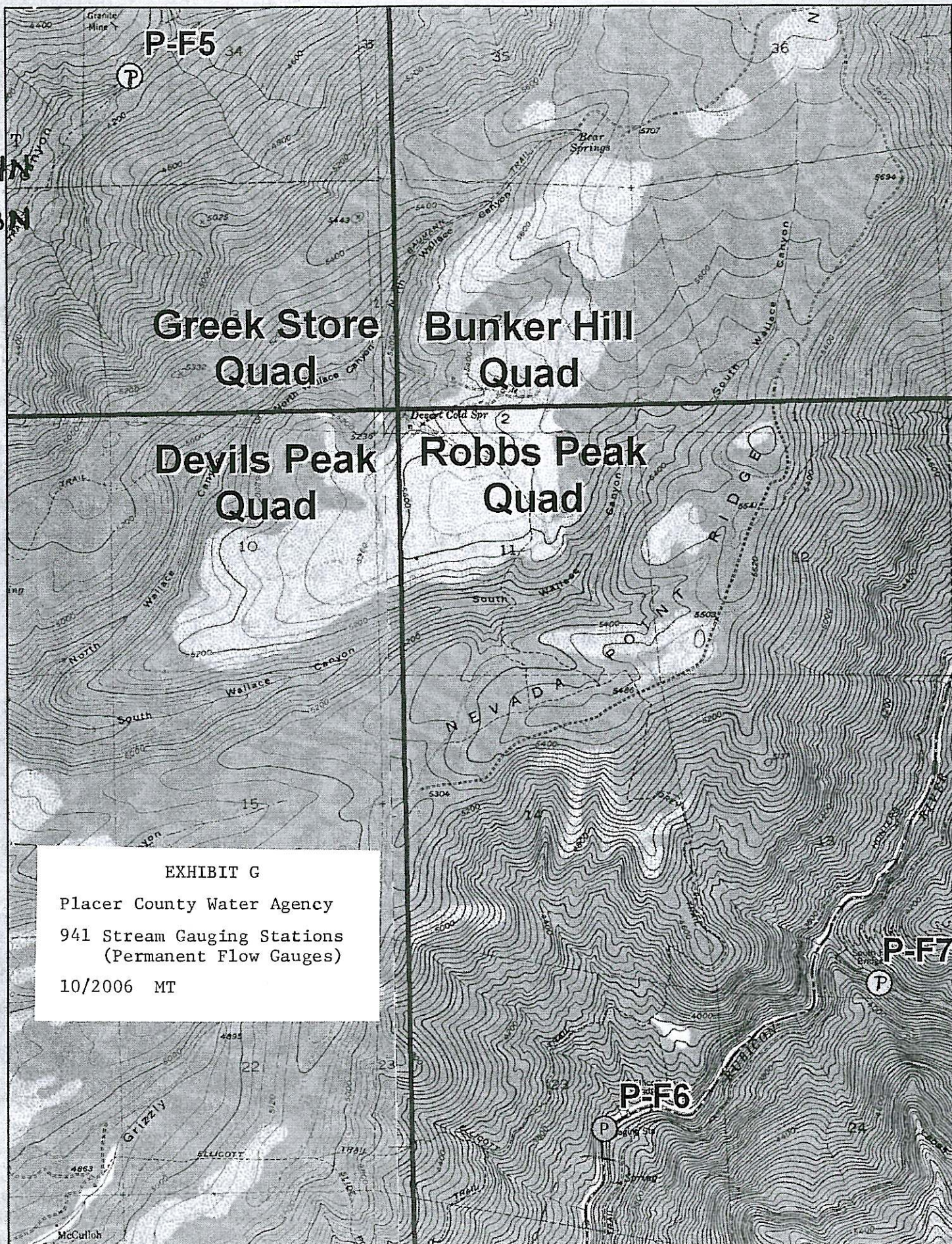
EXHIBIT F  
Placer County Water Agency  
941 Stream Gauging Stations  
(Permanent Flow Gauges)  
10/2006 MT

# Tunnel Hill Quad

Ⓟ = Permanent Flow Gauge Location  
P-F# = Permanent Flow Gauge #

RIIE RI2E





Ⓔ = Permanent Flow Gauge Location  
 P-F# = Permanent Flow Gauge #

R13E



Operating Plan  
Special Use Authorization  
for  
Temperature and Flow Gauges  
And Cable Way Construction and Use  
Middle Fork American River Project License #2079

On an annual basis the permittee, permittee's contractors (here-on called permittee), and the Forest Service shall formally meet to share information and the schedule of work. Among other possibilities these meetings would be to share information regarding foreseeable new, or changing, resource management and protection issues, operational conditions, etc. Immediate notification will be made when there are new developments that could affect the permittee's rights or forest resource management and protections. The Permittee shall schedule an annual coordination meeting with the Forest Service each year prior to April 15 unless otherwise mutually agreed.

The following measures shall be employed by the permittee:

Threatened, Endangered, or Sensitive Species

- If any threatened, endangered, or sensitive species are located during project implementation, the Georgetown and American River Ranger District permit administrators and biologists shall be informed immediately, and any appropriate mitigation measures shall be implemented.

Heritage Resources

- If, prior to or during ground disturbance or as a result of construction activities, items of potential cultural, historical, archeological, or paleontological value are reported or discovered, or a known deposit of such items is disturbed, work shall immediately cease in the area so affected. The Forest Service shall be notified and work shall not resume until written approval from the Forest Service is received.
- No equipment shall come into direct contact with Circle Bridge railing or subsurface structure. An archaeologist will monitor suspension of equipment to ensure that the bridge is not accidentally banged.
- Should any previously unrecorded cultural resources be encountered during implementation of this project, all work should immediately cease in that area and the District Archeologist be notified immediately. Work may resume after approved by the District Archeologist.
- Monitoring of the area will occur after the project has been completed. The District Archaeologist will be kept informed of the status of various stages of the project, so that subsequent field work can proceed in a timely fashion. All subsequent inventory monitoring and site monitoring related to this project will be documented, as appropriate.



### Hydrology/Soils

All water quality standards and best management practices pertaining to erosion prevention and control shall be met. The following guidelines reflect Best Management Practices.

- Project vehicles, including but not limited to administrative and transportation vehicles shall be limited to roads or specifically designed access routes. The Forest Service reserves the right to close any and all such routes where damage is occurring to the roadbed or adjacent soil, water, or vegetation resources as a result of project activities. The Forest Service may require maintenance, to the extent needed to repair road damage. When project caused ruts develop that are 1 inch deep, or deeper for any 10 foot segment over 10% or more of any given mile of road (500 feet within one mile), the Forest Service shall be notified, and erosion control, or repair measures promptly taken, and use discontinued. This measure may be amended as per the El Dorado or Tahoe National Forest Land and Resource Management Plan, as needed.
- Effective erosion prevention measures shall be taken to mitigate soil disturbing activities including at sites containing stockpiled material. Erosion prevention measures shall be taken prior to rainfall and/or concurrently if between the dates of September 30 and May 1.
- To provide appropriate erosion and sedimentation protection for disturbed areas, the permittee shall spread slash or mulch on roads, road cut banks and fill slopes, facility areas and fill slopes, and other disturbed areas if directed to by the Permit Administrator.

### Noxious Weeds

- Ensure that all plant material used for erosion control and/or road maintenance is weed free (including straw and mulches as well as propagative parts such as seed).
- To ensure that new infestations of noxious weeds are not created by activities associated with this project, prevention measures will be implemented. These measures include adhering to the Eldorado and Tahoe National Forest prescriptions for seed, mulch, and fertilizer use on National Forest System lands and ensuring that all equipment used off of roads or trails in the project area is free of soil, seed, vegetative material, or other debris that could contain or hold seeds of noxious weeds. Should noxious weed infestations occur, they shall be treated in a manner approved by the Forest Service.

### Visual Resources

- It is recommended that the boxes that contain the gauges and pipes shall be painted a dull flat grey or acid washed to tone down the shiny nature of new galvanized materials prior to arriving onto National Forest lands. This mitigation would reduce the visibility of these features.

### General

- Permittee shall correct any damage to National Forest lands resulting from operation and maintenance of facilities, and restore National Forest lands to their original condition, as determined by the Forest Service Representative.
- Prior to initiating work under the authorization, the permittee shall advise the Forest Service Representative of the date upon which active field work is scheduled to begin. It is at this time local information will be shared.

### **Structure Fire Hazard Reduction and Equipment**

Any person that owns, leases, controls, operates or maintains any building or structure in, upon or adjoining any mountainous forested, brush covered lands, or any land covered with flammable material, shall do all the following:

1. Maintain around and adjacent to building or structures a fuel break for a distance of not less than 30 feet on each side or to the property line, whichever is nearer. This does not apply to single trees, ornamental shrubbery or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
2. Maintain around and adjacent to any building or structure additional fire protection or firebreak which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the Director, or designated official, because of extra hazardous conditions. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
3. Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.
4. Maintain any tree adjacent to or overhanging any building free of dead or dying wood.
5. Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.
6. Provide and maintain at all times a screen over the outlet of every chimney or stovepipe. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size. (PRC 4291)

I agree to the above Operating Plan and shall hold my Representatives or Agents accountable for following the Operating Plan.

This permit is accepted subject to the conditions set out above.

**HOLDER NAME:**

By: MAL TOY  
MAL TOY

Title: Director of Resource Development, PCWA

Date: OCT 24 2006

**U.S. DEPARTMENT OF AGRICULTURE  
Forest Service**

By: STEVEN T. EUBANKS  
STEVEN T. EUBANKS  
Tahoe National Forest

Title: Forest Supervisor

Date: 10/25/06

By: RAMIRO VILLALVAZO  
RAMIRO VILLALVAZO  
Eldorado National Forest

Title: Forest Supervisor

Date: 10/30/06

## THIS FIRE PLAN IS MADE A PART OF:

### Special Use Authorization for Temperature and Flow Gauges And Cable Way Construction and Use Middle Fork American River Project License #2079

The following provisions apply during the normal fire season until the end of the Forest Service fire season or longer if prescribed by law. Additional fire restrictions may be imposed if extreme circumstances occur. Special provisions, clauses, or terms and conditions will be added if land uses or contracts are for the use of any rotary head piece of equipment on National Forest lands.

Because of unusually high wild land fire danger that occurs on the Tahoe National Forest during summer, the Forest Supervisor may post Orders which establish prohibitions of actions or activities aimed at minimizing the risk of wild land fire ignition and escape. These orders may allow an exemption to: "Person with a Forest Service permit, or other written authorization specifically authorizing the otherwise prohibited act or omission." As such, the permittee, operator, cooperater, or contractor may apply for an exemption to Orders. Only the District Ranger, or an authorized District Ranger representative can provide an exemption.

Reporting Fires: The Holder will report all fires requiring an emergency response to "911". Additionally, all fires will be reported to the Forest Service Fire Dispatcher at the Grass Valley Emergency Command Center, phone (530) 477-7237, regardless of the need for assistance or regardless of the cause.

#### 1. RESPONSIBILITIES:

##### A. Permittee, Operator, Cooperator, or Contractor shall:

- (1) abide by the requirements of this Fire Plan.
- (2) take all steps necessary to prevent others associated with this authorization from setting fires not required in completion of the authorization, shall be responsible for preventing the escape of fires set directly or indirectly as a result of operations herein authorized, and shall immediately attempt to extinguish all such fires which may escape .

##### B. Forest Service

The Forest Service may conduct one or more inspections for compliance with this fire plan and application of State law and local restrictions. The number, timing, and scope of such inspections will be committed at the discretion of agency employees responsible for authorization administration.

Such inspections do not relieve the permittee, operator, cooperator, or contractor of responsibility for correcting violations of the fire plan or for fire safety in general, as outlined in paragraph 2.A above.

## **2. TOOLS AND EQUIPMENT:**

### **A. Permittee, operator, cooperator, or contractor shall comply with the following requirements:**

Shall equip all diesel and/or gasoline-operated engines, both stationary and mobile, and all flues used in any operations with spark arresters that meet Forest Service standards set forth in the National Coordinating Group publication for Multiposition Small Engines, #430-4, or General Purpose and Locomotive, #430-2. Spark arresters are not required on equipment powered by exhaust-driven turbo-charged engines or motor vehicles equipped with a maintained muffler as defined in California Public Resources Code (CPRC), Section 4442 and 4443.

Shall furnish and have available for emergency use on each piece of equipment used in conjunction with performance of the work as listed below, hand tools and/or equipment as follows (CPRC 4427, 4428 and 4431):

(a) One shovel, one axe (or pulaski) and a fully charged fire extinguisher U.L. rated at 4-A:10-B:C, or larger, on each truck, personnel vehicle, tractor, grader and other heavy equipment.

Permittee, operator, cooperator, or contractor shall equip each mechanized harvesting machine with hydraulic systems, powered by an internal combustion engine (chipper, feller/buncher, backhoe, excavator, harvester, forwarder, stroke delimber, etc), with at least two 10 lb 4A/60 B-C fire extinguishers, or equivalent. In addition, concentrations of wood dust and debris shall be removed from such equipment daily.

(b) One shovel and one backpack 5 gallon water-filled tank with pump with each welder.

(c) As per State law, one shovel and one pressurized chemical fire extinguisher for each gasoline-powered tool, including but not restricted to chain saws, soil augers, rock drills, etc. Fire extinguishers shall be of the type and size set forth in the California Public Resources Code Section 4431. Shovel must be kept within 100 feet from each chain saw when used off cleared landing areas.

All tools and equipment required in a. thru c. above shall be in good workable condition and shall meet the following principle Forest Service specifications for fire tools:

(a) Shovels shall be size "O" or larger and be not less than 46 inches in overall length.

(b) Axes (or pulaskis) shall have 2-1/2 pound or larger heads and be not less than 28 inches in overall length.

### 3. **GENERAL**

- A. **State Law.** Permittee, operator, cooperator, or contractor shall comply with all applicable laws of the State of California. In particular, see California Public Resource Codes.
- B. **Permits Required.** Permittee, operator, cooperator, or contractor must secure a special written permit from the District Ranger or designated representative before engaging in any of the activities listed below. The terms and conditions of any of the permits required for this permit, authorization, agreement, or contract are as shown on copies attached to the Fire Plan.
- (1) Blasting and Storage of Explosives and Detonators. (Explosives Permit required by California Health & Safety Code, Section 12101.)
  - (2) Burning.
  - (3) Air Pollution. (Issued by local State or County Air Pollution Control Districts, as applicable.)
  - (4) Camp, Lunch and Warming Fires.
  - (5) Welding and Cutting
- C. **Regulations for Burning.** Before setting any fires whatsoever, permittee, operator, cooperator, or contractor shall notify the permit administrator of his/her intentions and shall have the appropriate permits in place. Special care shall be taken to prevent scorching or causing any damage to adjacent structures, trees, and shrubbery. Piles of material to be burned shall be of such size and so placed that during burning no damage shall result to adjacent objects.
- D. **Smoking and Fire Rules.** Smoking shall not be permitted during fire season, except in a barren area or in an area cleared to mineral soil at least three feet in diameter (CPRC 4423.4). In areas closed to smoking, the permit administrator may approve special areas to be used for smoking. Permittee, operator, cooperator, or contractor supervisory personnel shall require compliance with these rules. Under no circumstances shall smoking be permitted during fire season while employees are operating light or heavy equipment, or walking or working in grass and woodlands.
- E. **Storage and Parking Areas.** Equipment service areas, parking areas, and gas and oil storage areas shall be cleared of all inflammable material for a radius of at least 50 feet. Small mobile or stationary engine sites shall be cleared of inflammable material for a radius of at least 15 feet from such engine.
- F. **Welding.** Permittee, operator, cooperator, or contractor shall confine welding activity to cleared areas having a minimum radius of ten feet measured from place of welding. A welding permit is required.
- G. **Blasting.** Permittee, operator, cooperator, or contractor shall use electric caps only. When blasting is necessary in slash areas, a watchperson equipped with shovel and a water-filled backpack can (5 gallon), with hand pump, shall remain in the immediate area for one hour after blasting has been completed.
- H. **Oil Filter and Glass Jugs.** Permittee, operator, cooperator, or contractor shall remove from National Forest land all oily rags and used oil filters. SPPCo shall prohibit use of glass bottles and jugs on operations.
- I. **Reporting Fires.** As soon as possible, after initial control action is taken, permittee, operator, cooperator, or contractor shall notify Forest Service of any fires in the work area.

#### 4. **EMERGENCY MEASURES**

The table set forth below establishes work restrictions and fire precautions that permittee, operator, cooperator, or contractor must observe at each activity level.

Permittee, operator, cooperator, or contractor shall conform to the limitations or requirements of Project Activity Level (PAL) obtained from Forest Service before starting work each day. If practicable, Forest Service will determine the following day's activity level by 5:00 p.m. each afternoon. Activity level may be changed at any time if, in the judgment of the Forest Service, fire danger is higher or lower than predicted and such change is consistent with forest management objectives. The decision to change the activity level, and when, and how to take weather observations for that purpose, are within the discretion of Forest Service.

PAL applicable to this project shall be for fuelwood.

## PROJECT ACTIVITY LEVELS

<u>LEVEL</u>	<u>PROJECT ACTIVITY</u>
A.	As required by Sections 1 through 4 above.
B.	In addition to A. above, furnish Fire Patrol. When mechanized equipment with high-speed rotary head is utilized, the Fire Patrol shall remain in the operational area until 8:00 p.m., unless otherwise agreed in writing.
C.	<p>In addition to B. above the following operations are prohibited from 1 p.m. until 8 p.m. local time.</p> <ul style="list-style-type: none"><li>a. Dead tree felling, limbing, or bucking except recently dead trees.</li><li>b. Operating high-speed rotary head equipment.</li><li>c. Blasting.</li></ul>
D.	<p>In addition to C. above, the following operations are prohibited from 1 p.m. until 8 p.m. local time.</p> <ul style="list-style-type: none"><li>a. Tractor, skidder, feller-buncher (without high speed rotary head), forwarder, chipper or shovel logging operations.</li><li>b. Cable yarding with gravity operated logging systems employing non-motorized carriages when all blocks and moving lines are 10 feet or more above the ground, excluding the line between the carriage and the choker.</li><li>c. Mechanized loading and hauling, except log trucks already at the landing.</li><li>d. Hand felling green or recently dead material.</li><li>e. Power saw use at landings.</li><li>f. Welding or cutting of metal except by special permit.</li><li>g. Any other spark-emitting operation except by special permit.</li></ul> <p>The following operations are <b><u>prohibited</u></b>:</p> <ul style="list-style-type: none"><li>h. Blasting between hours of 10 a.m. and 8 p.m.</li><li>i. Cable yarding except as stated above.</li><li>j. Mechanized operations for felling (with high speed rotary head), bucking, and limbing.</li><li>k. Felling dead material.</li><li>l. Road clearing and pioneering in uncleared areas.</li><li>m. Mechanized slash disposal.</li></ul>
E.	<p>In addition to D. above all operations are prohibited except:</p> <ul style="list-style-type: none"><li>a. Trucks at landing may be loaded and can leave sale area.</li><li>b. Equipment at landings may be serviced.</li><li>c. Roads: dust abatement or rock/aggregate installation.</li></ul>

All of the precautions listed above apply unless the Permit Administrator agrees to changes in writing. Such written agreement, or substitute precautions, shall prescribe measures to be taken by SPPCo to reduce the risk of ignition, and/or the spread of fire.



- A. Permittee, operator, cooperator, or contractor can obtain the Predicted Activity level for the following day at telephone number: **(530) 367-2224 after 4:30 p.m. daily.**
- B. Permittee, operator, cooperator, or contractor ☒ will ☐ will not be required to furnish a filled five gallon backpack pump at each work site at activity level C, or above.
- C. Permittee, operator, cooperator, or contractor ☒ will ☐ will not be required to furnish communications equipment.

## 6. REPORTING ALL WILD FIRES

- A. Permittee, operator, cooperator, or contractor employees shall report all fires to any of the following Forest Service facilities and/or personnel listed below, but not necessarily in the order shown:

	Name	Office Address and/or telephone	Home address and/or telephone
<b>Dispatch Center</b>			
Nearest FS Station	ECC	(530) 478-6111	
Inspector			
Permit Administrator	Mo Tebbe	(530) 478-6254	
District Ranger	Jan Cutts	(530) 478-6254	
D.R. Designated Rep	Duty Officer	(530) 478-6354	

When reporting a fire, provide the following information;

Your Name  
 Call back telephone number  
 Project name  
 Location:  
     Legal description (Township, Range, Section)  
     Descriptive location (Reference point)  
 Fire Information:  
     Acres  
     Rate of Spread  
     Wind Conditions

- B. **Permittee, operator, cooperator, or contractor Plan Regarding Personnel, Equipment and Organization.** Permittee, operator, cooperator, or contractor, prior to commencing work, furnish the following information relating to key personnel.

**Key Personnel:** (In order of call preferences)

Title	Name	Address and/or telephone
<u>Fire Supervisor</u>		
<u>Fire Patrolperson</u>		