



Alfa Omega Associates

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Dr. Dale Smith, H.H.D., General Manager

July 21, 2009

Ms. Lillian MacLeod
Senior Planner
El Dorado County
2850 Fairlane Court
Placerville, CA 96767

Via Email & USPS Priority Received

Re: DR00-11/76 Gas Station/Circle K Mini Mart Project Appeal Process

Dear Ms. MacLeod,

Having recently reviewed the matter, *FSSI* legal counsel advised me to make sure the following statements get into the project's administrative record:

**Notice of Intent Not to Participate in Unlawful Proceedings
Based on Futility Doctrine**

Due mainly to the well established utter futility of trying for almost ten years to convince the County not to approve this project because of its fundamental flaws, particularly its unmitigated health & safety impacts stemming from the waiver of the County's safety standards, *FSSI* does not plan to incur the additional trouble and expense of making an appearance at the upcoming hearing on this project.

On at least six other occasions over a period of almost ten years, *FSSI* has already made its full evidentiary presentations (including comprehensive expert traffic & circulation testimony). These presentations are now part of the project's Administrative Record, as to which *FSSI* intends no waiver or modification of any kind.

Notice of Available Settlement

Of course, it has been made clear to El Dorado County that this matter can be settled by denying the project and withdrawing its application

Sincerely yours,

Dale Smith, H.H.D. for
Friends of Shingle Springs Interchange, Inc.

09-1017.B.1