



CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

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October 8, 2012

*Via U.S Mail and Electronic Mail
(jparks@waterboards.ca.gov)*

Jeff Parks, WQ Cert. WRCE
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812

STATE WATER RESOURCES
CONTROL BOARD
2012 OCT 10 AM 10:23
DIV OF WATER RIGHTS
SACRAMENTO

Re: Comment Letter – Pinecrest Conditions Workshop
Spring Gap-Stanislaus Hydroelectric Project – FERC Project No. 2130

Dear Mr. Parks:

The California Farm Bureau Federation (“Farm Bureau”) appreciates the opportunity to provide these comments in relation to the proposed Pinecrest Reservoir Lake Level Elevation Conditions (“Pinecrest Conditions”) in the water quality certification for Pacific Gas and Electric Company’s (“PG&E’s”) Spring Gap-Stanislaus Hydroelectric Project, recently the subject of a State Water Resources Control Board (“SWRCB”) staff workshop in Sonora, California. As you know, Farm Bureau appeared personally to deliver oral comments at that workshop, and also previously commented in a June 25, 2012 letter in relation to this matter which supported the Tuolumne Utilities District’s (“TUD’s”) request for a temporary variance in the Pinecrest Conditions.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 74,000 agricultural, associate and collegiate members in 56 counties, including Tuolumne County. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources. A key component of Farm Bureau’s advocacy is the protection of reliable and affordable water supplies for agriculture.

Farm Bureau believes that the Notice of Staff Workshop and its attendant “Fact Sheet,” as well as the staff presentation delivered by PowerPoint at the workshop, identify several issues that must be considered in relation to the Pinecrest Conditions.

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1. Waste and Unreasonable Use Complaint.

The Notice and Fact Sheet, as well as the staff presentation, make prominent reference to the fact that a complaint for waste and unreasonable use may have been filed with the SWRCB by an environmental group on TUD's conveyance of water through the Tuolumne Main Canal. As such, staff is recommending that the Pinecrest Conditions contain a "re-opener" which allows the SWRCB to make changes in the event action is taken on the complaint.

Farm Bureau urges the SWRCB to reject this recommendation, which appears to pre-judge the merits of the complaint. It is inappropriate to act upon a specific complaint which the SWRCB has not adjudicated yet, and which may in fact be meritless in whole or in part. At most, the Pinecrest Conditions should contain a generic "re-opener" that allows for the conditions to be modified in the event that *any* waste and unreasonable use action is warranted. For example, it is entirely possible that a waste and unreasonable use may be filed and adjudicated as to the recreational use of Pinecrest Reservoir; singling out one unadjudicated complaint would thus hamstring the SWRCB's enforcement prerogatives unnecessarily.

2. Balancing of Beneficial Uses.

At the workshop, staff indicated that part of the analysis regarding the Pinecrest Conditions is a "balancing" of beneficial uses. Farm Bureau reminds the SWRCB that Water Code section 106 is a specific declaration by the Legislature that the irrigation use of water is second only to domestic use as a "highest" use of the State's water resources. The recreational use of water is subordinate to the irrigation use of water; the SWRCB's "balancing" of beneficial uses in the Pinecrest Conditions must therefore reflect not an equal weighting of uses, but must be biased in favor of the domestic and irrigation uses of water.

With respect to the recreational use of the water resources of Pinecrest Reservoir, you also received evidence at the staff workshop that the recreational use of Pinecrest Reservoir may not be adversely affected with a reasonable variance in lake level. Again, this must be reflected in the Pinecrest Conditions.

3. Conservation of Water Resources.

The Fact Sheet and staff presentation also reference the importance of water conservation in this case. Farm Bureau agrees that reasonable water conservation is both a matter of State policy and important in the context of protecting beneficial use of the State's limited water resources. Like many communities and special districts, TUD has already demonstrated a firm

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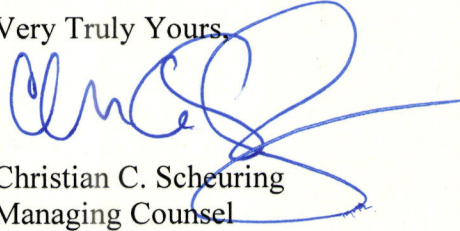
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commitment to water conservation. As Farm Bureau noted at the staff workshop, however, conservation is a difficult and incremental path. It is not a “silver bullet” to substitute for difficult policy choices, and should not be used in the case of the Pinecrest Conditions to ignore the reasonable water supply requirements of TUD’s ratepayers.

Thank you for your consideration of the foregoing, and we look forward to further engagement on the issue of the Pinecrest Conditions. Please do not hesitate to contact me directly in regard to this letter.

Very Truly Yours,



Christian C. Scheuring
Managing Counsel

CCS/dkc

cc: Pete Kampa, General Manager, Tuolumne Utilities District

Richard J. Doble, Sr. License Coordinator – Hydro Licensing, Pacific Gas & Electric Co.