

State Water Resources Control Board
Division of Water Rights
Attention: Kari Kyler
P.O. Box 2000
Sacramento, CA 9812-2000

October 11, 2011

RE: Final Pinecrest Reservoir Lake-Level Study Report, Spring Gap-Stanislaus
Hydroelectric Project (FERC Project No. 2130), April 2011

Dear Ms. Kyler;

Here are my comments on the Final Report.

Despite my best efforts, including testimony at the SWRCB hearing the FERC Project No. 2130, hereafter the Project, continues to define recreational use of Pinecrest Lake as existing solely between Memorial Day and Labor Day. This is again expressed in the Final Report, which concerns the "minimum operating lake level elevation that protects specific recreation uses for the period from the end of spill through Labor Day".

This is much too limiting and appears to be a historical set point, which may have been all right 40 some years ago, but is no longer valid. We now have a recreational season that continues though the month of September and many times well into October. We should not be bound by repeating the FERC license dates of forty some years ago.

Besides the recreational value of a lake suitable for water-based activity, the economic value of Pinecrest Lake to Tuolumne County is very high. Our Friends of Pinecrest organization has shown that for the year 2007, the 360 Pinecrest Lake cabin owners alone brought almost \$3 million into Tuolumne County, which is more than the local tax receipts generated by Travel Spending of \$2.6 million as shown by the Tuolumne Visitors Bureau. Further extension of these figures to include the other approximately 320 Pinecrest Basin cabin owners conservatively brought in \$5.7 million, just slightly less than the entire State Tax receipts generated by Travel Spending for all of the County. These figures include only Forest Service cabin permit holders along the Highway 108 corridor and not the commercial enterprises.

When the lake is lowered the beaches expand however around 5608 many of the beach areas become muddy and unattractive, hampered also by natural hazards. A PG&E survey found that approximately 30% of users indicated a loss of recreational value. On the other side of the equation, drawing the lake down shortly after Labor Day decreases the amount of useage substantially and should be very strongly reconsidered. Our season is no longer bounded by the early days of September, but more likely the early days of October. I request that PG&E/TUD not be allowed to draw the lake level down to 5605 and/or 5600 as I have heard they may want to do.

The extent of the above comments are to let you know: 1. The Pinecrest Basin is an extremely important economic contributor to the entire County of Tuolumne, not just to one water district. 2. Lake levels that are too high in the early summer months, May/June, decrease the amount of useable beach area and create conflicts on its use. 3. Drawing the lake down both too early and too far creates other user problems, from muddy shorelines to natural obstacles that show up in the lake creating hazards. Finally 4. The old model of the lake usage being constricted by the calendar between Memorial Day and Labor Day is no longer valid and could easily be confirmed by many local Pinecrest Lake users.

*Paragraph 1.3 Recreation Facility #3 – Designated Buoyed Swim Area:
Buoy line not actively managed.*

This is an apparent shortcoming of the Forest Service and should be addressed for a prompt resolution. The shrinkage of the swimming area due to broken buoy lines has become a problem.

Paragraph 1.5 Recreation Facility #5 – ADA-Accessible Fishing Platform:

It requires a trip to the site to see that the pod is not ADA compliant. If the main platform required guardrails why doesn't the pod also require them. As we understand it the FS is planning on removing the lower pod. We do not think that it is ADA suitable. The entire Fishing Platform has been a wrong choice from its very inception. It is at a wrong location, one that was formerly called Catfish Point, because the trout did not come to this location. Secondly it should have been a floating, ADA compliant, pier that would not have created an impediment to boating and other lake activities. This monstrosity is a result of the FS not listening to the advice of the local people who have fished the lake for more than 8 decades.

Paragraph 1.7 Recreation Facility #7 – Over flow Area, North of Marina.

This facility also provides access to the dock used by the Tuolumne County Fire Department and the Pinecrest Permittees Association, garbage collection boat servicing those cabin around the lake shore that do not have automobile access.

Paragraph 2.0 • Distance from shade and trees:

Since the Forest Service deemed it necessary to remove approximately 75 mature trees from the lakeshore between the Beaches and the Handicap Fishing Pier, the data collected will not necessarily reflect current conditions and should be reviewed. The Forest Service should be required to plant trees to provide more shade and aesthetic beauty to the area that they have destroyed.

*2.5.1 Criterion #1: Fishing Opportunities from the Upper Platform
Form:*

Facility No. 5: ADA Accessible Fishing Platform

(1) Is the facility usable? (Example: Could someone feasibly fish from the platform?) Yes / No

(2) What is the distance in feet from the railing to the shoreline (measure from the area on the platform that is closest to the water)?

From upper platform: _____

From lower platform: _____

The answer to Question (1) depends upon the depth of the water at the time. The report states when the water level is sufficient to touch at least the base of the platform it was categorized as usable for fishing opportunities. We contend that in order for fishing opportunity to happen at this water level the fisher-person would have to be able to cast their bait/lure way beyond a normal distance due to the shallow draft of this part of the lake. It is therefore really not usable until it reaches lake levels well above that which touch the base of the platform.

You do not provide a similar question for the Lower Platform – why?

2.5.2 Criterion #2: Fishing Opportunities from the Lower Platform:

The answers to this question are also dependent upon the lake level at that particular time.

2.3.6 Criterion #6: Potential Swimming Hazards:

Last sentence first paragraph, word ‘swimmer’ is misspelled.

3.5.1 Criterion 1: Fishing Opportunities from the Upper Platform:

The upper platform is in contact with the water, and therefore usable, until elevation 5,611 ft. At this elevation, the base of the platform is exposed and is no longer in direct contact with the water and becomes unusable.

Not true. Please refer to my comments under Paragraph 2.5.1 above.

3.5.2 Criterion 2: Fishing Opportunities from the Lower Platform:

At elevation 5,605 ft, the platform loses direct contact with the water surface and becomes unusable.

However at lower elevations the ADA compliancy appears to disappear, as the concrete path is sandy, has large rocks at its edge and in some place is substantially higher than the ground level, which has created problems for impaired walkers in the past. We understand that the FS will be removing this lower platform as part of their work with PG&E. The entire Fishing Pier should be removed and replaced with a floating pier, as recommended years ago.

4.3.2 Criterion #2: Beach Quality:

Beach quality is measured by the condition of the substrate. To be usable, a beach must be composed predominantly of sand. The following actions are potential mitigation

measures for impaired beach quality at Recreation Facility #3:

- *Import sand to create a substrate suitable for beach use.*

Unless the water-run-off created ravines are dealt with, any placement of sand on most of the beaches will be futile, as the next large rainfall will move it into the lake.

- *Move rocks and stumps to allow sand that is present at the beach to be used.*

I do not believe that there is much sand remaining on most of the beaches.

Removing the stumps and rocks would be a good idea.

4.3.4 Criterion #4: Available Swimming Area:

- *Construct a buoy line that is adjustable. As the water level falls, the buoy line can be adjusted to maintain the swimming area available within the buoy line.*

- *Create a fixed buoy line that extends farther into the water than currently exists.*

Both of these are solutions are valid and one of them should be imposed and implemented. A fixed line needs to be much farther out so as to be maintain some swimming area as the lake level is lowered.

4.5.2 Criterion #2: Fishing Opportunities from Lower Platform:

- *Create a third platform that extends to a lower elevation.*

This is not a valid solution. The Forest Service was told from the very inception of the idea for an ADA fishing pier that it should be a floating one. The lower platform, besides its uselessness for fishing and its need to be removed, is also a hazard to boating and swimming and is certainly not ADA compliant. To compound this deficient design with yet another lower platform would be a major error. Thank goodness that the FS appears to understand the error it made in selecting this design in the first place and will have the lower platform removed.

It is just too bad that they will not destroy the upper platform also and make a truly handicap floating fishing pier.

I compliment you on a well done report, however here again the local 'indians' (i.e., those persons having the most experience and knowledge of how the various lake levels effect recreation) have been left out of the discussion. We also do not understand the relationship between the Tuolumne Utility District, PG&E and the Forest Service. Does TUD have water rights or have they been granted merely by an agreement between them and PG&E? Who does have rights to the water? Can TUD call for water whenever they want to? Doesn't TUD have to reduce the amount of water they lose through both leakage and evaporation before they can merely call for replacement from Pinecrest Lake, or is it really just a PG&E/TUD reservoir? It would be very informative to have this information in the report, otherwise a very important reason for having the State Water Resources Board involved is missing.

Sincerely submitted.

Original signed by

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