



PINECREST PERMITTEES ASSOCIATION
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April 14, 2015

Mr. Jeff Parks
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

RE: PG&E Lake Level Modification Request to FERC Project #2130

Thank you for the opportunity to speak to this issue once again. The Board of Directors of the Pinecrest Permittees Association, a local utility district, represent the interests of the utilities services to over 400 permit holders within the Stanislaus National Forest. Our customers include recreational users, commercial uses and the USFS. We appreciate the great efforts towards the FERC certification. We recognize the need for a balanced use of water. We are in acceptance of the current process for regulating the flows out of Pinecrest Lake. The current system of checks and balances allows fair input from all interested parties. As we understand the request for modification it is to reduce public review of altered flows from the Lake to benefit downstream users as noted below:

USFS has 4e conditions that mandate Lake Level at Labor Day to be 5610. USFS has conditional authority under the Federal Power Act.

SWRCB had to issue a Water Quality Certification to PG&E before FERC would issue the license. Section 401 of the Clean Water Act. The State Water Board Modified the target elevation to 5608.

*PG&E has submitted a request to modify Lake Levels prior to Labor Day **without** SWRCB review as follows:*

- *5606 in a Wet Water Year*
- *5604 in a Normal-Wet Water Year*
- *5600 in a Normal-Dry and Dry Water Year*

We are disappointed that TUD has taken this stance. Last year [2014] they encountered water shortage problems similar to this year's and effectuated an allowance for increased flows in one day. It turned out to be an allowance they did not need.

The TUD 'STATEMENT OF NEED' and the accompanying PG&E 'MITIGATION PROPOSAL' are not accurate or are misleading on several counts:

- *Hydrologic data prior to extensive Dam repairs in 2002 are not relevant.*

- *'Non Growth' justification of modifications is not aligned with public comments by Mr. Scesa. (Union Democrat March 13, 2015-attached)*
- *Conservation & systemic problems within TUD service areas have not been addressed.*
- *Reduced Lake Levels during Recreation Season have potentially significant firefighting & rescue impacts. Posting flyer's and education will not put out fires or save lives.*
- *The TCFD owns the fireboat and it must be removed from the Lake when level gets to 5600'.*
- *Fireboat water hoses cannot reach the shore structures at 5604'.*
- *While firefighting & rescues can be accomplished with additional manning & water hoses... additional manning is more than twenty minutes away in Mi-Wuk.*

Additionally;

- The TUD fully participated in the 'SPLAT planning discussions and agreed to these levels & conditions. Their attempts to revise these fair conditions & levels through attrition by modification are worrisome. We have achieved a balanced approach to lake level management. Our current policies respond to changing annual situations with contingency alternatives for water short years. Increased flows which are fixed can only lead to inflexibility and poor results.
- There are some intermediate level reductions which can be utilized for increased summer flows above 5608' (5617' – 5615').
- PG&E recently built a restroom and dock to service the east end of the Lake and the popular trailhead into the South Fork Stanislaus River (SFSR). This dock is unusable by fire & rescue or anyone below 5610'.

We respectfully request a continuance of current policies which have been shortly tested but successful so far. Let us not revise them until we see they have failed us. TUD seems to be 'designing the church for Christmas & Easter'. Hold the course!



Tim Fisher
 President
 Pinecrest Permittees Association

Scesa: There's water enough for connections

By [Guy McCarthy, The Union Democrat](#) March 13, 2015 02:47 pm

Tuolumne County has several housing and commercial developments in the pipeline, and many residents question whether the county's largest water purveyor can meet these added demands.

According to Tuolumne Utilities District General Manager Tom Scesa, the district, which already serves 44,000 residents, can.

The key, he said, is freeing up water stored behind Pinecrest Dam. State regulations in effect since 2008 require the lake be kept mostly full through the end of summer.

"There's a regulatory drought because we have enough water, but the state will not allow us to access it," Scesa said at a TUD committee meeting Thursday.

Scesa said Pinecrest's storage is great enough for hundreds and perhaps thousands of additional hookups.

This is so, even in a record drought year like this year, he said.

He said the lake's owner, Pacific Gas and Electric Co., has asked the state to lower its lake level requirement in drought years to 5,600 feet above sea level. In average to wet years, PG&E wants to move the lake-level requirement to 5,606.

A California Environmental Quality Act study on the Pinecrest Lake level is due to be released this week, Scesa said.

The law now requires the lake to be maintained at an elevation of 5,608 feet through Labor Day, for recreational purposes.

While a 2- to 8-foot difference may seem insignificant, Scesa said each foot of elevation equals 250 to 300 acre-feet of volume, enough for 1,000 homes a year.

That water could be applied to developments now on the books, he said.

Those include:

- the Yosemite National Golf & Wetland Preserve, a \$100 million proposed golf, hotel and condo resort at Yosemite Junction southwest of Jamestown
- Oak View Estates, with 123 residential lots on 126 acres near Soulsbyville.
- Mountain Springs, the long-proposed planned community for more than 800 residential units on 1,100 acres south of Sonora.

Dropping the lake level to accommodate more connections would not come without opposition.

Pinecrest residents, boaters and others who use the lake for recreation have complained in the past about emergency suspensions of the lake-level requirements.

Too, many current TUD customers argue water-conservation measures required last year prove the system is already strapped.

“I find it hard to swallow that we have the water but we have to cut back,” former TUD board member Glen Carroll told Scesa and the district’s water committee. “What aggravates it, you’re approving new developments or you’re going to.”

“They asked me to cut back 50 percent and I did,” Claudia Gwinn of Sonora, a TUD customer who wrote a letter to the district board of directors in January, said in a phone interview Thursday. “Now they have enough water to talk about new subdivisions. There’s not enough for existing customers. How can there be enough for more new customers?”

Developers, though, say new connections are possible and needed.

General contractor Evan Royce, elected supervisor for Tuolumne County District 3, said TUD should keep its options open.

“The most important thing is our residents here in the county have enough water for domestic uses,” Royce said.

“But if you look at Tuolumne County history over the past century, there’s been a lack of leadership and planning in terms of securing water rights and adequate water storage,” Royce said.

Developer Troy Claveran said he’s been studying water and other factors related to Yosemite National Golf & Wetland Preserve for more than a decade.

He’s not certain if TUD’s water supply will be able to support his project, but he’s paying a consultant to find out if other options, like wells, could support it.

“I’ve done lots of homework over the last 15 years, not only water but the biological and the traffic,” Claveran said in a phone interview. “We’ve done a lot of research and hired engineers for well-testing at our site. We have quite a bit of water available to us.”

He said the resort’s developers paid for a water supply assessment in 2009 which showed there is sufficient water for the project.

He said the developers and TUD have gone back to study water options in light of the drought.

“I believe that report will be complete in two to three weeks. As far as water availability today I couldn’t say. The report’s going to say that.”