



June 14, 2013

Thomas Howard, Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812  
Email: [jparks@waterboards.ca.gov](mailto:jparks@waterboards.ca.gov)

Re: Request for Modification of State Water Resources Control Board Target Elevation for Pinecrest Lake by Labor Day; Spring Gap-Stanislaus Hydroelectric Project, FERC Project No. 2130

Dear Mr. Howard:

The Tuolumne County Business Council would like to thank you and the other Water Board Staff members for allowing extensive public comment regarding potential changes to the Pinecrest Reservoir Lake Level Elevation Conditions in the water quality certification for Pacific Gas and Electric Company's Spring Gap-Stanislaus Hydroelectric Project, Federal Energy Regulatory Commission Project No. 2130.

Water availability is a critical component of our Tuolumne County economy as are recreation and tourism. Allowing flexibility for our County and key stakeholders to balance these components at the local level is also critical. In that Tuolumne County does not have any water rights to the over 5,517,000 acre feet of water storage in this area and has to rely on a water contract with PG&E for existing and future water needs exacerbates the details of the 30 year water quality certification for Pacific Gas and Electric Company's Spring Gap-Stanislaus Hydroelectric Project, Federal Energy Regulatory Commission Project No. 2130.

The key component of the certification is how the lake elevation of Pinecrest is managed at end of spill in wet, dry and critical dry years and the related impacts on a number of factors. These factors would include the recreational enjoyment of Pinecrest and related tourism dollars, stream flows to address environmental issues, power generation and the current and future consumptive needs of Tuolumne County for residential, commercial, industrial, agricultural and other recreational needs. In wet years there does not seem to be much of an issue balancing these issues however, in dry years and in critical dry years there are many issues and impacts.

Based on our ongoing review of the information and discussions with Pinecrest businesses, TUD and public comment our Business Council would like your staff to consider the following:

1. The end of spill from Pinecrest (end of spill lake level is at 5617) should be the most critical factor in determining the conditions of water allocation and lake level rather than the type of water year determined based on the flow into Melones Reservoir.
2. We feel the key parties that are impacted by the agreement (State Water Board, PG&E, Pinecrest recreation interests, TUD, County and City officials) can and should work together to determine and establish criteria for years that are impacted by an early end of spill. Depending on the yearly draw down curve that calculates the timing of the end of spill and

the current consumptive need of the County (which will vary over the 30 year agreement) the criteria could include but not be limited to the following:

- a. A modified two foot draw down of the lake after end of spill,
  - b. Reductions in the minimum cfs flows in the Pinecrest Reach, Philadelphia Ditch and Philadelphia Reach,
  - c. Tiered conservation measures for residential, commercial, industrial, agricultural and other recreational needs,
  - d. Mitigation measures for the beach, dock and buoyed swim area at Pinecrest Lake to reduce tourism impacts in years that early end of spill and consumptive needs with tiered conservation would warrant a lower lake level. This mitigation may require some modification to existing plans and documents in place for the operation of Pinecrest Lake.
3. The yearly lake elevation should not be based on the ability to request the State Water Board consider and possibly grant a PG&E request for a lower lake elevation. The uncertain nature of the request does not provide TUD or our County with adequate assurance of a water source for our yearly projected needs and the ability to service potential projects that are trying to get approvals under CEQA criteria. The projected “years of available supply” and “available supply” for planning approvals are different because one just calculates how long the Pinecrest source of water will last based on growth projections for residential, commercial, industrial, agricultural and other recreational needs and the other calculation has to determine a remaining allocation of water for additional project approvals after determining what available water has been allocated for other future growth. This is an important component and without the availability of TUD to plan for lower lake levels in dry and critical dry years, with defined criteria, opposition groups will argue and litigate that adequate water does not exist to approve other proposed uses needed for the economic benefit and quality of life in Tuolumne County. The Water Quality Certification should also clarify that PG&E would still have the opportunity to ask for modifications during the term of the Certification if extenuating circumstances warranted it.

These modifications will provide our County the ability to operate in the near term however, we also feel it is imperative that TUD, Tuolumne County and the City of Sonora in conjunction with all the stake holders in our County take a more proactive approach to securing more midterm and long term water sources and rights.

Sincerely;



Ronald D Kopf  
Executive Director  
Tuolumne County Business Council

Cc. Jeffrey Parks, TUD, Tuolumne County, City of Sonora