

Tuolumne County
Administration Center
2 South Green Street
Sonora, California 95370
Phone (209) 533-5521
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Alicia L. Jamar
*Clerk of the Board
of Supervisors*

**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

Sherri Brennan, *First District*

Anaiah Kirk, *Third District*

John Gray, *Fourth District*

Ryan Campbell, *Second District*

Karl Rodefer, *Fifth District*

**Natural Resource Committee
Tuesday February 11th @ 9:30 a.m.
Board of Supervisors Chambers
2 South Green Street, Sonora**

AGENDA

1. Call the meeting to order
2. Public Comment
3. Consideration of approving the minutes of the meeting held on December 16, 2019
4. Discussion of Rim Fire impacts and recovery efforts.
 - Restoration
 - Reforestation
5. Bridge Project/MOTOR M2K Update
6. Update on Master Stewardship Agreement
 - SPAs
 - Grants
7. Consideration of approving comments on proposed changes to the National Environmental Policy Act (comments due March 10, 2020)
8. Consideration of approving comments on the proposal to list the Sierra Nevada Distinct Population Segment (DPS) of the Sierra Nevada red fox (*Vulpes vulpes necator*) as an endangered species under the Endangered Species Act (Act) (Comments due March 9, 2020)
9. Consideration of approving comments on the Draft Water Quality Certification Amendment Related to Pinecrest Lake Levels (Comments due March 12, 2020)
10. Discussion of vacancies on the Bureau of Land Management Resource Advisory Committee
11. Reports

S:\Committees\Natural Resources Committee\February 2020 Agenda.doc

In accordance with Government Section 54954.3(a), the public may comment on any item on the agenda. In accordance with the Americans with Disabilities Act, if you need special assistance (i.e. auxiliary aids or services) in order to participate in this public meeting, please contact the County Administrator's Office, (209-533-5511). Notification 48 hours prior to the start of the meeting will enable staff to make reasonable accommodations to ensure accessibility to this public meeting.

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Natural Resource Committee

Monday, December 16, 2019 @ 9:30 a.m.

Board of Supervisors Chambers

2 South Green Street, Sonora

MINUTES

1. Call the meeting to order: Meeting called to order at 9:31am. Members in attendance: Brennan, Rodefer, Phelan and Maddox

2. Public Comment:

Randy Hanvelt: representing sustainable forest action coalition. They did some work with Chico State University on socioeconomic impacts and it is the kind of thing we need when we do NEPA/CEQA. I am looking for support for SFAC from the Board of Supervisors for \$2500.

Sherri Brennan: We can't take action but that was a good report. Liz can forward that report to the committee.

Jim Maddox: I've been out in a few places in the forest and have noticed a few roads/culverts that are going to fail with a storm that we rely on for fire access.

Sherri Brennan: I'd like to see this agendized because we are going to have roads that fail and we need to have these roads available for fire access. Once they fail, they won't be reconstructed because the failure will be so catastrophic.

3. Consideration of approving the minutes of the meeting held on July 11, 2019 Karl Rodefer moved to approve the minutes. Jim Maddox seconded. Approved 4-0.

4. Discussion of Rim Fire impacts and recovery efforts.
 - Restoration
 - Reforestation

Liz Peterson: Maria Benech, Rim Fire Restoration Coordinator provided an update that they have been able to continue work, despite the lawsuit on the NDRC grant. Work has stopped at this point

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due to weather but 500 acres of the biomass contract have been completed. 800 acres still remain. Work will continue when the weather allows, likely in May.

Allen Johnson: the NEPA/CEQA portion of the fuel breaks is almost done and I believe it should be complete early next year. That part is huge because then those projects become shovel-ready and if work has to stop due to the lawsuit, we could look at other entities for implementation, such as the County or RCD, since the planning will have already been completed.

5. MOTOR M2K Update:

John Buckley: an update from YSS: the challenge we saw by putting all the eggs in this basket was a concern that this would be opposed immediately from other outside entities.

Barnie Gyant declared MOTOR M2K dead but the Stanislaus National Forest staff said it is dead in name only. Mike Albrecht came up with the name of "Bridge Project" concept that includes 40,000-80,000 acres of treatment. This is a proposal by YSS to still do large-landscape planning but make it more acceptable to some of the outside entities that would otherwise be inclined to oppose the MOTOR M2K.

This would be the start of a large-landscape project that could eventually lead to a 15-year proposal later on.

Sherri Brennan: We need to encourage organizations to become members of YSS for future projects and to make sure we're strategizing and coordinating.

Another piece of this: I think the County needs to thank Patrick Koepele from the Tuolumne River Trust for all his efforts in looking at grant sources and figuring out how to best coordinate grants.

John Buckley: Just one concern YSS Leadership Team continues to have is that the MSA is supposed to be additive, not supplanting work that the Forest Service should be doing.

Sherri Brennan: This would be a good place to agendize that conversation so we could hear an update on a regular basis about what the Forest Service is working on in conjunction with what we're doing.

I want to keep this item as a standing item on our agenda, even if it is no longer moving forward as "MOTOR M2K." This will give us the opportunity to track what is going on and it would be nice to have a member of the YSS Leadership Team in attendance at our meeting to give us an update from their perspective.

6. Update on Master Stewardship Agreement

- SPAs
- Grants

Liz Peterson provided an update to the Committee on project statuses as well as other grants we have applied for.

7. Consideration of approving comments and recommendations on the Phoenix Project FERC License Recreation Report (comments due January 11, 2020)

Ron Ringen: I believe the reason for changing this to non-contact was for water quality concerns related to 4-Wheel Drive use, oil spills, etc.

Glenn Nunnally: I believe it is important to have this conversation. There is some good reasoning behind the resolution about protecting the water supply but there are also good points about potential recreating on Lyons for non-contact, non-motorized boating use.

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It would be worth expanding this conversation to include other experts in the room to make sure all issues are accounted for.

Sherri Brennan: If this committee feels strongly about providing a recommendation to the Board, I would request that Natalie Rizzi and Liz Peterson work to develop comments for the Board to consider related to the following:

Parking
Drawdown thresholds
Invasive species
Electric vs. non-motorized boats
Fishing expanded beyond the banks
Improved road access

Karl Rodefer: It's possible the resolution that prohibited recreational access may be nullified since it was established before TUD was formed.

Sherri Brennan: we need to add an item to the Board of Supervisors meeting on January 7th related to this to allow the Board of Supervisors to continue this discussion.

All committee members provided consensus on the recommended action.

8. Consideration of approving comments regarding the Mountain Tunnel Improvements Special Use Authorization Project (Comments due January 2, 2020)

Sherri Brennan: This is an item that was brought to our attention related to HHWP's tunnel improvement project.

John Buckley: This particular item is related to widening roads, staging equipment, etc. and I believe it is non-controversial.

9. Reports

- Petition from June 2019 to list Southern California/Central Coast Evolutionary Significant Unit of Mountain Lions as threatened under the California Endangered Species Act (CESA)

Liz Peterson: This is an informational item only to inform the committee. No action is required at this time.

Sherri Brennan: I am looking at moving this meeting back to the second Tuesday of the month from 9:30am -11:00am.

Meeting Adjourned at 11:01am.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

January 25, 2020

To: Supervisor Sherri Brennan, Chair
Board of Supervisors Natural Resources Committee

From: Quincy Yaley, AICP
Community Development Department, Director

RE: Proposed changes to the National Environmental Policy Act

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

1. The National Environmental Policy Act (NEPA), signed into law on January 1, 1970, requires Federal agencies to consider the environmental effects of proposed major Federal actions significantly affecting the quality of the human environment. NEPA's requirements apply the construction of roads, bridges, highways, transmission lines, conventional and renewable energy projects, broadband deployment, and water infrastructure to management of activities on Federal lands, such as grazing, forest management, and wildfire protection to environmental restoration and other projects.

Under the CEQ regulations, there are three levels of environmental review: environmental impact statements (EISs), environmental assessments (EAs), and categorical exclusions (CEs). Annually agencies prepare approximately 170 EISs and 10,000 EAs, and apply categorical exclusions to approximately 100,000 actions.

2. The Council on Environmental Quality (CEQ) has not comprehensively updated its NEPA implementing regulations since 1978, more than four decades ago. Over time, the NEPA process has become increasingly complex and time consuming. CEQ has found that, on average, it takes Federal agencies 4 and half years to complete environmental impact statements under NEPA, and for some projects it takes much longer. Additionally, these statements can also be lengthy and exceed, on average, 600 pages.
3. In 2017, President Trump issued Executive Order (EO) 13807 which directed CEQ to review its existing NEPA regulations and modernize and accelerate the Federal environmental review and decision-making process.
 - On December 14, 2018, CEQ issued a report on the length of time Federal agencies spent to complete EISs under NEPA. CEQ found that over the past decade, the average time for agencies to complete an EIS was 4 and a half years. CEQ's current guidance suggests that this process, even for complex projects, should not take more than one year.
 - On July 22, 2019, CEQ issued a report on the average length, by page, of EISs. CEQ found that the average length of an EIS was over 600 pages. CEQ's current regulations suggest EISs should normally be less than 150 pages and less than 300 pages for proposals of unusual scope or complexity.

4. CEQ's proposed rule would modernize and clarify the CEQ regulations to facilitate more efficient, effective, and timely NEPA reviews by simplifying and clarifying regulatory requirements, incorporating key elements of the One Federal Decision policy, codifying certain case law and CEQ guidance, updating the regulations to reflect current technologies and agency practices, eliminating obsolete provisions, and improving the format and readability of the regulations.
5. CEQ requests public comment on the Notice of Proposed Rulemaking. Comments should be submitted on or before March 10, 2020. The website <https://www.regulations.gov/> provides online instructions for submitting comments to Docket ID No. CEQ-2019-0003. Additional information can be found at <https://www.whitehouse.gov/ceq/nepa-modernization/> and <https://ceq.doe.gov/laws-regulations/regulations.html>.
6. Overview of Key Elements of the Proposed Rule:
 - Modernize, Simplify and Accelerate the NEPA Process
 - Establish presumptive time limits of two years for completion of environmental impact statements and one year for completion of environmental assessments
 - Specify presumptive page limits
 - Require joint schedules, a single EIS, and a single record of decision (ROD), where appropriate, for EISs involving multiple agencies
 - Strengthen the role of the lead agency and require senior agency officials to timely resolve disputes to avoid delays
 - Promote use of modern technologies for information sharing and public outreach
 - Clarify Terms, Application and Scope of NEPA Review
 - Provide direction regarding the threshold consideration of whether NEPA applies to a particular action
 - Require earlier solicitation of input from the public to ensure informed decisionmaking by Federal agencies
 - Require comments to be specific and timely to ensure appropriate consideration
 - Require agencies to summarize alternatives, analyses, and information submitted by commenters and to certify consideration of submitted information in the ROD
 - Simplify the definition of environmental "effects" and clarify that effects must be reasonably foreseeable and have a reasonably close causal relationship to the proposed action
 - State that analysis of cumulative effects is not required under NEPA
 - Clarify that "major Federal action" does not include non-discretionary decisions and non-Federal projects (those with minimal Federal funding or involvement)
 - Clarify that "reasonable alternatives" requiring consideration must be technically and economically feasible
 - Enhance Coordination with States, Tribes, and Localities
 - Reduce duplication by facilitating use of documents required by other statutes or prepared by State, Tribal, and local agencies to comply with NEPA
 - Ensure appropriate consultation with affected Tribal governments and agencies
 - Eliminate the provisions in the current regulations that limit Tribal interest to reservations
 - Reduce Unnecessary Burdens, Delays
 - Facilitate use of efficient reviews (categorical exclusions, environmental assessments)
 - Allow agencies to establish procedures for adopting other agencies' CEs
 - Allow applicants/contractors to assume a greater role in preparing EISs under the supervision of an agency



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

January 25, 2020

To: Supervisor Sherri Brennan, Chair
Board of Supervisors Natural Resources Committee

From: Quincy Yaley, AICP
Community Development Department, Director

RE: Proposal to list the Sierra Nevada Distinct Population Segment (DPS) of the Sierra Nevada red fox (*Vulpes vulpes necator*) as an endangered species under the Endangered Species Act (Act)

48 Yaney Avenue, Sonora
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1. The Sierra Nevada red fox is a small subspecies of red fox that is specially adapted to its native subalpine habitat, which is characterized by heavy snow, short growing seasons, and a mixture of open and forested areas. Despite its name, Sierra Nevada red foxes can be either mostly red, mostly black, or a greyish-brown “cross phase.” Sierra Nevada red foxes are typically found at high elevations (above approximately 5,000 feet in the southern Cascades and 7,000 feet in the central Sierra Nevada) and utilize a variety of habitats including alpine and barren areas, subalpine forests, red fir forests, lodgepole pine forests, mixed conifer forests, and meadows.
2. The historic distribution of the Sierra Nevada Red Fox in California included much of the Sierra Nevada, the southern Cascades near Lassen Peak and Mount Shasta, and the Klamath Mountains near Mt. Eddy and the eastern Trinity Alps. In recent decades, the Sierra Nevada Red Fox has been detected in the Lassen Peak region and in the central Sierra Nevada near Sonora Pass and Yosemite National Park. However, undetected populations may exist throughout these ranges – the red fox population occurring near Sonora Pass was not found until 2010.
3. Sierra Nevada populations prefers forests interspersed with meadows or alpine fell-fields and may be found in a variety of habitats, including alpine dwarf-shrub, wet meadow, subalpine conifer, lodgepole pine, red fir, aspen, montane chaparral, montane riparian, mixed conifer, and ponderosa pine. Jeffrey pine, eastside pine, and montane hardwood-conifer also are used. Open areas are used for hunting, forested habitats for cover and reproduction, and edge habitats are utilized extensively.
4. The Sierra Nevada red fox is one of the rarest mammals in North America. Today, it occurs only in two areas – California’s Sierra Nevada, near Yosemite National Park, and the southern Cascade Range of Oregon and California. Genetic analyses indicate that red foxes living near Sonora Pass, California, as of 2010 are descendants of the Sierra Nevada red fox population that was historically resident in the area. This is the only population known to exist in the Sierra Nevada mountain range, and is thus the last known remnant of the larger historical population that occurred along the upper elevations of the Sierra Nevada mountain range from Tulare to Sierra Counties. The Sierra Nevada population is comprised of as few as 10 and no more than 50 adults. This low number, combined with threats to the remaining foxes, prompted the U.S. Fish and Wildlife Service to propose listing the population as endangered under the Endangered Species Act (ESA).

5. Based on the best available scientific information, the U.S. Fish and Wildlife Service has determined the Sierra Nevada distinct population segment (DPS) of the Sierra Nevada red fox is at risk of extinction due to a variety of factors, including the effects of small population size and continued hybridization with non-native red foxes. The Sierra Nevada red fox faces the following threats:
- Deleterious impacts associated with small population size, such as inbreeding depression and reduced genomic integrity;
 - hybridization with nonnative red fox; and possibly
 - reduced prey availability and competition with coyotes resulting from reduced snowpack levels.

Existing regulatory mechanisms and conservation efforts do not address the threats to the Sierra Nevada red fox to the extent that listing the DPS is not warranted.

6. Ongoing multi-agency and partner collaboration involving federal conservation agencies, Department of Defense, the state of California, universities and the private sector could help the species recover by developing conservation management plans while minimizing activities that fragment the forest and disturb breeding and denning foxes. Listing the Sierra Nevada DPS of the Sierra Nevada red fox under the ESA will help stimulate additional conservation partnerships and actions.
7. When a species is listed as a threatened or endangered under the federal Endangered Species Act, conservation benefits include, but are not limited to, protection from being jeopardized by federal activities; protection of critical habitat being destroyed or adversely modified; restrictions on take and trade; and a requirement that the USFWS develop and implement recovery plans for listed species under U.S. jurisdiction. Listing also lends greater recognition to a species' precarious status, encouraging conservation effort by other agencies (foreign, federal, state, and local), independent organizations, and concerned individuals.
8. The USFWS seeks comments until March 9, 2020, concerning:
- the species biology, range, and population trends,
 - factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.
 - biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this DPS and existing regulations that may be addressing those threats.
 - additional information concerning the historical and current status, range, distribution, and population size of this DPS, including the locations of any additional populations of the Sierra Nevada red fox.
 - Submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination.

References:

1. <https://wildlife.ca.gov/Conservation/Mammals/Sierra-Nevada-Red-Fox>
2. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2563&inline>
3. https://www.fws.gov/news/ShowNews.cfm?ref=service-proposes-federal-protections-for-california-population-of-one-of-&_ID=36508
4. <https://www.federalregister.gov/documents/2020/01/08/2019-28462/endangered-and-threatened-wildlife-and-plants-endangered-status-for-the-sierra-nevada-distinct>
5. <https://www.fws.gov/endangered/esa-library/pdf/listing.pdf>

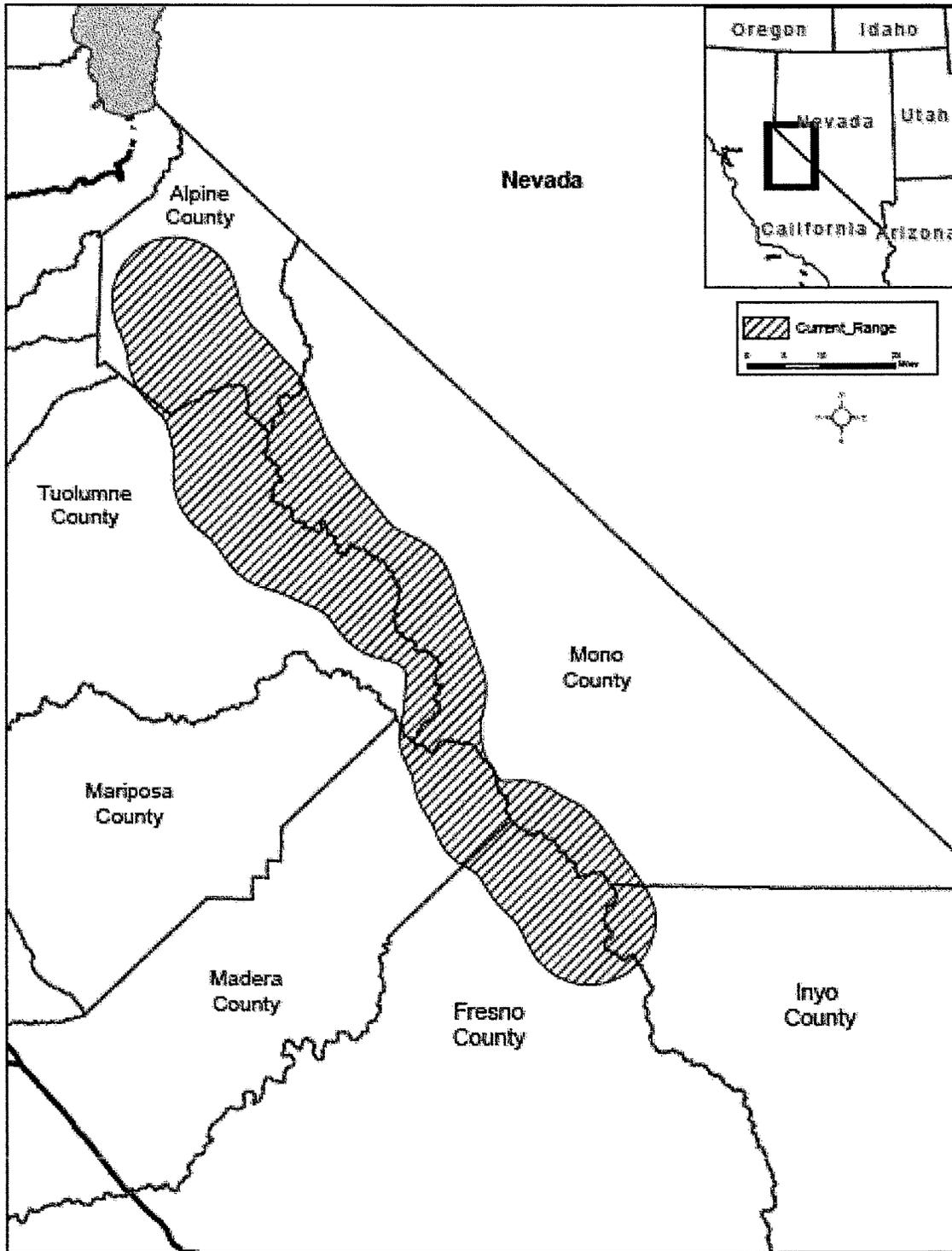
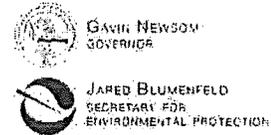


Figure 1. Approximate range of the Sierra Nevada DPS of the Sierra Nevada red fox



State Water Resources Control Board

PUBLIC COMMENT PERIOD FOR DRAFT WATER QUALITY CERTIFICATION AMENDMENT RELATED TO PINECREST LAKE LEVELS

PACIFIC GAS AND ELECTRIC COMPANY'S SPRING GAP-STANISLAUS HYDROELECTRIC PROJECT FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2130

To: Interested Parties Mailing List

Pacific Gas and Electric Company (PG&E) filed a request with the State Water Resources Control Board (State Water Board) to modify the Labor Day minimum lake level requirement at Pinecrest Lake. The request is pursuant to Condition 4 of the Clean Water Act Section 401 water quality certification (certification) issued by the State Water Board under Order WR 2009-0039 for the Spring Gap-Stanislaus Hydroelectric Project (Project), Federal Energy Regulatory Commission Project No. 2130.

Background

PG&E owns and operates the Project, which is located on the Middle and South Forks of the Stanislaus River in Tuolumne County, California. On September 15, 2008, the State Water Board issued a certification for the Project. On October 14, 2008, Tuolumne Utilities District (TUD¹) and PG&E filed petitions for reconsideration of the certification based primarily on the Labor Day minimum lake level requirement of 5,610 feet established for Pinecrest Lake. PG&E has a contractual obligation to deliver water to TUD from Lyons Reservoir (part of the Phoenix Hydroelectric Project, FERC Project No. 1061) (Phoenix Project) and Pinecrest Lake (under this Project). On June 16, 2009, the State Water Board amended the certification to lower the Labor Day minimum lake level requirement at Pinecrest Lake from 5,610 feet to 5,608 feet to allow PG&E more flexibility to make contracted water deliveries to TUD. The certification also included an opportunity for PG&E to request a lower Labor Day minimum lake level at Pinecrest Lake after PG&E completed a Lake Level Study analyzing various lake levels lower than 5,608 feet and the resulting effects on recreational beneficial uses.

¹ In 1983, Tuolumne County purchased a water delivery system from PG&E and created TUD. The purchase contract included provisions for PG&E to deliver water to TUD in perpetuity from PG&E's water in Lyons Reservoir and Pinecrest Lake. Ninety-five percent of TUD's water supply is based on this contract. For more information about TUD's water supply, see TUD's website (<https://tudwater.com/>).

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Pursuant to Condition 4 of the certification, PG&E submitted a Lake Level Study Report to the State Water Board in April 2011. On December 16, 2011, PG&E submitted a request to modify the Labor Day minimum lake level requirement at Pinecrest Lake, which also included a mitigation plan to address the impacts to recreation due to lower lake levels. On March 16, 2015, the State Water Board, as the California Environmental Quality Act (CEQA) lead agency, released a draft *Pinecrest Lake Level Modification Project Initial Study and Mitigated Negative Declaration* (Lake Level IS-MND) for public comment. The State Water Board received 124 comment letters.

Overview of State Water Board Staff's Proposal

During the summer, the amount of available water in Pinecrest Lake is primarily dependent on two factors: End of Spill date and PG&E's Labor Day lake level requirement. The End of Spill is defined as the date Pinecrest Lake level falls below 5,617 feet and PG&E begins to make releases from stored water. PG&E's obligations include Project minimum instream flow (MIF) requirements, Phoenix Project MIF requirements, and PG&E's contractual obligations to TUD. An earlier End of Spill date increases the period of time that PG&E must meet its obligations with the stored water available in Lyons Reservoir and Pinecrest Lake.

There is a general correlation between the End of Spill date and TUD's request for supplemental supply water from Pinecrest Lake. Based on this correlation, staff determined that use of the End of Spill date (instead of water year type) is the most appropriate trigger for establishment of minimum Pinecrest Lake levels on Labor Day.

In evaluating PG&E's request, staff considered the Lake Level Study Report on which the request was based, the *Lake Level IS-MND*, public comments, information provided by TUD and other interested parties, and other available information.

To assess the Pinecrest Labor Day Lake levels requested by PG&E, State Water Board staff quantified the amount of water available in Lyons Reservoir and Pinecrest Lake associated with varying End of Spill dates and Labor Day lake levels. Staff also assessed the volume of water necessary to meet the MIF requirements of the Project and the Phoenix Project, as well as TUD water supply needs. On December 22, 2017, at the request of staff, TUD submitted a Raw Water Supply – Water Balance Technical Memorandum (Water Balance TM). The Water Balance TM contained information regarding TUD's delivery system, as well as gage data. Staff collected information on diversions and other factors that reduce the volume of water available at Lyons Reservoir and Pinecrest Lake. Staff used all the information to perform a Pinecrest Lake-Lyons Reservoir Supply-Demand Analysis (Supply-Demand Analysis). The Supply-Demand Analysis includes a contingency for unknown evaporation/infiltration losses, a projected growth rate through the end of the FERC license term in 2047, and assumes limited water conservation.

The proposed minimum Pinecrest Lake levels on Labor Day are based on TUD's reported water demand between 2009 and 2013 (years prior to the recent drought in which water use levels were influenced significantly by external factors including mandatory water conservation).

The proposed certification amendment also includes measures that must be implemented before the lower Pinecrest Lake levels may be implemented. These measures are based on PG&E's request, the Lake Level Study Report, and the *Lake Level IS-MND*.

Staff's proposed minimum Pinecrest Lake levels on Labor Day are shown as amendments to Condition 4 and Condition 5 of the certification (see attachment).

Public Review Period:

The State Water Board is accepting comments on the draft certification amendment. The comment period is from the date of this notice until March 12, 2020. **Comments must be received by 12:00 pm (noon) on Friday, March 12, 2020.** Comments can be submitted electronically or by mail to:

Email: WR401Program@waterboards.ca.gov

or

Allan Laca
State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
P.O. Box 2000
Sacramento, CA 95812-2000

In the subject line of your comments, please indicate "Spring Gap-Stanislaus Project Draft Pinecrest Lake Level Amendment." When submitting public comments, only comments submitted in an accessible format (i.e., those that are in compliance with the Web Content Accessibility Guidelines 2.0, or subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria) will be posted to the State Water Board's website. All timely comments will be considered by the State Water Board.

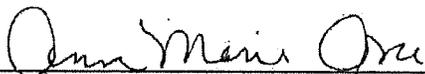
KEEP INFORMED OF PROJECT MILESTONES

To receive emails related to the Project and other projects pursuing certifications managed by the Division of Water Rights, interested persons should enroll in the "Water Rights Water Quality Certification" e-mail notification service. Instructions on how to sign up for the State Water Board's Email Subscription List are outlined below:

1. Visit the State Water Board's Email Subscription List webpage at:
http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#rights
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, select "Water Rights," then "Water Rights Water Quality Certification."
4. Click the "Subscribe" button.
5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

By enrolling in this email list, you will receive notices for current projects in the Division of Water Rights' Water Quality Certification Program, including the Spring Gap-Stanislaus Hydroelectric Project. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Mr. Allan Laca at the phone number listed below to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

If you have questions regarding this notice, please contact Mr. Allan Laca by email at WR401Program@waterboards.ca.gov or by phone at (916) 322-8469.



Ann Marie Ore
Water Quality Certification Program Manager
Division of Water Rights

1/28/2020
Date

Attachment: Draft Spring Gap-Stanislaus Hydroelectric Project Water Quality Certification Amendment

DRAFT
Spring Gap-Stanislaus Hydroelectric Project
Water Quality Certification Amendment,
Federal Energy Regulatory Commission Project No. 2130

State Water Resources Control Board (State Water Board) staff proposes the following amendments to the water quality certification (certification) for Pacific Gas and Electric Company's (Licensee) Spring Gap-Stanislaus Hydroelectric Project (Project). Text from the June 16, 2009 certification (**Order WR 2009-0039**¹), which was incorporated into the January 13, 2010 Federal Energy Regulatory Commission (FERC) license, is shown in *italicized* text. Proposed deletions are shown in ~~strike-out~~. Proposed additions are shown in **bold**, *italicized*, and underlined text.

Modify text on pages 19-21 of Order WR 2009-0039, as follows:

4. *The Licensee shall maintain the minimum streamflow schedule for the Pinecrest Reach between Strawberry Dam and the Philadelphia Diversion and in the Philadelphia Reach below the Philadelphia Diversion Dam in the SFSR, as specified in the following tables. In addition, the Licensee shall maintain a year-round minimum streamflow of 5 cfs in SFSR below Strawberry Dam. In years when Pinecrest Reservoir cannot be maintained above target elevation 5,608 feet, water releases during the period from the End of Spill through Labor Day shall only be made to meet the minimum streamflow schedule and Spring Gap Powerhouse Demand. **Each year immediately after the End of Spill has occurred, the Licensee shall draw down Pinecrest Lake Reservoir to reach a target elevation of 5,615 feet as early as reasonably feasible each year after the End of Spill, provided that the minimum streamflow schedule, and Spring Gap Powerhouse Demand can be met, and minimum Labor Day Pinecrest Lake levels Reservoir (outlined below) can be met.** ~~elevation can be maintained above a target elevation of 5,608 feet prior to and including Labor Day.~~*

*End of Spill is when the reservoir elevation falls below elevation 5,617 feet and the inflow to Pinecrest Lake decreases so that the diurnal fluctuation does not cause the water surface elevation **lake level** to exceed elevation 5,617 feet and the outlet valve is used by the Licensee to control water releases from Strawberry Dam.*

Spring Gap Powerhouse Demand

During the period from the end of spill at Strawberry Dam until Labor Day, diversion of water to the Philadelphia Canal shall be a maximum flow of 6 cfs (the maximum flow is the mean flow over a continuous 24-hour period; the instantaneous streamflow may, on an infrequent basis, exceed the specified maximum flow by up to 1 cfs), except:

¹ Order WR 2009-0039 is available online at:
https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/2009/wro2009_0039.pdf

DRAFT Spring Gap-Stanislaus Hydroelectric Project Water Quality Certification Amendment

- a. During transmission line outages that require Spring Gap Powerhouse to govern local electric system load, or for Spring Gap Powerhouse maintenance, including start-up testing. Licensee shall use the minimum flow amount necessary to meet local load requirements or start-up testing procedures.
- b. When excess storage is available in Pinecrest Reservoir above that needed to meet the minimum stream flow schedule and maintain a reservoir elevation above **the minimum Labor Day Pinecrest Lake levels** target elevation 5,608 feet prior to and including Labor Day.
- c. When flow is available from Herring Creek above that needed to meet the minimum streamflow schedule.

Minimum streamflow schedule for the Pinecrest Reach (cfs) ^{1, 2}

Month	Dry Water Year	Normal-Dry Water Year	Normal-Wet Water Year	Wet Water Year
October 1-31	10	10	15	15
November 1-30	10	10	15	15
December 1-31	10	10	10	15
January 1 – February 9	10	10	10	15
February 10 – March 9	10	10	10	15
March 10 - April 9	10	10	10	15
April 10 - May 9	10	10	15	15
May 10 – May 31	10	10	15	15
June 1 – 30	10	10	15	15
July 1- 31	10	10	15	15
August 1 – 31	10	10	15	15
September 1 – 30	10	10	15	15

¹ The compliance location for the minimum streamflows shall be USGS gage 11296500 (PG&E gage S-61) on the SFSR below Herring Creek.

² Once Pinecrest Lake has reached the specified minimum storage of 500 acre-feet, the minimum required streamflow is the amount indicated, or the inflow to Pinecrest Lake plus accretion flows from Herring Creek, whichever is less.

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Minimum streamflow schedule for the Philadelphia Reach (cfs) ^{1, 2}

Month	Dry Water Year	Normal-Dry Water Year	Normal-Wet Water Year	Wet Water Year
October 1-31	10	10	15	15
November 1-30	10	10	15	15
December 1-31	10	10	10	15
January 1 – February 9	10	10	10	15
January 1 – February 9	10	10	10	15
March 10 - April 9	10	10	10	15
April 10 - May 9	10	10	15	15
May 10 – May 31	10	10	15	15
June 1 – 30	10	10	15	15
July 1- 31	10	10	15	15
August 1 – 31	10	10	15	15
September 1 – 30	10	10	15	15

¹ The compliance location for the minimum streamflows shall be USGS gage 11297200 (PG&E gage S-83) below Philadelphia Diversion.

² Once Pinecrest Lake has reached the specified minimum storage of 500 acre-feet, the minimum required streamflow is the amount indicated, or the inflow to Pinecrest Lake plus accretion flows between Strawberry Dam and Philadelphia Diversion, whichever is less.

The Licensee shall, within one year of license issuance, develop and file a plan for monitoring compliance with the 5 cfs minimum streamflow requirement below Strawberry Dam for approval by the Deputy Director. The specified minimum streamflow schedule in this condition is the mean flow over a continuous 24-hour period. Instantaneous streamflow may, on an infrequent basis, deviate below the specified minimum streamflow by up to 10 percent. However, the Licensee shall make a good faith effort to meet the specified minimum streamflows at all times.

Pinecrest Lake

Pinecrest Reservoir **Lake** shall not be drawn down below 500 acre-feet (af), except after approval of the Deputy Director. From Labor Day to December 31, regulated streamflows in the Philadelphia Reach shall not be greater than 60 cfs.

No later than April 15 of each year, the Licensee shall develop and submit a Pinecrest Lake drawdown curve to USFS, DFG, and Tuolumne Utilities District **TUD**, State Water Board, and others that request such information. **At a minimum, the drawdown curve shall include the following:**

- **Forecasted End of Spill date:**

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- Current water year determination (Condition 1);
- Evaporation loss rates assumptions;
- Monthly flow rates forecasted at gages S-61 (USGS gage 11296500), S-9 (USGS gage 11297000), and S-83 (USGS gage 11297200);
- Schedule of any planned transmission line outages that require the Spring Gap Powerhouse to govern local electricity system load and the anticipated minimum flow rates necessary;
- Schedule of any planned maintenance activities at the Spring Gap Powerhouse that require start-up testing procedures and the anticipated minimum flow rates necessary;
- Forecasted Labor Day Pinecrest Lake level; and
- Forecasted Columbus Day Pinecrest Lake level.

Within 15 days of the End of Spill date each year, the Licensee shall submit a revised drawdown curve to USFS, DFG, TUD, State Water Board, and others that request such information. The revised drawdown curve shall include the following:

- Actual End of Spill date;
- Updated evaporation loss rate assumptions, if applicable;
- Updated monthly flow rates forecasted at gage S-61, S-9, and S-83, as applicable;
- Revised forecasted Labor Day Pinecrest Lake level, if applicable; and
- Revised forecasted Columbus Day Pinecrest Lake level, if applicable.

Within 15 days after Labor Day of each year, the Licensee shall submit to USFS, DFG, TUD, State Water Board, and other that request such information the actual Labor Day Pinecrest Lake level and a revised forecasted Columbus Day Pinecrest Lake level, if applicable.

The Licensee shall provide telemetered flow data for gages S-61 (USGS gage 11296500), S-9 (USGS gage 11297000), and S-83 (USGS gage 11297200) via a public website that, at a minimum, displays daily flow data and is updated weekly. The data shall be provided to the State Water Board upon the request of the Deputy Director in a format retrievable and viewable using Microsoft Excel, Microsoft Access, or other software program authorized by the Deputy Director.

Unless approved by the Deputy Director in accordance with Condition 5, the Licensee shall not implement Labor Day Pinecrest Lake levels below 5,608 feet until the Licensee's implementation of the Pinecrest Lake Plan (see Condition 4.A) has been approved by the Deputy Director. Following Deputy

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Director approval of Pinecrest Lake Plan implementation, the minimum Labor Day Pinecrest Lake levels shall be determined by the End of Spill date outlined in the following table:

Minimum Labor Day Pinecrest Lake Level

<u>End of Spill Date</u>	<u>Minimum Labor Day Pinecrest Lake Level¹ (feet)</u>
<u>July 15 or later</u>	<u>5,608</u>
<u>July 1 – 14</u>	<u>5,606</u>
<u>June 25 – 30</u>	<u>5,605</u>
<u>June 18² – 24</u>	<u>5,603</u>

¹ Minimum lake level includes Labor Day.

² If End of Spill occurs prior to June 18, refer to Condition 5.

~~Within nine months of license issuance the Licensee shall submit a Pinecrest Reservoir minimum lake-level study plan (Lake-level Study), developed in consultation with the USFS, DFG, State Water Board staff, and TUD, to the Deputy Director for modification and approval that will determine the minimum Pinecrest Reservoir elevation between End of Spill through Labor Day that protects recreational uses (specifically, Day Use Area beaches, the marina to just east of the handicap fishing access, and other areas as directed by the State Water Board). Licensee shall complete the Lake-level Study as approved by the Deputy Director by the end of the first full calendar year after license issuance. The completed study shall be provided to the USFS, DFG, State Water Board staff, and TUD for review and comment. By March 1 of the year following completion of the Lake-level Study, the Licensee shall submit to the Deputy Director for approval the completed study, including any comments received.~~

~~Within six months of approval of the Lake-level Study by the Deputy Director, Licensee may request the State Water Board modify the target elevation of 5,608 feet based on the results of the Lake-level Study, after the State Water Board provides notice to affected parties.~~

4.A. No later than one year following issuance of the FERC license amendment, the Licensee shall submit a Pinecrest Lake Plan to the Deputy Director for review and approval. The Deputy Director may require modifications as part of any approval. The Pinecrest Lake Plan shall be developed in consultation with representatives from USFS, DFG², Pinecrest Lake Resort, Pinecrest

² Effective January 1, 2013, DFG was renamed the California Department of Fish and Wildlife.

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Permittees Association, and the State Water Board. The Pinecrest Lake Plan shall describe how the Licensee will address substrate improvement, buoy line modification, and communications prior to implementing the lake levels outlined in the Minimum Labor Day Pinecrest Lake Level table. At a minimum the Pinecrest Lake Plan shall include the following elements related to substrate improvement, buoy line modification, and public communications:

Substrate Improvements

The substrate improvements portion of the plan shall include:

- a. Description of goals and objectives associated with substrate improvement activities;
- b. Description of activities to improve the quality and safety of recreation at Pinecrest Lake due to lower lake levels prior to Labor Day, which shall include but not limited to:
 - i) Rock removal;
 - ii) Stump removal; and
 - iii) Improvements to mud flats;
- c. List of necessary permits;
- d. Proposed measures to protect water quality and beneficial uses during construction, which includes, at a minimum:
 - i) A Spill Prevention and Containment Plan for all equipment used during construction; and
 - ii) An Erosion and Sediment Control Plan that includes:
 - o Scheduling of sediment modification work in a manner to minimize any potential sediment discharges; and
 - o Sediment control measures that would reduce sediment discharges and increases in turbidity from construction activities;
- e. Proposed schedule for construction, monitoring, and reporting;
- f. An adaptive management framework that requires maintenance or additional improvements based on the results of monitoring; and
- g. A summary of consultation, including comments received and how the comments were addressed.

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Buoy Line Modifications

The buoy line modifications portion of the plan shall include:

- a. **Description of goals and objectives;**
- b. **A proposal and associated support regarding whether the swimming buoy line at the Pinecrest Lake swimming area, located southeast of the boat ramp, will be movable or permanently established for the summer (i.e., from End of Spill through Labor Day);**
- c. **Proposed location and schedule for the deployment and adjustment of the swimming buoy line, if movable. Description of how the buoy line will be deployed, moved, and maintained; and**
- d. **A summary of consultation, including comments received and how the comments were addressed.**

Public Communications

The public communications portion of the plan shall include:

- a. **Description of goals and objectives;**
- b. **Notification of the anticipated Labor Day Pinecrest Lake level if an elevation below 5,608 feet is forecasted (Condition 4 of the certification). With reference to the information in the Pinecrest Lake Level Study Report, the notification shall include a summary of impacts to the following facilities at Pinecrest Lake based on the forecasted Labor Day Pinecrest Lake level: gas dock and boat slips, boat ramp and courtesy dock, buoyed swim area, mixed day-use area, Americans with Disabilities Act-accessible fishing platforms, and overflow areas (south and north shores);**
- c. **Notification of the anticipated date when the Pinecrest Lake level will reach 5,595 feet if the forecasted lake level (Condition 4 of the certification) will be below 5,595 feet on Columbus Day. The notification shall include a summary of fire protection services at Pinecrest Lake and a description of impacts to fire protection services based on the anticipated date;**
- d. **A summary of parties that will be notified, which shall at a minimum include: USFS, Pinecrest Lake Resort, Pinecrest Permittee Association, TUD, Tuolumne County, local businesses and facilities within the Pinecrest Lake area, California Department of Forestry and Fire Protection, and Tuolumne County Fire Department (TCFD);**

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- e. A summary of communication methods to be used, which at a minimum shall include: website notifications, mail, email, flyers/handouts on notice boards, local businesses, and facilities in the Pinecrest Lake area, and one centrally located sign.
- f. Proposed schedule for notifications; and
- g. A summary of consultation, including comments received and how the comments were addressed.

The Licensee shall implement the Pinecrest Lake Plan upon Deputy Director approval and any other required approvals, in accordance to the schedule and requirements specified therein. The Licensee shall provide a report documenting implementation of the Pinecrest Lake Plan to the Deputy Director for review and approval. The Licensee shall file with FERC Deputy Director approval of: (1) the Pinecrest Lake Plan; and (2) implementation of the activities outlined in the Pinecrest Lake Plan.

- 5. In Critically Dry water-years or in years in which End of Spill occurs prior to June 18, the Licensee may propose modifications to Condition #4 above. Licensee shall consult with the Deputy Director and provide justification for modifications to Condition #4. The Licensee shall maintain the minimum streamflow requirement below Strawberry Dam dry-year flows until modifications are approved by the Deputy Director. ~~In addition, until the State Water Board issues a decision modifying the target elevation, the Licensee may propose modifications to Condition #4. Licensee shall consult with the Deputy Director and provide justification for modifications to Condition #4.~~ In years when Pinecrest Lake cannot be maintained at or above the minimum Labor Day lake levels identified in the Minimum Labor Day Pinecrest Lake Levels table, water releases during the period from the End of Spill through Labor Day shall only be made to meet the minimum streamflow schedule and Spring Gap Powerhouse Demand.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

January 31, 2020

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To: Supervisor Sherri Brennan, Chair
Board of Supervisors Natural Resources Committee

From: Quincy Yaley, AICP
Community Development Department, Director

RE: Bureau of Land Management Resource Advisory Committee

1. The Bureau of Land Management (BLM) is seeking public nominations for positions on 27 Resource Advisory Councils (RACs) nationwide, which include five vacant positions with the Northern California RAC. Each RAC consists of 10 to 15 members from diverse interests in local communities, and they assist in the development of recommendations that address public land management issues.
2. The Northern California RAC is considering nominations submitted now until February 24 in the following categories:
 - There is one opening in membership category one, which includes representatives of organizations associated with energy/mineral development, federal grazing permit holders, the timber industry, transportation or rights-of-way, off-highway vehicles users, and commercial and developed outdoor recreation.
 - There are two openings in category two, which includes representatives of archeological and historic organizations dispersed recreation users, wild horse and burros organizations, and nationally or regionally recognized environmental organizations.
 - There are two openings in category three, which includes representatives of state, county, or local elected office; Indian tribes located within or adjacent to the area for which the RAC is organized; academicians employed in natural resource management or natural sciences; employees of a state agency responsible for management of natural resources; and the public at large.
3. Individuals may nominate themselves or others to serve on a RAC. Nominees, who must be residents of the state or states where the RAC has jurisdiction, will be reviewed based on their training, education, and knowledge of the RAC's geographic area. Letters of reference must accompany all nominations from any represented interests or organizations, a completed RAC application, and any other information that speaks to the nominee's qualifications.
4. Nominations should be sent to Bureau of Land Management, 2550 Riverside Dr., Susanville, CA 96130, Attention: Jeff Fontana (RAC nominations). Nominations and supporting materials can be sent via email to jfontana@blm.gov.