

UNITED STATES OF AMERICA 136 FERC ¶ 62,093
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company

Project Nos. 2130-053 and -054

ORDER APPROVING, IN PART, TRAFFIC/CIRCULATION/PARKING PLAN
PURSUANT TO ARTICLE 401 and FOREST SERVICE 4(e) CONDITION 29

(Issued August 2, 2011)

1. On April 23, 2010, and as supplemented March 2, 2011, Pacific Gas and Electric Company (licensee) filed for Commission approval a traffic/circulation/parking plan pursuant to license article 401 and Forest Service 4(e) condition 29 of the project license for the Spring Gap-Stanislaus Project No. 2130.¹ The project is located on the Middle Fork Stanislaus River and South Fork Stanislaus River in Calaveras and Tuolumne Counties, California, and occupies approximately 1,060 acres within the Stanislaus National Forest, managed by the U.S. Forest Service (Forest Service).

BACKGROUND

2. Forest Service 4(e) condition 29 requires as part of the recreation sub-plan, that the licensee develop a traffic/circulation/parking plan for pedestrian and vehicular movement and parking for the public recreation areas of Pinecrest meeting mutual agreement to Forest Service and licensee. The plan is to include: a) modifications to the paths of travel that would reduce congestion at Pinecrest Recreation Area, improve visitor safety, and minimize resource damage; b) improvements and/or additional parking facilities or operational procedures for day use access; and c) implementation responsibilities and an implementation schedule.

3. Article 401(a), as it relates to Forest Service 4(e) condition 29, requires that the licensee file the recreation management sub-plan (traffic/circulation/parking plan) for Commission approval. Further, article 401(c), as it relates to Forest Service 4(e) condition 29, indicates that construction of possible additional day-use parking lots/area may be needed and that these changes may not be implemented without prior Commission authorization granted after filing of an application to amend the license.

¹ See Order Issuing New License 127 FERC ¶ 62,070 (Issued April 24, 2009).

DESCRIPTION OF PLAN

4. The licensee indicates the traffic/circulation/parking plan was based on objectives and design principles developed for meeting the requirements of the Forest Service 4(e) condition 29. The plan has been developed to improve the overall experience, operations and physical layout of Pinecrest Basin, without changing the uses and the character of the area. The plan seeks to minimize congestion and issues related to access, parking, circulation and safety for pedestrians and vehicles.

Traffic

5. In order to improve traffic and visitor safety, new signs will be developed to direct visitors to their destination and parking areas, identifies where access and parking for large vehicles (bus/RV/ vehicles with boat trailers) is located, as well as regulatory signage such as speed limits, no parking and stop signs occur. Upon arrival to Pinecrest, a new Gateway/ Portal sign is proposed after the Summit Ranger Station along Pinecrest Lake Road. The purpose will be to reinforce the arrival into Pinecrest and will aid in reducing traffic speeds. At a pedestrian level, wayfinding signs will direct users to primary destinations such as the marina, amphitheatre, and fishing area. All signage will be from a consistent palette of material and adhere to the Forest Service sign guidelines.

Circulation

6. The plan has provisions specific for improving traffic circulation and reducing congestion at the boat ramp area, the intersection of Pinecrest Lake Road and Lakeshore Drive and the intersection of Lakeshore Drive and Rustic Avenue. In order to improve circulation, reduce congestion, and improve visitor safety, a preliminary signage and wayfinding strategy has been developed for the day use area. The plan identifies areas where the overall trail system and connectivity can be improved.

Parking

7. The plan will reorganize and redistribute day use parking to provide several benefits to improving the overall experience at the day use area. Collectively, these improvements will provide clearly marked areas designated for parking, remove parking that impedes emergency access or blocks other parked vehicles, reduces congestion and improves the ability to manage the parking areas during peak conditions. The Forest Service will work with Recreation Residence Permittees within the tract to assess the need to restrict public day use parking within the tract road system.

8. The traffic/circulation/parking plan is part of a larger recreation implementation plan. The recreation implementation plan was also filed on April 23, 2010.² The recreation implementation plan has a multitude of improvements that will be constructed over the next five or so years. In order to gain overall efficiency the areas identified for construction or rehabilitation in the traffic/circulation/parking plan has been incorporated into the recreation implementation schedule. The licensee will be responsible for performing design and construction of the rehabilitation and improvements unless the licensee and the Forest Service agree otherwise.

CONSULTATION

9. The licensee worked with the Forest Service staff in developing the traffic/circulation/parking plan. The filing includes a copy of an April 21, 2010 letter from the Stanislaus National Forest Supervisor stating that the Forest Service staff has reviewed the traffic/circulation/parking plan and finds it adequate and that the letter serves as Forest Service approval of the plan.

DISCUSSION

10. The license order indicates Pinecrest Lake, and the land surrounding it, are within the Stanislaus National Forest and managed by the Forest Service and that recreational use at Pinecrest Lake has increased substantially. Since Pinecrest Lake is heavily used during much of the summer, and the capacity of existing parking areas is often exceeded, there is a potential for vehicles to park at unauthorized locations and create situations where there may be conflict between motorists and pedestrians.

11. As stated in Commission staff's Final Environmental Impact Statement (FEIS) for the Stanislaus River Projects issued March 2005, the purpose of the traffic/circulation/parking plan would be to facilitate an organized approach to minimizing such conflicts. It would also provide a forum for determining whether or not additional parking facilities should be developed, given the current over-crowding that is evident at the day use area, and on the lake itself. The plan could also offer alternatives

² Forest Service 4(e) Condition 29 requires that the licensee file with the Commission a recreation implementation plan approved by the Forest Service. The recreation plan is to include detailed descriptions of the work as described within Condition 29 to the conceptual plan level, implementation schedules (including public notification strategy), and detailed steps for planning, design, and construction from the rehabilitation and construction work. There was no corresponding license article requiring this plan be filed for Commission approval. Therefore, this acknowledges the plan was filed with the Commission.

to managing the use of the Pinecrest Lake recreational facilities beyond adding additional parking facilities.

12. As required by Forest Service 4(e) condition 29, the traffic/circulation/parking plan includes proposals for modifications to the paths of travel that would reduce congestion at Pinecrest Recreation Area to improve visitor safety and minimize resource damage; improvements and/or additional parking facilities or operational procedures for day use access; and implementation responsibilities and an implementation schedule. The plan also identifies additional improvements and parking facilities to be constructed that were not originally contemplated as part of the license.

13. In response to the licensee's filing of the plan, the Commission received a number of unsolicited comments regarding the elimination of existing parking spaces and relocation of a boat barn; potential impacts of the proposed improvements and new parking areas to other facilities already authorized by the Forest Service under special use permits; potential impacts to the environment from new construction that has not undergone environmental review pursuant to the National Environmental Policy Act (NEPA); and the lack of public input as part of that NEPA review. Some commenters questioned whether the Forest Service or the Commission was responsible for NEPA analysis on proposed changes that impacted Forest Service lands that were not addressed as part of the Commission's FEIS issued for licensing the Stanislaus River Projects.

14. The traffic/circulation/parking plan recommended relocating the boat barn, which the Forest Service currently leases to the Lake Pinecrest Resort for boat storage through a special use permit, to a remote area to provide much needed public day use parking in its place. In its March 2, 2011 supplemental filing, the licensee indicates that after a more refined design, the licensee in conjunction with the Forest Service determined that a "no net loss" of parking could be accomplished without relocation of the boat barn. The licensee's supplemental filing includes a January 20, 2011 letter of concurrence from the Forest Service. This change would alleviate one of the concerns raised by the public regarding the proposed plan.

15. Since the land around Pinecrest Lake is within the Stanislaus National Forest and managed by the Forest Service, any changes to the area would need Forest Service approval. If any land-disturbing activities, such as construction of new parking or day-use areas, were to occur on these lands, we would expect the Forest Service to complete any needed NEPA documentation prior to approving or authorizing such activities that would occur within the Stanislaus National Forest.

16. Article 401(c) involves the requirement to file amendment applications and states, in part, that certain Forest Service conditions contemplate unspecified long-term changes to project facilities and that these changes may not be implemented without prior

Commission authorization granted after the filing of an application to amend the license. Further, article 401(c) specifically identifies Forest Service condition 29 and that the construction of possible additional day-use parking lots/areas would require an amendment of license application be filed for Commission approval. Applications to amend the license should follow the Commission's regulations at 18 C.F.R. § 4.200 and include the appropriate exhibits as part of the application. Regarding the required exhibit E, the licensee could use the Forest Service's NEPA document that it prepares for its approval of any proposed parking lot or day-use area.

17. The licensee's traffic/circulation/parking plan contains a number of proposed modifications, including new parking lots, day-use areas, as well as other ground-disturbing activities. Since article 401(c) specifically requires an amendment application be filed for Commission approval, and the licensee's filings do not include the required information related to such modifications to be considered as an amendment application, therefore, the licensee's traffic/circulation/parking plan should only be approved in part. The licensee will need to file a separate application for any proposed modification contemplated by article 401(c).

The Director orders

(A) Pacific Gas & Electric Company's Recreation Management Sub-Plan: Traffic/ Circulation/ Parking, filed on April 23, 2010, and as supplemented March 2, 2011, pursuant to U.S. Forest Service 4(e) condition 29 for the Spring Gap-Stanislaus Project No. 2130, is approved, in part. Any modification identified as part of the plan, including but not limited to construction of new parking areas or day-use areas, would need to have an application filed for Commission approval.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2011). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

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Division of Hydropower
Administration and Compliance