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May 11, 2010

**VIA FIRST CLASS MAIL**

The Hon. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
PJ12.2 Washington, D.C. 20426

Re: ***Spring Gap – Stanislaus Project, FERC No. 2130-CA***  
Our File No.: Not Yet Assigned

Dear Secretary Bose:

I have been retained to represent the Pinecrest Permittees Association [PPA] with regard to the Traffic, Circulation & Parking Plan, dated April 20, 2010, that has been submitted by PG&E to FERC [File 2130]. The PPA is a non-profit utility corporation which provides water, sewer, garbage, fire protection, first responder, snow removal and law enforcement services within the Pinecrest Basin at the expense of the Permittees. The Permittees include commercial businesses, a resort/marina, camps and residential cabins which are located in the Pinecrest Basin by “permit” from the USFS. Additionally, water, sewer, garbage, fire protection, first responder, snow removal and law enforcement assistance are provided in varying degrees to the benefit of the USFS and their concessionaires. The PPA assesses the cabin owners for all services based on use. The PPA assesses sewer charges to the USFS by agreement and retail water charges to the USFS & others by a retail use rate.

It is my understanding that there is currently a comment period regarding the plan and this letter should be included as a comment. Further, for purposes of my representation, please regard this as a potential initiation of any administrative proceedings that may be a predicate to an appeal of any eventual FERC approval of the current proposed plan.

PPA is extremely concerned regarding the implications of the filed Traffic, Circulation & Parking Plan [TCP]. It appears the USFS has approved this TCP, which is in conflict with the adopted Land and Resource Management Plans (as amended), for the Stanislaus National Forest. This

conflict raises concerns that the NEPA process has been ignored. Also, it appears that the TCP was devised without addressing or considering issues as they relate to the PPA.

The PPA's particular concerns are regarding changes in parking as well as the potential removal of the current long term parking in the vicinity of the boat barn that is used for and by the North Shore & East South Shore Permittees that only have water access to their cabins. There is also a concern regarding the proposed boat parking at Parking Lot Area 8, which would involve an access road going across a meadow which could only be construed as a wetland and contains our sewer mains.

Our specific concerns begin with the proposed plan for Area 7 [existing parallel on-street parking along Pinecrest Avenue]. It was determined in the TCP that parking should be made illegal along this road. However, this road is not under the auspices of either PG&E or the Forest Service. It is a Tuolumne County road. The County Public Works Director and the Board of Supervisors indicate that there is nothing existing or pending that would make parking along this road illegal. It appears that the plan is creating a "straw-man" with the elimination of these parking places. The elimination of these parking places creates the "need" to create new parking places so there can be "no net loss" as proscribed in the Pinecrest Plan (Decision Notice, April 2004). In addition, statements in the TCP regarding Area 7 indicate that parking creates access problems for emergency vehicles along Pinecrest Avenue. This is a purely conclusory statement with no supporting evidence whatsoever. Further, it was stated that the parking along this street blocked access for the residents. As the attorney for the PPA, I am unaware of any problems in this regard. If a parked vehicle were to block a driveway along Pinecrest Avenue, that would already be illegal. Once again, we regard this illusory elimination of parking spaces as a "straw-man" to create a fictitious "need" for the creation of parking in other areas, as will be discussed below.

Based on the illusory loss of spaces, the plan goes on to state that there is a need to convert the boat barn area (known as Area 5 in the TCP) to "day-use only" parking. It was stated in the TCP that it was determined that this was the greatest public need. I have no idea what the basis for the determination was. It should be noted that the Resort's permit was just renewed in December, 2009 for thirty years. The only NEPA that was completed was the NEPA to issue a "Special Use Permit" for the entire Resort with all existing facilities. The boat barn (Area 5) which is close to the Marina area was part of that permit. But for the "straw-man" concerning the parking on Pinecrest Avenue, there would be no need to take this area for further parking. Therefore, the determination that this will service the greatest public need also lacks support.

Further, no consideration appears to have been given to the needs of the Permittees Association members who have cabins on the North Shore & Eastern South Shore. There is no road access to these cabins whatsoever. They utilize the Marina facilities for water access to their cabins. The boat barn parking lot accommodates these cabin owners' longer term parking needs. Also, the proximity of the boat barn and the storage it provides for the Marina and Snack Bar makes sense

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and keeps traffic and congestion within a small area. There seems to have been no consideration or NEPA done on these issues whatsoever in the development of the TCP.

It should be noted that the TCP requires “day-use” parkers to enter Parking Lot Area 5 via Lakeshore Avenue, adjacent to a designated “boat staging” area. The exit is a one way departure out Granite Avenue. This lot has recreation residences bordering on three sides. This produces a traffic conflict among day-users, boaters and recreation residence permittees. Lakeshore Avenue is a County Road and Granite Avenue is a PPA road. No accommodation has been made to address road maintenance demands produced by the higher traffic counts resulting from the TCP proposals.

There are concerns regarding the new parking for boats in what has been defined as Parking Lot Area 8 in the plan [also currently on land that is under the Resorts permit that was just renewed. The access road is problematic because it runs across a meadow that is well-known to be a spongy or marshy wetland. This appears to violate the Stanislaus National Forest’s “Forest-wide Standards and Guidelines, 11. Riparian”, which states for meadows, “the meadow buffer objective is a 100 foot width”. This road will cross over PPA sewer mains, violate the meadow and would certainly have a negative visual impact.

Further, converting this Lot to boat parking would create a congestion problem in the vicinity of the entrance to the campground on Pinecrest Lake Road. Finally, this area is much further from the boat ramp than the existing boat parking and will result in boat congestion in the boat ramp area.

It should be noted that it appears that there are some good ideas in the plan. However, the above-referenced issues are extremely detrimental to the interests of the PPA.

The boat barn parking area logically serves the Marina, the boating community, the lake access residents and the Snack Bar. It provides an area for boat traffic, it is off of the main traffic circulation and the visual impact is minimal. It is part of a permit that was just re-issued by the USFS less than six months ago and is not included in the current project boundary for FERC project 2130. It further increases traffic in an area of PPA residences on PPA roads. The change in use is only necessitated because of the “illusory elimination” of parking along Pinecrest Avenue which is not substantiated. Again, no, NEPA has been done on this change of use.

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The PPA would very much like to work with FERC, PG&E and the Forest Service to develop a mutually beneficial resolution to this matter. I look forward to working with all of the stake holders in that regard.

Very truly yours,

BOORNAZIAN, JENSEN & GARTHE

*George I. Deane*

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GID/lam

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