

cc for 22 Jan 82

San Joaquin Wilderness Association
letterhead

delivered to
Alan Patten
15 Jan 81

15 January 1982

State Water Resources Control Board
Division of Water Rights

Gentlemen:

Re: Application for water rights for Granite Project,
San Joaquin River drainage.

The San Joaquin Wilderness Association joins with the Sierra Club in protesting the application of the Upper San Joaquin River Water and Power Authority for water rights for the above project.

This protest is being hard-delivered to the Staff of the Water Resources Control Board at the same time, under the same circumstances, and for the same reasons enumerated in the Sierra Club letter of 15 January 1982 which accompanies it.

Thank you for your consideration.

Sincerely,

George W. Whitmore

cc: J.M. 22 Jan 82

Tehjite Chapter letterhead

delivered to
Oliver P. Latham
15 January 81

15 January 1982

State Water Resources Control Board
Division of Water Rights

Gottlesen:

Re. Application for water rights for Granite Project,
San Joaquin River drainage.

Just last night I learned from a private citizen that the Upper San Joaquin River Water and Power Authority (USJRWPA) has recently filed an application for water rights for the above project. This project involves diversion of water from the San Joaquin River North Fork, as well as from several other streams in the San Joaquin drainage.

This project would involve diversion of water from the same rivers and streams (with the exception of Chiquito Creek) as the Jackson-Chiquito Project, for which the USJRWPA previously filed a water rights application.

The Granite Project and the Jackson-Chiquito Project are very closely related, essentially differing only in the proposed method of utilizing the same physical resources. With the exception of Chiquito Creek, the same water resources are involved.

The Sierra Club Legal Defense Fund protested

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the USJRWPA's application for water rights for the Jockass-Chiquito Project, and the Division of Water Rights agreed that the application should be held in abeyance pending the development of adequate engineering and environmental studies.

For the same reasons which were enumerated in the Sierra Club's challenge to the Jockass-Chiquito application, we request that the USJRWPA's application for water rights for the Granite Project not be granted at this time.

Please forgive the informality and incompleteness of this protest. Because I do not know the date of the application, nor the amount of time allowed to file a protest, I am hand-delivering this letter to the staff of the Water Resources Control Board today. We will shortly file whatever further information is required. Thank you for your consideration.

Sincerely,

George W. Whitmore

P.O. Box 5572
Fresno, CA 93755

1 Feb 82
(209) 229-5808

Julie -

Re. San Joaquin hydroelectric water
right applications.

FERC # 2906

State Water Resource Control Board # 26083
and 26259

SWRCB response (copy enclosed) to my letters
of 15 January (enclosed) was in mail when
I, ^{called your office} ~~talked to you~~ last Friday (2/2).

Joe Halterman (916)- 924-2427 of
SWRCB Division of Water Rights called
me today, which is also when I received
their letter rejecting my protests. He indicated
that our protest might be reconsidered if we
re-filed it explaining extenuating circumstances.
Such as I described to him on phone.

(We didn't see the notice; close relationship of # ~~26083~~
26259 to # 26083 - to which they already responded
~~favorably~~ for which they already granted our
protest; it is the same water (basically), just being
moved about in different ways, etc.). I thought I
had covered these points in my letter, but apparently
he wants it spelled out more explicitly.

Perhaps you can convince him. Is there

Some way in which I can help?

I told Halterman that you were supposed to have received notices re. the upper San Joaquin. He looked through his papers and could ~~not~~ find no record of your having been sent a notice, but he also said such a record might be in his file and he ~~not~~ ^{if} he didn't see it at the time.

(He said it was advertised in the Sierra Star (Oakhurst) on 7, 14, and 21 October 1981. He also said that they (Div. of Water Rights) specify which newspaper the notice shall be advertised in. (I had commented to him that it is difficult for a concerned citizen to read the legal notices in two dozen different newspapers every day in perpetuity.)

Halterman did seem reasonable, and seemed to indicate that our protest might be granted if we spelled out the reasons in writing - he emphasized that all they could go by was my letter, and that it alone was not sufficient to demonstrate extenuating circumstances.

One thing that puzzles me is why the 60 days allowed for protest starts running from ~~that~~ the date of Div. of Water Rights "notice" (18 Sep 81) instead of from the date of the last advertisement (21 October 81) - more than half the time allowed for protest had already run before that advertisement appeared.

What can I do to help? Help?

George Whitmore

3 May 1982

Julie E. McDonald
Sierra Club Legal Defense Fund, Inc.
2044 Fillmore Street
San Francisco, CA 94115

Subject: Granite Hydroelectric Project, FERC #2906.

Dear Julie:

The following constitutes our comments at this time on the "consultation package" distributed on 5 March 1982 by the Upper San Joaquin River Water and Power Authority (Authority, also Applicant).

The size of the package and the mass of detail it presents have prevented a detailed page-by-page study in the time available, but we have spent several days reviewing all the exhibits to some extent, with emphasis on Exhibit E.

Based on our review of the package, we continue to believe that the Authority is making a good-faith effort to offset the necessarily severe environmental impacts which a project of this magnitude entails. Proposed mitigation measures are mentioned throughout the documents. Especially noteworthy are:

---This project was selected in lieu of other projects which would appear to have even greater environmental impacts. (See note on this point later in this letter.)

---No new roads would be constructed into the North Fork drainage, greatly reducing the project's impact on wilderness values.

---Access to the North Fork diversion system would be by tunnel, existing foot trail, or helicopter. There will undoubtedly be objections by some to the use of helicopters. However, considering the far worse impact from alternate means of access, I do not anticipate any objection from the Sierra Club. (See note later in this letter.)

---All spoils would be removed from the North Fork drainage and deposited within the storage reservoir sites. This includes removal by helicopter from the Cora and Chetwood shaft sites. (See note later in this letter.)

---All quarries would be located within the storage reservoir sites. (See note later in this letter.)

---The Iron Creek diversion pipeline would be excavated by hand, the pipe would be buried, and excess material would be helicop- tered out of the North Fork drainage.

---In order to prevent possible drying out of meadows and other wet areas, tunnels would be grouted to prevent groundwater infiltration.

---The Applicant recommends a Recreation Plan (E, p. 7-24) which generally calls for a lesser degree of development than does the proposed Forest Service Recreation Plan (E, p. 7-57). The Applicant's approach appears to respond to the remoteness and wilderness threshold setting of the project better than does that of the Forest Service. (See notes later in this letter.)

Countless other mitigation measures are described throughout the documents; we mention the above only because we feel they are especially important and constitute a major basis for our continued nonOpposition to this project.

INSTREAM FLOW RELEASES

Aside from the very fact that the project is being built at all, our biggest concern at this time lies with the proposed instream flow releases (Exhibit E, p. 2-27 and 3-196). Upon comparing the proposed releases with the average monthly flows of the various streams (Exhibit B, Tables B-16 through B-22), we feel the proposed releases are not adequate.

We have studied the rationale for the releases (3.3.1.1.1 through 3.3.1.1.8) plus a considerable amount of the other material on this subject which is published in Exhibit E. It is clear that we need technical advice to evaluate this material, and we made some contacts several weeks ago in an attempt to get such advice. At the time of this writing, however, we have not yet gotten specific feedback from these inquiries, so our comments must necessarily be of the "seat of the pants" variety.

It appears the Applicant feels that if a stream goes dry (or reaches a certain low rate of flow) naturally, then there should be no obligation to provide any release greater than that (or at least very little more).

It would seem more appropriate to look upon larger releases as being an opportunity to offset the environmental damage done by having removed the vast bulk of the natural flows. In other words, instead of saying, "We won't take it all, but will leave a little bit," why not say, "Because we are taking so much, we will provide a compensatory benefit." That compensatory benefit could be releases significantly greater than the natural ~~average~~ flows.

Some will object on the grounds that such releases would be "unnatural." But diversion of the vast bulk of the natural flows in itself will so severely disrupt the natural scheme of things as to render the whole idea of "naturalness" moot. The streams are going to be vastly altered in a way that is displeasing to people, so why not alter them a little bit more in a way which is pleasing?

Also, we note that most of the discussion on instream flow releases revolves around their adequacy to sustain a trout fishery. We would like to see more emphasis on additional values which flowing streams provide, including the provision of water, food, and shelter for many other species of fauna and flora. We also feel there should be considerable importance attached to the esthetic values of flowing streams.

We know that esthetic values would not be provided by the proposed flows in Chetwood, Cora, Granite, Graveyard, Iron, or Jackass Creeks, and question whether these flows would do much ~~wither~~ for fish or for other species of fauna and flora. The proposed instream releases for these streams are so low as to appear unacceptable for most purposes. The proposed releases for the North Fork appear to be less unreasonable, but still seem to be too low to be considered acceptable.

As I said, these comments are not based on technical analysis, although we still hope to obtain that. They are based on personal observation of streams, including most of those in the project area. They are also based on a long-term (and ongoing) effort I have made to learn what different rates of flow look like in terms of actual streams. Although not of a professional or technical nature, I believe these opinions would still qualify as being "informed."

We hope to have more specific comments later on the subject of instream flow releases.

TIMBER PRODUCTION

Another major concern we have is that there be acceptable mitigation for the loss of commercial timber lands. The Applicant proposes an annual payment to the federal government of 50,000 dollars by way of compensation (E, p. 9-54, Sec. 9.4.1)

We believe it would be much more appropriate (i.e. in the public interest) for the Applicant to use a form of mitigation which would make more timber available for harvest. Several possible mechanisms are mentioned in the same Section. We feel that any of these alternatives would be preferable to the one proposed, as they all provide for making available for harvest timber which would otherwise not be available. We feel this would be of immensely greater value than a few more dollars poured into the maw of the U.S. treasury.

WILDLIFE HABITAT

Another concern is project-caused loss of wildlife habitat. The mitigation proposed (summarized on E, p. 3-219) seems quite inadequate, being based almost entirely on presumed elimination of some cattle grazing and presumed constraints on timber harvest in areas which would not be subject to constraints if the project were not built.

Is the grazing going to be eliminated or not? That has to be resolved before benefits from its possible elimination can be claimed.

Before the matter of possible constraints on timber harvest can be addressed, it must be determined whether the timber management philosophy expressed by Alternative Six of the proposed Forest Land and Resource Management Plan is to be implemented. Considering the very widespread opposition to that philosophy which the Forest Service encountered during the recent public comment period, it seems imprudent to consider the matter settled.

Even if it were settled, there is no assurance that the Forest Service would adjust the Plan to provide constraints on a net increase of 2,952 acres. Those constraints would have to be assured before the wildlife benefits from them could legitimately be claimed. Where is the required assurance?

As we said earlier, such heavy reliance on actions by the Forest Service to provide mitigation for loss of wildlife habitat seems not acceptable. There should be a more active (as opposed to passive) approach to addressing this requirement.

SPOIL DEPOSITS and QUARRIES

The plan to conduct these activities within the storage reservoir sites was commended earlier in this letter. We would like to add that this should be done at levels sufficiently low that the results would be covered by water most of the time. As a horrible example of how not to do it, see the quarry site within the Courtright Reservoir--- it is highly conspicuous except when the reservoir is completely full.

RECREATION PLAN(S)

Asmmentioned earlier, we feel the Applicant's philosophical approach is preferable to that of the Forest Service.

In view of the desirability (expressed elsewhere in Exhibit E) of keeping the east side of the Granite Reservoir in an undeveloped condition, we question the appropriateness of the boat-in campground proposed by the Applicant.

Although the text states that the Mammoth trailhead will be reconstructed as part of the Cattle timber sale, the maps for both Recreation Plans show an "existing" Mammoth trailhead, which suggests no action. The present trailhead is unacceptable in several ways, and should be relocated as well as reconstructed.

MICROWAVE ANTENNA

The prospect of a 26 foot high microwave antenna at the North Fork diversion dam is not good (E, p. 8-53, Sec. 8.3.9). As acknowledged, it would have great visual impact, and would draw attention to the diversion facility.

Would it be possible to replace the microwave facility with cable access through the tunnel? This would eliminate the possibility of snow avalanche damage to an antenna structure, as well as having esthetic advantages.

HELICOPTER ACCESS TO NORTH FORK

The documents state that helicopter landing pads "are not expected to be needed" and "nearby natural clearings can be used for loading and unloading of crews" (E, p. 8-33, Sec. 8.2.1). This implies that cutting of trees or other significant alterations of the landscape would be undesirable and will be avoided, but we would prefer to see this commendable policy stated more explicitly.

WILDERNESS BOUNDARY ERROR

The map on page 7-3 of Exhibit E showing boundaries of the proposed wilderness (Burton legislation) is substantially in error. Although the errors do not appear to be of consequence in relation to the presently proposed project, the matter should be rectified in order to avoid possible inadvertent future problems.

OTHER GENERATION ALTERNATIVES

Section 10.4 of Exhibit E is distressingly brief, perhaps to the point of being perfunctory. We have the uncomfortable feeling that this may be symptomatic of a generic problem which transcends this particular problem, and of which this project is simply a manifestation.

The problem can be described by phrasing a question: Are large, centralized, capital-intensive power production facilities such as this still in the public interest?

It seems that alternative sources of power such as are mentioned in Section 10.4 may be preferable from several points of view, including:

---The cost of power generated (or saved) may often be lower.

---Environmental problems may often be less.

---Having a greater number of smaller, dispersed units (as opposed to a large, centralized one) offers greater reliability of the total power system by spreading out the risk from acts of God and acts of man. The latter includes downtime for maintenance and repairs, sabotage and enemy attack, and accidents.

Are we locked into our present modes of meeting power needs by statutory, economic, and social factors which could and should be changed? Or is the primary constraint simply force of habit---in thought processes as well as in other ways.

Questions such as these need to be addressed. Lack of time prevents us from doing so at this time. Hopefully the Applicant, Southern California Edison Company, and others will consider these questions even more than they already have.

Sincerely,

George W. Whitmore
George W. Whitmore