



TO: California Water Commission

FROM: Sue Sims
Interim Executive Officer

DATE: August 17, 2011

RE: Staff Report on Proposal to Name Thermalito Pumping –Generating Plant

Background

On June 21, 2011, the Water Commission received a letter from Arthur G. Scotland, Presiding Judge (retired) California Court of Appeals, Third Appellate District requesting to acknowledge the significant and lasting contributions of Justice Ron Robie to water management and environmental protection in California by naming the State Water Project's Thermalito Pumping –Generating Plant in his honor.

This item was discussed by the Commission at its July 20, 2011 meeting and staff has prepared the following report on the proposal.

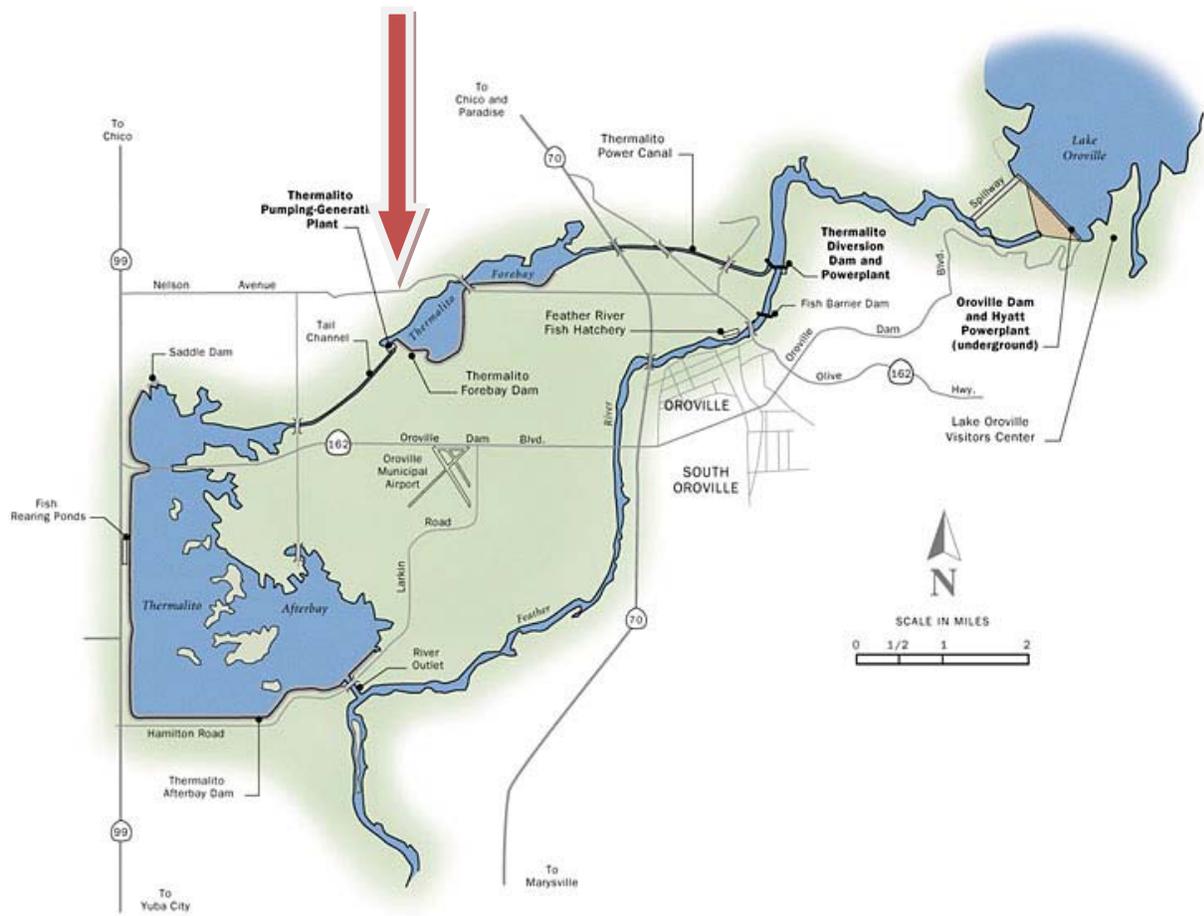
Description of the Facility

The Thermalito Pumping-Generating Plant is part of the State Water Project's Oroville-Thermalito Complex, a water and power system that stores about 3.5 million acre-feet and generates power from water releases.

Located about four miles west of the city of Oroville in Butte County, the plant is operated in tandem with Hyatt Powerplant and Thermalito Diversion Dam Powerplant to produce power. Water released from Lake Oroville is used to produce electricity at Hyatt Powerplant, located in the bedrock beneath Oroville Dam. This water flows into the Thermalito Diversion Pool where it is diverted into the Thermalito Power Canal or released into Feather River through the Thermalito Diversion Dam Powerplant which generates additional electricity. Water diverted into the Thermalito Power Canal flows into Thermalito Forebay and through the Thermalito Pumping-Generating Plant to produce more electricity before entering Thermalito Afterbay. Water is then released back into the Feather River at the Thermalito Afterbay River Outlet.

To further maximize the efficiency of the Oroville facilities, water that is released for power in excess of local and downstream requirements is conserved by pumpback operations into Lake Oroville during off-peak hours. The water can then be released again for power generation during peak power demand. Construction on the plant began in 1964 and with operations starting in 1968.





Biographical Information of Ron Robie

Ron Robie served as the Director of DWR from 1975-1983, the second longest tenure in DWR's history. Robie led the department through a serious drought in 1976-77, and was instrumental in recognizing environmental forces and implementing conservation measures which resulted in innovative water management and storage projects.

Among his most significant and lasting contributions were those to the Sacramento-San Joaquin Delta and power supply issues for the State Water Project. One of the attached articles from DWR NEWS/People was authored by Judge Robie in late 2010 and provides a first-hand account of the challenges and tremendous accomplishments during his years as Director. The second provides an overview of his distinguished career.

Prior to his appointment as DWR Director by Governor Edmund G. Brown Jr., Robie was an adjunct professor of law at the McGeorge School of Law and a member of the State Water Resources Control Board. He also served as a consultant to the Assembly Water Committee from 1961 to 1969 and in that capacity, played a major role in the development of the Porter-Cologne water quality act.

Appointed as a municipal court judge in 1983, Robie was later elected to a seat on the Sacramento County Superior Court. In 2002, Governor Gray Davis appointed Robie to the California Court of Appeal, Third Appellate District. He was named "Judge of the Year" by the Sacramento County Bar Association in 2002 and is considered one of the state's leading experts on water law issues. He has taught water law and environmental law at the University of the Pacific, McGeorge School of Law, since 1970 and is Chair of the Governing Committee of the California Center for Judicial Education and Research.

Additional background information is provided in the attached articles from DWR's news publication.

DWR Position

The proposed name change has the support of DWR Director Mark Cowin and Deputy Director for the State Water Project, Ralph Torres.

Fiscal, operational and implementation impacts

The naming or renaming of State Water Project facilities is addressed in two DWR administrative documents: Water Resources Engineering Memo (WREM) 21 and Department Administrative Manual 1100.4. Both state that the California Water Commission has the authority to formally name SWP facilities. There does not appear to be any other approval required, however DWR would notify the appropriate agencies including the State Water Project contractors and the Federal Energy Regulatory Commission which issues the operating license for the Oroville complex facilities, including the Thermalito Pumping –Generating Plant.

DWR estimates changes in facility and road signage would cost approximately \$10,000 and there may be some other incidental additional costs. Funds are available to complete this work.

Operational documents and plans would be changed to reflect the name change in the normal course of business operations. Nomenclature changes have not caused any significant problems in the past.

Identification of potentially impacted or interested agencies

State Water Contractors
City of Oroville
Butte County
Federal Energy Regulatory Commission

Letters of Support

Justice Arthur G. Scotland
Westlands Water District
Metropolitan Water District of Southern California
Best, Best and Krieger, Attorneys at Law

Known Opposition

None

Sue Sims
Interim Executive Officer, California Water Commission
(916) 653-6055

Attachment s

Highlights of the State Water Project, SWP 50th Anniversary, DWR News/People Fall 2010
Ronald B. Robie, SWP 50th Anniversary, DWR News/People Fall 2006



HIGHLIGHTS OF THE State Water Project

(Robie is currently Associate Justice of the Third District Court of Appeal. He served as DWR Director from 1975-1982 under Governor Edmund G. "Jerry" Brown)

By Ronald B. Robie

I joined DWR in early 1975, just as most of the initial construction of the State Water Project was finished and operative. But much more remained to be done.

The Sacramento-San Joaquin Delta

The major unfinished business was a Delta facility for the State Water Project (SWP) and Central Valley Project (CVP). This was made more difficult by the fact that the Bureau of Reclamation still did not agree it was bound by state water law - the law that governed the SWP. It took a decision by the U. S. Supreme Court - California v. U.S., 438 US.645 (1978) - to finally get the Bureau on the same page as the state. During this period, Secretary of the Interior Cecil Andrus was very helpful in moving the Bureau into a more cooperative approach.

Knowing of the great controversy over a Peripheral Canal, I commissioned a task force to take a comprehensive

look at the entire issue of Delta transfer. I hoped something other than a Peripheral Canal would work but the result of the study (done jointly with the Department of Fish and Game) was that the Peripheral Canal was the best, most environmentally sound means of providing water transfer and protecting and enhancing the Delta environment. With the concurrence of the Governor I proceeded to develop legislation to authorize the canal, along with various environmental protections. This was controversial, since I agreed



Inset: Director Robie speaking during Silverwood Lake dedication. Silverwood Lake water pumped from the Kern River that is flowing to the Mojave River in the first SWP underground storage of surplus flow.



the canal could be built without legislative approval but I felt that nearly 20 years after the original authorization of the SWP this was an appropriate way to obtain consensus.

For most of four years, my Deputies **Chuck Shoemaker**, **Jerry Meral** and I participated in seemingly endless legislative hearings on the issue. It was an exhilarating time. I continue to be amazed (in view of the controversy over the Delta which has raged for the past 30 years) that our bill (Senate Bill 200- Ayala) authorizing the canal and necessary environmental protection measures passed both houses of the Legislature in 1980 by a substantial majority in each house and was signed by the Governor. I consider this my major accomplishment vis-à-vis the SWP. I continue to believe the canal is the most environ-

mentally sound solution. At the same time, we were able to get several California wild rivers incorporated into the federal wild and scenic river system. Our bill had substantial support in Northern California but a small group collected signatures to force a referendum on the bill which resulted in its rejection by the people in 1982. Sadly, we are not much closer to a resolution of Delta issues today, although recently the Legislature passed a water package which may finally allow construction of a Delta facility.

Power

The second major problem facing the project was its long-term power supply and independence from the private utilities whose restrictive contracts tied the Department's hands in many ways.

The SWP uses an enormous amount of power but has significant generating capacity as well. The effort to obtain reliable power supplies for the SWP was a very high priority issue with me. While I was director we withdrew Oroville power from PG&E and resold it to Southern California Edison, successfully obtained the power output of the Pine Flat Project of the Kings River Conservation District, contracted for coal power



Above: Director Robie attending Alamo Powerplant groundbreaking ceremony in April of 1982.

Left: Director Robie signing Metropolitan power sale contract in January 1978.



from the Reid Gardner Project of Nevada Power, pioneered in the use of wind energy, built the Warne and Alamo plants on the SWP, and in a successful major lawsuit, freed the SWP to use the transmission lines of private utilities to better market our power and meet SWP needs. In an environment hostile to the expansion of nuclear power, we were able to use other sources to firm up our power position to the significant benefit of SWP contractors.

Drought

Long term operating procedures came to the forefront as major issues before the SWP in the 1976-77 drought, the most severe in the state's history.

The drought dramatically brought home the fact that during the project's early years we were able to deliver all quantities requested by contractors. At my direction the staff developed a "rule curve" plan for operations, including the provision of sufficient carryover storage and a procedure for determining what percentage of contracted supplies could be delivered each year. This has become progressively more difficult over the years as all attempts to increase the safe yield of the project to that contemplated by and committed in the water supply contracts have been largely unsuccessful.

During this time the Department created the Office of Water Conservation and undertook major urban and agricultural water conserva-

tion efforts. Californians use significantly less water per capita today than when we began these efforts. We also focused on the conjunctive use of surface and ground water through project activities such as the Kern River Intertie and major study efforts.

During the drought, water transfers were possible as never before. The SWP demonstrated its great flexibility and delivered water to Marin County (via a temporary pipeline over the Richmond-San Rafael Bridge) and San Francisco users! These areas- which historically rejected and fought the SWP- were beneficiaries of it in a most difficult time. The project fulfilled the dreams of its creators—including Assemblyman Porter and Governor Edmund G. Brown—to be of statewide benefit to California. ■



Above: On November 22, 1982, Former Governor Edmund G. "Pat" Brown and then Governor Edmund G. Brown, Jr. with Director Ron Robie (at right) during ceremony for the renaming of California Aqueduct to Governor Edmund G. Brown California Aqueduct.

Right: Director Robie signing contract for Napa agreement on North Bay Aqueduct in December of 1982.

RONALD B. ROBIE

DWR Director 1975-1982

by Pete Weisser

RONALD B. ROBIE, AN ATTORNEY AND EXPERT ON CALIFORNIA WATER LAW, SERVED AS DWR DIRECTOR FROM 1975-1982 UNDER GOVERNOR EDMUND G. (JERRY) BROWN.



Robie led DWR during an era of rising environmental concerns, confronting complex issues of Delta water quality and water supply.

Under Robie's guidance, DWR adapted to environment regulations and made progress on water conservation. He was influential in developing DWR's skills in innovative water management and storage programs

"My years at DWR were some of the greatest of my career," said Robie. "The employees of the Department were always first rate—the finest in State government. We worked together to obtain reliable power supplies for the Project, and to increase its yield. We laid the groundwork for current CALFED efforts. We were also able to guarantee that several California wild rivers were incorporated in the federal wild rivers system. In this way, we were able to balance Project and environmental needs."

A longtime legislative consultant on water policy, Robie skillfully spearheaded Governor Brown's campaign to achieve legislative approval in 1980 for Senate Bill (SB) 200 (by State Senator Ruben Ayala). This controversial bill authorized an expanded State Water Project, including a Peripheral Canal to improve water delivery reliability for the system.

Though a sound engineering concept with ecological as well as supply benefits, the Peripheral Canal ultimately drew heated opposition, both among environmentalists and within a divided California water community.

1973

Edmonston Pumping Plant, which has the world's highest single lift of water, was dedicated.



On September 1, John R. Teerink was appointed DWR Director. He resigned as Director on March 5, 1975, and returned to civil service status. (Teerink died in an automobile accident on July 30, 1992.)

1975

On March 4, Ronald B. Robie was appointed DWR Director by Governor Edmund G. "Jerry" Brown, Jr. Robie resigned December 31, 1982.

1975

Director Robie adopted the wave seal and the "Save Water" logo.



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Robie's forces won the legislative battles for SB 200 and the bill was signed into law by Governor Brown. However, it was overturned by a 1982 referendum, and the Peripheral Canal was banished to political neverland.

Both former Governor Brown and ex-DWR Director Robie remain proud of the 1980 Peripheral Canal's legislative passage, approved by a two-thirds vote in both the Assembly and State Senate.

"This was a very significant legislative achievement," said Robie.

He drew high marks from environmental groups for his strong public conservation leadership during the major statewide drought of 1976-77, the first big drought in California since 1934.

Today, Robie passes DWR headquarters daily, walking to his office in the Library and Courts Building. Since 2002, he has been an Associate Justice of the Third District Court of Appeal.

A 1958 graduate of the University of California, Berkeley, Robie earned a Bachelor of Arts degree in Journalism.

In a distinguished public career, Robie has served in all three branches of State government. He began his State service in the Legislature, serving as a consultant to the Assembly water policy committee. He worked closely with one of the Legislature's veteran water leaders, Assemblyman **Carley Porter**.

Porter was the coauthor with State Senator **Hugh Burns** of the California Water Resources Development Bond Act (known as the Burns-Porter Act). Its passage in



Director Robie was sworn as DWR's fifth Director by the late Claire Dedrick, Secretary for Resources.

1959 authorized the issuance of \$1.75 billion in general obligation bonds to finance construction of California's State Water Project.

In November 1960, California's voters approved the bond issue, setting in motion construction of the largest State-run water and power system in the nation.

While working as a legislative consultant, he earned a law degree at McGeorge Law School. During his years as a legislative consultant, he became an acknowledged expert on water law and California water policy. This expertise was helpful to him when Governor **Ronald Reagan** appointed him to serve on the State Water Resources Control Board, a regulatory body with jurisdiction in areas of water rights and water quality.

1975

In March, the Division of Manpower and Management Services became the Division of Employee Relations and Management Services. In May, it was retitled the Division of Management Services.

1977

The State Water Project Analysis Office was established in November.

1979

The Dam Safety Program's 50th Anniversary. The State began regulating dams on August 14, 1929.



The Snow Survey Program celebrated its Golden Anniversary in August.



Robie served on the water board from April 1969 to February 1975.

“I had the unique opportunity to write the legislation creating the Water Board and then being a member of it,” recalls Robie. “During the time I was on the Board, it issued some very important decisions: The first Delta Decision (D 1379), the American River Flows Decision (D 1400), and the New Melones Decision (D 1422). We also were the first State to receive delegation to implement the Federal Clean Water Act.”

“I was fortunate to have been able to approach all my State positions in a bipartisan manner,” notes Robie. “When I was consultant to the Assembly Water Committee, the Committee was equally divided between the political parties and between North and South. Then I was honored with appointment and reappointment by Governor Ronald



(Left to Right) At Director Robie's swearing in as Associate Justice of the Third District Court of Appeal in January of 2002, there was Arthur G. Scotland, Presiding Justice Third DCA, Director Robie, Robie's wife Lynn, Chief Justice Ronald George, and Attorney General Bill Lockyer.

“ I was fortunate to have been able to approach all my State positions in a bipartisan manner. When I was consultant to the Assembly Water Committee, the Committee was equally divided between the political parties and between North and South. Then I was honored with appointment and reappointment by Governor Ronald Reagan to the Water Board and Governors Edmund G. Brown, Jr. and Gray Davis to the courts.”—Robie

Reagan to the Water Board and Governors Edmund G. Brown, Jr. and **Gray Davis** to the courts.”

In 1975, Brown appointed Robie to the DWR directorship. Robie was a prominent spokesman for water policy in California throughout the Brown era, both in water and government circles and as a public spokesman for State water policies.

“While Director, I presided over a gala party celebrating the Department's 25th birthday,” recalls Robie. “How time flies.”

After Robie left DWR, Governor Brown in 1983 appointed him to the Sacramento Municipal Court bench. In 1986, Robie won election to the Sacramento County Superior Court. In his years on the Superior Court bench, he earned a reputation as a tireless, energetic judge with an enormous workload. In 2002, Governor Gray Davis appointed him to the Court of Appeal, Third Appellate District. ■

1981

The Water Conservation Office was established in October.

DWR dedicated its first Wind Turbine at San Luis Reservoir in March.

On June 3, DWR celebrated its 25th Anniversary at the Sacramento Convention Center.

On June 3, Pyramid Powerplant was renamed William E. Warne Powerplant and the Delta Pumping Plant was renamed Harvey O. Banks Pumping Plant.

