



October 17, 2018  
E-Filing

Don Pedro Hydroelectric Project  
FERC Project No. 2299-082  
La Grange Hydroelectric Project  
FERC Project No. 14581-002

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

Subject: Don Pedro Hydroelectric Project, FERC Project No. 2299-082  
La Grange Hydroelectric Project, FERC Project No. 14581-002  
Districts' Response to Filing by US Fish & Wildlife Service

Dear Secretary Bose:

On October 1, 2018, the U.S. Fish and Wildlife Service ("USFWS"), an agency within the U.S. Department of the Interior ("USDOIP"), filed a letter with the Federal Energy Regulatory Commission ("FERC" or "Commission") revising certain Federal Power Act Section 10(j) recommendations which had been previously submitted by the USFWS on January 29, 2018, in response to the Commission's issuance on November 30, 2017, of the Ready for Environmental Analysis Notice. As reported in the October 1, 2018 letter, Turlock Irrigation District ("TID"), Modesto Irrigation District ("MID") (collectively "Districts"), the USFWS, and the City and County of San Francisco ("CCSF") have been in active discussions over the last several months regarding areas of mutual and substantial interest in an effort to find solutions which balance the interests of all the parties, while continuing to be supported by the record before FERC.

USFWS describes in general terms the USFWS' and Districts' approaches to protecting the resources of the lower Tuolumne River as contained in the Districts' Amended Final License Application ("AFLA") for the Don Pedro Project (FERC Project No. 2299) ("Project") and the USFWS' January 29, 2018 filings and we find no reason here to recite the Districts' Preferred Plan in its entirety as presented in the AFLA.

The discussions among the Districts, USFWS, and CCSF were focused and meaningful with an emphasis on mutual benefit. As the USFWS further points out, the dialogue resulted in identifying alternative resource measures that would achieve substantial improvements in fishery habitat while safeguarding the water supplies of the Districts and CCSF. Discussions evolved into

examining the potential benefits of near-term habitat restoration activities along the lower Tuolumne River compared to the benefits of a restoration hatchery, boulder placement, and donations to California Boating and Waterways to aid in hyacinth control. The Districts considered each of these three measures as potential resource enhancements, not as mitigation measures for identified Project impacts. The proposed Lower Tuolumne River Habitat Improvement Plan (“LTRHIP”) as described in the USFWS October 1, 2018 letter and the three enhancement measures it would replace in the Districts’ Preferred Plan are primarily intended to benefit fall-run Chinook salmon in the lower Tuolumne River. The LTRHIP has the advantage of being implemented sooner and demonstrating positive results for fishery resources sooner.

The Districts want to emphasize that the LTRHIP is not intended to replace the Districts’ proposed Coarse Sediment Management Plan measures (RPM-1, RPM-2, and RPM-4). These measures remain a part of the Districts’ Preferred Plan and the LTRHIP will supplement these other activities and be coordinated with the Districts’ proposals related to Coarse Sediment Management. Eliminating from the Districts’ Preferred Plan the hatchery measure, boulder placement, and donation to CB&W to benefit water hyacinth reduction does not affect the Districts’ estimates of fall-run Chinook production contained in the previous filings submitted to FERC. The *O. mykiss* population model does incorporate the boulder placement and has minor benefits for young-of-year life stage. These benefits are easily reproduced by placement of large woody material (LWM) which is contemplated by the LTRHIP.

USFWS also describes the formation and implementation of a Spill Management Program (“SMP”). Both the Districts and USFWS recognize that in about half the years of the ’71-’12 period of record the releases from Don Pedro Reservoir significantly exceed the minimum flow requirements. Under current conditions, these flows are primarily managed to ensure Project safety and meet the flow and storage guidelines of the Army Corps of Engineers. In many years, sufficient flexibility exists to also manage these flows to benefit native fish species in the lower Tuolumne River, while continuing to meet the Districts’ primary obligations and responsibilities related to water supply, instream flow requirements, flood control, and Project safety.

The Districts would make reasonable efforts to forecast and control spill events to benefit native fish species, and believe that the SMP can result in producing habitat benefits for these species. At the same time, the Districts emphasize that the SMP is intended as a discretionary spill management plan, subject to the primary Project obligations and responsibilities mentioned previously.

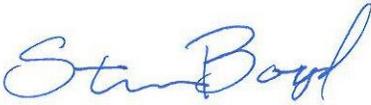
The October 1, 2018 filing of the USFWS also proposes the establishment of the Tuolumne Partnership Advisory Committee (“TPAC”), which would provide recommendations on specific habitat improvement projects to be undertaken along the lower Tuolumne River and management of spill events to benefit native fish species. Initial parties to the TPAC would be the USFWS, CCSF, MID, and TID. Other parties would be encouraged to actively and constructively participate. Making use of the collective experience of the participants will ensure a diverse set of ideas are considered and weighed.

The Districts appreciate the leadership and cooperation extended by the USFWS and its staff which led to substantive dialogue specific to the unique physical, environmental, and water resource conditions of the Tuolumne River. These efforts will serve as the foundation of a cooperative relationship for the betterment of the Tuolumne River and all the resources dependent upon it.

Specific to the USFWS' revised Section 10(j) recommendations, the Districts support the withdrawal of Conditions 2, 3, 4 and 7 in both the Don Pedro Project and the La Grange Project proceedings. The Districts support FERC's adoption of the revised Section 10(j) Conditions 2, 3, and 4 proposed for the Don Pedro Project.

The Districts also extend our appreciation to FERC for allowing the time for these substantive discussions to take place with USFWS.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service lists compiled by the Secretary in these proceedings, in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010.

Dated at Washington, D.C., this 17<sup>th</sup> day of October, 2018.

*/s/ Kimberly Ognisty*

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