



November 14, 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
Amendment to the Districts Preferred Plan Contained in the
October 11, 2017, Amendment to the Final License Application
for the Don Pedro Project

Dear Secretary Bose,

On October 11, 2017, Turlock Irrigation District and Modesto Irrigation District (collectively, the “Districts”), co-owners of the Don Pedro Hydroelectric Project and the La Grange Hydroelectric Project located on the Tuolumne River in California, filed with the Commission an Amended Final License Application (“AFLA”) for the Don Pedro Project and a Final License Application for the La Grange Project. On January 29, 2018, interested parties responding to the Commission’s issuance of the Ready for Environmental Analysis notice filed comments and recommended terms and conditions on the two applications. On March 15, 2018, the Districts filed responses to the comments and recommended terms and conditions. In response to a Commission request, the Districts also filed additional information on May 14, 2018.

Subsequent to the May filing, the Districts and staff of the U.S. Fish and Wildlife Service (“USFWS”) entered into discussions related to the recommended terms and conditions filed by the USFWS on January 29, 2018. As a result of these discussions, on October 1, 2018, the USFWS filed new Section 10(j) conditions, withdrawing certain previously filed conditions and replacing them with a set of revised 10(j) conditions. On October 17, 2018, the Districts filed a letter with the Commission in support of the USFWS revised Section 10(j) conditions.

By this letter, the Districts are amending the Don Pedro Project’s Preferred Plan of Future Operations (“Preferred Plan”) contained in the Districts’ October 11, 2017 AFLA to align certain of the Districts’ proposed measures with the revised Section 10(j) recommendations submitted by USFWS on October 1, 2018. Specifically, the Districts hereby amend the Preferred Plan described in Exhibit E of the Districts’ October 11, 2017 AFLA as shown below. All other references to the Preferred Plan in the Districts’ prior filings and throughout the AFLA are also hereby amended to reflect the changes described below.

- Remove from the Preferred Plan the fall-run Chinook restoration hatchery contained in Exhibit E of the AFLA in Section 2.2.2.6 on pages 2-10 and 2-11 and in Section 5.5.5 on pages 5-18 and 5-19.
- Remove from the Preferred Plan the experimental boulder placement measure described in Exhibit E of the AFLA in Section 2.2.2.2 on page 2-8 and in Resource Protection Measure (RPM)-3 on pages 5-11 and 5-12.
- Remove from the Preferred Plan the annual payment to the California Department of Boating and Waterway for hyacinth removal described in Exhibit E of the AFLA in Section 2.2.2.3 on page 2-8 and in RPM-5 on page 5-13.
- Add to the Districts' Preferred Plan the measure to develop a Spill Management Plan (SMP), (revised Section 10(j) Condition 2), as set forth in the USFWS's October 1, 2018, filing on pages 14 and 15, and as more fully described on pages 7 through 10 of the USFWS' October 1, 2018 filing. As provided in the USFWS revised Condition 2, the Districts shall retain ultimate control over actual Spill amounts, timing, duration, and management in order to ensure safe and effective operation of the Project.
- Add to the Districts' Preferred Plan the measure to develop the Lower Tuolumne River Habitat Improvement Program (LTRHIP), (revised Section 10(j) Condition 3), as set forth in the USFWS' October 1, 2018 filing on pages 15 and 16, and as more fully described on pages 11 through 14 of the USFWS' October 1, 2018 filing. The scope of any requirement to develop a final plan to implement an LTRHIP after license issuance shall be limited to administrative matters of the program and shall not modify the funding amounts or timing of funding installments set forth in the USFWS' revised Condition 3. Decision-making authority on specific projects to be implemented under the LTRHIP will rest with the Districts (see revised Section 10(j) Condition 4, described below).
- Add to the Districts' Preferred Plan the measure to create the Tuolumne Partnership Advisory Committee (TPAC) for the express purpose of implementing the SMP and LTRHIP measures, (revised Section 10(j) Condition 4), as set forth in the October 1, 2018 filing on page 16. The Districts would implement the SMP and LTRHIP measures consistent with the recommendations of the TPAC when these recommendations are deemed by the Districts to be consistent with safe, timely, and effective Project operations.

The Districts agree with the USFWS that the suite of flow and non-flow measures contained in the Districts' Preferred Plan as described in Exhibit E, Sections 2.0 and 5.0 of the AFLA, as modified by this letter, adequately and equitably protects, mitigates damages to, and enhances fish and wildlife resources affected by the Don Pedro Project on the Tuolumne River.

With respect to the La Grange Project, the USFWS' October 1, 2018 filing withdrew certain Section 10(j) recommendations contained in its January 29, 2018 filing and the USFWS has not proposed any new Section 10(j) recommendations. The Districts are not proposing any modifications to the measures contained in the FLA for the La Grange Project filed by the Districts on October 11, 2017.

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Respectfully submitted,



Steve Boyd
Turlock Irrigation District
P.O. Box 949
Turlock, CA 95381
(209) 883-8364
seboyd@tid.org



John B. Davids
Modesto Irrigation District
P.O. Box 4060
Modesto, CA 95352
(209) 526-7564
john.davids@mid.org

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 14th day of November, 2018.

/s/ Kimberly Ognisty

Kimberly Ognisty
1700 K Street N.W.
Washington, D.C. 20006
(202) 282-5217
kognisty@winston.com