TURLOCK IRRIGATION DISTRICT NOTICE OF INTENT TO RELY ON FERC FINAL ENVIRONMENTAL IMPACT STATEMENT WITH MANDATORY CONDITIONS, IN COMBINATION WITH A SUPPLEMENTAL ANALYSIS, TO SATISFY CEQA FOR THE RELICENSING OF THE DON PEDRO HYDROELECTRIC PROJECT AND AN ORIGINAL LICENSE FOR THE LA GRANGE HYDROELECTRIC PROJECT

Date:	September 16, 2024
To:	Governor's Office of Planning and Research/State Clearinghouse Unit, Responsible Agencies, Trustee Agencies, and Interested Parties
From:	Turlock Irrigation District
Lead Agency:	Turlock Irrigation District
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Project Title:	Relicensing the Don Pedro Hydroelectric Project, FERC Project No. 2299-082, and issuing an original license for the La Grange Hydroelectric Project, FERC Project No. 14581-002
Subject:	September 16 to October 16, 2024 public review period for Notice of Intent (NOI) to prepare a Supplemental Analysis pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15221 (California Public Resources Code Section 21083.5 and 21083.7); NOI to rely on the Federal Energy Regulatory Commission (FERC) Final Environmental Impact Statement (FEIS), in combination with a Supplemental Analysis, to satisfy CEQA for the Relicensing of the Don Pedro Hydroelectric Project, and issuing of an original license for the La Grange Hydroelectric Project.

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SECTION 1.0 - INTRODUCTION AND CEQA COMPLIANCE PLAN

Turlock Irrigation District (TID) and Modesto Irrigation District (MID), collectively referred to as "the Districts", own and operate the Don Pedro Hydroelectric Project (Don Pedro Project) and TID operates and maintains hydropower facilities at the La Grange Diversion Dam (La Grange Project), both of which are located on the Tuolumne River in Tuolumne and Stanislaus counties, California. The two projects are collectively referred to as the "projects."

The Districts filed an application with Federal Energy Regulatory Commission (FERC) for a new license to continue to operate and maintain the Don Pedro Project. In addition to hydroelectric power generation, Don Pedro Reservoir primarily serves as water supply for the irrigation of more than 200,000 acres of Central Valley farmland, as well as municipal and industrial uses. The reservoir also provides flood control benefits along the Tuolumne and San Joaquin rivers. Separately, the Districts filed with FERC an application for an original license to continue to operate and maintain the 4.7-megawatt (MW) La Grange hydroelectric facilities. The Districts requested licenses with 50-year terms for both projects. For the purposes of this Notice of Intent (NOI), it is assumed FERC will issue separate licenses for the projects and the conditions in the licenses would be the same as those in FERC Staff Alternative with Mandatory Conditions for the respective projects, as described in FERC Staff's Final Environmental Impact Statement (FEIS¹) that FERC issued in July 2020. Once FERC issues the licenses, the Districts may operate and maintain one or both projects consistent with the terms and conditions in the licenses, contest the licenses for one or both projects by seeking rehearing before FERC, or reject one or both licenses.

The Districts as government agencies are subject to the requirements of the California Environmental Quality Act (CEQA). TID is the Districts' representative to act as CEQA lead agency (CEQA Guidelines Section 15051); both Districts will determine if they accept the FERC licenses when proposed, and if so, will be required to carry out and implement the conditions in the licenses. This NOI informs CEQA responsible and trustee agencies, and other interested parties about the Districts' CEQA compliance plan for licensing the projects and their intention to prepare a CEQA Supplemental Analysis to FERC Staff's FEIS, which will follow the general CEQA Initial Study format (i.e., Appendix G of the CEQA Guidelines), and is anticipated to result in a Negative Declaration (ND) or a Mitigated Negative Declaration (MND).

1.1 Relicensing Background, NEPA Scoping, and Related Resource Agency Consultations

Following is a history of relicensing and related consultation for both projects. Licensing-related documents were submitted separately for the two projects spanning from 2011 through 2019. Don Pedro Project relicensing activities were separate from the La Grange Project application process for an original license. Beginning in 2018, under guidance received from FERC, the projects were

¹ This NOI addresses both the Don Pedro Hydroelectric Project relicensing and the La Grange Hydroelectric Project licensing for administrative ease, and together, they comprise the CEQA proposed Project; however, they are separate FERC projects and FERC may issue separate licenses for both projects, issue a license for one project and not the other project, or decline to issue a license for either project.

combined in correspondence and documentation related to National Environmental Policy Act (NEPA) compliance and resource agency consultations so that most activities described below, beginning in 2018, are for both projects combined, unless otherwise noted.

- On February 10, 2011, the Districts filed with FERC a Pre-Application Document (PAD) and NOI to seek a new license for the Don Pedro Project in accordance with FERC's Integrated Licensing Process (ILP).
- On April 8, 2011, FERC issued a NEPA scoping document (SD1) soliciting comments, recommendations, and information on the Don Pedro Project. In May 2011, FERC held NEPA scoping meetings and conducted a site visit. Based on written comments and the scoping meeting, FERC issued a second scoping document (SD2) on July 25, 2011.
- On November 26, 2013, the Districts filed with FERC a Draft License Application (DLA) for the Don Pedro Project.
- On January 29, 2014, the Districts filed with FERC a PAD and NOI to seek an original license for the La Grange Project following FERC's ILP.
- On April 28, 2014, the Districts filed with FERC their final license application (FLA) for the Don Pedro Project. Beginning in 2011 through the filing of their application, the Districts held consultation meetings with federal and State of California agencies, Native American tribes, non-governmental organizations, and members of the public, to familiarize them with the Don Pedro Project and its operations, discuss process, identify issues, collaboratively develop study proposals and discuss results, and develop potential protection, mitigation and enhancement (PM&E) measures to be included in the Don Pedro Project new license.
- On May 23, 2014, FERC issued a NEPA SD1 soliciting comments, recommendations, and information on the La Grange Project. In June 2014, FERC held NEPA scoping meetings and conducted a site visit. Based on written comments and the scoping meeting, FERC issued a revised SD2 on September 5, 2014.
- On April 24, 2017, the Districts filed with FERC a DLA for the La Grange Project.
- On October 11, 2017, the Districts filed with FERC an Amendment to the Don Pedro Project Final License Application (AFLA) and issued the FLA for the licensing of the La Grange Project.
- On January 29, 2018, the United States Department of the Interior and the United States Department of Commerce, National Marine Fisheries Service (NMFS), filed requests that a reservation of authority to prescribe fishways under Section 18 of the Federal Power Act (FPA) be included in licenses issued for the projects.
- On January 29, 2018, the United States Department of the Interior, Bureau of Land Management (BLM), filed FPA Section 4(e) preliminary conditions for both projects, and subsequently, filed modified conditions for the Don Pedro Project on August 23, 2018. On February 28, 2018, FERC received a copy of the Districts' filing disputing issues of material fact with respect to BLM's FPA Section 4(e) preliminary conditions numbered

(No.) 4, 12, and 13; filing two alternative FPA Section 4(e) conditions in response to BLM's preliminary Section 4(e) condition 13; and requesting a trial-type hearing. On August 23, 2018, BLM filed a revised set of modified conditions for the Don Pedro Project that withdrew preliminary condition No. 12 and modified conditions No. 4 and No. 13. On August 28, 2018, the Districts withdrew their request for a trial-type hearing or the Don Pedro Project and the two Section 4(e) alternative conditions.

- On January 29, 2018, the United States Department of the Interior, Fish and Wildlife Service (USFWS) filed with FERC recommendations under FPA Section 10(j) for the projects. On January 29, 2018, California Department of Fish and Wildlife (CDFW) and NMFS filed recommendations.
- On May 29, 2018, by email, the California Coastal Commission concurred that the projects are not subject to California coastal zone program review, and no consistency certification is needed for the action.
- On October 2, 2018, USFWS filed revised 10(j) recommendations 2, 3, and 4 for the Don Pedro Project, withdrew recommendation 7 for the Don Pedro Project, and withdrew recommendations 2, 3, 4, and 7 for the La Grange Project.
- On February 11, 2019, FERC issued a draft environmental impact statement (DEIS) that included both projects. In the DEIS, FERC noted that, although NMFS's and CDFW's January 29, 2018, filings stated generally that they were submitting measures pursuant to both Section 10(j) and Section 10(a) of the FPA, the agencies' letters did not specify which of the recommendations were submitted specifically for FPA Section 10(j) consideration and which of the recommendations were submitted specifically for FPA Section 10(a) consideration.
- On February 12, 2019, FERC sent a letter to USFWS regarding the preliminary determination of inconsistencies for USFWS recommendations and requesting concurrence, comments, or alternative recommendations. NMFS and CDFW filed letters with FERC on March 6, 2019, and March 7, 2019, respectively, stating that their intent was that all their recommendations were filed pursuant to both FPA sections 10(a) and 10(j), and that FERC staff should consider all the recommendations as both FPA sections 10(a) and 10(j) and 10(j) recommendations.
- On February 12, 2019, FERC issued a letter to NMFS requesting concurrence from NMFS with FERC's finding on the Endangered Species Act (ESA)-listed California Central Valley steelhead Distinct Population Segment (DPS) and its critical habitat. FERC staff concluded that the proposed action is "likely to adversely affect" the California Central Valley steelhead DPS and "may affect, but not likely to adversely affect" the designated critical habitat for this species. On April 1, 2019, NMFS filed a letter with FERC requesting additional analysis, modeling, and information that would support the final proposed action as described in the FEIS and for the State Water Resources Control Board's (Water Board) future water quality certification (WQC) under Section 401 of the Clean Water Act. On May 23, 2019, by letter, NMFS closed the consultation request due to inactivity and considered the request withdrawn.

- On February 12, 2019, FERC issued to USFWS a letter requesting concurrence from USFWS with FERC's findings of potential effects on ESA-listed plant and wildlife species. On March 19, 2019, USFWS filed with FERC a letter disagreeing with FERC's findings and provided additional recommendations to reduce potential effects on the San Joaquin kit fox, Central Valley DPS of California tiger salamander, valley elderberry longhorn beetle, Layne's butterweed, and Red Hills vervain.
- On March 21, 2019, FERC issued letters to NMFS and CDFW revising the assessment of which recommendations were found to be within the scope of FPA Section 10(j) and whether they were adopted in the DEIS. By letters filed April 4, 2019, NMFS and CDFW requested a meeting to attempt to resolve inconsistencies. By letter filed April 12, 2019, USFWS also requested a meeting to attempt to resolve inconsistencies. On September 19, 2019, FERC staff conducted a meeting with NMFS, USFWS, and CDFW, in Sacramento, California.
- On September 30, 2019, FERC issued separate draft Programmatic Agreements (PAs) for the protection of historic properties from the effects of operations of the projects. The terms of the PAs would ensure that the Districts address and treat all historic properties identified within each project area of potential effects through implementation of a Historic Properties Management Plan (HPMP) for each project.
- On July 7, 2020, FERC staff issued the joint FEIS for both projects recommending that FERC approve the Districts' relicensing applications consistent with FERC Staff Alternative with Mandatory Conditions. The FEIS addressed written comments on the scoping documents, those comments filed in response to FERC's REA Notice, and comments filed on the DEIS.

1.2 CEQA Compliance Plan and Objective of Supplemental Analysis

The California Supreme Court ruled that a California government agency licensee generally must comply with CEQA in connection with FERC licensing of a project in the state (County of Butte v. Department of Water Resources, 13 Cal.5th 612, decided Aug. 1, 2022). The court explained that the CEQA document serves as an informational source for the California agency's own decision-making regarding relicensing. The CEQA document informs the decision about whether to accept the particular license and its terms and conditions, whether to request FERC incorporate other terms into the license or seek reconsideration by FERC, and potential mitigation measures that may fall outside of FERC's jurisdiction.

However, because FERC is a federal agency implementing a federal law (FPA), the County of Butte court also concluded that CEQA is preempted by federal law to the extent that a CEQA requirement or action interferes or is inconsistent with FERC license articles, FERC relicensing process under federal law, or FERC's exclusive jurisdiction over a FERC-licensed project. As such, TID may be barred from incorporating those mitigation measures under CEQA that would conflict with the terms of the FERC license.

For the Don Pedro Project, the Districts will need to decide whether to accept the new FERC license. In accepting a new license, the Districts would:

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• Continue to operate, maintain, and manage the existing Don Pedro Project facilities consistent with the terms and conditions in the new license.²

For the La Grange Project, the Districts will need to decide whether to accept the original FERC license. In accepting an original license, the Districts would:

• Continue to operate, maintain, and manage the existing La Grange Project facilities consistent with the terms and conditions in the new license.³

Acceptance and implementation of the new FERC licenses and continued operation and maintenance of the projects pursuant to the terms and conditions contained in the new licenses are collectively referred to in this notice as the "proposed Project." The FEIS evaluated four alternatives: 1) Districts' (Applicants') Proposal; 2) Districts' Proposal with certain FERC staff modifications (FERC Staff Alternative); 3) FERC Staff Alternative with Mandatory Conditions; and 4) no action, meaning that the Districts would continue to operate the projects with no changes.

In the 2020 FEIS, FERC staff selected FERC Staff Alternative with Mandatory Conditions as the preferred alternative (that is, #3 above). Staff also recognized that the FERC license must include: 1) any mandatory conditions submitted by BLM pursuant to FPA Section 4(e) that meet the FPA requirements; and 2) any conditions included in a final, valid, and timely Water Quality Certification (WQC) that would be issued by the State Water Board under Clean Water Act (CWA) Section 401. Therefore, FPA Section 4(e) mandatory conditions, as assessed in the FEIS, are included in the proposed Project. It would be premature to identify in the CEQA document conditions that may be in the State Water Board's WQCs that are not contained in FERC Staff Alternative with Mandatory Conditions; these unknown conditions are not assessed in this CEQA process, although the Districts recognize that they would be required to implement conditions in a valid WQC.

Accepting the Projects' new FERC licenses is a discretionary action undertaken by the Districts and has the potential to have physical effects on the environment. As such, the Districts' proposed Projects' approval is subject to CEQA, Cal. Pub. Res. Code §§ 21000–21178. TID has been identified as lead agency under CEQA, and therefore, has the principal responsibility for approving and certifying the CEQA documentation and proposed Project. MID is a Responsible Agency under CEQA and will also need to approve and certify the proposed Project and accept the CEQA documentation as being sufficient under their guidelines. Furthermore, CDFW and the State Water Board would be anticipated to also act as Responsible and/or Trustee Agencies, as they also have discretionary permits/approvals to be made in support of the proposed Project. Specifically, CDFW may be requested to provide a permit that would authorize "take" of State-protected species, if deemed necessary for project implementation. Also, the State Water Board requires CEQA compliance to issue a WQC for the proposed Project.

² The FERC Staff Alternative with Mandatory Conditions for the Don Pedro Project in the FEIS includes 69 conditions. For the purposes of this NOI, the Districts assume the Don Pedro Project new license will include these conditions.

³ The FERC Staff Alternative with Mandatory Conditions for the La Grange Project in the FEIS includes 50 conditions. For the purposes of this NOI, the Districts assume the La Grange Project original license will include these conditions.

CEQA specifies that, when a project requires both CEQA compliance and an environmental impact statement prepared under NEPA, the lead agency shall, whenever possible, use the environmental impact statement as the project Environmental Impact Report (EIR) (Public Resources Code Section 21083.7). CEQA Guidelines Section 15221 implements this requirement and provides that:

[W]hen a project will require compliance with both CEQA and NEPA, State or local agencies should use the Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI) rather than preparing an EIR or Negative Declaration if the following two conditions occur": 1) an EIS or FONSI will be prepared before an EIR or Negative Declaration would otherwise be completed for the project; and 2) the EIS or FONSI complies with the provisions of these Guidelines. (See also Cal. Pub. Res. Code §§ 21083.5, 21083.7.)

Where the federal agency circulated the EIS or FONSI in a way that satisfies California requirements for notice and public comment, the CEQA lead agency may use the EIS without recirculating the federal document for public review. One review and comment period is enough. Prior to using the EIS in this situation, the lead agency must give notice that it will use the federal document in the place of an EIR or Negative Declaration and that it believes that the federal document meets the requirements of CEQA. The notice shall be given in the same manner as a notice of the public availability of a draft EIR under Section 15087. [CEQA Guidelines § 15225.]

Because NEPA does not require a separate discussion of some issues required by CEQA, such as growth-inducing impacts, those points of analysis, if missing from the EIS, must be added or supplemented before the EIS can be used to satisfy CEQA (CEQA Guidelines Section 15221(b)). Therefore, Section 15221 authorizes a State or local government agency to prepare a CEQA supplement to add and supplement points of analysis before the EIS will be used for CEQA compliance.

The Districts' staff and environmental consultants have reviewed FERC's FEIS to determine whether it meets the requirements of CEQA for use as the Districts' CEQA document for relicensing of the proposed Project. Following that review, the Districts determined that the FEIS complies with the CEQA requirements, except for the information to be included in the CEQA Supplemental Analysis, which will follow an Initial Study (IS) format for ease of review and will be prepared pursuant to publication of this NOI.

The Districts, therefore, intend to use and primarily rely on the FEIS to satisfy CEQA review requirements for the relicensing of the Don Pedro Project and the licensing of the La Grange Project.

The FERC FEIS is available on FERC's ELibrary (https://elibrary.ferc.gov/eLibrary/search) under Don Pedro Project and La Grange Project (FERC Project No. 2299-082 and FERC Project No. 14581-002, respectively) at accession no. 20200707-3000, on the project website at https://tid.org/. TID's NOI is available at those same electronic locations.

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Consequently, TID intends to prepare a CEQA Supplemental Analysis pursuant to CEQA Guidelines Section 15221(b) to add and supplement, among other things, the following CEQA considerations that were not addressed or fully covered in the FEIS: 1) air quality effects; 2) noise effects; 3) climate change; 4) separate discussion on mitigation measures, including a program for monitoring or reporting on mitigation measures; 5) Native American tribe consultation, including outreach requirements required by Public Resources Code Section 21080.3.1 (adopted by Assembly Bill 52); and 6) growth-inducing impacts of the proposed Project. While preparing the Supplemental Analysis, TID may identify other CEQA considerations that will be included.

TID has prepared and is distributing this NOI to give notice to interested agencies and parties of its intent to rely on the FEIS for the proposed Project licensings, in combination with a CEQA Supplemental Analysis (in the format of an IS, using Appendix G of the CEQA guidelines as a template) to be prepared by TID, to meet the requirements of CEQA in accordance with Public Resources Code Section 21083.7 and CEQA Guidelines sections 15221 and 15225. TID is providing this NOI by: 1) uploading a Notice of Completion (NOC), Notice of Availability (NOA) and this NOI to the Governor's Office of Planning and Research, State Clearinghouse Unit, via CEQA Submit for publication to CEQAnet; 2) emailing or mailing the NOA to responsible agencies, trustee agencies, counties, and other interested parties (see Attachments A and B); 3) posting the NOA at County Clerk offices for Tuolumne and Stanislaus Counties; and 4) posting the NOA and NOI on the TID (https://tid.org/) website for public access.

At release of the CEQA Supplemental Analysis, TID will provide notice by: 1) uploading the NOA, NOC, and CEQA Supplemental Analysis (using IS format) to the Governor's Office of Planning and Research, State Clearinghouse Unit, via CEQA Submit for publication to CEQAnet; 2) posting a NOA at County Clerk offices for Tuolumne and Stanislaus Counties; 3) posting the Supplemental Analysis and NOA on the TID (<u>https://tid.org/</u>) website for public access; and 4) publishing the NOA in at least one community newspaper of general circulation in the area affected by the proposed Project.

Comments on the NOI can be submitted by 5:00pm on October 16, 2024 to:

Michael Cooke Director of Water Resources and Regulatory Affairs Turlock Irrigation District PO Box 949, Tuolumne, CA 95381 <u>mailto:micooke@tid.org</u>

SECTION 2.0 - PROJECT LOCATION

The Don Pedro Project is located at River Mile (RM) 54.8 on the Tuolumne River in Tuolumne County, approximately 35 miles east of the city of Modesto, California. The Don Pedro Project occupies approximately 4,802 acres of federal land administered by BLM. The La Grange Project is located on the Tuolumne River on the border of Tuolumne and Stanislaus counties, California, and occupies approximately 14 acres of federal land administered by BLM. The FERC Project Boundary along the Don Pedro Reservoir extends 26 miles upstream. The La Grange head pond extends about 1.5 miles upstream from the La Grange Diversion Dam (LGDD).

Figure 1 shows the general vicinity of the existing projects. Refer to the FEIS for additional information regarding the environmental setting for the two projects.

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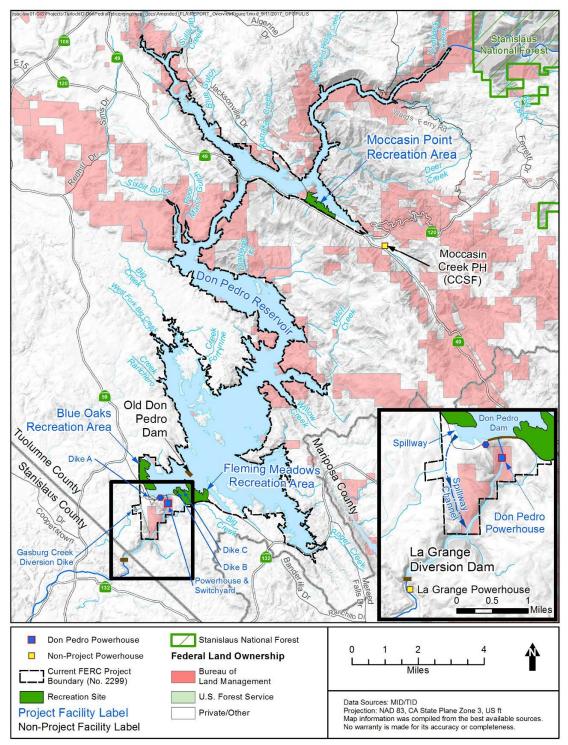


Figure 1. Don Pedro and La Grange Projects vicinity map, showing locations of major facilities and existing project boundary for the Don Pedro Project (Source: Districts, 2017a).

SECTION 3.0 - PROJECT DESCRIPTION

3.1 Project Objectives

TID, with MID, desires to obtain from FERC a new 50-year license for the Don Pedro Project and an original 50-year license for the La Grange Project, each of which will protect the water supply, flood control, recreation, environmental, and hydropower benefits of the projects.

3.2 Existing and Proposed Project Features

The Proposed Project is: 1) acceptance of a Don Pedro Project new license with terms and conditions consistent with those in FERC Staff Alternative with Mandatory Conditions for the Don Pedro Project as described in the FEIS, and continued operations and maintenance under the terms of the new license, and implementation of the license conditions, including modifications to some facilities, project boundaries, operations and maintenance; and 2) acceptance of a La Grange Project original license with terms and conditions consistent with those in FERC Staff Alternative with Mandatory Conditions for the La Grange Project as described in the FEIS.

3.2.1 Existing Project Facilities

3.2.1.1 Don Pedro Project

The Don Pedro Project is owned 31.54 percent by MID and 68.46 percent by TID and the project was placed into service in 1971. The Don Pedro Project is located downstream of the City and County of San Francisco-owned and operated Hetch Hetchy Water and Power System (Hetch Hetchy System), a series of reservoirs, diversion conduits, tunnels, powerhouses, and related infrastructure located within the upper Tuolumne River watershed.

The Don Pedro Project includes the following existing facilities:

- 1. A 580-foot-high, 1,900-foot-long, earth and rockfill dam;
- 2. A reservoir with a gross storage capacity of 2,030,000 acre-feet and a usable storage capacity of 1,721,000 acre-feet;
- 3. A 30-foot-high, 45-foot-wide, 135-foot-long, gated spillway including three 45-foot-wide by 30-foot-high radial gates;
- 4. A 995-foot-long, ungated ogee emergency spillway with a crest elevation of 830 feet (National Geodetic Vertical Datum of 1929);
- 5. A set of outlet works that are located at the left abutment of the dam and consist of three individual gate housings in the diversion tunnel, each containing two 4-foot-by-5-foot slide gates;
- 6. A 3,500-foot-long, concrete-lined diversion tunnel with a total hydraulic capacity of 7,500 cubic feet per second (cfs);

- 7. A 2,960-foot-long power tunnel located in the left abutment of the dam that transitions from an 18-foot-diameter, concrete-lined section to a 16-foot-diameter, steel-lined section;
- 8. A 21-foot-high, 12-foot-wide, emergency closure fixed-wheel gate;
- 9. A powerhouse located immediately downstream of the dam containing a 72-inch hollow jet valve and four Francis turbine-generator units with an authorized installed capacity of 206,325 kilowatts (kW);
- 10. A switchyard located on top of the powerhouse;
- 11. A 75-foot-high, earth and rockfill dike (Gasburg Creek Dike) with a slide-gate controlled, 18-inch-diameter conduit located near the downstream end of the spillway;
- 12. Three small embankment dikes (Dike A, located between the main dam and spillway and Dikes B and C, located east of the main dam);
- 13. Recreation facilities on Don Pedro Reservoir, including Fleming Meadows, Blue Oaks, and Moccasin Point; and
- 14. Appurtenant facilities and features including access roads.

3.2.1.2 La Grange Project

The LGDD is a masonry-gravity diversion dam on the Tuolumne River near La Grange, California, which raises the stage of the Tuolumne River to allow for the diversion of water by gravity from the Tuolumne River to the TID and MID water supply canal systems. The diversion dam was completed in 1893, and TID's hydroelectric power plant was installed in 1923. While the LGDD is co-owned by TID and MID, the existing power plant is solely owned and operated by TID.

The La Grange Project includes the following existing facilities:

- 1. A 310-foot-long, 131-foot-high, masonry arch diversion dam (La Grange Diversion Dam);
- 2. A head pond with a total storage capacity of 400 acre-feet and a usable storage capacity of about 100 acre-feet;
- 3. MID canal headworks in the first 400 feet of the MID canal, and the "hillside" discharge gates (two 42-inch-diameter and one 60-by-60-inch), both part of MID's retired irrigation canal facilities, which was replaced by a diversion tunnel but currently is used to provide flows to the plunge pool downstream of the dam;
- 4. TID irrigation intake and tunnel, which provides flow to the penstock intake structure and to the headworks of the TID upper main canal;
- 5. A penstock intake structure containing a trashrack and three 7.5-foot-wide by 14-foot-tall concrete intake bays with manually operated gates and two automated 5-foot-high by 4-foot-wide sluice gates that can be used to discharge flow to the river via a sluice channel;

- 6. Two penstocks leading to a powerhouse with two Francis turbine-generator units with a maximum combined generating capacity of 4.7 MW and a maximum combined hydraulic capacity of approximately 580 cfs;
- 7. A 700-foot-long excavated tailrace; and
- 8. A substation.

3.2.2 Proposed Project Facilities

FERC Staff Alternative with Mandatory Conditions would not require any generation-related project facilities be added to the projects. As described in the FEIS, the Districts would continue operating and maintaining the existing recreation facilities associated with the Don Pedro Project with certain enhancements as described in the Recreation Resource Management Plan (RRMP) filed as Appendix E-7 of the Don Pedro Project AFLA. The existing FERC Project boundaries would be slightly modified.

3.3 Existing and Proposed Project Operations and Maintenance

3.3.1 Existing Operations and Maintenance

Don Pedro Dam forms Don Pedro Reservoir. The dam releases water into the Tuolumne River which then flows into the La Grange Project's La Grange head pond. Scheduled flow releases from Don Pedro Dam are generally provided through the four turbine-generator units (up to 5,500 cfs) located in the Don Pedro Powerhouse. Flows are delivered to the powerhouse via the power tunnel. Units 1, 2, and 3 discharge to the Tuolumne River directly from the powerhouse. Unit 4 discharges through a horseshoe-shaped tunnel to the diversion tunnel, which discharges downstream of the powerhouse.

The La Grange Project operates in a run-of-river mode. Flows released from Don Pedro Reservoir flow into the Tuolumne River and then flow into the La Grange head pond where they are diverted into the TID and MID intakes and tunnels or pass over the spillway. Part of the flow that passes into the TID tunnel intake is diverted from the irrigation canal through a penstock intake structure to the penstocks leading to the powerhouse, which has an operating range of 100 to 580 cfs. Flows passing the penstock intake structure continue to the TID main canal intake structure and the TID main canal. The Districts normally release a flow of approximately 5 to 10 cfs about 400 feet downstream of La Grange Diversion Dam via gates at the end of the retired MID intake canal to maintain continuous flow to the deep pool immediately below La Grange Dam. Releases from Don Pedro Reservoir in excess of irrigation requirements pass to the lower Tuolumne River via the TID powerhouse or over the spillway.

3.3.2 Proposed Operations and Maintenance

3.3.2.1 Don Pedro Project

FERC Staff Alternative with Mandatory Conditions would substantially increase and add both flow and non-flow measures to enhance aquatic and recreational resources. Related to water supply purposes, the Districts propose to operate the Don Pedro Project consistent with existing operation. Except in years with extended high flows, the infiltration galleries would operate from June 1 through October 15. Water withdrawn at the infiltration galleries would be pumped to the TID water supply system via TID's Ceres Canal or other non-project facilities, reducing the amount of water that needs to be diverted at the La Grange Diversion Dam and allowing the Districts to provide additional summer flows to the 26-mile-long reach between the La Grange Powerhouse and the infiltration galleries without reducing water supplies. Combined, the infiltration galleries would have a capacity of approximately 200 cfs. To improve boating, the infiltration galleries would be turned off during pre-scheduled summer weekends and holidays.

3.3.2.2 La Grange Project

Other than the minimum flow release of 5 to 10 cfs to the plunge pool downstream of the La Grange Diversion Dam, the Districts do not propose to make substantive changes to the operation of the La Grange Project.

3.3.3 Existing Environmental Measures

In 1995, the Districts entered into a settlement agreement (1995 Settlement Agreement) with CDFW, the USFWS, City and County of San Francisco, and four non-governmental organizations that provided for increased minimum flow releases from the Don Pedro Project to the lower Tuolumne River to improve conditions for fall-run Chinook salmon. FERC issued an order on July 31, 1996, amending the Don Pedro license to incorporate the lower Tuolumne River minimum flow provisions contained in the 1995 Settlement Agreement. The summertime minimum flows range from 50 to 250 cfs, a substantial increase over the prior summertime minimum flow of 3 cfs; fall through winter minimum flows vary from 150 to 300 cfs, depending on water year type. The 1995 Settlement Agreement and license amendment also provide for the annual release of pulse flows to stimulate the upstream migration of adult salmon in the fall and in the spring to facilitate the outmigration of juvenile salmon, the volume of which also varies with water year type. In accordance with the 1995 Settlement Agreement, the Districts also monitor the fall-run Chinook salmon population in the lower Tuolumne River and file annual reports summarizing the results of their monitoring activities. The agreement will remain in effect until the current Don Pedro Project license expires.

3.3.4 FERC Staff Alternative with Mandatory Conditions

As described in Section 1.2, for the FERC Staff Alternative, FERC staff recommended licenses based on the Don Pedro Project and the La Grange Project FLAs with modifications and additions recommended by FERC staff, as described in the FEIS. In addition to FERC staff's modifications and additions, the final FERC license also will be subject to mandatory conditions submitted by

BLM under FPA Section 4(e). For purposes of the Proposed Project and the Supplemental CEQA Analysis, TID assumes that the Proposed Project will include the terms and conditions in FERC Staff Alternative with Mandatory Conditions, as described in the FEIS. The Districts also recognize that they will be required to implement the State Water Board's WQC conditions as part of the new licenses, although those conditions are unknown at this time and are not evaluated in this IS. If additional changes are made by FERC to the licenses prior to the Districts' reviews, additional CEQA analysis may be required.

Details of the Districts' proposed environmental measures are included in the FEIS in Section 2.2. Description of the terms and conditions in FERC Staff Alternative with Mandatory Conditions for the Don Pedro Project and in FERC Staff Alternative with Mandatory Conditions for the La Grange Project are included in the FEIS. The FEIS can be found at FERC's ELibrary <u>https://elibrary.ferc.gov/eLibrary/search</u> under Don Pedro Project and La Grange Project (FERC Project No. 2299-082 and FERC Project No. 14581-002, respectively) at accession no. 20200707-3000.

Attachment A

Name	Affiliation					
Federal						
Debbie-Anne Reese	Federal Energy Regulatory Commission, Acting Secretary Filed via FERC e-Library to Project					
Brian Novosak	US Bureau of Land Management, Biologist					
Alan Bittner	US Bureau of Land Management, Northern California District Manager					
Elizabeth Meyer-Shields	US Bureau of Land Management, Resources Deputy State Director					
Pam Taber	US Bureau of Reclamation, Resource Management, Branch Chief					
Thomas Holley	US Department of Commerce, National Marine Fisheries Service, West Coast Region Hydrologist					
Steve Edmondson	US Department of Commerce, National Marine Fisheries Service, West Coast Regional Office, Branch Chief					
Ruth Goodfield	US Department of Commerce, National Marine Fisheries Service, Marine Habitat Restoration Specialist					
Randy Olsen	US Department of Defense, Army Corps of Engineers, Sacramento District HQ Office					
Kerry O'Hara	US Department of the Interior, Assistant Regional Solicitor					
Amy Dutschke	US Department of the Interior, Bureau of Indian Affairs, Area Director					
Denis O'Halloran	US Department of the Interior, FERC Coordinator					
Paul Cadrett	US Department of the Interior, Fish and Wildlife Service, Anadromous Fish Restoration Program					
Rick Kuyper	US Department of the Interior, Fish and Wildlife Service, Division Manager					
Stephanie Milsap	US Department of the Interior, Fish and Wildlife Service, Watershed Planning Division					

Notice of Intent Agency, Jurisdiction, and Other Public Distribution List

Name	Affiliation
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Martha Guzman	US Environmental Protection Agency, Regional Director
Wes Danskin	US Geological Survey, CA Water Science Center, Research Hydrologist
Tom Kimball	US Geological Survey, Research Manager
State	
Dr. Ann Willis	American Rivers, CA Regional Director
Theresa Lorejo-Simsiman	American Whitewater, California Stewardship Director
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Sharon Tapia	California Department of Water Resources Division of Safety of Dams, Division Manager
Kasey Schimke	California Department of Water Resources, Deputy Director
Christine Jun Hammond	California Public Utilities Commission, General Counsel

Name	Affiliation
Erin Ragazzi	California State Water Resources Control Board, Assistant Deputy Director, Water Rights
David Rose	CA State Water Resources Control Board, Attorney
Chris Carr	California State Water Quality Control Board, Environmental Scientist
Oscar Biondi	California State Water Resources Control Board, Water Quality Certification Program, Senior Specialist
Christopher Shutes	California Sportfishing Protection Alliance, FERC Projects Director
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Curtis Knight	California Trout, Executive Director
Rebecca Fris	California Wildlife Conservation Board, Assistant Executive Director
John Buckley	Central Sierra Environmental Resource Center, Executive Director
Steve Lamb	Central Valley Flood Protection Board, Senior Engineer
Stephanie Tadlock	Central Valley Regional Water Quality Control Board, Senior Environmental Scientist and 401 WQC and Dredging Unit, Supervisor
Claire Walker	ETIC, Senior Manager of Construction
Jason Guignard	FishBio, Field Director & Fisheries Biologist
Ronald Stork	Friends of the River, Senior Policy Advocate
Keiko Mertz	Friends of the River, Policy Director
Allan Gere	Gold Country Fly Fishers
Cindy Charles	Golden West Women Flyfishers, Conservation Chairperson
Stephan Volker	Law Offices of Stephan C. Volker
Fred Meir	McBain & Associates

Name	Affiliation
Tim Caldwell	McBain & Associates
Michael N. McCarty	Michael N. McCarty Law Office LLP
Clay Hash	Northern CA Federation of Flyfishers, President
Frank Rinella	Northern CA Federation of Fly Fishers; Gold Country Fly Fishers
Staci Heaton	Regional Council of Rural Communities, Senior Policy Advocate
John "JJ" Baum	Regional Water Quality Control Board, Central Valley Region; Assistant Executive Officer
Emily Mullins	River Partners, Restoration Ecologist
Dyane Osorio, Jim Bearden	Sierra Club – Mother Lode Tuolumne Chapter, Chapter Director Group Chair
Gita Dev, Joe David	Sierra Club, Conservation Committee Chair News Editor and Conservation Chair
Eric Parfrey	Sierra Club, Mother Lode Chapter; Chapter Executive Committee Chair
Jenny Hatch	Sierra Nevada Alliance, Executive Director
Chris Dallas, Michael Pickard	Sierra Nevada Conservancy, Area Representative
Noah Hume	Stillwater Sciences, Aquatic Ecologist/Senior Scientist
Brian Johnson	Trout Unlimited, Director
Chandra Ferrari	Trout Unlimited, Water Policy Advisor and Staff Attorney
Richard Roos-Collins	Water and Power Law Group
County	
Joshua Horowitz	Amador Water Agency; Yuba County Water Agency, Attorney
Allison C. Schutte	Bay Area Water Supply and Conservation Agency, Legal Counsel

Name	Affiliation
Nathan A. Metcalf	Bay Area Water Supply and Conservation Agency, Legal Counsel
Robert E. Donlan	City and County of San Francisco
Ellison Schneider Harris & Donlan LLP	City and County of San Francisco
Nathan Houx	City of Modesto, Parks Planning and Development Manager
Courtney Progner Morrow	County of Mariposa, County Clerk
County Clerk	County of Merced
Steven Dahlem	Mariposa County, County Counsel
Matt Hespenheide	Mariposa County, County Engineer
Nathan Bray	Merced County, Director of Public Works / Road Commissioner
Bryan Kelly	Merced Irrigation District, Deputy General Manager, Water Resources
Phillip McMurray	Merced Irrigation District, General Counsel
Jolie-Anne S. Ansley	Merced Irrigation District, Duane Morris LLP
Dr. Michael Martin	Merced River Conservation Committee, Director
Willian C. Paris, III	Modesto Irrigation District O'Laughlin & Paris LLP
Dustin C. Cooper	Nevada Irrigation District, Minasian, Meith, Soares, Sexton & Cooper, LLP
Jennifer Hanson	Nevada Irrigation District, General Manager
Nicholas Whipps	San Francisco City Attorney's Office
Michael Carlin	San Francisco Public Utilities Commission, Acting Manager
Cary Keaten	Solano Irrigation District, General Manager

Name	Affiliation
Allison Boucher	Tuolumne River Conservancy, Inc., Secretary and Treasurer
Dave Boucher	Tuolumne River Conservancy, Inc., President
Patrick Koepele	Tuolumne River Trust, Executive Director
Peter Drekmeier	Tuolumne River Trust, Policy Director
Chris Guptill	Tuolumne River Trust, Citizen's Advisory Committee
Michael I. Cooke	Turlock Irrigation District, Director of Water Resources and Regulatory Affairs
Robbins, Browning, Godwin & Marchini LLP	Turlock Irrigation District

Attachment B

Notice of Intent Native American Tribal Distribution List

Name	Position	Address	Email	Phone	Notes
		Amah Mut	sun Tribal Band		
Ed Ketchum	Vice-Chairperson		aerieways@aol.com	530-578-3864	
Valentin Lopez	Chairperson	P.O. Box 5272 Galt, CA, 95632	vjltestingcenter@aol.com	916-743-5833	
		Buena V	ista Rancheria		
Mike DeSpain	Chief Operations Officer Natural Resources Department	8950 Cal Center Drive Suite 160 Sacramento 95811	mike@buenavistatribe.com	916-491-0011	
Jessalynn Tasteran	Chairperson	8950 Cal Center Drive Suite 160 Sacramento 95811	Send to: <u>mike@buenavistatribe.com</u> <u>Jessalynn@bvtribe.com</u>	916-491-0011	
Jesus "Jesse" Galvan	Cultural Heritage Specialist		jesus@bvtribe.com	916-491-0011	
		Calaveras Ban	of Mi-Wuk Indians	· · · ·	
Gloria Grimes	Chairperson	P.O. Box 899 West Point, CA, 95255	calaverasband.miwukindians@gmail.com	209-419-5675	
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Debra Grimes	Cultural Resource Specialist	PO Box 1015 West Point, CA 95255 (NAHC-listed address) P. O. Box 899 West Point, CA 95255	CalaverasMiwukPreservation@gmail.com	209-470-8688	
			alley Miwok Tribe		
Silvia Burley	Chairperson	14807 Avenida Central La Grange, CA 95329-9400	office@cvmt.net	209-931-4567 (office) 209-931-4333 (fax)	
	•		Rancheria of Me-Wuk		
Lloyd Mathiesen	Chairperson	PO Box 1159 Jamestown, CA 95327		209-984-9066	
Joanna Portillo-Shu	Environmental & Planning Manager	PO Box 1159 Jamestown, CA 95327	jportillo-shu@crtribal.com jportillo@crtribal.com	209-984-9066	

Name	Position	Address	Email	Phone	Notes
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Cynthia Reyes	Cultural Manager	P.O. Box 1159	creyes@crtribal.com	209-984-9066	
		Jamestown, CA, 95327			
Stephanie Suess	Community & Resources	P.O. Box 1159	ssuess@crtribal.com	209-984-9066	
	Development Director	Jamestown, CA, 95327			
Monica Fox	Tribal Administrator	P.O. Box 1159	mfox@crbtribal.com	209-984-9066	
		Jamestown, CA, 95327			
			of Miwok Indians		
Sara Dutschke	Chairperson	9252 Bush Street	consultation@ionemiwok.net	209-245-5800	
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			a Band of Miwuk Indians		
Rolland Fillmore	Cultural Preservation	P.O. Box 1090		209-223-8370	
	Representative	Jackson, CA, 95642			
		D.O. D. (000			<u> </u>
Adam Dalton	Chairperson	P.O. Box 1090	adalton@jacksoncasino.com	209-223-8370	
		Jackson, CA, 95642		209-223-5366	
T 1 1 T 7 1 1		Nashville Enterprise N	Iiwok-Maidu-Nishinam Tribe	016 400 0047	T
Leland Valdez	Cultural Resources	DOD 500000		916-429-8047	
Cosme Valdez	Chairperson	P.O. Box 580986 Elk Grove, CA, 95758-0017	valdezcome@comcast.net	916-396-1173	
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		North Fork Ran	cheria of Mono Indians		
Fred Beihn	Chairperson	PO Box 929 North Fork, CA	fbeihn@nfr-nsn.gov	Office: 559-877-5531	Т
I lea Dellill	Chanperson	93643	General Email: <u>nfrancheria@nfr-nsn.gov</u>	Cell: 559-760-2485	
		55015	General Email. manenena(a)m hsh.gov	Tribal Council: 559-	
				877-2484	
	1	Nototomne Cultural Preservation	n (Northern Valley Yokut/Ohlone Tribe)		
Katherine Perez	President/Chairperson	P.O. Box 717	canutes@verizon.net	209-649-8972	
	1	Linden, CA 95236			
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2	Officer	Linden, CA, 95236			
			Strawberry Valley Rancheria		
Tina Goodwin	Chairperson	PO Box 984	tinagoodwin@washoetanf.org	617-417-2166	
	_	Marysville, CA 95901			
	-		of the Chukchansi Indians		T
Tracey Hopkins	Chairperson	PO Box 2226 Oakhurst, CA	info@chukchansi-nsn.gov	559-412-5590	
		93644-2226			
Heather Airey	THPO/ Cultural	PO Box 2226 Oakhurst, CA	hairey@chukchansi-nsn.gov	559-676-9299 (Cell)	
	Resources Director	93644-2226			

Name	Position	Address	Email	Phone	Notes
			on (AKA American Indian Council)		
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Tara Fouch-Moore	Secretary	PO Box 186 Mariposa, CA 95338	secretary@southernsierramiwuknation.org		
Richard Leard	Tribal Representative	5436 Darrah Road Mariposa, CA 95338	rleard@sbcglobal.net		
	Torres Marti	inez Desert Cahuilla Indians (has	formally requested consultation under AB 52 in 201	6)	
Thomas Tortez Jr.	Tribal Chairman	66-725 Martinez Road Thermal, CA 92274	Thomas.Tortez@torresmartinez-nsn.gov	Tribal Office: 760- 397-0300 Fax: 760-397-3925	
Joseph Mirelez	Vice Chairman	66-725 Martinez Road Thermal, CA 92274	Joseph.mirelez@torresmartinez-nsn.gov	Tribal Office: 760- 397-0300 Fax: 760-397-3925	
		Tule Riv	ver Indian Tribe		
Charmaine McDarment	Chairperson	340 N Reservation Rd Porterville, CA 93257	Charmaine.McDarment@Tulerivertribe-nsn.gov	559-781-4271 559-781-4610 (fax)	
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Kevin Day	Chairperson	PO Box 699 Tuolumne, CA 95379	tmtc@mlode.com	209-928-5301 209-928-1677 (fax)	
Kyle Cox	Tribal Vice Chairman/Cultural Resource Manager	PO Box 699 Tuolumne, CA 95379	kyle@mewuk.com	209-928-5300	
		Washoe Tribe of Ne	wada and California THPO		
Serrell Smokey	Chairperson	919 US Hwy 395 North Gardnerville, NV 89410	Serrell.Smokey@washoetribe.us	775-265-8600	
Patrick Burtt	Tribal Historic Preservation Officer	919 US Hwy 395 North Gardnerville, NV 89410	THPO@WashoeTribe.us	775-782-0014 (work) 775-546-3421 (cell)	

Name	Position	Address	Email	Phone	Notes	
Wuksachi Indian Tribe/Eshom Valley Band						
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