

**DON PEDRO HYDROELECTRIC PROJECT  
FERC NO. 2299**

**AMENDMENT OF APPLICATION**

**INITIAL STATEMENT**



Prepared by:  
Turlock Irrigation District  
P.O. Box 949  
Turlock, CA 95381

and

Modesto Irrigation District  
P.O. Box 4060  
Modesto, CA 95352

September 2017

## INITIAL STATEMENT

### BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Application for License for Major Water Power Project-Existing Dam (18 C.F.R. §§ 4.50, 4.51, and 5.18).

(1) Turlock Irrigation District (TID) and Modesto Irrigation District (MID) (collectively, the Districts) apply to the Federal Energy Regulatory Commission (FERC) for a new 50-year license for the Don Pedro Hydroelectric Project (Project), FERC No. 2299, as described in the attached Exhibits. The Project's current license expired on April 30, 2016.

(2) The location of the Project is:

State:	California
County:	Tuolumne
Township or nearby town:	Modesto and Turlock
Stream:	Tuolumne River

(3) The exact name, address, and telephone number of the applicants are:

Turlock Irrigation District 333 East Canal Drive Turlock, CA 95380 (209) 883-8300	Modesto Irrigation District 1231 11th Street Modesto, CA 95354 (209) 526-7337
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(4) The exact name, address, and telephone numbers of each person authorized to act as agent for the applicant in this application, if applicable, are:

<i>Turlock Irrigation District:</i> Steve Boyd Director of Water Resources and Regulatory Affairs P.O. Box 949 Turlock, CA 95381 (209) 883-8364 <a href="mailto:seboyd@tid.org">seboyd@tid.org</a>	<i>Modesto Irrigation District:</i> Anna Brathwaite Staff Attorney, FERC Project Manager P.O. Box 4060 Modesto, CA 95352 (209) 526-7384 <a href="mailto:anna.brathwaite@mid.org">anna.brathwaite@mid.org</a>
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(5) The applicants are both public agencies and are claiming preference under section 7(a) of the Federal Power Act. *See* 16 U.S.C. 796.

(6) (i and ii) The statutory or regulatory requirements of California, the state in which the Project is located, that affect the Project as proposed with respect to bed and banks and the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, are:

<b>Regulation</b>	<b>Statutory or Regulatory Requirement</b>	<b>Status<sup>1</sup></b>
California Fish and Game Code § 1601	Requires that parties notify the California Department of Fish and Wildlife prior to conducting any work in a streambed.	The Districts will submit a Section 1601 notification to California Fish and Wildlife should work in a streambed be required.
California Water Code § 101	Allows for appropriation and use of water for power purposes.	The Districts have acquired the water rights necessary to operate the Project.
California Water Code § 102	Allows for appropriation and beneficial use of water.	The Districts have acquired the water rights necessary to beneficially use water at the Don Pedro Project.
California Water Code § 13160	Designates the State Water Resources Control Board (SWRCB) as the state water pollution control agency for all purposes stated in the Federal Water Pollution Control Act.	The Districts will file an application for a water quality certificate with the SWRCB within 60 days from the date that FERC issues a notice that the Districts' application for new license is ready for environmental analysis [18 CFR § 4.34(b)(5)].
California Water Code § 13370	Provides for permit systems to regulate the discharge of pollutants and dredged or fill material to the navigable waters of the United States, and that permits may be issued by states which are authorized to implement the provisions of the Federal Water Pollution Control Act.	
California Code of Regulations, Title 23, Division 3, Chapter 28, Section 3830 et seq.	Regulates the filing and issuance of water quality certificate to applicants otherwise required to obtain such a certificate under federal law.	
California Water Code § 6102	Requires owners of dams to cooperate with the California Division of Safety of Dams (CDSOD) in the inspection and maintenance of dams.	The Districts cooperate with CDSOD on annual inspections of Don Pedro Dam.
Division 11 of the California Water Code	Allows irrigation districts such as the Districts to engage in the business of developing, transmitting, and distributing electricity.	The Districts have demonstrated the ability to engage in the business of developing, transmitting, and distributing power under the appropriate California statute.

<sup>1</sup> The steps which the applicants have taken or plans to take to comply with each of the laws cited.

(7) Brief project description:

The Don Pedro Project is located on the Tuolumne River in western Tuolumne County, California, along the western slope of the Sierra Nevada. The existing FERC Project Boundary extends from river mile (RM) 53.2 to approximately RM 80.8 of the Tuolumne River. The Tuolumne River is a tributary to the San Joaquin River, which eventually flows into the Sacramento-San Joaquin River Delta, thence to San Francisco Bay. The Don Pedro Hydroelectric Project lies about 40 miles east of the City of Modesto and 26 miles northeast of the City of Turlock. A portion of the Don Pedro Hydroelectric Project occupies United States land, administered by the United States Department of Interior (USDOI) Bureau of Land Management (BLM) as part of the Sierra Resource Management Area. All other lands within

the existing Project Boundary are either owned jointly by TID and MID or are private lands under easement.

The Don Pedro powerhouse and its electrical switchyard are located immediately downstream of the dam at RM 54.6. The Don Pedro Reservoir has a normal maximum water surface elevation<sup>1</sup> of 830 feet (ft) above mean sea level. The existing FERC Project Boundary at the upper end of the reservoir extends to a water surface elevation of 845 ft at RM 80.8. The maximum water surface elevation resulting from the spillway design flood is estimated to be 852 ft. The drainage area of the Tuolumne River at Don Pedro Dam is approximately 1,533 square miles (mi<sup>2</sup>) (ACOE 1972).

The Don Pedro Project was formerly referred to as the New Don Pedro Project (and the Don Pedro Dam was referred to as the New Don Pedro Dam) because it displaced the original, smaller Don Pedro Dam and powerhouse, which was located approximately 1.5 miles upstream of the current dam. The old Don Pedro Dam remains in place.

(i) The existing authorized installed generating capacity is 168.015 megawatts (MW).

(ii) Check appropriate box:

existing dam       unconstructed dam       existing dam, major project (see §4.30(b)(14))

(8) Lands of the United States affected (shown on Exhibit G):

Land Ownership	Area (Acres)
(iii) National Forest	0
(iv) Indian Reservation	0
(v) Public Lands Under Jurisdiction of the Bureau of Land Management	4,802
<b>Total U.S. Lands</b>	4,802

(vi) Check appropriate box:

Surveyed land       Unsurveyed land

**Additional Information Required by 18 C.F.R. § 5.18(a)**

(1) *Identify every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project:*

The Districts presently hold and will continue to hold the proprietary rights necessary to operate and maintain the Project.

<sup>1</sup> All elevations provided in the License Application are referenced to the National Geodetic Vertical Datum of 1929 (NGVD 29).

(2) *Identify (providing names and mailing addresses):*

(i) *Every county and/or parish in which any part of the project, and any Federal facilities that would be used by the project would be located:*

Tuolumne County, CA  
2 South Green Street  
Sonora, CA 95370-4618

(ii) *Every city, town, or similar local subdivision:*

The Project is not located within any designated cities, towns, subdivisions or Indian Tribe reservations. The nearest cities, towns, subdivisions, or population centers to the Project with a population of 5,000 or less are the unincorporated communities of La Grange, Chinese Camp, and Moccasin.

(A) *In which any part of the project, and any Federal facilities that would be used by the project, would be located:*

The Project does not use or include any federal or State of California facilities. The Project does occupy approximately 4,807 acres of federal land within the US Bureau of Land Management's Sierra Resource Management Unit.

(B) *That has a population of 5,000 or more people and is located within 15 miles of the project dam:*

No city, town, or subdivision with a population of 5,000 or more is located within 15 miles of the Don Pedro Dam.

(iii) *Every irrigation district, drainage district, or similar special purpose political subdivision:*

(A) *In which any part of the project, and any Federal facilities that would be used by the Project, would be located:*

The Project is located on land owned by the Districts and on federal lands in an unincorporated area of Tuolumne County.

The Project does not use any federal facilities.

(B) *That owns, operates, maintains, or uses any project facilities that would be used by the project:*

None identified.

(iv) *Every other political subdivision in the general area of the project that there is reason to believe would likely be interested in, or affected by, the application:*

None Identified.

(v) *All Indian tribes that may be affected by the project:*

The Project does not occupy any known tribal lands; however, the following tribes may have interest in the relicensing:

<b>Buena Vista Rancheria</b> Mike DeSpain Environmental Resources Director PO Box 16228 Sacramento, CA 95811	<b>Buena Vista Rancheria</b> Rhonda Morningstar Pope Chairperson PO Box 16228 Sacramento, CA 95811
<b>Central Sierra Me-Wuk Cultural &amp; Historic</b> Reba Fuller, Spokesperson PO Box 699 Tuolumne, CA 95379	<b>Chicken Ranch Rancheria of Me-Wuk</b> Melissa Powell, Chairperson P.O. Box 1159 Jamestown, CA 95327
<b>Picayune Rancheria of the Chukchansi Indians</b> Claudia Gonzales, Chairperson 8080 N. Palm Ave, Suite 207 Fresno, CA 93711	<b>Picayune Rancheria of the Chukchansi Indians</b> Mary Motola, Cultural Specialist 8080 N. Palm Ave, Suite 207 Fresno, CA 93711
<b>Southern Sierra Miwuk Nation</b> Billy Leonard, Chairperson P.O. Box 186 Mariposa, CA 95338	<b>Southern Sierra Miwuk Nation</b> Jay Johnson, Spiritual Leader 5235 Allred Road Mariposa, CA 95338
<b>Southern Sierra Miwuk Nation</b> Les James, Spiritual Leader P.O. Box 1200 Mariposa, CA 95338	<b>Tuolumne Band of Me-Wuk Indians</b> Kevin Day, Chairperson P.O. Box 699 Tuolumne, CA 95379
<b>Tuolumne Band of Me-Wuk Indians</b> Rob Cox, Cultural Resources Department P.O. Box 699 Tuolumne, CA 95379	<b>Tuolumne Band of Me-Wuk Indians</b> Vicki Stone, Cultural Coordinator P.O. Box 699 Tuolumne, CA 95379
<b>Tuolumne Band of Me-Wuk Indians</b> Reba Fuller, Spokesperson P.O. Box 699 Tuolumne, CA 95379	

VERIFICATION

The undersigned, being first duly sworn, deposes and states that the content of this license application are true to the best of his knowledge or belief. The undersigned applicant has signed the application this 10 day of October, 2017.

*Casey Hashimoto*

Casey Hashimoto, P.E.  
General Manager  
Turlock Irrigation District  
P.O. Box 949  
Turlock CA 95381

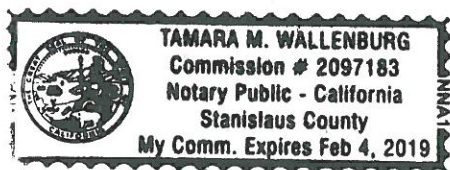
*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA  
COUNTY OF STANISLAUS

Subscribed and sworn to before me, a Notary Public, this 10 day of October, 2017, by Casey Hashimoto, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

*Tamara M. Wallenburg*


Tamara M. Wallenburg, Notary Public



SEAL

VERIFICATION


The undersigned, being first duly sworn, deposes and states that the content of this license application are true to the best of his knowledge or belief. The undersigned applicant has signed the application this 10th day of October, 2017.

  
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Greg Salyer, P.E.  
General Manager  
Modesto Irrigation District  
P.O. Box 4060  
Modesto, CA 95352

*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA  
COUNTY OF STANISLAUS

Subscribed and sworn to before me, a Notary Public, this 10th day of October, 2017, by Greg Salyer, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

  
\_\_\_\_\_  
Angela Michele Cartisano, Notary Public



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