



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



March 2, 2026

Michael Cooke
Director of Water Resources and Regulatory Affairs
Turlock Irrigation District
333 East Canal Drive
Turlock, California 95381
micooke@tid.org

**Subject: Response to Notice of Preparation of a Draft Environmental Impact Report for the Don Pedro Hydroelectric Project FERC Relicensing and La Grange Hydroelectric Project FERC Licensing under P-2299 and P-14581
State Clearinghouse No. 2024090634**

Dear Michael Cooke:

This correspondence is in response to the January 30, 2026, “*Notice of Preparation of a Draft Environmental Impact Report - Don Pedro Hydroelectric Project FERC Relicensing and La Grange Hydroelectric Project FERC Licensing*” (NOP). This NOP informed the California Department of Fish and Wildlife (CDFW), a California Environmental Quality Act (CEQA) Responsible and Trustee Agency, that Turlock Irrigation District (Turlock ID) and Modesto Irrigation District (MID) (collectively, Districts) will prepare a Draft Environmental Impact Report (DEIR) for the continued operation and maintenance of the hydropower works associated with the Federal Energy Regulatory Commission’s (FERC) relicensing of 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) (collectively, Projects).

On June 27, 2025, pursuant to CEQA and CEQA Guidelines¹, the Districts released a Draft CEQA Supplemental Analysis to the 2020 FERC Final Environmental Impact Statement (EIS) in an Initial Study/Mitigated Negative Declaration (IS/MND) format. CDFW previously commented on the Notice of Intent to use the FERC EIS to prepare the IS/MND and on the supplemental CEQA analysis itself in letters dated October 15, 2024, and July 23, 2025 (Attachments 1 and 2).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Projects that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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aspects of the Projects that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW Role

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). In its trustee capacity, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code § 2081.15). Project proponents should consult with CDFW early in the Project planning process if an ITP may be pursued for the Project.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503

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(regarding unlawful take, possession, or destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Federally Listed Species: CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on potential impacts to Federally listed species. Take under the Federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS and NMFS to comply with ESA is advised well in advance of any ground disturbing activities.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or Federal list to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria for Endangered, Rare, or Threatened, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Turlock Irrigation District

Objective: The Districts own and operate the Don Pedro Hydroelectric Project (Don Pedro Project), while Turlock ID operates and maintains hydropower facilities at the La Grange Diversion Dam (La Grange Project).

Turlock ID, the Lead Agency, with MID as a Responsible Agency, will prepare a DEIR for the continued operation and maintenance of the hydropower works associated with the District's Don Pedro Project under a new license issued by FERC and for the continued operation and maintenance of the hydropower works associated with Turlock ID's La Grange Project under an original license issued by FERC. These two actions constitute the Proposed Project.

After receiving public and agency input on a supplemental CEQA analysis (IS/MND), the Districts decided to prepare a complete DEIR for the Proposed Project pursuant to CEQA Guidelines section 15081. The DEIR will identify and evaluate possible environmental impacts of the Proposed Project, and alternatives, and will develop measures to avoid, reduce, or compensate for any significant impacts related to implementation of the Proposed Project and alternatives.

Location: The Don Pedro Project and the La Grange Project are located in the western foothills of the Sierra Nevada in Central California on the mainstem of the Tuolumne River in Tuolumne and Stanislaus counties, California.

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COMMENTS AND RECOMMENDATIONS

After review of the NOP of a DEIR for Projects FERC licensing, CDFW maintains prior comments, recommendations, or other suggestions originally provided by CDFW in the October 15, 2024, and July 23, 2025, comment letters (Attachments 1 and 2) to assist in (1) refining the range of issues and alternatives to be addressed in the DEIR, and (2) adequately identifying and/or mitigating the Projects' significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from biological technical surveys, studies, and analysis conducted in support of the DEIR document be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources should be mitigated to reduce impacts to a less than significant level, when feasible. CDFW specifically requests that the project alternatives analysis include a flow schedule that incorporates all of the components of functional flows as identified in the California Environmental Flows Framework (CEFF; <https://ceff.ucdavis.edu/tech-report>). The addition of CEFF in the project alternatives analysis will result in a flow schedule that includes both a fall pulse (every year) and winter storm peaks, which is currently missing from the proposed FERC flow schedule.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Projects, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 711.4; Pub. Resource Code, §21089).

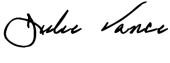
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CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the Districts in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-protocols>).

Questions regarding this letter or further coordination should be directed to Abimael León, Senior Environmental Scientist (Specialist) and Regional FERC Coordinator, at (559) 580-3199 or by email at Abimael.Leon@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachments

Attachment 1 – CDFW Comments on Notice of Intent to Rely on FERC Final EIS, With Mandatory Conditions, In Combination with A Supplemental Analysis, To Satisfy CEQA

Attachment 2 – CDFW Comments on Notice of Intent to Adopt a Mitigated Negative Declaration for the Don Pedro and La Grange Hydroelectric Projects

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Attachment 1

CDFW Comments on Notice of Intent to Rely on FERC Final EIS, With Mandatory Conditions, In Combination with A Supplemental Analysis, To Satisfy CEQA



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October 15, 2024

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Subject: Response to 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 Don Pedro and La Grange Hydroelectric Projects under P-2299-082 and P-14581-002 State Clearinghouse No. 2024090634

Dear Michael Cooke:

This correspondence is in response to a September 16, 2024 *“Notice of Intent (NOI) 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”*. This NOI informed the California Department of Fish and Wildlife (CDFW), a California Environmental Quality Act (CEQA) Responsible and Trustee Agency, about Turlock Irrigation District’s (Turlock ID) intention to prepare a CEQA Supplemental Analysis to the Federal Energy Regulatory Commission’s (FERC or Commission) final environmental impact statement (FEIS) that contains FERC staff’s recommendation with mandatory conditions for terms to be included in the relicensing of the Don Pedro Hydroelectric Project (FERC Project No. 2299-082) and issuing of an original license for the La Grange Hydroelectric Project (FERC Project No. 14581-002) (collectively, Projects). Pursuant to CEQA Guidelines section 15225, TID in its lead agency role must give notice that it will use the FEIS in the place of an Environmental Impact Report (EIR) or Negative Declaration and that it believes that the FEIS meets the requirements for CEQA. A CEQA Supplemental Analysis will follow the general CEQA Initial Study format as a guideline to add and supplement any CEQA considerations that were not addressed or fully covered in the FEIS.

BACKGROUND

The Don Pedro Hydroelectric Project (Don Pedro Project) is owned and operated by Turlock ID and Modesto Irrigation District (MID) (collectively, Districts). The Turlock ID operates and maintains hydropower facilities at La Grange Diversion Dam (La Grange Project). The Projects are located on the Tuolumne River in Tuolumne and Stanislaus

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counties, California. The Districts seek to obtain a new 50-year license for the Don Pedro Project and an original 50-year license for the La Grange Project from FERC.

Under a new FERC license for the Don Pedro Project, the Districts would accept to: (1) continue to operate and maintain the existing Don Pedro Project facilities; and (2) make modifications to: operations and maintenance, some facilities, the existing FERC Project boundaries; and (3) implement the other terms and conditions in the new license consistent with those in FERC Staff Alternative with Mandatory Conditions for the Don Pedro Project as described in the FEIS.

Under an original FERC license for the La Grange Project, Turlock ID would accept to: (1) continue to operate and maintain the La Grange Project facilities; and (2) implement the terms and conditions in an original license consistent with those in FERC Staff Alternative with Mandatory Conditions for the La Grange Project as described in the FEIS.

The FEIS' FERC Staff Alternative with Mandatory Conditions would not require any hydropower generation-related project facilities be added to the Projects. However, on October 11, 2017, the Districts proposed enhancements to existing recreation facilities associated with the Don Pedro Project in the Recreation Resource Management Plan (RRMP) of the Amendment to the Don Pedro Project Final License Application (AFLA) filed with FERC.

Mandatory Conditions in the 2020 FEIS include preliminary conditions submitted by the United States Department of the Interior (DOI), Bureau of Land Management (BLM) pursuant to the Federal Power Act (FPA) Section 4(e). FERC recommendations within the scope of FPA Section 10(j) have been submitted by CDFW, the DOI Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS).

The FPA requires that every hydropower license applicant must have a Water Quality Certification (WQC or Certification) pursuant to Section 401 of the Federal Water Pollution Control Act (Clean Water Act) or a waiver of certification from the state. The State Water Resources Control Board (State Water Board) is the state agency responsible for federal issuance of Certifications. FERC staff recognized that any conditions included in a final, valid, and timely WQC must also be included in the FERC license for the Projects as Mandatory Conditions. The WQC conditions are not being assessed in this CEQA process. The State Water Board requires CEQA compliance to issue a WQC for the proposed Projects.

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

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AUTHORITY

CDFW is the appropriate State Fish and Wildlife agency for resource consultation and FPA Section 10(j) (16 U.S.C. § 803, subd. (j)) purposes. The fish and wildlife resources of the State of California are held in trust for the people of the state by and through CDFW (Fish & G. Code § 711.7). CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (Fish & G. Code § 1802). The mission of CDFW is to manage California's diverse fish, wildlife, and plant resources, and the habitats on which they depend, for their ecological values and for their use and enjoyment by the public. It is the goal of CDFW to preserve, protect, and as needed, to restore habitat necessary to support native fish, wildlife, and plant species within the FERC-designated boundaries of these Projects, as well as the areas adjacent to these Projects in which resources are affected by ongoing project operations and maintenance activities and recreational use.

CDFW's coordination with the State Water Board and other resource agencies is an effective path to codifying our preferred conditions via certifications, because CDFW only has recommendation authority under the FPA. Along with federal land management agencies' mandatory 4(e) conditions and National Oceanic and Atmospheric Administration's (NMFS) Section 18 fishway prescriptions, Certification conditions can be used by state and federal agencies to help mitigate hydropower impacts on riverine ecosystems. In the proposed Projects, CDFW and the State Water Board will both act as Responsible and/or Trustee Agencies, as both agencies have discretionary permits and approvals to be made in support of the proposed Projects. Specifically, CDFW may be requested to provide a permit that would authorize "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), if deemed necessary for project implementation.

COMMENTS AND RECOMMENDATIONS

General

The Commission's FEIS for the Projects, released almost five years ago, included recommendations regarding special-status species, water infrastructure and instream flow requirements. The proposed Supplemental CEQA analysis should revise and update the findings of the FEIS as necessary.

The FEIS conveys that before the Commission makes licensing decisions, it will consider all concerns relevant to the public interest. The FEIS will be part of the record from which the Commission will make its decisions. Therefore, CDFW anticipates that the Commission will consider the findings of the most recent CEQA analysis when

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making relicensing decisions, including project concerns relevant to the public interest that were not addressed in the FEIS.

Special-Status Species

San Joaquin River spring-run Chinook salmon (*Oncorhynchus tshawytscha*) are known to occur in the Tuolumne River. The observed spring-run Chinook salmon have been identified as strays that were raised in captivity on the San Joaquin River near Friant Dam as part of the San Joaquin River Restoration Program (SJRRP) for the purpose of developing a San Joaquin River-specific population of fish (SJRRP 2016). Spring-run Chinook salmon can be vulnerable to water project operations in the Tuolumne River. Therefore, the CEQA analysis for the proposed Projects must assess the impacts of water project operations on this experimental population.

White sturgeon (*Acipenser transmontanus*), a State Candidate for Listing species under CESA (CNDDDB 2024), have been recently documented in the lower Tuolumne River. White sturgeon have been reportedly stranded in this reach because of low flows attributed to water project operations (CDFW 2023). It is important to note that State Candidate species are afforded the full protection of CESA, and therefore to avoid a violation of CESA, any project-related take of white sturgeon would require acquisition of an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b). Therefore, the CEQA analysis for the proposed Projects must assess the impacts of water project operations on white sturgeon passage and avoidance measures implemented.

North American green sturgeon (*Acipenser medirostris*), a federally listed threatened species, has been recently documented in the Stanislaus River and in the San Joaquin River upstream of the Merced River confluence (Anderson et al. 2018, Root et al. 2020). The CEQA analysis for the proposed Projects must assess the impacts of water project operations on green sturgeon, at least throughout the reach upstream of the infiltration galleries. CDFW anticipates that the operation of these features of the Don Pedro Project could affect flows in this reach with possible impacts on special-status fish species, such as green sturgeon.

Water Infrastructure: Infiltration Galleries

The infiltration galleries are part of a regional surface water supply project with the goal of withdrawing water from the Tuolumne River to serve municipal and industrial uses in the cities of Ceres and Turlock. The FEIS (FERC 2020) assessment of the infiltration galleries is partially based on their description in the Stanislaus Regional Water Authority Surface water supply project draft Environmental Impact Report (DEIR) (Horizon 2018). This DEIR described the proposed construction and operation of the infiltration galleries at the time. The September 2024 NOI includes an updated description of the infiltration galleries in the discussion about the proposed operations

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and maintenance of the Don Pedro Project (Section 3.3.2.1). The proposed operations for water supply purposes, are initially described as consistent with existing operations, including the operation of infiltration galleries from June 1 through October 5. Subsequently, the NOI proposed additional uses of the infiltration galleries outside of this period in years with extended high flows. However, this proposed use is an introduced exception to existing conditions that was not evaluated in the 2020 FEIS. Therefore, CDFW requests that the CEQA Supplemental Analysis evaluates alternatives to fully compare and explain the existing and proposed operations of the infiltration galleries. An alternatives analysis should include information about all the proposed uses of the infiltration galleries, including years with extended high flows.

CDFW also requests clarification of the designated compliance location for the infiltration galleries. The FEIS does not specify if the designated compliance location for the infiltration galleries is at La Grange Diversion Dam or downstream of the infiltration galleries. Therefore, the CEQA Supplemental Analysis should include both an alternative with compliance, by flow gauge, downstream of the infiltration galleries, as well as compliance at the confluence (State Water Board 2018).

Flow Requirements

The 2020 FEIS discussed instream flow requirements but did not sufficiently consider the need for functional flows on the Tuolumne River, particularly the fall pulse and winter storm flows. The California Environmental Flows Framework (CEFF) (UC Davis 2024) identifies five distinct flows of a natural flow regime that are important to sustain the ecological, geomorphic, and biogeochemical functions of a river. CDFW requests that the CEQA Supplemental Analysis includes a discussion of how each alternative provides functional flows and a discussion of how any flow proposals that do not contain all functional flows provides support to the physical, biological, and ecological processes of the Tuolumne River.

Comprehensive functional flow requirements are important to maintain both the fishes, wildlife, and riparian species that need a healthy river to survive and complete their lifecycles.

CDFW supports license conditions conducive to functional environmental flows that promote riparian and floodplain restoration, adequate water quality and special-status species.

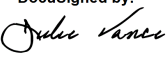
CONCLUSION

The CDFW is looking forward to considering the results of Turlock ID's environmental analysis under CEQA to ensure an adequate assessment and disclosure of potential project impacts on environmental resources. An adequate and timely CEQA process should inform the development of new water quality certifications for the Projects.

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CDFW appreciates the opportunity to review and provide public comments to Turlock ID on their "*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*". Please address any questions or concerns regarding these comments to Abimael León, the Regional FERC Coordinator, at Abimael.Leon@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

cc: Debbie-Anne A. Reese, Acting Secretary (via Electronic Submission)
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Washington DC, 20246

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October 15, 2024
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REFERENCES

- Anderson J.T., G. Schumer, P. J. Anders, K. Horvath, and J. E. Merz. 2018. Confirmed observation: a North American Green Sturgeon *Acipenser medirostris* recorded in the Stanislaus River, California. *Journal of Fish and Wildlife Management* 9(2):624–630; e1944-687X. doi:10.3996/012018-JFWM-006
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- State Water Resources Control Board (State Water Board). 2018. Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary. Resolution No. 2018-0059. December 12, 2018.
- University of California, Davis. (UC Davis). 2024. California Environmental Flows Framework. Available at: Functional Flows Approach | California Environmental Flows Framework (ucdavis.edu). Accessed October 9, 2024.

Attachment 2

CDFW Comments on Notice of Intent to Adopt a Mitigated Negative Declaration for the Don Pedro and La Grange Hydroelectric Projects



State of California – Natural Resources Agency
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July 23, 2025

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Subject: Response to Notice of Intent to Adopt a Mitigated Negative Declaration for the Don Pedro and La Grange Hydroelectric Projects FERC Licensings under P-2299-082 and P-14581-002 State Clearinghouse No. 2024090634

Dear Michael Cooke:

This correspondence is in response to a June 27, 2025 “*Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the Don Pedro Hydroelectric Project and the La Grange Hydroelectric Project FERC Licensing*”. This NOI informed the California Department of Fish and Wildlife (CDFW), a California Environmental Quality Act (CEQA) Responsible and Trustee Agency, that Turlock Irrigation District (Turlock ID) and Modesto Irrigation District (MID) (collectively, Districts) have prepared a Draft CEQA Supplemental Analysis to the Federal Energy Regulatory Commission’s (FERC or Commission) final environmental impact statement (FEIS) that contains FERC staff’s recommendation with mandatory conditions for terms to be included in the relicensing of the Don Pedro Hydroelectric Project (FERC Project No. 2299-082) and issuing of an original license for the La Grange Hydroelectric Project (FERC Project No. 14581-002) (collectively, Projects).

On September 16, 2024, pursuant to CEQA Guidelines section 15225, Turlock ID in its lead agency role gave notice that it would use the FEIS in the place of an Environmental Impact Report (EIR) or Negative Declaration and that it believes that the FEIS meets the requirements for CEQA. Their CEQA Supplemental Analysis follows the general CEQA Initial Study/Mitigated Negative Declaration (IS/MND) format as a guideline to add and supplement any CEQA considerations that were not addressed or fully covered in the FEIS.

BACKGROUND

The Don Pedro Hydroelectric Project (Don Pedro Project) is owned and operated by the Districts. The Turlock ID operates and maintains hydropower facilities at La Grange Diversion Dam (La Grange Project). The Projects are located on the Tuolumne River in

Michael Cooke
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July 23, 2025
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Tuolumne and Stanislaus counties, California. The Districts seek to obtain a new 50-year license for the Don Pedro Project and an original 50-year license for the La Grange Project from FERC.

Under a new FERC license for the Don Pedro Project, the Districts would accept to: (1) continue to operate and maintain the existing Don Pedro Project facilities; and (2) make modifications to: operations and maintenance, some facilities, the existing FERC Project boundaries; and (3) implement the other terms and conditions in the new license consistent with those in FERC Staff Alternative with Mandatory Conditions for the Don Pedro Project as described in the FEIS.

Under an original FERC license for the La Grange Project, Turlock ID would accept to: (1) continue to operate and maintain the La Grange Project facilities; and (2) implement the terms and conditions in an original license consistent with those in FERC Staff Alternative with Mandatory Conditions for the La Grange Project as described in the FEIS.

The FEIS' FERC Staff Alternative with Mandatory Conditions would not require any hydropower generation-related project facilities to be added to the Projects. However, on October 11, 2017, the Districts proposed enhancements to existing recreation facilities associated with the Don Pedro Project in the Recreation Resource Management Plan (RRMP) of the Amendment to the Don Pedro Project Final License Application (AFLA) filed with FERC.

Mandatory Conditions in the 2020 FEIS include preliminary conditions submitted by the United States Department of the Interior (DOI), Bureau of Land Management (BLM) pursuant to the Federal Power Act (FPA) Section 4(e). FERC recommendations within the scope of FPA Section 10(j) have been submitted by CDFW, the DOI Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS).

The FPA requires that every hydropower license applicant have a Water Quality Certification (WQC or Certification) pursuant to Section 401 of the Federal Water Pollution Control Act (Clean Water Act) or a waiver of certification from the state. The State Water Resources Control Board (State Water Board) is the state agency responsible for federal issuance of Certifications. FERC staff recognized that any conditions included in a final, valid, and timely WQC must also be included in the FERC license for the Projects as Mandatory Conditions. The WQC conditions are not being assessed in this CEQA process. The State Water Board requires CEQA compliance to issue a WQC for the proposed Projects.

The Districts used and primarily relied on the FEIS to satisfy CEQA review requirements for the FERC relicensing of the Don Pedro Project and the licensing of the La Grange Project.

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AUTHORITY

CDFW is the appropriate State Fish and Wildlife agency for resource consultation and FPA Section 10(j) (16 U.S.C. § 803, subd. (j)) purposes. The fish and wildlife resources of the State of California are held in trust for the people of the state by and through CDFW (Fish & G. Code, § 711.7). CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). The mission of CDFW is to manage California's diverse fish, wildlife, and plant resources, and the habitats on which they depend, for their ecological values and for their use and enjoyment by the public. It is the goal of CDFW to preserve, protect, and as needed, to restore the habitat necessary to support native fish, wildlife, and plant species within the FERC-designated boundaries of these Projects, as well as the areas adjacent to these Projects in which resources are affected by ongoing project operations and maintenance activities and recreational use.

CDFW's coordination with the State Water Board and other resource agencies is an effective path to codifying our preferred conditions via certifications, because CDFW only has recommendation authority under the FPA. Along with federal land management agencies' mandatory 4(e) conditions and National Oceanic and Atmospheric Administration's (NMFS) Section 18 fishway prescriptions, Certification conditions can be used by state and federal agencies to help mitigate hydropower impacts on riverine ecosystems. In the proposed Projects, CDFW and the State Water Board will both act as Responsible and/or Trustee Agencies, as both agencies have discretionary permits and approvals to be made in support of the proposed Projects. Specifically, CDFW may be requested to provide a permit that would authorize "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), if deemed necessary for project implementation.

COMMENTS AND RECOMMENDATIONS

General

The Commission's FEIS for the Projects (FERC 2020) included recommendations regarding special-status species, water infrastructure and instream flow requirements. The Draft CEQA Supplemental Analysis (IS/MND) should have revised, expanded and updated the findings of the FEIS as necessary to disclose the potential impacts and conservation measures that will support the Don Pedro and La Grange Project licensings.

The FEIS conveys that before the Commission makes licensing decisions; it will consider all concerns relevant to the public interest. The FEIS will be part of the record from which the Commission will make its decisions. Therefore, CDFW anticipates that

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the Commission will consider the findings of the IS/MND along with the recommendations made herein when making relicensing decisions, including project concerns relevant to the public interest that were not addressed in the FEIS.

FERC Project Boundary

The IS/MND establishes that the Proposed FERC Project Boundary encompasses the Don Pedro Project and La Grange Project, including both reservoirs (Don Pedro Reservoir and La Grange Headpond), the mainstem Tuolumne River upstream of Don Pedro Reservoir to approximately 0.76 river miles upstream of the confluence with Turnback Creek, the mainstem Tuolumne River downstream from Don Pedro Dam to La Grange Headpond, Big Creek, Twin Gulch, and approximately 0.12 river miles of the lower Tuolumne River as it flows out of the La Grange Dam (River Mile (RM) 52.2) (Section 3.7.1).

CDFW recommends that the CEQA analysis area encompasses the entire lower Tuolumne River up to the confluence with the San Joaquin River. This change should be reflected in the Impacts Analysis section of the IS/MND (Section 3.7.2).

Special-Status Species

The IS/MND indicates that no special-status species occur within the Proposed Project Area (Section 3.7.1); however, CDFW offers the following recommendations about riverine fish species documented in the lower Tuolumne River.

San Joaquin River spring-run Chinook salmon (*Oncorhynchus tshawytscha*) are known to occur in the Tuolumne River. Some of the observed spring-run Chinook salmon have been identified as strays that were raised in captivity on the San Joaquin River near Friant Dam as part of the San Joaquin River Restoration Program (SJRRP) for the purpose of developing a San Joaquin River-specific population of fish (SJRRP 2016). However, more than three-hundred spring-run Chinook salmon have been identified in the Tuolumne River this year (2025) below La Grange Dam during the summer of 2025, which warrants a broader analysis of the status of this species in the Proposed Project Area. For instance, on a July 1, 2025, letter to CDFW, the Districts proposed to install a segregation weir to manage both spring-run and fall-run Chinook spawning in the lower Tuolumne River, upstream of the Old La Grange bridge. Therefore, CDFW maintains that spring-run Chinook salmon are present throughout the Proposed Project Area and can be vulnerable to water project operations in the lower Tuolumne River. The IS/MND for the proposed Projects must assess the impacts of water project operations on this experimental population.

The California Fish and Game Commission approved white sturgeon (*Acipenser transmontanus*) as a candidate for potential listing as a protected species under CESA on June 19, 2024, and published these findings in the California Regulatory Notice

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Register (Notice Register) on June 27, 2024. As such, white sturgeon is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). This species has also been recently documented in the lower Tuolumne River (Diviney and Dahl 2024, USFWS 2025). White sturgeon has been reportedly stranded in this reach of the lower Tuolumne River because of low flows attributed to water project operations (CDFW 2023). It is important to note that State Candidate species are afforded the full protection of CESA, and therefore to avoid a violation of CESA, any project-related take of white sturgeon would require acquisition of an Incidental Take Permit pursuant to Fish and Game Code section 2081, subdivision (b). Therefore, the CEQA Supplemental Analysis for the proposed Projects must assess the impacts of water project operations and the adopted flow schedule on white sturgeon passage and stranding avoidance measures implemented. In its current version, the IS/MND categorically states that no impacts to fish migration are expected to occur within the Proposed Project Area (Impact BIO-4, Page 3-38). CDFW requests the inclusion of both white sturgeon and spring-run Chinook salmon in the riverine fisheries discussion of the IS/MND (Section 3.7.1, Page 3-21) and in the Impacts Analysis (Section 3.7.2).

North American green sturgeon (*Acipenser medirostris*), a federally listed threatened species, has been recently documented in the Stanislaus River and in the San Joaquin River upstream of the Merced River confluence (Anderson et al. 2018, Root et al. 2020). The IS/MND for the proposed Projects must assess the impacts of water project operations on green sturgeon, at least throughout the reach upstream of the infiltration galleries. CDFW anticipates that the operation of these features of the Don Pedro Project could affect flows in this reach with possible impacts on special-status fish species, such as green sturgeon.

Proposed Experimental Gravel Cleaning Program

The IS/MND indicates that “the Districts propose and FERC’s FEIS staff recommend to conduct a five-year program of experimental gravel cleaning using a gravel ripper and pressure washer operated from a backhoe, or equivalent methodology, including monitoring interstitial fines before and after gravel cleaning, to improve the quality of salmonid spawning gravel in the lower Tuolumne River. Gravel cleaning would be conducted at or below the confluence of intermittent streams downstream from La Grange Diversion Dam, including Gasburg Creek (RM 50.3) and Peaslee Creek (RM 45.5).” (Section 3.7.2)

CDFW has concerns about the possible impacts of this intense mechanical manipulation of the benthic habitat and its potential impact on the macroinvertebrate fauna and other gravel dwelling organisms. These impacts were not analyzed in the FERC (2020) environmental document, and they should have been acknowledged and analyzed in the IS/MND.

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Water Infrastructure: Infiltration Galleries

The Districts proposed including two in-river infiltration galleries (IG-1 and IG-2) in the Don Pedro Project (Section 2.4.2.2). The infiltration galleries are part of a regional surface water supply project with the goal of withdrawing water from the Tuolumne River to serve municipal and industrial uses in the cities of Ceres and Turlock. The IS/MND indicates that Turlock ID installed IG-1, with a capacity of approximately 100 cubic feet per second (cfs), at RM 25.8 in 2001, which is currently operational. In addition, the Districts proposed to install a second infiltration gallery, IG-2, with a capacity of approximately 100 to 125 cfs, just downstream of IG-1.

CDFW requests clarification on whether additional CEQA analysis will be conducted for the installation of the proposed infiltration gallery (IG-2) and/or for the operation and maintenance of both in-river infiltration galleries (IG-1 and IG-2) in the Don Pedro Project. CDFW also requests clarification of the location of the proposed infiltration gallery (IG-2) relative to the proposed Don Pedro FERC Project Boundary in this relicensing process.

Flow Requirements

A cursory review of the Draft IS/MND document reveals that it does not include flow schedules. Disclosing detailed flow schedule information is essential in the evaluation of the flow requirements for the Projects under FERC licensing. CDFW requests that the Districts include tables and descriptions of minimum instream flows, pulse flows, floodplain flows, and compliance points.

The IS/MND includes a discussion of the existing and proposed project operations and maintenance for the La Grange Project (Section 2.5.2). In this section, the Districts assert that “[o]ther than the minimum flow release of 5 to 10 cfs to the plunge pool downstream of the La Grange Project, [they] do not propose to make substantive changes to the operation of the La Grange Project.” CDFW requests clarification about any proposed changes in minimum flow releases since the Districts already release 5 -10 cfs from the “hillside” discharge gates.

The 2020 FEIS included a discussion of instream flow requirements but did not sufficient consideration of the need for functional flows on the Tuolumne River, particularly the fall pulse and winter storm flows. The California Environmental Flows Framework (CEFF) (UC Davis 2024) identifies five distinct flows of a natural flow regime that are important to sustain the ecological, geomorphic, and biogeochemical functions of a river. CDFW requests that the IS/MND includes a discussion of how each alternative provides functional flows and a discussion of how any flow proposals that do not contain all functional flows provide support to the physical, biological, and ecological processes of the Tuolumne River.

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CDFW also requests that the CEQA Supplemental Analysis discusses the ability for the proposed Project to meet the Bay-Delta Plan Phase 1 flows (see Impact BIO-6, Page 3-40). The requirements of the Bay Delta Plan have been identified for the Tuolumne River and should be assessed in the IS/MND (Section 3.13.1, Page 108). In 2018, the State Water Board approved Phase 1 of the Bay-Delta Plan which identifies a percentage of unimpaired flow from January-June at a new compliance point for the Tuolumne River. Although the Bay-Delta Plan is not self-implementing, it has been described in enough detail for assessment regarding the potential for the FERC Staff proposed flow regime to meet the requirements of the Bay-Delta Plan.

Finally, comprehensive functional flow requirements are important to maintain both the fishes, wildlife, and riparian species that need a healthy river to survive and complete their lifecycles.

CDFW supports license conditions conducive to functional environmental flows that promote riparian and floodplain restoration, adequate water quality and special-status species.

Water Quality

The IS/MND states that water temperatures in the lower Tuolumne River within the Proposed Project Area are controlled by water temperature in the reservoir that is released through the penstocks at the Don Pedro Dam. Therefore, water temperature impacts in the Proposed Project Area are not expected (Section 3.7.2, Page 3-25). However, CDFW attributes this conclusion to the reduced extent of the Proposed Project Area as compared to the area that required CEQA analysis to evaluate project impacts, which should include the entire lower Tuolumne River. The lower Tuolumne River continues to be listed under Section 303(d) of the Clean Water Act ("303(d) list") for temperature impairment as it does not meet established water quality standards for temperature. As such, CDFW recommends a broader discussion and consideration of water temperatures in the Impacts Analysis of the IS/MND.

CDFW finds it concerning that no dissolved oxygen (DO) monitoring has been proposed for most of the Tuolumne River. Dissolved oxygen data would be required to make determinations about the lower Tuolumne River's current ability to meet the DO requirements set forth by the Water Quality Control Plan for the Sacramento and San Joaquin Basins (Basin Plan).

CDFW acknowledges that FERC's FEIS (2020) was completed before the Water Board voted to approve Phase 1 of the Bay-Delta Water Quality Control Plan. Because of the timing of both regulatory processes, it would be reasonable to request additional analysis. The State Water Board (2018b) completed a Substitute Environmental Document (SED) for Phase 1 of the Bay-Delta Plan and has issued a *CEQA Findings and Statement of Overriding Considerations* since; therefore, it is unclear to CDFW

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which CEQA findings and evaluation the Districts are discussing in the IS/MND (https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121218_13_attachment_1_as_adopted.pdf). The Bay Delta Plan is available and includes information about proposed flows and a new compliance point that should be considered in the CEQA Supplemental Analysis for the Don Pedro and La Grange Project licensings.

CONCLUSION

The findings of Turlock ID's environmental analysis under CEQA should ensure adequate assessment and disclosure of potential project impacts on environmental resources. An adequate and timely CEQA process should inform the development of new water quality certifications for the Projects.

CDFW appreciates the opportunity to review and provide public comments to Turlock ID on their "*Draft CEQA Supplemental Analysis (Initial Study/Mitigated Negative Declaration) for the Don Pedro and La Grange Hydroelectric Projects Licensing*". Please address any questions or concerns regarding these comments to Abimael León, the Regional FERC Coordinator, at Abimael.Leon@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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for Julie A. Vance
Regional Manager

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