
State Water Resources Control Board

February 27, 2026

Mr. Michael Cooke, Director
Turlock Irrigation District

Sent via email: micooke@tid.org

**Don Pedro Hydroelectric Project and La Grange Hydroelectric Project
Federal Energy Regulatory Commission Project Nos. 2299 and 14581
Tuolumne and Stanislaus Counties
Tuolumne River and its Tributaries**

**COMMENTS ON TURLOCK IRRIGATION DISTRICT AND MODESTO IRRIGATION
DISTRICT'S NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT
REPORT FOR RELICENSING OF THE DON PEDRO HYDROELECTRIC PROJECT
AND LICENSING OF THE LA GRANGE HYDROELECTRIC PROJECT**

Dear Mr. Cooke:

On January 30, 2026, Turlock Irrigation District (TID) and Modesto Irrigation District (MID) (collectively Districts) issued a Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Federal Energy Regulatory Commission (FERC) relicensing of the Don Pedro Hydroelectric Project and licensing of the La Grange Hydroelectric Project (collectively, Projects). The Districts' NOP supports their compliance with California Environmental Quality Act (CEQA) requirements. The Districts are requesting public comments by February 28, 2026.

State Water Resources Control Board (State Water Board) staff have reviewed the Districts' NOP and are providing comments in *Attachment A: Comments on Notice of Preparation of a Draft Environmental Impact Report for Relicensing of the Don Pedro Hydroelectric Project and Licensing of the La Grange Hydroelectric Project*.

If you have questions regarding this letter please contact Eric Bradbury, State Water Board Project Manager, by email to: Eric.Bradbury@waterboards.ca.gov or by phone call to: (916) 327-9401. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Eric Bradbury
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Eric Bradbury
Environmental Scientist
Water Quality Certification Program
Division of Water Rights

Attachment: Attachment A: Comments on Notice of Preparation of a Draft
Environmental Impact Report for Relicensing of the Don Pedro
Hydroelectric Project and Licensing of the La Grange Hydroelectric
Project

ec: Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
Via e-filing to dockets P-2299 and P-14581

Patrick Pulupa, Executive Officer
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California State Clearinghouse
Office of Land Use and Climate Innovation
Via Posting to CEQAnet for SCH Number 2024090634

Attachment A:
Comments on Notice of Preparation of a Draft Environmental Impact Report for
Relicensing of the Don Pedro Hydroelectric Project and Licensing of the La Grange
Hydroelectric Project

State Water Resources Control Board (State Water Board) staff are providing the following comments on Turlock Irrigation District (TID) and Modesto Irrigation District's (MID) (collectively, Districts) Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Federal Energy Regulatory Commission (FERC) relicensing of the Don Pedro Hydroelectric Project and licensing of the La Grange Hydroelectric Project (Projects):

1. **Water Quality Certification Authority:** Section 401 of the federal Clean Water Act requires any applicant for a federal license or permit for an activity that may result in any discharge to navigable waters to obtain water quality certification (certification) from the State that the activity will comply with water quality requirements. (33 U.S.C. § 1341(a)(1), (d).) Certifying authorities may issue certifications with conditions implementing Clean Water Act requirements, including the requirements of section 303 of the Clean Water Act for water quality standards and implementation plans, or to implement “any other appropriate requirement of State law.” (*Id.*, § 1341(d).) Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the project. (*Ibid.*) If a certifying authority denies certification, the federal agency cannot issue a license or permit approving the project. (*Id.*, § 1341(a)(1).)

On August 18, 2025, the Districts withdrew their December 13, 2024, certification applications for the Projects. The Districts' withdrawal letter to the State Water Board stated that they received substantial comments on their draft Initial Study/Mitigated Negative Declaration¹ that would require careful consideration and additional analysis before issuing a final California Environmental Quality Act (CEQA) document; therefore, the Districts would be unable to have a final CEQA document prior to the deadline for certification (i.e., December 13, 2025). The Districts also noted that they would be unable to prepare the final CEQA document until approximately August 2026. By letter dated December 11, 2025, State Water Board staff requested that FERC direct the Districts to submit new applications for certification to avoid additional delay.

The CEQA analysis in the EIR should include all the relevant changes to the Projects since issuance of FERC's 2020 Final Environmental Impact Statement for the Don Pedro Hydroelectric Project and the La Grange Hydroelectric Project (FEIS) and the State Water Board must be given sufficient time to review the Final EIR prior to the certification action date, which will be one year from the date the Districts submit new application(s) for certification for the Projects. (Cal. Code Regs., tit. 23, § 3856, subd. (f); 18 C.F.R. § 5.23(b)(2) .)

2. **CEQA Compliance:** CEQA requires the lead agency to evaluate a project's potential impacts to environmental resources as well as identify mitigation measures and alternatives to reduce project impacts. CEQA also requires public

¹ The Districts' draft Initial Study/Mitigated Negative Declaration was released on June 25, 2025.

Attachment A:
Comments on Notice of Preparation of a Draft Environmental Impact Report for
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Hydroelectric Project

input on identified impacts and mitigation measures. CEQA documentation must analyze and evaluate a project's potential impacts to all relevant resources, including aquatic biological resources, special status species, and water quality standards and other provisions of applicable water quality control plans and policies.

The NOP states that the Districts' EIR will include an analysis of the Proposed Project and alternatives to the Proposed Project; the NOP encourages feedback regarding the range of alternatives to be analyzed. On January 15, 2021, the State Water Board's Executive Director issued a certification for licensing of the Projects. This certification was set aside on the Board's own motion for procedural reasons on May 7, 2024 (State Water Board [Order WQ 2024-0046²](#)) and is therefore no longer in effect. Although the 2021 certification for licensing of the Projects was set aside, it may still be a helpful resource for the Districts in identifying potential requirements or alternatives that should be analyzed as part of the Districts' EIR. The Districts' environmental documents should satisfy the legal requirements of CEQA and support the Board's needs in acting on the Districts' anticipated requests for certification of the Projects. Water quality certification issued by the State Water Board for the Projects will include mandatory conditions that must be analyzed as part of the CEQA process. Certification conditions will likely include, but not be limited to: minimum instream flows, pulse flows, Lower San Joaquin River flow objectives, temperature management, and erosion and sediment management. Implementation of such conditions needs to be included in the EIR's analysis.

3. **CEQA Analysis Related to Bay-Delta Water Quality Control Plan:** The Districts' CEQA analysis should evaluate the Districts' operation of the Projects in compliance with water quality standards and other requirements of state law, including the existing Bay-Delta Plan and the State Water Board's current efforts to implement the plan, as well as noticed proceedings to evaluate amendments to the plan. However, the NOP does not include any mention of whether the EIR will evaluate project alternatives that consider flow requirements under the State Water Board's *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta Plan). The Districts' CEQA analysis for the Projects must include evaluation of compliance with applicable provisions of the Bay-Delta Plan, including the February – June requirement for 40 percent of unimpaired flow and achieving the minimum flow requirement of 1,000 cfs at Vernalis, as the Districts must operate the Projects in a manner consistent with applicable provisions of the Bay-Delta Plan and any amendments thereto. The analysis should include an alternative that includes the 2022 Memorandum of Understanding Advancing a Term Sheet for Voluntary

² State Water Board Order WQ 2024-0046 can be accessed at the following address:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2024/wq2024-0046.pdf

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Agreements (VAs), proposing voluntary measures to update and implement the Bay Delta Plan.

- 4. Bay Delta Flow Objectives:** In 2018, the Bay-Delta Plan established new and revised Lower San Joaquin River (LSJR) flow objectives and revised southern Delta salinity objectives. The LSJR flow objectives apply from February through June to the Stanislaus, Tuolumne, Merced, and Lower San Joaquin Rivers. The Bay-Delta Plan allows adaptive implementation of the LSJR flow objectives if certain criteria are met. The Bay-Delta Plan also includes a revised southern Delta salinity objective of 1.0 deciSiemens/meter electrical conductivity at Vernalis and at the three interior southern Delta stations for the protection of agricultural beneficial uses. Additionally, the 2018 Bay-Delta Plan states that the State Water Board will reevaluate the assignment of responsibility for meeting the October pulse flow objectives at Vernalis during a water right proceeding, FERC licensing proceeding, or other proceeding, and the recently set aside 2021 certification included provisions relative to this Bay-Delta Plan provision. In addition, subject to acceptance by the State Water Board, the Bay-Delta Plan expressly allows the use of a voluntary agreement that proposes flows within the adopted range (30% to 50% unimpaired flow) as a means of implementing the LSJR flow objectives. With this information in mind, the Districts' CEQA analysis should consider and evaluate the Projects' operations relative to compliance with the LSJR February through June and October flow objectives, Delta salinity objectives, flow and salinity conditions in the Delta, water depth conditions in the southern Delta, and other applicable Bay-Delta Plan provisions.
- 5. Cumulative Impacts:** There are potential cumulative effects of the Projects on water resources, aquatic resources, and threatened and endangered species. The Districts' pending appropriative water right application (A033277) proposes a maximum diversion of 2,700,000 acre-feet from the Tuolumne River between November 1 and June 14 each year. The diversion of surface waters can have significant cumulative effects on the Projects' reaches including, but not limited to, water quality, including water temperature, and the availability and accessibility of habitat for anadromous fish. These potential cumulative effects may extend downstream of the Projects' facilities and into the San Joaquin River and through the Delta. The cumulative impacts of the Districts' new water right application, other water resource activities of the Districts', implementation of the Sustainable Groundwater Management Act, and other reasonably foreseeable probable future projects should be considered in the CEQA analysis.
- 6. Scope of Analysis.** As the Board is a CEQA responsible agency, State Water Board staff are providing input regarding the scope and content of environmental analysis relevant to the State Water Board's statutory responsibilities. As noted in Board staff's previous CEQA comments, the Projects have the ability to control and limit flows in the lower Tuolumne River, impact flows in the Lower San Joaquin River, and impact attainment of water quality objectives and the protection of beneficial uses downstream of the FERC boundaries for the Projects. The Districts' CEQA analysis should use an appropriate geographic

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Comments on Notice of Preparation of a Draft Environmental Impact Report for
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Hydroelectric Project

scope that encompass and analyzes all impacts of the Projects to these waterbodies, as well as salmon and steelhead in the Tuolumne River watershed and San Joaquin River Basin. The Districts' CEQA analysis should also address the water quality impacts of the Projects' dams and mitigation measures to avoid or substantially lessen the effects of the Projects, including but not limited to temperature, on salmonids and ensure compliance with water quality objectives and the protection of beneficial uses, including those for fish and wildlife.

7. **Previous CEQA Comments:** In letters dated [October 16, 2024](#)³, and [July 25, 2025](#)⁴, State Water Board staff provided CEQA comments related to the licensing and relicensing of the Projects. State Water Board staff request that the Districts consider the issues and concerns raised in those letters, which are hereby incorporated by reference into these NOP comments.

³ Available at: <https://ceqanet.lci.ca.gov/2024090634/Attachment/kp131J>

⁴ Available at: https://files.ceqanet.lci.ca.gov/306203-3/attachment/npCjZzvG57-A8Es4DgntJ_DrAFIYX8GEYD3e5fdOOwerWRfLn8cKkNpE9UL7lnR1QMv0qh67JT_OHgb-0