

# Don Pedro

A newsletter about the relicensing of the Don Pedro Project

## Year one of DP relicensing in the books

The year 2011 marked the Modesto and Turlock irrigation districts' first year of the Don Pedro relicensing process. The first year of the Integrated Licensing Process (ILP) was essentially devoted to working closely with Relicensing Participants (RPs) and the Federal Energy Regulatory Commission (FERC) to develop detailed studies to be conducted by the Districts to support the license application, which will be filed in April 2014. The year ended with FERC issuing its formal Study Plan Determination (SPD) on December 22.

The Districts will be conducting 35 different studies to investigate the project's potential to affect resources in the lower Tuolumne River and at and adjacent to the Don Pedro Reservoir. The Districts have retained the services of a number of experts in their respective fields to assist in the performance of these studies. By the end of 2012, the Districts will have completed most of these studies, but some will continue into 2013.

Further details regarding the Revised Study Plan (RSP), the SPD, upcoming meetings and more are available inside this newsletter and on the DP relicensing website located at [www.donpedro-relicensing.com](http://www.donpedro-relicensing.com).

**MORE INSIDE:** FERC issues Study Plan Determination, including 35 studies in several resource fields.



FERC held two Scoping Meetings in 2011.

### The Relicensing Process

The relicensing of the Don Pedro Project formally began in 2011. Below are some of the major stages of the process.

1. Districts filed PAD and Notice of Intent in 2/10/2011.
2. FERC conducts scoping in Spring '11.
3. Interested parties discuss issues and develop study requests.
4. Districts file Proposed Study Plan (PSP) on 7/25/11 and undertake a series of meetings with relicensing participants to review and discuss the PSP.
5. FERC issues Study Plan Determination on 12/22/11.
6. Studies are conducted and Study Report issued for review and comment.
7. Applicant files draft and final license applications.
8. FERC issues new license with new terms and conditions in 2016.

### Important dates

- April 9, 2012  
*Hydrology Workshop (W&AR-2)*
- April 10, 2012  
*Reservoir Temperature Modeling Data & Methods*
- April 10, 2012  
*Salmonid Population Information Workshop (W&AR-5)*
- April 11, 2012  
*Temperature Criteria Workshop (W&AR-14)*
- June 26, 2012  
*Salmonid Population Information Workshop (W&AR-5)*
- September 18, 2012  
*Temperature Model Validation/Calibration Meeting*

### What's inside

- Revised Study Plan filed by Districts
- Meeting Information available on relicensing website
- FERC issues Study Plan Determination

# Revised Study Plan filed by Districts

On November 22, 2011, the Districts filed their 900-plus page Revised Study Plan (RSP) with FERC and RPs. The RSP contained the Districts detailed plans and schedules for conducting 35 studies. In all, the RPs had previously requested that the Districts perform more than 140 studies. The RSP also included the Districts' explanation of why they believed that many of the studies requested of the Districts were unnecessary, or were outside the proper scope of the Don Pedro relicensing.

Many RPs filed comments on the Districts RSP by the December 11 deadline. These filings contained comments on the RSP and any points of disagreement a relicensing participant might have with the Districts' reasoning for not undertaking studies that the RPs had requested.



Near the marina at Lake Don Pedro.



A screenshot of the Meetings page located at <http://www.donpedro-relicensing.com>.

## Website offers information

Interested parties can obtain meeting schedules and much more

The Districts have updated the Don Pedro Project Relicensing website with the 2012 schedule of meetings. People interesting in viewing a list of these meetings along with other meeting information can visit the [Meetings](#) tab located on the relicensing website's main page. The public is welcome to attend and participate in these meetings.

In addition to being regularly updated with the aforementioned meeting times, the site is also updated with agendas, documents, filings and other information. The website also provides a good overall primer and describes

the relicensing process, provides useful links and offers contact information.

The website serves as one of the primary communication outlets informing stakeholders of events and meetings that are part of the relicensing process.

The most robust section of the website is the [Documents](#) page, which has nearly 150 downloadable documents ranging from more recent documents such as FERC's Study Plan Determination all the way back to the Districts' Pre-Application Document (PAD) filings.



# FERC issues 140-page Study Plan Determination

On December 22, 2011, FERC issued its 140-page Study Plan Determination (SPD). FERC approved 17 of the Districts studies without modification and 16 with modifications, most of which were minor modifications. FERC also said that two of the studies were not required to be conducted. FERC added one additional study that had been requested by the United States Bureau of Land Management – a bald eagle survey along the reservoir area.

With FERC's SPD issued, the Districts immediately planned to undertake the approved studies in accordance with FERC's directive. Most of the studies involve extensive field work; considerable coordination and logistics need to be worked out to execute the studies efficiently and consistent with the study plans approved by FERC. Some field work began as early as January.

## *The Studies*

The more than 30 studies being undertaken by the Districts can be subdivided into resource areas as follows:

- Two large studies are devoted to Cultural Resources;
- Four studies focus on recreational resources, including a significant study of reservoir recreation;
- Ten studies dealing with resources investigating botanical, wildlife and wetland species and habitats.
- Nineteen studies deal with water resources and aquatic/fish resources. Many of these studies deal with salmon and *O. mykiss* (rainbow trout/steelhead) in the lower river. One of the studies that FERC did not require the Districts to undertake (temperature preferences for life stages of anadromous fish) will still be completed by the Districts because, although FERC did not find it essential for its own purposes, the Districts continue to

feel it is important to the relicensing process.

The studies themselves, as currently proposed, are expected to cost over \$7 million by the time they are completed.

## *Notices of Dispute*

Three of the resource agencies filed a formal Notice of Dispute on FERC's SPD as described by the regulations of the Integrated Licensing Process (ILP). The agencies – the National Marine Fisheries Service (NMFS), the United States Fish and Wildlife Service, and the State Water Resources Control Board – are disputing FERC's decisions about certain studies the Districts did not adopt and FERC did not require. The dispute process is detailed in the ILP regulations and involves the convening of a three-member advisory Technical Panel to consider the areas of dispute, and provide an opinion to FERC's Director of the Office of Energy Projects (OEP). The dispute, which is a normal aspect of the relicensing process, will likely be decided sometime this spring. The FERC Director makes the final decision giving due consideration to the opinion of the three-member Technical Panel.

## *Land Access*

Some of the studies required by FERC will require the Districts' consultants to access private lands adjacent to or near the Don Pedro Reservoir, though no one will enter private land without the landowner's consent. The Districts have mailed requests to landowners to allow access. Consultants have been instructed in the need for the utmost care of and respect to private property near the Project. The Districts and consultants will make every effort to contact landowners about the approximate timing of the need for such access. The Districts understand and respect that the final decision to allow, or not allow, such access is to be decided to each landowner.



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