



January 15, 2010

**VIA ELECTRONIC FILING**

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**RE: Don Pedro Project (FERC Project No. 2299); Report of Turlock and Modesto Irrigation Districts on *Oncorhynchus mykiss* Monitoring pursuant to the Federal Energy Regulatory Commission's April 3, 2008 Order (123 FERC ¶ 62,012) Regarding Article 58**

Dear Secretary Bose:

In its April 3, 2008 Order (123 FERC ¶ 62,012) on Ten-Year Summary Report under Article 58 ("Order"), the Federal Energy Regulatory Commission ("Commission" or "FERC") directed the Turlock and Modesto Irrigation Districts ("Districts") to file a report on results of specified *Oncorhynchus mykiss* (*O. mykiss*) monitoring by January 15, 2010.

Specifically, Ordering Paragraph (C) (5) of the Order states, in pertinent part, as follows:

(5) By January 15, 2010, the Districts shall file a report with the Commission that includes the results of the *O. mykiss* monitoring. The report shall include a discussion of the results and, for Commission approval, recommendations for *O. mykiss* protection and/or for additional *O. mykiss* monitoring. The report shall be prepared in consultation with the NMFS, the USFWS, and the CDFG. The Districts shall allow the agencies 30 days to provide comments on the report prior to filing the report with the Commission. The report shall include the agencies' comments and the Districts' response to any such comments.

The report that reviews 2008-2009 and other *O. mykiss* monitoring and provides recommendations is provided in Attachment 1 hereto. A separate annual report on 2009 population estimate surveys is provided in Attachment 5 hereto.

The Districts' used the same procedure for soliciting agency comments as was done in September 2009 for study plans required under FERC's July 16, 2009 Order (128 FERC ¶ 61,035). The documentation of consultation is as follows:

- The Districts distributed their draft *O. mykiss* report to the pertinent agencies on December 7, 2009, for the 30-day agency comment period (Attachment 2 hereto is a copy of the transmittal letter). Comments/recommendations from the CDFG were provided on January 5, 2010 (Attachment 3 hereto). NMFS (Habitat Conservation Division) submitted an undated filing to the Commission on December 24, 2009, requesting a time extension for comments; the Commission has not acted on that request. USFWS did not provide the Districts with any comments/recommendations.
- The Districts' response to the CDFG comments/recommendations is provided in Attachment 4 hereto.

The Districts will conduct the 2008 Order-required *O. mykiss* studies in 2010, subject to the identified permitting issues, unless the studies are modified by the Commission.

Sincerely,



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Attachments:

Attachment 1. Ford, T., and S. Kirihara. 2010. Tuolumne River *Oncorhynchus mykiss* monitoring report. Prepared by Turlock Irrigation District/Modesto Irrigation District, California and Stillwater Sciences, Berkeley, California for Federal Energy Regulatory Commission, Washington, D.C.

Attachment 2. Draft Report Transmittal Letter (dated December 7, 2009)

Attachment 3. CDFG Comments on Monitoring Report (dated January 5, 2010)

Attachment 4. Districts' Response to CDFG Comments on Monitoring Report

Attachment 5. Stillwater Sciences. 2009. March and July 2009 population size estimates of *Oncorhynchus mykiss* in the lower Tuolumne River. Prepared by Stillwater Sciences, Berkeley, California for Turlock Irrigation District and Modesto Irrigation District.