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FEDERAL ENERGY  
REGULATORY COMMISSION

 ORIGINAL

Secretary Kimberly Bose  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Response to recent comments on Don Pedro Project No. 2299

Dear Secretary Bose:

The Turlock Irrigation District and Modesto Irrigation District (Districts), licensees of the Don Pedro Project, file this response to comments submitted to the Federal Energy Regulatory Commission by the Golden West Women Flyfishers (GWWF) dated January 23 and by Trout Unlimited dated February 4, 2008.

We believe the involved parties for Project No. 2299 are already well aware of the Central Valley steelhead listing and the Critical Habitat designation and have been for some time. The project record contains numerous filings related to that listed species since at least 2001, including an Order issued in December 2003 on the subject of a National Marine Fisheries Service petition. We suggest that interested parties review the project record for the extensive history of this subject.

The GWWF assert that current flows do not "protect Central Valley steelhead". However, their letter cites an October 1995 Oak Ridge National Laboratory report that was based on conditions prior to the 1996 Order. Although the fishery agencies have yet to present conclusive information about steelhead status in the river (as opposed to rainbow trout), we again provide the following history. Following completion of the Don Pedro Project in 1971, the initial summer (June to September) minimum FERC flow requirement was 3 cfs. Prior to that year there were no specified river flow requirements from the operation of the La Grange or Old Don Pedro Dams. The 1996 FERC Draft Environmental Impact Statement (DEIS) indeed noted there was no significant trout population in the river under that prior flow regime due to high summer temperature. The information utilized for the schedules under consideration in the DEIS included the Fish and Wildlife Service Instream Flow Study finalized in 1995 that specifically included rainbow trout, a river temperature model developed in 1991, and other extensive information. All of those analyzed schedules contained summer flows considered by FERC staff to be in excess of salmon needs. The 1996 Order adopted the flow schedule established by the landmark 1995 Settlement Agreement among water agencies, fishery agencies, and environmental groups, including higher summer minimum flow requirements ranging from 50-250 cfs. It is those increased minimum flows that have since enabled a substantial trout population to occur in the lower Tuolumne River.

The claim made that the river flows are inadequate for salmon returns ignores the practical

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consideration that most of the salmon life is spent elsewhere and is also dependent on migratory conditions over a large area. Considerable evidence has shown that juvenile survival for San Joaquin salmon through the delta has been poor for many years. The recent widespread decline in salmon stocks again indicates that ocean conditions can be an important factor unrelated to river flow. The low runs of 2007 in all local rivers included salmon that migrated as juveniles in the flood years of 2005 and 2006. Clearly, the simplistic conclusion that high flows will solve salmon problems is not supported. Within just the Tuolumne River, there are other identified factors unrelated to flow that can affect the salmon population.

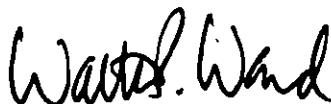
We note that the Tuolumne run estimates submitted by CDFG for 2005 and 2006 reported 719 and 625 salmon, respectively, those estimates do not include a few live salmon counted at the end of their surveys. Also, our initial estimate of the 2007 run is 180 salmon based on data provided by CDFG, which has not yet provided their official estimate. The cited CVPIA goal also includes commercial and sport harvest, not just run numbers, and we provided further comments about those goals in our filing of October 26, 2007.

Regarding the observations noted by GWWF on January 2, 2008, seeing few salmon in January is not surprising as the fall run is mostly over by then and DFG had already ended their spawning surveys. We note that seeing the backs of salmon is commonplace in riffles of salmon streams, including many in pristine settings. The flow rate of 163 cfs at which GWWF claimed that "many riffles were diminished or nearly eliminated" was actually shown by the Fish and Wildlife Service in the previously mentioned Instream Flow Study to provide about 90% of the maximum weighted usable area for salmon spawning in riffle areas. Of course, we are aware that some riffle locations were altered or displaced in the 1997 flood and have long been attempting through the Technical Advisory Committee process to proceed with channel restoration and gravel additions. Unfortunately, even though our projects were selected for major funding through a cooperative state and federal funding program, the Department of Fish and Game has halted all progress on those important projects. Lastly, a single day angling with low success obviously does not translate into "a poorly managed, marginal and degraded habitat".

In closing, we encourage interested parties to contact us should they have further questions regarding the Don Pedro Project.

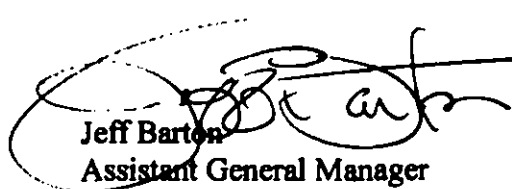
Sincerely,

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