

UNITED STATES OF AMERICA 132 FERC ¶ 62,054
FEDERAL ENERGY REGULATORY COMMISSION

Modesto Irrigation District
Turlock Irrigation District

Project No. 2299 - 072

ORDER GRANTING EXTENSIONS OF TIME UNDER ORDERING PARAGRAPH
(D) OF THE MAY 12, 2010 ORDER MODIFYING AND APPROVING INSTREAM
FLOW AND WATER TEMPERATURE MODEL STUDY PLANS

(Issued July 21, 2010)

1. By letter filed with the Commission on July 1, 2010, Modesto and Turlock Irrigation Districts (Districts) filed revised implementation schedules for their instream flow and water temperature model study plans and extension of time requests for filing their associated progress reports with the Commission pursuant to ordering paragraph (D) of the May 12, 2010 Order Modifying and Approving Instream Flow and Water Temperature Model Study Plans¹ for the Don Pedro Project.

2. The ordering paragraph (D) of the May 12, 2010 order states:

“The Districts shall file their Instream Flow Incremental Methodology Study Plan progress reports with the Commission by July 1, 2010 and July 2011, and their Water Temperature Model Study Plan progress report with the Commission by July 30, 2010. The Districts shall file their final Water Temperature Model and Instream Flow Incremental Methodology Study Plan reports by January 26, 2011, and January 25, 2012, respectively. The Districts shall prepare their final reports in consultation with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game and allow the resource agencies 30 days to review and comment on the reports prior to filing them with the Commission. The Districts’ reports shall include any resource agency comments and the licensee’s response to any comments. If the Districts’ proposed study or reporting schedules require modification as a result of the timing of the issuance of this subject order, or for any other reason, the Districts shall file, for Commission approval, a request for extension of time. Any such extension of time

¹ 131 FERC ¶ 62,110 (2010)

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requests shall include documentation of resource agency consultation and any comments received from the agencies on the proposed schedule modification.”

3. Based on the Districts’ revised implementation schedule included in their filing, the Districts plan to file their Instream Flow Incremental Methodology Study Plan Progress Reports with the Commission by December 11, 2010 and July 31, 2011, and their Water Temperature Model Study Progress Report by November 9, 2010. Their final Water Temperature Model and Instream Flow Incremental Methodology reports would be filed with the Commission by March 12, 2011 and April 28, 2012, respectively. Therefore, the Districts request extensions of time until the said dates to file their required reports with the Commission. The Districts state, as indicated in the May 12, 2010 order, that the revised schedules are necessary due to the timing of the issuance of the May 2010 order.

4. The May 12, 2010 order required that any such extension of time requests include documentation of resource agency consultation and any comments received from the agencies on the proposed schedule modification(s). By letter dated May 28, 2010 and included in the Districts’ filing, the Districts’ provided their revised implementation schedule and associated reporting schedule to the California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service for a 30-day review and comment period. However, no resource agency comments or correspondence was received.

5. The reasons and information filed by the Districts in support of the requested extensions of time are reasonable and justify granting the extensions. Therefore, the Districts should file their Instream Flow Incremental Methodology Study Plan Progress Reports with the Commission by December 11, 2010 and July 31, 2011, and their Water Temperature Model Study Progress Report by November 9, 2010. The Districts should file their final Water Temperature Model and Instream Flow Incremental Methodology reports with the Commission by March 12, 2011 and April 28, 2012, respectively.

The Director orders:

(A) The deadlines to file the Instream Flow Incremental Methodology Study Plan Progress Reports with the Commission pursuant to ordering paragraph (D) of the May 12, 2010 Order Modifying and Approving Instream Flow and Water Temperature Model Study Plans are extended to December 11, 2010 and July 31, 2011.

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(B) The deadline to file the Water Temperature Model Study Progress Report with the Commission pursuant to ordering paragraph (D) of the May 12, 2010 Order Modifying and Approving Instream Flow and Water Temperature Model Study Plans is extended to November 9, 2010.

(C) The deadline to file the final Water Temperature Model Report with the Commission pursuant to ordering paragraph (D) of the May 12, 2010 Order Modifying and Approving Instream Flow and Water Temperature Model Study Plans is extended to March 12, 2011.

(D) The deadline to file the final Instream Flow Incremental Methodology Report with the Commission pursuant to ordering paragraph (D) of the May 12, 2010 Order Modifying and Approving Instream Flow and Water Temperature Model Study Plans is extended to April 28, 2012.

(E) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days from the date of issuance of this order, pursuant to 18 CFR § 385.713.

John K. Novak
Biological Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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