



March 2, 2022

Mr. Peter Prows
Briscoe Ivester & Bazel LLP
235 Montgomery Street,
Suite 935
San Francisco, CA 94104

Ms. Michelle Reimers
Turlock Irrigation District
333 E. Canal Drive
Turlock, CA 95380

Mr. Bill Schwandt
Modesto Irrigation District
1231 11th Street
Modesto, CA 95354

Re: **Notice of Denial of Request for Informal Conference**
*Floodplain Restoration Condition (no. 12) of Water Quality Certification for Turlock
Irrigation District and Modesto Irrigation District – Don Pedro Hydroelectric Project
and La Grange Hydroelectric Project, 21-TC-02*

Dear Mr. Prows, Ms. Reimers, and Mr. Schwandt:

On February 28, 2022, the Turlock Irrigation District and the Modesto Irrigation District (claimants) filed a Request for Informal Conference with the Commission on State Mandates (Commission) on the above-named matter.

The Commission's regulations in section 1187.4(a) provide that "an informal conference may be scheduled by the Commission or the executive director of their own accord or by request of a party or interested party to the matter in question."

Upon review, Commission staff denies this Request for Informal Conference because there is only the single issue of law regarding whether the Turlock Irrigation District or the Modesto Irrigation District are local governments subject to the tax and spend limitations of articles XIII A and XIII B of the California Constitution, and therefore eligible for mandate subvention under article XIII B, section 6 of the California Constitution. To the extent that Turlock Irrigation District and Modesto Irrigation District disagree with the conclusion that they are not eligible claimants, they are invited to present any legal arguments and evidence in support of that position to the Commission for consideration in their written comments and at the hearing to dismiss the matter.

The dismissal of this matter remains tentatively set for hearing on **May 27, 2022** and will be proposed for the consent calendar.

Sincerely,

Heather Halsey
Executive Director

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 2, 2022, I served the:

- **Notice of Denial of Request for Informal Conference issued March 2, 2022**
- **Claimant's Request for Informal Conference filed February 28, 2022**

Floodplain Restoration Condition (no. 12) of Water Quality Certification for Turlock Irrigation District and Modesto Irrigation District – Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, 21-TC-02

Turlock Irrigation District and Modesto Irrigation District, Claimants

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 2, 2022 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/18/22

Claim Number: 21-TC-02

Matter: Floodplain Restoration Condition (no. 12) of Water Quality Certification for Turlock Irrigation District and Modesto Irrigation District - Don Pedro Hydroelectric Project and La Grange Hydroelectric Project

Claimants: Modesto Irrigation District
Turlock Irrigation District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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