

PUBLIC SCOPING MEETING
STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD

In the Matter of:)
)
LONG-TERM MODIFICATION AND INTERIM)
OPERATION OF THE KLAMATH)
HYDROELECTRIC PROJECT, AND CONTINUED)
LONG-TERM OPERATION OF ALL OR PART)
OF THE KLAMATH HYDROELECTRIC)
PROJECT, TO MEET CONDITIONS OF WATER)
QUALITY CERTIFICATION AND TO)
CONFORM WITH WATER QUALITY STANDARDS)
_____)

KARUK COMMUNITY CENTER
39051 STATE HIGHWAY 96
ORLEANS, CALIFORNIA

TUESDAY, OCTOBER 21, 2008

12:00 P.M.

REPORTED BY:
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1 APPEARANCES

2 Erin Ragazzi, Facilitator
3 State Water Resources Control Board

4 Marianna Aue, Staff Counsel
5 State Water Resources Control Board

6 Jennifer Watts, Ph.D., Environmental Scientist
7 State Water Resources Control Board

8 Daniel R. Tormey, Ph.D.,
9 Entrix, Inc.

10

11 PUBLIC SPEAKERS

12 Robert Franklin, Hoopa Valley Tribe Fisheries Department

13 Ron Reed

14 Jenny Staats

15 Alex Corum

16 Gail McDowell, Klamath River Swim Club

17 Sonny Mitchell

18 Mark Motyka

19 Regina Chichizola

20 Louisa McConnell, Hoopa Tribal Environmental Protection
21 Agency

22

23 Leaf Hillman

24

25 Robert Goodwin, Karuk Tribe Councilmember

26

27 Susan Corum

28

29 Chris Hatton

30

31 Rene Stauffer

32

33 Josh Strange

34

35 Breanna Swanberg

- 1 A P P E A R A N C E S (Continued)
- 2 George Pearlingi
- 3 Mark Duponte
- 4 Nat Pennington, Salmon River Restoration Council
- 5 Halley Pennington
- 6 Moon Pennington
- 7 Ben Riggin
- 8 Bari Talley
- 9 Barry McCovey

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- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

	I N D E X	
		Page
1		
2		
3	Introduction by Ms. Kapahi	1
4	Presentation by Dr. Tormey	5
5		
6	PUBLIC COMMENTS	
7	Robert Franklin	20
8	Ron Reed	21
9	Jenny Staats	25
10	Alex Corum	27
11	Gail McDowell	28
12	Sonny Mitchell	30
13	Mark Motyka	30
14	Regina Chichizola	32
15	Louisa McConnell	35
16	Leaf Hillman	36
17	Robert Goodwin	38
18	Susan Corum	42
19	Chris Hatton	46
20	Rene Stauffer	48
21	Josh Strange	50
22	Breanna Swanberg	54
23	George Pearlingi	55
24	Mark Duponte	56
25	Nat Pennington	59

I N D E X

1		
2		Page
3	Halley Pennington	62
4	Moon Pennington	63
5	Ben Riggin	63
6	Bari Talley	67
7	Barry McCovey	69
8		
9	Adjournment	74
10	Certificate of Reporter	75
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 P R O C E E D I N G S

2 FACILITATOR RAGAZZI: Good afternoon. I'm Erin
3 Ragazzi. I'm with the State Water Resources Control
4 Board. I actually work in the Division of Financial
5 Assistance, and I'm here today as a facilitator. So I'm
6 just here to keep things moving.

7 I want to welcome you all here today and I want
8 to thank the Karuk tribe very much for this beautiful
9 community center and donating it this afternoon. It's a
10 really nice center, and we appreciate the opportunity to
11 have the meeting here today.

12 For those of you who don't know, the restrooms
13 are located directly behind me right here, and in the
14 event of an emergency, you'd want to go out those doors as
15 quickly as possible. So hopefully that won't be a
16 problem.

17 If folks have cell phones or pagers or those
18 sorts of things, feel free to turn those off, though mine
19 don't even work in this area, so it's probably not an
20 issue. Okay. So we're good to go.

21 We have a limited amount of time here today.
22 We're going to be here for two hours, and we have a lot of
23 information to share with you and we want to get your
24 comments.

25 So basically the meeting's going to be broken out

1 into two phases. The first phase is going to be providing
2 background information for you. And the second phase is
3 for you to get your comments in. So that's where I want
4 to focus the majority of the time. If we have the
5 opportunity, as the agenda notes, we will take questions.

6 And I'm going to move into the information. We
7 want to make sure everybody signs in. There's a sign-in
8 sheet in the back of the room. If you haven't signed in
9 yet, please do so.

10 There's also a couple check boxes you can put
11 there. If you want to speak today, if you want to provide
12 oral comments, you want to make sure that you check the
13 box stating that you want to provide oral comments,
14 because we do only have two hours and we may have to limit
15 how long you can speak for if there's a lot of folks that
16 want to speak today.

17 If you do not want to provide oral comments, you
18 can also provide written comments, and they would be sent
19 to Jennifer, and it will be shown in the presentation how
20 you would do that.

21 If you provide oral comments today, you do not
22 need to provide written comments as well. If you have
23 additional comments after the meeting, you can provide
24 those in a written format, but you don't have to provide
25 anything you say orally here today. We have Debbie over

1 there to transcribe those for us.

2 So I'm going to give you a brief intro of the
3 folks that are here for us today.

4 To my right, first gentleman there is Dan Tormey.
5 Dan is project manager for Entrix. He's a third-party
6 contractor working for the State Water Resources Control
7 Board. He's a geologist, geochemist, and civil engineer.
8 He's a doctor too; it says doctor.

9 On the other side of the far right, we have
10 Dr. Jennifer Watts. She's an environmental scientist in
11 the Division of Water Rights. So the Division of Water
12 Rights at the State Water Resources Control Board. She is
13 the staff lead of the State Board on this project.

14 And in between those two we have Marianna Aue.
15 Marianna is the staff counsel; so she's the attorney at
16 the State Water Board for this project.

17 And then we have Debbie over there on the right,
18 and she is the court transcriber for this meeting. So the
19 way that these microphones work, they have a three-foot
20 radius. So what means is if you're not within three feet
21 of the microphone, it's not picking up what you're saying;
22 and we want to hear what you have to say, so make sure
23 that when you come up here to speak into that microphone,
24 which isn't going to amplify your voice at all, but it's
25 going to help record the information, which is the most

1 important part.

2 Okay. Ground rules. We already talked about
3 cell phones, not an issue here. We recognize that we have
4 a short amount of time and we want to get your
5 information, so we may limit that. And after we go
6 through the presentation, we'll figure out how many people
7 want to speak and the amount of time remaining, and if we
8 need to, we'll limit the amount of time folks have. And
9 then I've already said if you don't get the opportunity to
10 provide your comments orally today, you can provide them
11 in a written format.

12 The real ground rules that we all want to make
13 sure we're paying attention to, only one person can speak
14 at a time. That's so everybody can hear what that person
15 has to say. Please respect the speaker and their views,
16 even if you don't agree with them. Keep it professional
17 and focus on the issues, not the people. Be concise. So
18 if someone has made a comment and you agree with that
19 comment, you can say you agree with that comment rather
20 than repeating the comment, but you're more than welcome
21 to do that as well.

22 Threats or acts of violence or derogatory conduct
23 will not be tolerated. And so you don't want me to come
24 after you; so keep it clean and share your information.

25 And with that, I'm going to turn it over to Dan.

1 DR. TORMEY: Okay. I want to thank you all for
2 coming today. This process that we're embarked on now,
3 that the State Water Resources Control Board is embarked
4 on is to do an Environmental Impact Report that evaluates
5 the environmental effects of dam operation as well as
6 alternatives to that. And I'll go into it a little later,
7 which alternatives we're proposing to look at.

8 And we're early in the process now. And it's
9 essential that we get your information at this stage in
10 the process because it helps us analyze the overall
11 effects of the project.

12 So today I'm going to go a little bit over what
13 the project is that we're looking at and spend most of my
14 time with the process that we're going through and where
15 there's opportunities for public input. This isn't the
16 only time in the process where we will come to you and ask
17 you for your input. And then I'll stop talking and it
18 will be your turn to come on up here.

19 So the first slide is just what the project is,
20 the Klamath Hydroelectric Project. These facilities are
21 in Oregon; the East Side, West Side, and Keno, and
22 J.C. Boyle. And then Copco 1 and 2, Iron Gate, and Fall
23 Creek all are in California.

24 And so the point we're at in the process now is
25 that California is considering a water quality

1 certification for the dams in California, and Oregon is
2 doing the same thing for the dams in Oregon. So the
3 process is a little -- there's two parallel things going
4 on right now at the same time.

5 In November of 2007 the Federal Energy Regulatory
6 Commission, the FERC, issued their final EIS. And then
7 after that there was a series of permit actions by other
8 federal agencies, including National Marine Fishery
9 Service, Fish and Wildlife Service, Bureau of Reclamation,
10 and those are now the conditions placed upon the project
11 by those permit activities that occurred after -- well, in
12 conjunction with the FERC review are also now part of what
13 we're considering as the existing environment, the state
14 that we have now.

15 Okay. So this just is a map showing locations.
16 Here we have the state line, and Copco 1 and 2, Iron Gate.
17 And the scope of our review goes beyond just here, as part
18 of the cumulative impact analysis, to look at the overall
19 effect of these dams on the environment. Our analysis
20 goes all the way to the mouth. And then we also consider
21 the effect that operations in Oregon have on the water
22 quality here in California. So even though the
23 jurisdiction of the State Board is limited to the dams
24 within California, our analysis encompasses the full area
25 of effect.

1 Okay. So today we have kind of two objectives.
2 One is to describe to you what the process is and where we
3 get input from you. And then the second is to get
4 comment. And, you know, we encourage you to provide any
5 input that you would like in our process. Since we're
6 focused on environmental, comments that are of an
7 environmental nature go much further, but don't limit it
8 because you might not realize that there is an
9 environmental component.

10 And then the bullet items are the focused
11 comments that we're specifically looking for. We know
12 that those bullet items are pieces of information that we
13 need from you in order to conduct our analysis.

14 The first is the FERC's Environmental Impact
15 Statement that was issued in November of 2007. Was
16 that -- did that adequately address the environmental
17 effects of the project? The range of alternatives that
18 I'll be describing to you, do you believe those are a
19 reasonable range of alternatives to encompass different
20 ways of achieving the project objectives? Back to the
21 FERC EIS, were there impacts that occur that weren't
22 analyzed in that? We'd like to know about that.

23 And then the last two are as part of the review
24 when we find significant impacts, we look for ways to
25 reduce or eliminate those, and those are called mitigation

1 measures. And so if there's mitigation measures that you
2 have not seen in the process thus far that the FERC
3 concluded or that the other permitting agencies have done,
4 we'd like to hear those suggestions.

5 And then you'll hear a little bit more about this
6 later, but we're not only looking at long-term
7 alternatives, but the existing environment now is such
8 that we're also going to be looking at short-term actions
9 that can be taken to improve or reduce the impacts that
10 are going on now. So don't focus your -- don't limit your
11 comments to just long-term alternatives; if there are some
12 short-term things that you would like us to consider, we
13 would like to hear about that too.

14 Okay. So the next few slides illustrate the
15 process that we are in. And the first two slides are
16 going to illustrate what we are going to do, and then the
17 third slide will show how what we're doing fits in the
18 overall process that's been going on.

19 So first, the first bullet, bubble, talks about
20 the applicant filing their application. And at this point
21 they're filing an application for a water quality
22 certification under Section 401 of the Clean Water Act.
23 So they've submitted a 401 application with the State
24 Water Resources Control Board. And they most recently
25 refiled that application on September 26th, 2008; so we're

1 right at the front end of the process.

2 So we are here, that's our bubble. And we've
3 issued a Notice of Preparation. There's copies of it back
4 on the table there. And I encourage you all to take
5 copies of it because the remarks that we're saying today
6 are also in there. So if you forgot something or didn't
7 understand something that I said, it's in there. And then
8 now we're conducting the scoping meetings. And so this is
9 the first part of our process where there's an opportunity
10 for public input.

11 We're going to take this as well as the work
12 that's been done so far and our own independent work and
13 we'll be preparing what's called a Draft Environmental
14 Impact Report. And then once we're done with that, we'll
15 issue that, we'll publish that. And so that's the next
16 time that we're going to come to you and ask for your
17 input.

18 So that report will be pretty thick, but
19 hopefully we'll organize it in such a way that the issues
20 and concerns that you have will be easy enough to find
21 that you can look in there. And the input we'll be asking
22 for then is a little different than the input we're asking
23 for now. At this point we're trying to get a wide array
24 of concerns so that we can make sure that our analysis is
25 comprehensive. At this point when we issue the Draft EIR,

1 we'll be asking, you know, how did we do? Did we miss
2 something? Did we misinterpret the comment you provided?
3 Tell us that. And so again, that will be either oral
4 comments or written comments.

5 And we will take those comments on the Draft
6 Environmental Impact Report and we'll consider each one.
7 We're required to present a response for each comment that
8 we receive. And if necessary, we'll modify the
9 Environmental Impact Report and then issue what's called
10 the Final Environmental Impact Report. And that then is
11 used by the State Water Resources Control Board to assist
12 them in their decision whether or not to grant a water
13 quality certification to the project.

14 It's an important thing to know about an
15 Environmental Impact Report that the intent of it is not
16 to provide answers to all of the questions that are out
17 there, especially with the issues here. It would be a
18 difficult thing for one document to be able to provide all
19 the answers. And so that is not the objective of any
20 Environmental Impact Report, and in this case, it isn't
21 either.

22 The objective is to fully disclose all of the
23 environmental impacts, fully disclose whether there's
24 differences of opinion, if there's studies that are in
25 conflict. We're required to present all sides. And if

1 there's -- if there are places where we can provide
2 answers, then we provide answers. We don't stay away from
3 it, but if there's not enough information to get to an
4 answer but there's enough to inform decision makers that
5 there's this issue, here's the positions, then the
6 Environmental Impact Report has done its job.

7 So that's why we're trying to get very
8 comprehensive knowledge of what issues are out there so
9 that we can fully disclose those in a way that is
10 specifically designed to inform this decision. So it's
11 the best way to encompass all of the concerns that are out
12 there and effect the final decision.

13 Okay. So that's what we're doing. Now, how does
14 that fit into the overall process? So, okay, in this
15 case, we are here. So we're going to go in history a
16 little bit here. So the applicant first filed their
17 application with the Federal Energy Regulatory Commission,
18 and permit applications. And then in November 2007, the
19 FERC issued their EIS, and then they authorized annual
20 licenses to the project pending all the permit actions
21 that need to occur.

22 So FERC ultimately is looking to either provide a
23 long-term license, 30 to 50 years, or not. And pending
24 the various decisions, they issue a series of annual
25 licenses until the permit decisions are made.

1 These are the ones that have been done so far,
2 and some of those, including Fish and Wildlife Service and
3 National Marine Fishery Service, have permit conditions
4 that are called mandatory conditions. And all permit
5 conditions have to be complied with, but the mandatory
6 conditions have great significance. And so we are in this
7 part of the process now. So we have the benefit of the
8 work that was done here, and then we can take that further
9 to meet our requirements.

10 And then once we're done -- Oregon is on a
11 parallel path here -- then the 401 decision will be made.
12 And down here is the FERC. They're sort of right now a
13 little bit on the sidelines. And if the certifications
14 are approved, then the FERC may issue a new long-term
15 license to the project. If the certifications are not
16 approved, then the FERC cannot issue a long-term license
17 to the projects.

18 Okay. So this just describes the project, and at
19 this point we're now leaving the part of the presentation
20 that's really just the process. And I think that's the
21 most important part.

22 So the next few I'm going to go through a little
23 more quickly. And if you think you missed something or
24 anything like that, again, the Notice of Preparation back
25 there has all of this information as well.

1 Okay. So the project that we're being asked to
2 consider is the long-term modifications of the Klamath
3 Hydroelectric Project and interim operational measures
4 that meet conditions of water quality certification and
5 conform with California water quality standards.

6 Okay. Now, in order to do our environmental
7 review and look at a range of alternatives, the applicant
8 presents us with their objectives, and then we look at
9 other objectives that the project must meet. And this is
10 what we have as our project objectives: Continue to
11 generate power from a renewable resource, to serve the
12 applicant's customers as compatible with water quality
13 standards and the mandatory conditions that the other
14 permitting agencies had that have been established as part
15 of the FERC licensing process. And then the additional
16 objective is to modify the project so as to comply with
17 California water quality standards.

18 Okay. So when you see the Draft Environmental
19 Impact Report, the first section that you'll see, it
20 describes the existing environment, it describes
21 conditions as they are now. And we know now that there's
22 several impairments. We know that there's water quality
23 listings for temperature, nutrients, dissolved oxygen, and
24 the microcystin toxins. We know that fish populations
25 have declined to the point where National Marine Fishery

1 Service has listed the Coho salmon as threatened. And we
2 know that there's -- these impacts have adverse effects to
3 the tribes that depend upon the river and the resources
4 within it, to the local communities, and to commercial,
5 recreation, and subsistence fisheries.

6 Okay. So here's how we're proposing to conduct
7 our analysis. Remember the bubbles that had the historic
8 things that had happened, the FERC review, the permitting
9 actions; those are going to be our starting point. So
10 we're not going to start from zero, we're starting from a
11 pretty high point of knowledge. And to that, we're going
12 to have to modify that and add to that in specific ways.

13 First, the environmental review has to reflect
14 the independent judgment of the Water Resources Control
15 Board. We know that there's more recent information since
16 the FERC completed their review, and we're committed to
17 include that. And if -- that's another thing that we'd
18 like to hear about, if there's additional information that
19 wasn't in that review. The California Environmental
20 Quality Act has additional resources that need to be
21 analyzed that the FERC did not analyze. So those will be
22 a part of this new environmental review. The range of
23 conditions and range of alternatives have to meet that
24 objective of meeting California water quality standards;
25 that's a new thing.

1 And then the FERC didn't go downstream from the
2 footprint of the project, but because of the requirement
3 to look at cumulative impacts, ours does. And then
4 because certain alternatives that were looked at in the
5 FERC document are no longer legally feasible, we won't
6 bother looking at those alternatives in our document.

7 Okay. Must use different colors. I think it's
8 okay; I'll just work with it. We had this great idea to
9 sort of color code the old alternatives, the new
10 alternatives, and we didn't figure on light.

11 So the green are new alternatives that were not
12 analyzed in the FERC's Environmental Impact Statement.
13 This one is one that was, the NEPA, National Environmental
14 Policy Act, no action, that is framed differently than the
15 way CEQA frames a no project; so this one will not be
16 looked at, this will.

17 PacifiCorp's original proposal to the FERC is no
18 longer legally feasible, so that won't be looked at.

19 The FERC, in their Environmental Impact
20 Statement, developed what they called a staff alternative.
21 They added 25 conditions to FERC's -- to PacifiCorp's
22 original 41, but that doesn't meet the mandatory
23 conditions imposed by the other permitting agencies; so
24 that one is not legally feasible and that one will not be
25 looked at.

1 The FERC staff alternative with the mandatory
2 conditions is legally feasible, and that was looked at in
3 the EIS and will be looked at in ours also.

4 Retirement and removal of Copco 1 and Iron Gate;
5 that old EIS will also be in ours. Removal of Iron Gate,
6 Copco 1 and 2. So removal of all the California dams
7 except for Fall Creek is a new alternative that we will
8 look at. And just because of the State Board's
9 jurisdiction, this is the maximum dam removal alternative
10 that we can consider, other than one that would include
11 Fall Creek.

12 And then as many of you know, there are
13 settlement negotiations that are ongoing. And should
14 those arrive at an alternative that we can analyze in our
15 document, we will. Right now, because we're not at that
16 point, it's kind of a placeholder. So we will keep this
17 as a placeholder with the hope that there will be a
18 settlement that we can include, and then that settlement
19 will have its CEQA review done for it, so it will sort of
20 speed it along its way.

21 And then the four dam removal alternative that
22 was analyzed in the EIS goes beyond California authority,
23 so we won't be officially looking at that in our
24 Environmental Impact Report.

25 Okay. So those were all long-term. They include

1 things like either dam removal, building fish passage
2 facilities, fish ladders, things that take time. And one
3 thing that we've found as part of our early fact finding
4 is that some of the conditions in the existing environment
5 are such that things -- there might be some interim
6 actions that should be taken as soon as possible and that
7 don't rely upon waiting for that five to seven years for
8 the long-term options to be implemented.

9 So PacifiCorp's initial proposal had 41
10 enhancement measures identified. So those form part of
11 the interim actions that we can review. The FERC's staff
12 alternative included additional things that could be put
13 into this category of interim actions that we'll consider.
14 And then the settlement agreement as well.

15 Okay. So these were the resource categories that
16 are common to the National Environmental Policy Act and
17 the California Environmental Quality Act, and so these
18 will be carried through into our document, updated as I
19 described before. And then these resource categories are
20 not considered in the federal review, but must be
21 considered in the state review. And they're in the NOP if
22 you want to read them.

23 The one that I'll just emphasize again is the
24 requirement of a cumulative impact analysis, and so that's
25 the component that requires us to take the broader view.

1 Okay. So this kind of summarizes -- or this is
2 the same as what I showed you before of what we're
3 interested in hearing from you specifically. Adequacy of
4 the FERC EIS. And in that point too, we know that there
5 were several comments, many, many comments on the Draft
6 Environmental Impact Statement, but what we can't be sure
7 of is the degree to which the final Environmental Impact
8 Statement adequately addressed them. So did it appear
9 like they just ignored the comments or did it appear as
10 though they were considered and were in the final
11 Environmental Impact Statement? We would be interested in
12 your opinion on that.

13 And the range of alternatives that I've
14 described, we would like to hear if a broader range makes
15 sense, impacts not addressed in the Environmental Impact
16 Statement and mitigation measures and other interim
17 operational alternatives that we might consider in our
18 review.

19 Okay. And as Erin said, you know, we're taking
20 oral comments today and we're recording them verbatim, so
21 those will get in the record and will be considered as we
22 start our environmental review. But there are some time
23 limits, and your comments might be longer than that allows
24 for. You may be more comfortable writing. And so we
25 encourage you to send written comments as well, either by

1 mail or by email. So either of those two addresses, it
2 will get to us, and it will be considered in our review.

3 And so with that, I think we'll begin with the
4 public comment period.

5 FACILITATOR RAGAZZI: Okay. Has everybody signed
6 in in the back? Okay. So if I could get folks to sign in
7 in the back if they haven't signed in yet. And if I could
8 get a show of hands of how many people want to speak
9 today.

10 I'm going to count hands to make sure it's what I
11 have here. So once I count you, you can put your hand
12 down. One, two, three, four, five, six, seven, eight,
13 nine, ten, eleven, twelve, thirteen, fourteen. That's
14 perfect. That's the number I had come up with.

15 And, sir, gentleman in the back with your hat on
16 that's signing in right now, do you want to speak?

17 Okay. So what I'm going to do is ask that you
18 come up to this microphone right here. Again, it is
19 important that you stay within three feet of the
20 microphone so that it does get transcribed. When you come
21 up, I'm going to ask that you repeat your name and spell
22 your last name for Debbie; it will make her life easier.

23 So the first person, I'm just going to go in
24 order, is Robert Franklin. And you'll have about three or
25 four minutes. Four minutes I'll stand up and get close to

1 you and try and get to you move on.

2 MR. FRANKLIN: Robert Franklin, F-r-a-n-k-l-i-n.
3 I'm here today representing the Fisheries Department of
4 the Hoopa Valley Tribe. I'm senior bi- -- hydrologist. I
5 should know my own title by now.

6 The tribe has submitted in writing a variety of
7 communications; I'm not going to try to reiterate what is
8 there. Also, today we have someone from the Tribal
9 Environmental Protection Agency who will speak to several
10 points.

11 I was thinking on the way up here, what's the
12 most important thing that happens here today. It's not
13 that someone had a hearing and a box gets checked off,
14 it's that we have a very important opportunity that we're
15 having to seize. These people of the Klamath River are
16 very happy and generous people, but you're catching us at
17 our worst, blood drained from our bodies.

18 A lot of people in this room I know have spent
19 their entire life trying to fix this river. Parts of this
20 river have tremendous federal and state and private
21 funding for restoration efforts. In spite of it all, we
22 have closed fishing seasons, listed species.

23 And a big part of the problem we have here today
24 is the very problem that you're coming to analyze. Under
25 the authority delegated to the State of California, under

1 the Clean Water Act, there is a profound opportunity to
2 restore water quality, to protect water quality. There is
3 an oddity under the Clean Water Act that among the states,
4 in the legal definition of states in that act are included
5 Indian tribes which have EPA-approved water quality
6 standards, and Hoopa has that. We're aware that you're
7 aware. We've seen that in your letters to FERC.

8 We've continued to rely on the fact that the
9 tribe's numeric standards for blue-green algae will really
10 have an important impact. A serious analysis I think is
11 going to -- a clear-headed analysis I think is going to
12 portray that there is no feasible operation, no feasible
13 mitigation for this project.

14 The problem is they are dams. They impound water
15 for long periods of time. And what happens as a result is
16 that bad water coming in becomes deadly water coming out.
17 We're awfully serious about that, and we're sure at least
18 some of you are too.

19 And thank you for coming here.

20 FACILITATOR RAGAZZI: Okay. The next person I
21 have is Ron Reed.

22 MR. REED: Four minutes?

23 FACILITATOR RAGAZZI: Four minutes.

24 MR. REED: You run a pretty tight ship.

25 FACILITATOR RAGAZZI: I do.

1 MR. REED: Good afternoon. My name is Ron Reed.
2 I'm culture biologist for the Karuk tribe. Today I want
3 to speak on a few different issues.

4 I was a tribal representative for five years
5 starting in 2001. I was a tribal representative at the
6 FERC hydroelectric -- the Klamath Hydroelectric
7 relicensing process. At the end of five years, in the
8 final license application, they told the tribe that there
9 was insignificant impacts to the culture resources below
10 the project area, which infuriated me. I spoke to these
11 issues for five years. At the end of the day, none of it
12 got on the radar screen.

13 So what happened from that point on, I think --
14 I'm trying to make history. We're doing a series -- we
15 did a series of reports, denied access to traditional
16 foods that basically spoke to the issue of the declining
17 health of the Karuk people and the demise of the fishery
18 and how the correlation occurs to not only the people but
19 our way of life, our world view, et cetera.

20 So because of that infuriating -- it didn't get
21 registered in FERC hydroelectric relicensing. So what
22 happened was that I went to the Cal EPA and the State
23 Water Quality Control Board, and we got a \$20,000 grant
24 that -- it was a water quality pilot project grant with
25 the environmental justice in the Cal EPA environmental

1 justice world. And what we did is identified culture
2 impacts. The cultural impacts of -- the water quality
3 impacts on our culture. And that's something that we will
4 provide in written comments.

5 So that is a basic -- we did a narrative and we
6 did charts, and basically saying that our medicine people
7 that are bathed in the river, the critical time of the
8 year, August through September, our medicine people are
9 bathing. Our participants are recreating in the river, we
10 eat fish from the river. So that's a part of our life,
11 that's what we do, and we'll continue to do that no matter
12 what -- you know, what lays in our way.

13 So we did a successful job there. We identified
14 the cultural impacts. And I think we had a great amount
15 of success with that. We're still writing that way.

16 Then subsequently with that first set of
17 interviews with our elders, we found out some bigger
18 issues. And one of those bigger issues are fresh water
19 muscles. It's something that we use for our ceremonies,
20 something we use for our subsistence food. And so we --
21 and there's a big problem with the fresh water muscles in
22 the Klamath River.

23 Dr. Kari Norgaard has created a Klamath Field
24 Institute down here in the Klamath River from Walla Walla,
25 Washington. We have about five or six students working on

1 fresh water muscles to the psychological impacts of denied
2 access -- or not having salmon available.

3 So there's a lot of different great work that
4 we're doing out there identifying these impacts. It
5 continues today. And my fear is that all these issues
6 will not be put on record or somehow there will be a
7 loophole where this evidence will not be utilized
8 properly.

9 You know, this CEQA meeting was supposed to be a
10 couple months ago, or quite a while ago. That was one of
11 my biggest fears, was that this wouldn't happen. The
12 settlement negotiations is happening. And one of my
13 fears, biggest fears is that the impacts to the Karuk
14 culture will not be identified or implemented in the
15 management process. So we're going to do all we can to
16 address these issues and get them identified.

17 And with that, there's another issue, a
18 traditional management perspective that I'd like to share
19 today. That, you know, when we go up on the mountain and
20 we manage the forest, we're also managing for the water,
21 we're managing for our fish, and for all the resources
22 that we utilize and we need for our world view, for who we
23 are as a people, and the things that the elders before us
24 passed on to us to make sure that we pass on that same
25 level of inspiration and knowledge to the people who walk

1 after us. And in doing that, you know, the tribe is
2 creating a University of California Berkeley
3 collaborative, developing traditional management
4 perspective in the forest, utilizing primarily --
5 utilizing fires as our primary management tool. And if
6 they come in and quantify this effort, I think we can go a
7 long ways to saving our fish, our terrestrial species, the
8 air, and the life of the Karuk people and the way we see
9 it.

10 FACILITATOR RAGAZZI: Thank you.

11 MR. REED: Okay. Thank you very much.

12 FACILITATOR RAGAZZI: Our next speaker is
13 Jenny Staats.

14 MS. STAATS: Hi. Thank you for having this
15 today. My name is Jenny, J-e-n-n-y, Staats, S-t-a-a-t-s.
16 I'm an Orleans resident. And this summer I was lucky
17 enough to be an adult chaperone -- it was a late summer --
18 I was an adult chaperone on a rafting trip with some of
19 the local kids. And something to know about the kids in
20 this area is that they're going to be the future
21 biologists and cultural biologists, and, you know, they're
22 the people who are going to be taking on all the different
23 jobs in the future.

24 So late summer we went rafting and snorkeling and
25 doing creek mouth enhancement. And so I think when we

1 were out there though, I think the river hadn't been
2 listed yet. It was August 15th that we rafted. And then
3 the river was listed for toxins on September 1st. But it
4 was clear that there were scums in the river when we went
5 out. And I hadn't made the date, but we went anyway. And
6 this is when the kids have their last opportunity before
7 school, and it's the appropriate time to do creek mouth
8 enhancement. And so speaking, you know, for recreational
9 and educational uses, it was a dangerous place to be this
10 summer.

11 And so I just wanted to put that out there, that,
12 you know, we had four boats full of kids and myself, and
13 the next day I had rashes on my hands and I had a stomach
14 problem. And I'm thinking back, what did I eat the day
15 before. And what I had eaten was a lot of Klamath River
16 water, because it was the most intense water fights I
17 think I've ever been a part of before. At some point I
18 think the water got in and I pulled my eyelids back, and a
19 kid pulled me into the river, and I was, you know,
20 drinking a lot of Klamath River water.

21 So this is really dangerous and scary that we
22 can't be in the river doing what we need to do and
23 teaching the kids what we need to teach them without the
24 risk of getting sick or getting injured.

25 So thank you for being here.

1 (Comments from the audience.)

2 MR. REED: (Unintelligible) I'd like to
3 (unintelligible) from the reservoir, and I want you folks
4 to kind of look at this. And every time we are talking
5 about these issues, this -- the same thing, you know, that
6 when we're fishing down the falls or doing our medicine or
7 whatever, this is the type of stuff that our people are
8 relegated to bathe in, to recreate in, for our fish to
9 swim in, and our basket weavers to pick materials to put
10 in their mouths so they can make baskets.

11 FACILITATOR RAGAZZI: Okay. Next person I have
12 listed to speak is Alex Corum.

13 MR. CORUM: My name is Alex Corum, C-o-r-u-m.
14 I'm a fish biologist for the Karuk tribe.

15 And I just want to talk about one of the impacts
16 of the water quality, which is the shifts in temperature,
17 which of course lead to a lot of pretty well-known
18 effects. They shorten the run timing of the adult fish,
19 which, of course, shortens the tribal fishery at Ishy
20 Pishy Falls, but they also -- those shifts in temperature
21 also are shifting habitat in a way that makes it more
22 available for exotic species.

23 And this is actually something that is not
24 adequately addressed in any documents up to this point,
25 and it is actually something that is only just now on our

1 radar screen up here. But with regard to Coho salmon in
2 particular, we are catching a lot of exotic fish in the
3 habitats that Coho salmon seem to be favoring. And the
4 National Science Foundation in one of their documents on
5 the Klamath stated that as temperatures go upward, native
6 fauna tend to decline, exotic species are given a
7 competitive advantage, and these things obviously converge
8 to cause decline in a fishery.

9 Iron Gate Reservoir and Copco reservoir both have
10 very well known fisheries for large mouthed bass and
11 yellow perch, which are known as piscivorous fish, and
12 they're also a source population for yellow bullheads,
13 which, we've confirmed in our trapping operations, do eat
14 salmon fry. So just wanted to point out something that
15 may not even be in any document at this point.

16 Thanks.

17 FACILITATOR RAGAZZI: Okay. Next is Gail
18 McDowell. You guys all know what number you are.

19 MS. McDOWELL: Hi. I'm Gail McDowell, G-a-i-l
20 M-c D-o-w-e-l-l, and I'm from Happy Camp and I'm
21 representing the Klamath River Swim Club. I've been
22 swimming the beautiful Klamath since 1994, and it's a very
23 spiritual and recreational experience. And we're also
24 very sensitive to the water quality.

25 Late summer 2002 I was swimming approximately

1 four miles down river from Happy Camp at Buzzard Creek and
2 I noticed an intense ammonia smell coming from the beach
3 as I approached as I was leaving the water's edge of the
4 river. The next day I decided to check out the smell.
5 And I went down to Independence Bridge, approximately 12
6 miles from Happy Camp. Again, a very intense ammonia
7 smell was detected coming from the river.

8 And so I phoned in a complaint to the water
9 quality agency, and they did come out to investigate a
10 sewage spill.

11 And I got a phone call. They could not find the
12 sewage spill. This is a documented on-file complaint.

13 Well, sadly, a few days later, the massive fish
14 kill occurred on the Klamath River.

15 So swimmers are very sensitive to the water
16 quality, just like the fish, but we're lucky enough to be
17 able to walk out of the river.

18 In 2005 I contracted a parasitic skin infection
19 due to the poor water quality of the Klamath River. And
20 this is also documented with my physician.

21 I think we all desire a clean, healthy river for
22 the people, fish, and the wildlife of the now very
23 distressed Klamath River.

24 Thank you.

25 FACILITATOR RAGAZZI: So next is Sonny Mitchell.

1 MR. MITCHELL: Hello, everyone. My name is Sonny
2 Mitchell, M-i-t-c-h-e-l-l, and I work with the Karuk tribe
3 fisheries. And I'm here just to talk about a few health
4 issues that I've personally had with diving, because we do
5 a lot of diving and snorkeling in the Klamath.

6 And just maybe four months ago I was snorkeling,
7 and about two days after I was snorkeling, I developed an
8 inner ear infection that threw my balance off, and I
9 couldn't walk, I couldn't really open my eyes because I'd
10 get so dizzy. It gave me migraines for about a week and a
11 half. And I had to miss work. I couldn't work and make
12 money. And another thing is I was diving last year, and I
13 scraped a rock, and I got a rash and ringworm on my arm
14 out of the river at Dillon Creek.

15 And my concern is how am I supposed to let my son
16 and daughter swim in the river and have fun when these
17 things are happening to me? And I don't know if they're
18 long-term or short term, on my ear, if it will come back.
19 So it's basically concern for my family swimming in the
20 river. I'd like to see them swim in there sometime soon.

21 Thank you. That's all I have to say.

22 FACILITATOR RAGAZZI: Okay. Mark -- I'll let you
23 do the last name.

24 MR. MOTYKA: Thank you. My name is Mark Motyka.
25 I'm one of the organizers of the Klamath Watershed

1 Festival.

2 FACILITATOR RAGAZZI: Can you spell your last
3 name really quickly?

4 MR. MOTYKA: M-o-t-y-k-a. And Klamath Watershed
5 festival is working to bring together the different people
6 here on the whole river for water quality and to bring the
7 communities together working on restoration issues.

8 I moved up here to Happy Camp seven years ago.
9 Before that I lived in the San Francisco Bay area. And
10 one of the big reasons for my leaving there was to get
11 some fresh air. Anyone who's been to the San Francisco
12 Bay area has seen the effects of smog over the whole
13 beautiful bay down there.

14 And when I look at this bottle of water that Ron
15 Reed just shared, if I was the salmon, that would be
16 liquid smog to me. And for the best restoration of the
17 fisheries here, something needs to be done about this. We
18 need a healthy watershed for the salmon. We need the
19 salmon -- a strong salmon run for all the tribes here up
20 and down the river.

21 And I thank you and encourage you to complete
22 full studies on the CEQA no project alternative, and also
23 the removal of the Iron Gate and Copco 1 and 2 dam
24 alternatives, that those studies are brought to completion
25 and that there's no loopholes found to scuttle those

1 complete studies.

2 Thank you very much.

3 FACILITATOR RAGAZZI: Next is Regina.

4 MS. CHICHIZOLA: Hello. My name is Regina
5 Chichizola, and I know several of you and thank you for
6 coming up here. It's good to see you in Orleans and not
7 in Sacramento.

8 FACILITATOR RAGAZZI: Please spell your last name
9 really quickly.

10 MS. CHICHIZOLA: C-h-i-c-h-i-z-o-l-a.

11 So thank you for coming up here. And I know you
12 understand how serious an issue the toxic algae is and how
13 serious the pollution coming out of these dams are. And I
14 also know you understand, and I'm not sure if everyone in
15 the room does, that the people in this community have been
16 trying to get action out of the water boards on this issue
17 of toxic algae now for three years. The regional water
18 boards have argued that they can only deal with water
19 quality issues from a FERC project during the FERC
20 relicensing process and not at other times.

21 This makes -- that means that this is a
22 50-year-long decision possibly that you're making. And I
23 know you understand how serious that is; that for the next
24 50 years we will be impacted by whatever happens from this
25 process.

1 I also know how this interacts with the TMDL
2 process, total maximum daily load process. Oregon has
3 indicated to me that they do not plan to deal with
4 agriculture pollution as part of the TMDL process, and I
5 know California does. But there are two major issues that
6 make this toxic algae happen. One is the agriculture
7 pollution in the upper basin; and the other one is the
8 dams, because the dams are compounding the water, they're
9 heating up, and they're letting all the nutrients create
10 this toxic algae.

11 And Oregon's indicating they're not going to
12 clean up their nutrients necessarily if they're not going
13 to deal with agriculture; so therefore, the decision we
14 have to make is whether or not -- if Oregon's not willing
15 to clean up its water quality and California is not
16 willing to make them, then the only option we have is to
17 remove these dams to take care of the problem.

18 And so this is a 50-year decision. We will be
19 swimming in toxic algae for the next 50 years if we don't
20 take care of this problem at this time. And it's very
21 serious to people in this community.

22 I've interviewed hundreds and hundreds of people
23 on this river about the impacts the toxic algae has had on
24 them and the water quality has had on them, and Sonny
25 Mitchell's story is not a rare story. Almost everyone

1 I've talked to who fishes in the river regularly and has
2 to get in the river has said that they at one time or
3 another have had a rash or have gotten sick or have gotten
4 an ear infection from the river. So we have a river that
5 is toxic, and I know you know that.

6 The things that water quality standards are being
7 violated are for things like toxicity, taste and odor, the
8 reservoirs' taste, smell like dead bodies for miles away,
9 which I'm sure you're familiar with. And this is what our
10 river is right now. And the impacts to the salmon are
11 great and the impacts to the people are great. And it's
12 not just our health that is suffering on the river,
13 especially for the people who really depend on the river,
14 it's their way of life, their health, their ability to
15 feed themselves and their family.

16 And the emotional toll also is huge for people
17 who look at the river and they smell it, and it smells
18 like a dead body. They can't go in there, they can't let
19 their kids go in there. People live here because they
20 have a connection to the river and the land. And I know
21 you know all the legal reasons why you should take the
22 dams down or why you should decide these dams can't stay
23 in place, and I know you know the only legal alternative
24 is dam removal in this situation.

25 And so I just wanted to let you know that the

1 community is suffering. These problems are great. And we
2 will do everything in our power to make sure that the
3 State Water Board makes the right decision because we
4 don't have another 50 years that we can deal with a toxic
5 river.

6 So, please, let me or anyone know what we need to
7 do to make it so your decision can be made to take these
8 dams down.

9 Thank you.

10 FACILITATOR RAGAZZI: Okay. The next person I
11 have is Louisa McConnell.

12 MS. McCONNELL: Hi, everyone. My name is Louisa
13 McConnell, M-c C-o-n-n-e-l-l. I'm an environmental
14 planner for the Hoopa Tribal Environmental Protection
15 Agency, and I'm here on their behalf.

16 First I'd like to compliment your guys' hard work
17 and early acknowledgement of our standards. Like Robert
18 from our fisheries program has already said, you know,
19 we've noticed that you guys have noticed that we're taking
20 those actions.

21 So as you know, and also like Robert said, we got
22 approved for our standards on February 14th, 2008, for a
23 portion of the Klamath River at Saints Rest. So our water
24 quality control plan now includes criteria for pH, water
25 column D.O., intergravel D.O., nutrients, Microcystis,

1 microcystins, and Periphyton.

2 With that being said, as you guys draft the CEQA
3 EIR, we would like you to -- we urge you to consider or
4 answer the following four questions at a minimum: How
5 will you demonstrate compliance with our water quality
6 standards, number one? Number two, how will the ongoing
7 TMDL process in California and in Oregon be incorporated
8 into the document? Also, number 3, how will natural
9 conditions be distinguished from anthropogenically (sic)
10 caused conditions in the upper basin? And number four,
11 how will the work of the blue-green algae working group
12 and dam removal studies conducted by the California
13 Coastal Conservancy be incorporated into the analysis? So
14 those are our four main points.

15 And it is the view of TEPA, Hoopa TEPA, that this
16 CEQA EIR process is the perfect forum to reveal that dam
17 removal, the dam removal alternatives are the only
18 alternatives that will adequately address the water
19 quality problems in the Klamath River.

20 Thank you.

21 FACILITATOR RAGAZZI: Leaf Hillman.

22 MR. HILLMAN: Good afternoon. Thank you for
23 being here, and also would like to take this opportunity
24 to thank the Water Board for holding these hearings, these
25 meetings in the basin. Very important too that local

1 folks get an opportunity to interact in these processes
2 that affect us, and that's not usually how it goes.

3 My comments are -- I'll reflect back to the very
4 first speaker today, when he said that we all know the
5 reality that there is no -- there's no way that this
6 project can meet standards to be permitted under 401. I
7 mean, there's just not -- with these dams in place,
8 there's nothing you can do to mitigate for that that's
9 going to fix the water quality problems in the Klamath.
10 And so I am heartened by the alternatives, some of the
11 alternatives that will be looked at.

12 And I know that sometimes folks like you come to
13 the basin for these kinds of meetings and sometimes the
14 room feels a little hostile. We understand that you guys
15 aren't the Board, for one, but I would encourage you to --
16 you know, I think it's just a sign that people are angry
17 and frustrated. Our lives are impacted daily, the lives
18 of our children are impacted their entire lives.

19 I've got a couple of young children that are
20 going to be raised on this river the same as I was, but
21 it's not the same, it's not the same as it was for me.
22 It's a different environment that we live in.

23 You know, people -- all my life I've swam in the
24 Klamath River, and people say, oh, you swim in that dirty
25 river? Well, yeah, I swim in that dirty river. It's

1 Klamath. That's the way it looks. But, you know, I don't
2 let my kids swim in the river.

3 And I think one of your speakers earlier spoke to
4 the -- I guess the emotional trauma that people feel,
5 maybe they don't even know it, they experience it, it
6 affects everything in our lives from access to food to our
7 health.

8 And so that's the extent of my comments. So
9 thanks for the opportunity.

10 FACILITATOR RAGAZZI: Can you state your name and
11 spell your last name.

12 MR. HILLMAN: My name is Leaf Hillman,
13 H-i-l-l-m-a-n.

14 FACILITATOR RAGAZZI: Thank you.
15 Robert Goodwin.

16 MR. GOODWIN: My name is Robert Goodwin, and I'm
17 a -- I will spell the last name. It's G-o-o-d-w-i-n. I'm
18 a tribal councilmember for the Karuk tribe.

19 And, you know, I heard a lot of good things up
20 here from a lot of good people who are concerned about
21 this place. I'm also concerned about it, being a tribal
22 member and a life-long resident of the river, and seeing
23 the decline in fish along the river, you know, from the
24 time I can remember, till today.

25 I'm also a member of local law enforcement, state

1 law enforcement. I remember a couple of years ago, I
2 think it was two years ago, there was some divers in the
3 river from the Sheriff's Department there, they were
4 looking for a couple of guys that had drowned,
5 unfortunately, in a tragic accident. And they come out of
6 the river after being in there for a day. And I asked
7 them, I said, well, what did you guys see? You guys
8 didn't find them. What was it like?

9 And they said, we just saw a lot of dead fish.

10 And I thought it was unusual that that's what
11 they picked up first, that's the first thing that they
12 saw. I said, well, what do you mean?

13 They said -- well, as they're going along, they
14 stay side by side, arm to arm, and they're just going down
15 the river as slow as they can go. And just behind every
16 little rock and every little nook and every little cranny,
17 there was just dead little fish. They're the outgoing,
18 they're the juvenile fish. And to me, that just drives
19 home the point that the water in the river is not good
20 water, it's just not quality water.

21 And I think that there's some common sense stuff
22 that we can bring to this; you know, initially, is that it
23 isn't good water. What can we do? And to me, no project
24 at all is the only way to go. And I think that most of
25 the tribal members' views are reflected by that same

1 thought; that the project itself isn't a good project,
2 it's not beneficial, generally speaking, to the population
3 in the tribal population or in the county. It's just --
4 it adds a little bit. And we know that that could be
5 mitigated by some other processes out there.

6 I think that, you know, being that you guys are
7 here and you're representing some new trains of thought
8 and opening up this process going from the project down
9 river, that we also need to consider some other additional
10 impacts up to the river, and that's by going up slope, and
11 that's by including, you know, maybe in some future talks,
12 and I would like to see some, you know, multi-party
13 agreements that put the forest service in this process as
14 well, because they're doing a lot of damage to our river
15 as well.

16 And I know that's not what we're specifically
17 here for, but I would like to see some multi-party
18 agreements between tribes, local water users, and the
19 forest service that mandates the forest service to not do
20 this big-box theory and burn all this forest land out,
21 which is, we know -- we all know that this year especially
22 true, we're going to have sediment loading in this river
23 that may be equal to what the dams are doing, and the
24 forest services should be held accountable for some of the
25 things that they did up here.

1 Another issue is the -- I guess it may be being
2 addressed and people have spoke on it, but it's the water,
3 when it enters the State of California, if it's not
4 meeting California water standards, we have to have some
5 way of going into Oregon and dealing with that issue. And
6 I know that it's their state, but it's still -- you know,
7 it's still going to be impacting us forever.

8 And I know, one other thing, Ron talked about it
9 and Leaf spoke on it as well, is the psychological impact
10 that's on our people. I've got a couple of boats and I've
11 fished my entire life. I haven't put my boats in the
12 water this year. You know, there's two -- there is --
13 there's a couple different trains of thought.

14 And if I go out there and fish, am I exposing
15 myself unnecessarily to something that's going to cause
16 health problems in the future? If I catch fish and eat
17 it, is that going to cause a further impact? And then
18 also with the decline of the fisheries itself, that's a
19 choice that I have to decide, am I going to take one more
20 fish out of that system that's already being destroyed by
21 these dams or am I going to let that one fish survive.

22 So I shouldn't have to make that choice as a
23 tribal person, because that's part of my subsistence and
24 that's something that I want to pass on to my kids, and
25 it's made it difficult to make that decision. And this

1 year I just decided not to -- not to really do it too
2 much, and I think that that's wrong that that's been
3 imposed upon me.

4 Thank you.

5 FACILITATOR RAGAZZI: Susan Corum.

6 MS. CORUM: Hi. I'm Susan Corum. I'm the water
7 quality coordinator for the Karuk tribe. C-o-r-u-m. And
8 I'm here to suggest today that the only option is the
9 alternative with all four dams out. And I'll go into why
10 we need to talk about all four, because it does impact
11 California, oil impacts California water quality.

12 We're not going to be able to mitigate adequately
13 for any of the things that the river's listed for. FERC
14 already agreed that temperature, we cannot mitigate
15 adequately for that; there's no way to make it good unless
16 you take the dams out.

17 Dissolved oxygen. What are they -- maybe a
18 little turbine venting. From what we saw this summer, it
19 really didn't do anything. We've got some data. It
20 actually made the D.O. lower than -- it made it higher the
21 week they were doing turbine venting, according to data
22 that PacifiCorp has.

23 Toxic algae. They put that big, what we
24 called -- it was an oil screen, but we called it a diaper.
25 The diaper didn't work. It's not a Band-Aid fix anymore,

1 it's a diaper fix. There was just as high blooms if not
2 higher on the other side of the diaper than on one side.
3 And the SolarBees are an expensive and seemingly
4 ineffective Band-Aid fix.

5 Nutrient loading, the reservoirs put out
6 nutrients at the worst time of the year when the salmon
7 are migrating through, and it's -- the river's ready to
8 take up those nutrients. It's a horrible time for
9 nutrient loading.

10 You guys also need to update -- there's been a
11 lot of stuff that's happened on the toxic algae front
12 since the FERC did their final EIS. Ron already mentioned
13 the muscles. We've got that where people can't even eat
14 muscles during the summer months, which is the best time
15 to go out and get them. I mean, the water is warm, the
16 flows are low, and now people can't catch them, go out and
17 harvest them, use them for ceremonies, things like that
18 because they've been found to be toxic.

19 Also, we've had -- recorded some very high
20 shoreline scums this year of the toxic algae. The state
21 guidance is 40,000 cells per milliliter or 8 micrograms
22 per liter; so 40,000 and 8. Right below Iron Gate at
23 Patrick Bridge where everybody puts in their boats and all
24 these people go rafting and floating and tubing down to
25 R Ranch, we had 1.4 million cells per liter at a shoreline

1 scum, and 230 micrograms per liter. So we are definitely
2 exceeding the guidance on that.

3 At Beaver Creek we had one of 251,000. This is
4 in the mainstem flowing river; this isn't in the
5 reservoirs anymore. We're getting these high levels, 110
6 micrograms per liter of the toxin. At Brown Bear River
7 access we had 401,672 cells per milliliter and 840
8 micrograms per liter of the toxin. This is over a hundred
9 times higher than the state guidance.

10 And the disturbing thing I'm finding that I know
11 is not in the final EIS, which a lot of people already
12 talked about, cultural; so I'll bring up something else
13 I'm seeing a glaring lack of evidence for is people
14 looking at wildlife effects. This is not being adequately
15 addressed in the EIS. At the Brown Bear one I talked
16 about, there was 840, over a hundred times higher than
17 state guidance. There were geese swimming right there,
18 and they nibble in the water and eat the algae right
19 there.

20 Down at -- at Iron Gate in the reservoir, there
21 was 48,000 cells -- 40,832 cells per milliliter. And we
22 had ducks -- literally, we watched them. I took a sample,
23 we stepped back. These two ducks came up, and they're
24 eating the algae because they're eating the bugs out of
25 there. What is the impact on this wildlife?

1 At Iron Gate, we lovingly call Spring Hill, it's
2 one of the boat accesses on the south side, there was 1600
3 micrograms per liter of the toxin. And there were cows
4 drinking the water there. These cows are sold for
5 slaughter. You know, they don't throw away the livers.
6 Even if it's not getting into the flesh, which at levels
7 this high it probably could be, even if it's just getting
8 into the liver, who's eating the liver? Are people buying
9 it for their babies to eat liver? You know, that's
10 supposed to be really good brain food. Is it being sold
11 into dog food? Where is this liver going? People are not
12 looking at those kinds of effects.

13 And a reason why, well, we need to look at for
14 J.C. Boyle needs to come out, is because the peaking
15 effects that it has on wildlife habitat. *Rana boylli*, the
16 foothill yellow-legged frog in California, it's a state
17 with some threatened species, their egg masses need pretty
18 stable flows. When you up and down the flows, take them
19 up and down by two feet, those are going to be scoured. I
20 said why aren't anybody looking at that when I did the
21 final EIS? Somebody said, well, that's because they're
22 all gone already, there's no frogs to go count.

23 What about muscles? Kari's group, Dr. Norgaard's
24 group went up to go look for muscles. There weren't any
25 up there any more because of this peaking. They need

1 really stable flows.

2 And what about lamprey? Lamprey, if you take the
3 flows up and down, they're going to get stranded on the
4 back side.

5 So I think we need to look at all four dams out
6 because all four dams have an impact on water quality in
7 California.

8 Thank you.

9 FACILITATOR RAGAZZI: Chris Hatton.

10 MR. HATTON: My name is Chris Hatton,
11 H-a-t-t-o-n, and I am co-owner with my wife, Tara, of the
12 Somes Bar Store, the little general store up the road.

13 And people talked about -- you know, I mean,
14 there's so many huge impacts, but just on purely my
15 observations, I drive to Happy Camp every week to get
16 produce for the store. And the difference between water
17 quality as you drive up river, I mean it's just abysmal
18 water quality. When your get up towards -- you know, as
19 creeks come in, it gets better. So we have beautiful
20 water. Any of these creeks are just any of the prettiest
21 you're ever going to see. And you see -- and those, you
22 know, flush the river, and the water quality improves as
23 you move downstream. But it's just -- it's just, on a
24 just-looking level, it's really bad.

25 I feel like business along the Klamath River is

1 very reflective of the condition of the river. You look
2 at all these towns, and they are depressed, and that's
3 truly just a reflection of the river.

4 You hear stories. I stay in the store all day,
5 and you hear stories of, oh, what was it like 40 years
6 ago, 50 years ago when there was fisheries here and people
7 came up and fished? A lot of the farms that sell produce
8 here, they used to not even have to go to town to sell
9 produce. There were so many fishermen here, that they
10 could just set up a farm stand right here in Orleans and
11 sell all their produce, you know, they don't have to drive
12 to Arcata to sell it at the farmers' market, you know; but
13 it's like who's here now. No one's up here.

14 So I just feel like there's a huge impact and
15 this definitely has to do with water quality.

16 On a personal level, I spend a lot of time in the
17 river kayaking, and it's a passion of mine, and that's,
18 frankly, why I moved up here, because these are such
19 amazing rivers. In the summer season you're limited to
20 the Klamath River to paddle in. And you know, I have ear
21 infections at least five times a year, you know. And it's
22 like I wear earplugs, you know. You get -- it's just one
23 of those things that you're going to -- you know, you're
24 going to deal with. It's just like bathing in the river,
25 it's something that I'm going to keep doing, you know.

1 And it's just this is a resource here that is
2 world class and could be world class if this was clean
3 water. And it could be such a boon for California as a
4 state and such a gift to -- I mean, obviously a gift to
5 the people that live here, but it's -- you know, it's just
6 a tragedy what's happened to the Klamath and how pathetic
7 the water quality is. So I hope that you will deal with
8 it and confront it.

9 Thank you.

10 FACILITATOR RAGAZZI: Rene.

11 MS. STAUFFER: My name's Rene Stauffer,
12 S-t-a-u-f-f-e-r. I'm a Karuk tribal member. And I want
13 to thank you for giving us the opportunity to talk to you.
14 But I almost feel like it's banging our heads against the
15 wall. I mean, we can look at that water. Why do we have
16 to prove that it's toxic? Look at it. I mean -- as a
17 basket weaver, my mom's a basket weaver, there's a lot of
18 basket weavers here, basket weaving is an integral part of
19 our lives. We start out in a baby basket when we're born
20 and we use it in our ceremonies; it's very important. But
21 it's scary to be putting the materials in our mouths when
22 it's been in the river.

23 And not only is it poison to us, but because of
24 the low levels of water, the rivers don't get to come up
25 in the winter and flush out the areas so that we have

1 healthy materials, healthy willow. Now they're just
2 infested with bugs. And if you go across the Klamath
3 River here at the bridge, you'll see that the willows have
4 grown right down to the water's edge. There never used to
5 be willow there, it used to be all open. And that was our
6 favorite swimming area, and we swam all summer long.

7 I'm like Leaf; I will not get in the water
8 anymore. Some of you might want to brave it, but I won't
9 let my grandchildren in that water. And it's really sad.
10 I love living here. I am thankful every single day that I
11 can look at these beautiful mountains and the beautiful
12 sky, but I look at that river and it really hurts.

13 And I'm not one to -- I'm not really a ball baby,
14 I have to tell you, but I drive up and down that river
15 every day because I work in Hoopa, and I can see just in
16 the last ten years the big change.

17 And I remember driving home one day looking at
18 the river and this thought came to me: Oh, my God, this
19 is looking like the Eel River. I mean, I always knew that
20 our river was getting smaller, you know, but the thought
21 that this is going to be the Eel River; and now the Eel
22 River is not a river, in the summertime you can't even see
23 the water, and that's where we're headed.

24 And our river was always so big and -- like the
25 Sacramento River was. We were always so proud of the fact

1 that we had the second biggest river in California. And
2 now it's like a little trickle. I mean, a lot of you who
3 haven't been around for years like I have, and used to see
4 it as a kid and how big and majestic it was, and now it's
5 just this little -- sad, little, non-moving river where
6 you can almost walk across it in some places. It's not
7 supposed to be that way. And we have a responsibility for
8 the future generations. And the dams have to come out or
9 it will never be fixed.

10 I hear you talking about mitigation measures.
11 That's a farce as far as I can see. I don't see how
12 anything can fix that unless the dams come out.

13 Thank you.

14 FACILITATOR RAGAZZI: Josh.

15 MR. STRANGE: Hello. My name is Josh Strange.
16 I'm a fisheries biologist with the Yurok tribe. We'll be
17 submitting written comments to you guys, but I wanted to
18 emphasize some areas of which I have expertise.

19 First though, I'd like to start by really
20 encouraging you not to have any more annual extensions to
21 PacifiCorp in this 401 process. Let's go ahead and get
22 this done.

23 In terms of the Microcystis, I'd like to draw
24 into question the World Health Organization's low risk
25 guidelines of 20,000 cells per milliliter. There's other

1 research that indicates that the threshold should be much
2 lower. For example, Resson 1994 suggests it is not
3 possible to specify safe levels of Microcystis in water
4 use for recreation or bathing purposes on the basis of
5 reports that establish links between skin contact with
6 sign of bacteria and adverse health effects.

7 Okay. So in other words, if you can see it in
8 the water body, it's not safe. And that can occur.
9 There's research in Australia showing that can occur as
10 low as 5,000 cells per milliliter; and those levels have
11 been found all the way to the Klamath estuary.

12 In particular, also, the World Health
13 Organization thresholds do not consider at-risk
14 individuals; individuals that may have allergies,
15 children, people with compromised liver or kidney
16 function, and people with autoimmune disorders. Also,
17 chronic exposure has the ability to produce tumors through
18 microcystin, and that's something that needs to be looked
19 at better.

20 I would also encourage the Water Board to look at
21 the bearings of this nuisance on the wild and scenic
22 outstanding recreational values of the Klamath River and
23 further mandate there to protect recreational uses in the
24 Klamath River.

25 In terms of fish, microcystin is especially

1 damaging to both the liver, the kidney, and the gills.
2 And as salmon migrate upstream, they're starting to die;
3 it's a race against time. But those organs are essential
4 all the way through their spawning. They need them to
5 maintain their defenses against diseases. There's been
6 quite a bit of net pin situations in British Columbia.
7 It's called net pin liver disease. It's caused by
8 microcystin. This shows evidence that this can be acutely
9 lethal to juvenile salmonids.

10 Also, there's increased toxicity during bloom
11 die-off, and this occurs in conjunction with the main
12 spawning run arriving below Iron Gate dam. And that's
13 because the cells release all of their toxin at the same
14 time. It also tends to increase pH and ammonia, which
15 further compromises the health of these fish.

16 I would encourage the Water Board to also look at
17 the persistence of these toxicities and sediments, where
18 they can be essentially protected and can persist for
19 months and then be resuspended in the spring when
20 juveniles are out migrating and trying to fight off a
21 disease, that targets the liver and the kidneys.

22 In sum, really, it's about cumulative impacts.
23 These fish are asked to bear such a burden in terms of
24 nutrients, pH, temperature, dissolved oxygen, diseases,
25 and then we're throwing this microcystin on top of that.

1 There's just no way that this is going to work in the long
2 term.

3 Finally, there's some research at HSU looking at
4 the bad taste that the blue-green algae imparts in the
5 flesh of the salmon; so I encourage you to look into that
6 as well.

7 From the management perspective, there's very few
8 options available once the bloom begins. We have quite a
9 bit of evidence against the use of copper sulfate, which
10 causes more problems than it could possibly solve. The
11 artificial mixing, there's very strong research guidelines
12 that suggest you have to mix at least 80 percent of the
13 water volume of a reservoir to have any chance of success,
14 which is way beyond the scope of what we could determine
15 or successfully achieve.

16 So, in summary, I think it's extremely important
17 to consider the fact that there are very view mitigation
18 or remediation measures that could possibly have any
19 chance of success. And these dams are causing a synergy
20 of water quality problems that really only can be
21 addressed through removal of the dams. So we strongly
22 encourage the full, all four dam removal option. We feel
23 this is the only legal and scientifically-defensible
24 position.

25 And also, we would encourage a long-range view in

1 terms of the synergy of climate change, increased human
2 population; all of these things in the long term as you
3 consider this proposal by PacifiCorp.

4 Thank you.

5 FACILITATOR RAGAZZI: Is it Breanna?

6 MS. SWANBERG: Hello. I'm Breanna Swanberg, and
7 I'm new to this community. And a big part of the reason
8 that I love it here is because of the experience with
9 nature and the rivers.

10 And I think that this is cultural resource
11 management as much as it is environmental. I mean,
12 those -- we've heard statistics about the water levels and
13 the quality, the deterioration; and you also hear from
14 tribal members who talk about the erosion of cultural
15 traditions and the concern of losing these elements that
16 have always been practiced here. And these are things
17 that I hope to experience and perhaps someday share with
18 my family as I come into this area.

19 And I think that it is our responsibility to
20 communicate with the representatives of the state that we
21 need to bring the dams down, because it is changing the
22 dynamics of the water and the fish are dying. And there's
23 these important components that keep this community going
24 and are really sacred. And this is crucial that you hear
25 us today and take this message back and do what you can to

1 remove the dams, restore the land, and let's reclaim the
2 river.

3 So thank you.

4 FACILITATOR RAGAZZI: George Pearlingi.

5 And if you could restate your name and spell your
6 last name for the record. Thank you.

7 MR. PEARLINGI: My name is George Pearlingi,
8 P-e-a-r-l-i-n-g-i.

9 I've lived in this community for about 11 years,
10 and, you know, the river's always been an important part
11 of my experience here. I fish, I swim in the rivers. We
12 have two little kids that we take to the river all the
13 time in the summer. And I also get to -- I do carpentry
14 work, so I drive the roads quite a bit; you know, I'm up
15 and down the highway.

16 And I guess it was last summer, it would be
17 September of '07, and the river, you know -- obviously,
18 now I know it was a bloom -- the river was a fluorescent
19 green color. I mean, you know, I've lived on the east
20 coast, I've seen some really nasty rivers, but I've never
21 seen a florescent green water color before. And I was
22 like, you know, what's up with this?

23 Right after that I had the opportunity to drive
24 up and go rafting on the upper Klamath above Copco Lake,
25 if you want to call it a lake; and we came out -- you

1 know, the end of the trip was Copco Lake. And it was --
2 it was this green fluorescent color. And it's like, well,
3 this must be where it's coming from. And, you know, I'm
4 not a water scientist or anything, but it seems pretty
5 obvious to me the dams have to go.

6 Thank you.

7 FACILITATOR RAGAZZI: Mark Duponte.

8 MR. DUPONTE: My name is Mark Duponte. My wife
9 and myself purchased Sandy Bar Ranch here on the mainstem
10 of the Klamath in 1992. When we purchased it then, the
11 fish docks were obviously in decline. It was a fishing
12 business that had been established in 1950. We realized
13 we had to -- we couldn't build a business on that, so we
14 started to build up a vacation rental -- recreation summer
15 rental business. From 1992 through 1998 we saw pretty
16 good increase in our summer rentals for that.

17 Come the year 2000, we started to see a definite
18 impact of water quality on our business. That's when we
19 started to hear reports of rashes and allergic reactions
20 to our customers who were swimming in the river.

21 In 2002 -- or 2001 there was a drought, and that
22 was the first year that we had to remove large mats of
23 algae from our beach where people swim so that they could
24 get into and out of the river without getting covered with
25 algae.

1 In 2002, there was the devastating fish kill that
2 everybody's heard about. That destroyed our fall fishing
3 business, and it has not recovered since.

4 Last year, as George just recounted -- I have
5 pictures here. This is a letter that I prepared, and
6 there's pictures of the river from that year. And just
7 like George said, it was pea green, it was a fluorescent
8 green, and it's exactly the color that you see in the dams
9 up river.

10 You know, all this has severely impacted our
11 ability to run a business, especially, you know, we
12 realize that there's declining fish stocks, and we can't
13 base a sport fishery rental business on that. So we've
14 taken the time to develop an alternative business, and now
15 that's getting heavily impacted by this.

16 When our customers read about levels of algae in
17 the Klamath River above the dams that are 4,000 times what
18 the World Health Organization allows, they don't want to
19 come swim in the river. And like people who have attested
20 here, people who have swam in the river their whole life,
21 they're not swimming in it anymore.

22 This is just my personal small story, and it has
23 to be placed in the context of the much bigger story of
24 the four tribes that depend on the river and the
25 devastating impacts that it's had on their culture and

1 their subsistence.

2 I've lived here for 16 years and I've traveled a
3 lot of the watershed. I've gone to meetings in the upper
4 basin. I even did some work up there for a farm
5 inspection. I'm now on the board of the Mid-Klamath
6 Watershed Council, and I've considered fish restoration
7 from a lot of different angles for the Klamath basin.

8 And you know what I see is number one, despite --
9 as bad as it sounds, as everybody's telling you, the
10 Klamath River is still our best hope for saving and
11 restoring salmon populations on the west coast. I don't
12 believe we have a better opportunity. We should have a
13 healthy fishery in this basin.

14 We have some of the largest tracks of roadless
15 and wilderness areas in the lower 48, we have a sparse
16 population, we have very little industry on the river,
17 we've got -- especially in our reach, we have large
18 amounts of cold water tributaries that are feeding high
19 quality water into the river. They have a lot of high
20 quality habitat for spawning.

21 We should have a good fish population in this
22 river, and we don't. There's a lot of reasons for that,
23 but one of the prime reasons that I've seen -- and I
24 admit, when I first heard about the blue-green algae, I
25 was slightly skeptical that it was a serious problems, but

1 in the years -- you know, the river is the last thing that
2 I look at at night before I go to bed and the first thing
3 I see in the morning, so I see it every single day, and
4 I'm convinced that the shallow, warm reservoirs behind the
5 dams are having a huge impact on the quality of the river.
6 And I don't think that we're going to be able to do any
7 serious restoration until we take them out.

8 So I'll be including the photos I mentioned with
9 my letter and sending that in. I can leave a copy of that
10 with you now if you'd like.

11 And thanks again for making the trip out here; we
12 do appreciate it.

13 FACILITATOR RAGAZZI: Thanks. Okay. I have one
14 more speaker unless I've missed anybody. Last person I
15 have is Nat Pennington. Is there anybody else that
16 needs -- did you guys sign up in the back? Okay. Can you
17 sign -- okay.

18 MR. PENNINGTON: Hi. My name is Nat Pennington,
19 P-e-n-n-i-n-g-t-o-n. I'd like to reiterate, it's
20 wonderful of you guys to come out here and hear our
21 community's opinion on the process that you're undergoing
22 with the dams on the Klamath.

23 I did actually bring a prop; I forgot to grab it
24 before I came up, but you guys may have seen this one
25 already. This is -- this is an example of what the

1 Klamath River sometimes looks like, or at least what we're
2 worried about with the toxic blue-green algae, as I'm sure
3 you guys all know.

4 And so I think -- you know, I've heard a lot of
5 what everybody said today, and I think that a lot has been
6 covered. I'd like to say that I've been sort of asked by
7 a group of people that are -- I represent the Salmon River
8 Restoration Council, and I'm the fisheries program
9 coordinator there. And we're a community group that has
10 been working on salmon restoration in the Klamath basin,
11 specifically the Salmon River, for about 15 years. And
12 right now we've got about 15 employees. Some of the
13 children in the local schools are involved too with our
14 annual fish count where we go out and do a census of the
15 salmon that swim up the Klamath, particularly in the
16 Salmon River. And so that's something that we do in
17 corroboration with Fish and Game. And, of course, that
18 all feeds into salmon harvest on the west coast, up and
19 down the west coast. And I'm sure you all heard about the
20 salmon closures that have happened and the great effects
21 on the economy that that has had, but locally here we
22 certainly feel it.

23 And I know, you know, I could speak for a lot of
24 those people who right now are working their jobs and
25 couldn't make it here today, that I think this area really

1 has suffered quite a lot from the four dams that are on
2 the Klamath. Not just the toxicity of the water and
3 people's inability to use the water for, you know,
4 recreation, jobs, everything, I mean, we're -- this is a
5 river community here, and I could probably say everybody
6 here are river people; and when the river is sick, I think
7 everybody is sick. And I think that just kind of sort of
8 trickles down to all aspects of communities and life in
9 rural areas.

10 And, you know, I brought my two youngest kids
11 today, and they really wanted to come. Their teachers
12 gave them all the homework; they're going to have to do it
13 when they get home, but they wanted to be here. And I did
14 sign -- I signed them up to speak, so they might just have
15 a few things to say.

16 But I know that for them, it's tough to be out
17 here and not have a lot of the things that, you know,
18 normal kids or, quote, unquote, normal kids get to do, go
19 to the mall and whatnot. And it seems like they should be
20 able to go swimming, you know, that should be a benefit of
21 living in a rural community. You should be able to be a
22 part of the nature that's surrounds you. And I think that
23 it's a sad thing that I have to tell my kids, no, we can't
24 go rafting because the Klamath River is too sick to allow
25 us to do that.

1 So anyways, I will -- if it's okay, I'd like to
2 allow my daughters to say something.

3 FACILITATOR RAGAZZI: Halley and Crescent.

4 MR. PENNINGTON: Halley and Crescent, yeah.

5 FACILITATOR RAGAZZI: So if you guys want to
6 speak, you want to come up right now.

7 MS. HALLEY PENNINGTON: My name is Halley. And
8 I've lived out here since I was first born. And I'm nine.
9 And this is my friend Rose.

10 Ms. ROSE: Hi. (Unintelligible) and I like to
11 eat salmon. And my name's Rose. And we should take the
12 dams down.

13 MS. HALLEY PENNINGTON: I go to school at a
14 school called Forks of Salmon, and there's no electricity
15 there. They sent a grant saying that they need
16 electricity at our school. And they have to pay for the
17 gas to run the generators that they have. And sometimes
18 we don't have electricity at our school. And if there's
19 going to be dams up, I feel like we have a right to have
20 electricity. But --

21 MR. PENNINGTON: Or at least salmon.

22 MS. HALLEY PENNINGTON: Yeah, or at least salmon.
23 But neither of those things seem to be happening right
24 now. And I don't think that that's fair. So I think the
25 dams should be taken down. Yeah. Because at our school,

1 now we don't have enough money to get a healthy lunch. We
2 eat peanut butter and jelly sandwiches every other day,
3 and that's not healthy for us.

4 MR. PENNINGTON: Well, it's true. The Forks
5 Elementary School does not receive any electricity from
6 Pacific Power Company, even though they're in their
7 service area.

8 So there is a lot of harm being done. And as far
9 as I can see, we're not really reaping a lot of the
10 benefits, like having public schools with electricity,
11 stuff like that.

12 Thanks very much.

13 FACILITATOR RAGAZZI: Thank you.

14 Ben? Why don't we let Ben speak. Okay. You are
15 Crescent?

16 MS. MOON PENNINGTON: Hello. My name is Moon,
17 and I love the salmon. And I just don't think it's very
18 fair if we keep the dams up or else the fish or the
19 community will not be have a very healthy time because of
20 the dams. And I would like to, please, have the dams,
21 please, taken down.

22 MR. RIGGIN: Hi. My name is Ben Riggan. I'm a
23 local land owner and I've been involved in restoration on
24 the mid-Klamath for a while.

25 The community has put a huge amount of its heart

1 and effort into trying to understand the lifecycles of the
2 different fish species here, partly I'd say, you know, the
3 need was exaggerated by this dam relicensing process; and
4 it was really up to the community, that if we're going to
5 be able to make -- you know, realize what some significant
6 effects of these dams were, we needed to understand them
7 and be able to get our heads around some of these issues
8 both in terms of how they're affecting the fish and at
9 what stages of their lifecycles and even understand what
10 some of these species are that are present, which a lot of
11 this knowledge wasn't here that long ago, and also in
12 terms of the social environmental impacts. And so I think
13 this community's just done an incredible job of stepping
14 up to the plate. And the tribes have done an incredible
15 job of stepping up to the plate and taking the science to
16 a new level.

17 I mean, there's been things happening on the
18 Klamath that are really globally significant; you know,
19 muscle research, sturgeon research, you know, how all
20 these species are interacting. And that seems to be part
21 of what's revealing itself, is that this single species
22 management is kind of default as a concept, because what
23 you really see is that all these things are really
24 interconnected.

25 And I think the people that have been here for a

1 longer time would say that includes in a real way the
2 human communities and the management practices the human
3 communities have been practicing here for thousands of
4 years. You know, ceremonial cycles and management of the
5 fisheries and up-slope management; and all those things
6 were interconnected, you know, those management practices.

7 Now, our management doesn't seem so well-informed
8 and we make decisions based on, well, put this fire out
9 right now. And so that's not really integrating with
10 anything. So we don't really have integrated management
11 on the Klamath. And I think that's why we still see huge
12 impacts like losing one of our real significant refugia
13 streams. It was, you know, is home to a large number of
14 California steelhead at Dillon Creek, and that these
15 management activities are really not in concert with
16 over-arching public trust resource goals that they're
17 really targeted to be.

18 So I think it's really important that we step
19 back and look at the big picture, both in terms of the
20 historical context and within the context of making sound,
21 scientific management decisions. If we take a step back
22 and look at the historical context of why these dams are
23 here, it was -- it was based on a false promise that the
24 fish would continue to exist. And that promise was
25 broken. And that trust was broken. And that was a breach

1 of public and tribal trust law.

2 And these dams are illegal today as they were
3 when they were put in, when fish access was promised and
4 never delivered, thereby basically wiping out probably the
5 most precious salmon run imaginable, the Klamath spring
6 salmon run that connected to basically the jewel, the
7 crown jewel of the west coast wetland systems, the upper
8 Klamath wetlands.

9 So the federal government obviously wasn't very
10 well-informed when they were making their allocational,
11 you know, decisions; that there were different sets of
12 priorities on the block, some of which were trickled over
13 from the 19th century. We're look still looking at
14 19th-century management, you know, kind of framework,
15 ideological framework. And now we're in the 21st century.
16 So there's a whole new set of things that we heed to
17 consider, you know.

18 And I'd say primarily, it's like, okay, there
19 were people living well here on a healthy diet, and now,
20 you know, people have to survive. You're looking at the
21 Karuk tribe being the single poorest group in the State of
22 California with a per capita income of around \$12,500.
23 You know, they're getting impacted the most, you know,
24 from this, because with that much money, you're either
25 eating all commodities or you get a little fresh salmon in

1 your diet or a little fresh acorn in your diet or a little
2 deer in your diet; but those resources have been impacted
3 too because the same kind of mismanagement that's happened
4 in the up slope -- you know, with regards to forest
5 service lands, the tribes have not been given any access
6 to take care of their traditional resources like acorns.
7 So fires, you know, are intense and disruptive, rather
8 than the cool fires that would burn on a regular basis.

9 So there's a lot to consider. And it needs to be
10 held within this larger frame, historical and scientific
11 management framework. Again, this community has done an
12 incredible job of stepping up to the plate. So thank you
13 guys.

14 Thank you.

15 FACILITATOR RAGAZZI: Bari Talley.

16 MS. TALLEY: Hi. I'm Bari Talley. I'm a Karuk
17 tribal member, and I work for the tribe at the computer
18 center. I'm also a member and a community member.

19 And I just wanted to also say I love to go
20 tubing. And it's a family tradition. And I -- everyone
21 around here knows my car because it always has a tube on
22 it, all summer long. And we also have a family tradition
23 that at age ten each of our kids gets a tube and then they
24 get to go tubing if they're a strong swimmer and they've
25 been trained in safety aspects of that.

1 Well, a couple of years ago we went, and a big
2 family; our whole entire family comes together in August,
3 and everybody comes for like a month and does all the
4 family gathering kind of things. And one of the things we
5 did was go tubing.

6 Well, my sister got very sick, and ended up being
7 a liver problem. And I, you know, can't really say
8 specifically that it was based on that, but it was in
9 August; and since then we don't do that -- and I am a big
10 baby, and that was one of the reasons I didn't want to
11 come up here.

12 But one of the other things is that this year we
13 had one fish that we smoked. Now, normally most people
14 aren't going to go to the trouble to cut up a fish this
15 big, but it's very -- it was important to me. So I did.
16 And, you know, it was terrible for my kids to have to say,
17 mom, can I have another piece? When this is traditionally
18 what we eat all year. And we don't have that.

19 And then at the computer center yesterday, Phil
20 Albers, who is our language person, he came over and he
21 was talking about a language project in which some of the
22 students are going to draw pictures on Paint Program of
23 salmon. And then as they're cut up, we're going to be
24 able to cut the little things out of the paper and hang
25 them in the paper smoke house. And I really don't want

1 that to be the way that my kids learn how to smoke fish.

2 Thank you.

3 FACILITATOR RAGAZZI: Barry McCovey.

4 MR. McCOVEY: My name is Barry McCovey. I'm a
5 Yurok tribal member and I'm also a fisheries biologist
6 with the Yurok tribe.

7 I'm in the river a lot, so I can tell you guys
8 the same stories about getting rashes and sick. And I
9 could sit here and beat you over the head with all the
10 stuff we already know; you guys know about the
11 environmental injustices, the cultural injustices, the
12 economic injustice that's going on here on the Klamath,
13 but I thought I'd try something a little different.

14 This morning I was looking at your guys' website,
15 the Water Resource Control Board's website, and I found
16 the mission statement.

17 And the mission statement for the Water Board is
18 to preserve, enhance, and restore the quality of
19 California's water resources and ensure their proper
20 allocation and efficient use for the benefit of present
21 and future generations.

22 So I thought I'd kind of break it up into
23 separate parts.

24 So the first part is to preserve, enhance, and
25 restore the quality of California's water resources. So

1 you guys have heard so many stories the last few days
2 about how this is not happening, the water isn't being --
3 the water quality is not being preserved. The window of
4 that opportunity passed a long time ago when the dams were
5 put in. There's no longer an opportunity to preserve
6 water quality. I wouldn't even call it water quality.
7 There's no quality about it.

8 Enhance. You can't enhance something that's --
9 it needs to be enhanced, but in order to enhance it, we
10 first have to restore it. So instead of preserve,
11 enhance, and restore, we need to switch it around to
12 restore, enhance, and then preserve so we don't find
13 ourselves in this situation again.

14 The only way to preserve -- restore, enhance, and
15 preserve the water quality of the Klamath River would be
16 to remove the dams. That's the only feasible alternative
17 that I see.

18 The second part of the Board's mission statement
19 is to ensure proper allocation. So what happens with the
20 water is it comes out of Oregon and it flows directly into
21 a reservoir, and then it flows into another reservoir, and
22 then another reservoir, and then another reservoir. And
23 so the water is -- first and foremost, the top priority is
24 allocated to a power company to produce a meaningless
25 amount of electricity. This is before any of the people

1 of California get to touch the water or get to use the
2 water. And not only do they get first priority and first
3 shot at the water, but they degrade the water quality to
4 points that are unimaginable that you guys have heard so
5 much about.

6 So as it stands, the priority is given to the
7 power company. They get the water allocated to them
8 before the people of California. So to me, that's not
9 ensuring proper allocation.

10 Another -- the other part of the State's mission
11 is to ensure efficient use of the California water
12 resources. Currently the water of California is allowed
13 to sit stagnant in these reservoirs, which are managed in
14 a fashion that is severely outdated. So its quality
15 becomes severely degraded. This is before it's released
16 downstream for any of the people of California to use.
17 These reservoirs are anything but a model of efficiency,
18 and, in fact, they are the exact opposite, they're
19 inefficient. So this is not ensuring the efficient use of
20 California's water resources.

21 So all of these things, the preservation, the
22 enhancement, the restoration, and the proper allocation
23 and efficient use of California water is done to benefit
24 present and future generations of Californians. And as
25 you've heard numerous times over the past few days,

1 present generations are not benefiting; in fact, they're
2 suffering. And future generations are not going to
3 benefit if things stay the way they are; they're going to
4 suffer.

5 So the exact opposite of what the Water Board's
6 mission statement is saying is what's occurring on all
7 different levels. So I would like to urge the Board to
8 keep the mission statement in mind when they're
9 considering PacifiCorp's relicensing application. And I
10 would also like to let the Board know that it's their
11 obligation and responsibility to follow this mission
12 statement. And if they do on this subject, PacifiCorp's
13 relicensing application, the only logical conclusion would
14 be the removal of the dams on the Klamath River.

15 Thank you.

16 FACILITATOR RAGAZZI: Okay. That's all the
17 speakers I had today. And it's just about two o'clock, so
18 you guys did that perfectly.

19 I wanted to let you know that if you do have
20 additional comments, you can send written comments to the
21 State Water Board, write here to Jennifer, until
22 November 17th.

23 There's also going to be another workshop held
24 over the web, and there will be a number that you can call
25 in to as well. So if you come up with something that you

1 didn't get to say and you'd like to, you can listen over
2 the web, watch over the web, or you could even call in to
3 that meeting as well.

4 Any other announcements that you guys want to
5 make?

6 Thank you again so much for allowing us to use
7 your community center today, we really appreciate it.

8 (Question from unidentified audience member
9 beyond the range of the microphone.)

10 FACILITATOR RAGAZZI: So the question is when do
11 we expect the -- I'll let Dan or Jennifer cover what the
12 projected timeline is.

13 DR. TORMEY: So as Marianna just said, she's
14 interested to hear what I say too.

15 So as you saw, we're extremely early in the
16 process. PacifiCorp's application was just resubmitted at
17 the end of September. And so we're now gathering
18 information during our scoping meetings and using our own
19 review of the existing materials to get an idea of where
20 there's gaps in information, where additional studies need
21 to be conducted, additional requests made of the
22 applicant. And so that part is difficult to predict right
23 now. I'd like to give you a direct answer, but we're so
24 early in the process right now that I'm not sure of the
25 scale of studies.

1 In general, the process takes approximately a
2 year, but then that is variable depending on whether the
3 existing information is very easy to use and the conduct
4 of the subsequent environmental review is quicker or
5 whether there's additional studies that need to be done
6 that sometimes lengthen the timeline.

7 FACILITATOR RAGAZZI: Okay. So what I was just
8 speaking with Marianna about is once a timeline is better
9 established, it will be posted on the web. And I'm sure
10 if you signed up for the email list to continue to get
11 updates on this process, that you'll get updates, you'll
12 get notification when the Draft EIR is available for
13 public comment. And you can visit the website to actually
14 get the proposed timeline.

15 Because we need to close the meeting at this
16 point, if you guys have individual questions, you can come
17 up and speak with whoever is best equipped to answer that
18 question. So you're welcome to do that right now.

19 (Thereupon, the October 21, 2008,
20 California State Water Resources Control Board
21 Public Scoping Meeting
22 was adjourned at 2:00 p.m.)

23 --oOo--

24 *****

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CERTIFICATE OF REPORTER

I, DEBORAH BAKER, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California State Water Resources Control Board Public Scoping Meeting; that thereafter the recording was transcribed.

I further certify that I am not counsel or attorney for any of the parties to said Public Scoping Meeting, or in any way interested in the outcome of said Public Scoping Meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of November, 2008.

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