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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Halley Pennington
Moon Pennington
Ben Riggin
Bari Talley
Barry McCovey
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PROCEDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And so the point we're at in the process now is that California is considering a water quality
certification for the dams in California, and Oregon is
doing the same thing for the dams in Oregon. So the
process is a little -- there's two parallel things going
on right now at the same time.

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

Okay. So this just is a map showing locations.
Here we have the state line, and Copco 1 and 2, Iron Gate.
And the scope of our review goes beyond just here, as part
of the cumulative impact analysis, to look at the overall
effect of these dams on the environment. Our analysis
goes all the way to the mouth. And then we also consider
the effect that operations in Oregon have on the water
quality here in California. So even though the
jurisdiction of the State Board is limited to the dams
within California, our analysis encompasses the full area
of effect.
Okay. So today we have kind of two objectives. One is to describe to you what the process is and where we get input from you. And then the second is to get comment. And, you know, we encourage you to provide any input that you would like in our process. Since we're focused on environmental, comments that are of an environmental nature go much further, but don't limit it because you might not realize that there is an environmental component.

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

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

And then the last two are as part of the review when we find significant impacts, we look for ways to reduce or eliminate those, and those are called mitigation.
measures. And so if there's mitigation measures that you have not seen in the process thus far that the FERC concluded or that the other permitting agencies have done, we'd like to hear those suggestions.

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

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

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

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

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

So that report will be pretty thick, but hopefully we'll organize it in such a way that the issues and concerns that you have will be easy enough to find that you can look in there. And the input we'll be asking for then is a little different than the input we're asking for now. At this point we're trying to get a wide array of concerns so that we can make sure that our analysis is comprehensive. At this point when we issue the Draft EIR,
we'll be asking, you know, how did we do? Did we miss
something? Did we misinterpret the comment you provided?
Tell us that. And so again, that will be either oral
comments or written comments.

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

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

The objective is to fully disclose all of the
environmental impacts, fully disclose whether there's
differences of opinion, if there's studies that are in
conflict. We're required to present all sides. And if
there's -- if there are places where we can provide answers, then we provide answers. We don't stay away from it, but if there's not enough information to get to an answer but there's enough to inform decision makers that there's this issue, here's the positions, then the Environmental Impact Report has done its job.

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

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

So FERC ultimately is looking to either provide a long-term license, 30 to 50 years, or not. And pending the various decisions, they issue a series of annual licenses until the permit decisions are made.
These are the ones that have been done so far, and some of those, including Fish and Wildlife Service and National Marine Fishery Service, have permit conditions that are called mandatory conditions. And all permit conditions have to be complied with, but the mandatory conditions have great significance. And so we are in this part of the process now. So we have the benefit of the work that was done here, and then we can take that further to meet our requirements.

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

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

So the next few I'm going to go through a little more quickly. And if you think you missed something or anything like that, again, the Notice of Preparation back there has all of this information as well.
Okay. So the project that we're being asked to consider is the long-term modifications of the Klamath Hydroelectric Project and interim operational measures that meet conditions of water quality certification and conform with California water quality standards.

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

Okay. So when you see the Draft Environmental Impact Report, the first section that you'll see, it describes the existing environment, it describes conditions as they are now. And we know now that there's several impairments. We know that there's water quality listings for temperature, nutrients, dissolved oxygen, and the microcystin toxins. We know that fish populations have declined to the point where National Marine Fishery
Service has listed the Coho salmon as threatened. And we know that there's -- these impacts have adverse effects to the tribes that depend upon the river and the resources within it, to the local communities, and to commercial, recreation, and subsistence fisheries.

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

First, the environmental review has to reflect the independent judgment of the Water Resources Control Board. We know that there's more recent information since the FERC completed their review, and we're committed to include that. And if -- that's another thing that we'd like to hear about, if there's additional information that wasn't in that review. The California Environmental Quality Act has additional resources that need to be analyzed that the FERC did not analyze. So those will be a part of this new environmental review. The range of conditions and range of alternatives have to meet that objective of meeting California water quality standards; that's a new thing.
And then the FERC didn't go downstream from the footprint of the project, but because of the requirement to look at cumulative impacts, ours does. And then because certain alternatives that were looked at in the FERC document are no longer legally feasible, we won't bother looking at those alternatives in our document.

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

So the green are new alternatives that were not analyzed in the FERC's Environmental Impact Statement.

This one is one that was, the NEPA, National Environmental Policy Act, no action, that is framed differently than the way CEQA frames a no project; so this one will not be looked at, this will.

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

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

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

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

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

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

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

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

The one that I'll just emphasize again is the
requirement of a cumulative impact analysis, and so that's
the component that requires us to take the broader view.
Okay. So this kind of summarizes -- or this is the same as what I showed you before of what we're interested in hearing from you specifically. Adequacy of the FERC EIS. And in that point too, we know that there were several comments, many, many comments on the Draft Environmental Impact Statement, but what we can't be sure of is the degree to which the final Environmental Impact Statement adequately addressed them. So did it appear like they just ignored the comments or did it appear as though they were considered and were in the final Environmental Impact Statement? We would be interested in your opinion on that.

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

Okay. And as Erin said, you know, we're taking oral comments today and we're recording them verbatim, so those will get in the record and will be considered as we start our environmental review. But there are some time limits, and your comments might be longer than that allows for. You may be more comfortable writing. And so we encourage you to send written comments as well, either by
mail or by email. So either of those two addresses, it will get to us, and it will be considered in our review.

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

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

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

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

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

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

MR. FRANKLIN: Robert Franklin, F-r-a-n-k-l-i-n.

I'm here today representing the Fisheries Department of the Hoopa Valley Tribe. I'm senior bi- -- hydrologist. I should know my own title by now.

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

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

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

And a big part of the problem we have here today is the very problem that you're coming to analyze. Under the authority delegated to the State of California, under
the Clean Water Act, there is a profound opportunity to
restore water quality, to protect water quality. There is
an oddity under the Clean Water Act that among the states,
in the legal definition of states in that act are included
Indian tribes which have EPA-approved water quality
standards, and Hoopa has that. We're aware that you're
aware. We've seen that in your letters to FERC.

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

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

And thank you for coming here.

Okay. The next person I
have is Ron Reed.

Four minutes?

Four minutes.

You run a pretty tight ship.

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

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

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

So because of that infuriating -- it didn't get registered in FERC hydroelectric relicensing. So what happened was that I went to the Cal EPA and the State Water Quality Control Board, and we got a $20,000 grant that -- it was a water quality pilot project grant with the environmental justice in the Cal EPA environmental
justice world. And what we did is identified culture
impacts. The cultural impacts of -- the water quality
impacts on our culture. And that's something that we will
provide in written comments.

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

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

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

Dr. Kari Norgaard has created a Klamath Field
Institute down here in the Klamath River from Walla Walla,
Washington. We have about five or six students working on
fresh water muscles to the psychological impacts of denied
access -- or not having salmon available.

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

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

And with that, there's another issue, a
traditional management perspective that I'd like to share
today. That, you know, when we go up on the mountain and
we manage the forest, we're also managing for the water,
we're managing for our fish, and for all the resources
that we utilize and we need for our world view, for who we
are as a people, and the things that the elders before us
passed on to us to make sure that we pass on that same
level of inspiration and knowledge to the people who walk
after us. And in doing that, you know, the tribe is creating a University of California Berkeley collaborative, developing traditional management perspective in the forest, utilizing primarily -- utilizing fires as our primary management tool. And if they come in and quantify this effort, I think we can go a long ways to saving our fish, our terrestrial species, the air, and the life of the Karuk people and the way we see it.

FACILITATOR RAGAZZI: Thank you.

MR. REED: Okay. Thank you very much.

FACILITATOR RAGAZZI: Our next speaker is Jenny Staats.

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

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

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

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

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

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

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

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

And this is actually something that is not
adequately addressed in any documents up to this point,
and it is actually something that is only just now on our
radar screen up here. But with regard to Coho salmon in particular, we are catching a lot of exotic fish in the habitats that Coho salmon seem to be favoring. And the National Science Foundation in one of their documents on the Klamath stated that as temperatures go upward, native fauna tend to decline, exotic species are given a competitive advantage, and these things obviously converge to cause decline in a fishery.

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

Thanks.

Facilitator Ragazzi: Okay. Next is Gail McDowell. You guys all know what number you are.

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

Late summer 2002 I was swimming approximately
four miles down river from Happy Camp at Buzzard Creek and
I noticed an intense ammonia smell coming from the beach
as I approached as I was leaving the water's edge of the
river. The next day I decided to check out the smell.
And I went down to Independence Bridge, approximately 12
miles from Happy Camp. Again, a very intense ammonia
smell was detected coming from the river.
And so I phoned in a complaint to the water
quality agency, and they did come out to investigate a
sewage spill.
And I got a phone call. They could not find the
sewage spill. This is a documented on-file complaint.
Well, sadly, a few days later, the massive fish
kill occurred on the Klamath River.
So swimmers are very sensitive to the water
quality, just like the fish, but we're lucky enough to be
able to walk out of the river.
In 2005 I contracted a parasitic skin infection
due to the poor water quality of the Klamath River. And
this is also documented with my physician.
I think we all desire a clean, healthy river for
the people, fish, and the wildlife of the now very
distressed Klamath River.
Thank you.

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

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

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

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

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

MR. MOTYKA: Thank you. My name is Mark Motyka. I'm one of the organizers of the Klamath Watershed...
FACILITATOR RAGAZZI: Can you spell your last name really quickly?

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

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

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

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

Thank you very much.

FACILITATOR RAGAZZI: Next is Regina.

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

FACILITATOR RAGAZZI: Please spell your last name really quickly.

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

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

This makes -- that means that this is a 50-year-long decision possibly that you're making. And I know you understand how serious that is; that for the next 50 years we will be impacted by whatever happens from this process.
I also know how this interacts with the TMDL process, total maximum daily load process. Oregon has indicated to me that they do not plan to deal with agriculture pollution as part of the TMDL process, and I know California does. But there are two major issues that make this toxic algae happen. One is the agriculture pollution in the upper basin; and the other one is the dams, because the dams are compounding the water, they're heating up, and they're letting all the nutrients create this toxic algae.

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

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

I've interviewed hundreds and hundreds of people on this river about the impacts the toxic algae has had on them and the water quality has had on them, and Sonny Mitchell's story is not a rare story. Almost everyone
I've talked to who fishes in the river regularly and has to get in the river has said that they at one time or another have had a rash or have gotten sick or have gotten an ear infection from the river. So we have a river that is toxic, and I know you know that.

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

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

And so I just wanted to let you know that the

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

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

Thank you.

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

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

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

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

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

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

Thank you.

FACILITATOR RAGAZZI: Leaf Hillman.

MR. HILLMAN: Good afternoon. Thank you for being here, and also would like to take this opportunity to thank the Water Board for holding these hearings, these meetings in the basin. Very important too that local
folks get an opportunity to interact in these processes that affect us, and that's not usually how it goes. My comments are -- I'll reflect back to the very first speaker today, when he said that we all know the reality that there is no -- there's no way that this project can meet standards to be permitted under 401. I mean, there's just not -- with these dams in place, there's nothing you can do to mitigate for that that's going to fix the water quality problems in the Klamath. And so I am heartened by the alternatives, some of the alternatives that will be looked at.

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

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

You know, people -- all my life I've swam in the Klamath River, and people say, oh, you swim in that dirty river? Well, yeah, I swim in that dirty river. It's
Klamath. That's the way it looks. But, you know, I don't let my kids swim in the river.

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

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

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

MR. HILLMAN: My name is Leaf Hillman,

H-i-l-l-m-a-n.

FACILITATOR RAGAZZI: Thank you.

Robert Goodwin.

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

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

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

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

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

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

And I think that there's some common sense stuff that we can bring to this; you know, initially, is that it isn't good water. What can we do? And to me, no project at all is the only way to go. And I think that most of the tribal members' views are reflected by that same view.
thought; that the project itself isn't a good project,
it's not beneficial, generally speaking, to the population
in the tribal population or in the county. It's just --
it adds a little bit. And we know that that could be
mitigated by some other processes out there.

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

And I know that's not what we're specifically
here for, but I would like to see some multi-party
agreements between tribes, local water users, and the
forest service that mandates the forest service to not do
this big-box theory and burn all this forest land out,
which is, we know -- we all know that this year especially
true, we're going to have sediment loading in this river
that may be equal to what the dams are doing, and the
forest services should be held accountable for some of the
things that they did up here.
Another issue is the -- I guess it may be being addressed and people have spoke on it, but it's the water, when it enters the State of California, if it's not meeting California water standards, we have to have some way of going into Oregon and dealing with that issue. And I know that it's their state, but it's still -- you know, it's still going to be impacting us forever.

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

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

So I shouldn't have to make that choice as a tribal person, because that's part of my subsistence and that's something that I want to pass on to my kids, and it's made it difficult to make that decision. And this...
year I just decided not to -- not to really do it too much, and I think that that's wrong that that's been imposed upon me.

Thank you.

FACILITATOR RAGAZZI: Susan Corum.

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

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

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

Toxic algae. They put that big, what we called -- it was an oil screen, but we called it a diaper. The diaper didn't work. It's not a Band-Aid fix anymore,
it's a diaper fix. There was just as high blooms if not
higher on the other side of the diaper than on one side.
And the SolarBees are an expensive and seemingly
ineffective Band-Aid fix.

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

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

Also, we've had -- recorded some very high
shoreline scums this year of the toxic algae. The state
guidance is 40,000 cells per milliliter or 8 micrograms
per liter; so 40,000 and 8. Right below Iron Gate at
Patrick Bridge where everybody puts in their boats and all
these people go rafting and floating and tubing down to
R Ranch, we had 1.4 million cells per liter at a shoreline
scum, and 230 micrograms per liter. So we are definitely exceeding the guidance on that.

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

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

Down at -- at Iron Gate in the reservoir, there was 48,000 cells -- 40,832 cells per milliliter. And we had ducks -- literally, we watched them. I took a sample, we stepped back. These two ducks came up, and they're eating the algae because they're eating the bugs out of there. What is the impact on this wildlife?
At Iron Gate, we lovingly call Spring Hill, it's one of the boat accesses on the south side, there was 1600 micrograms per liter of the toxin. And there were cows drinking the water there. These cows are sold for slaughter. You know, they don't throw away the livers. Even if it's not getting into the flesh, which at levels this high it probably could be, even if it's just getting into the liver, who's eating the liver? Are people buying it for their babies to eat liver? You know, that's supposed to be really good brain food. Is it being sold into dog food? Where is this liver going? People are not looking at those kinds of effects.

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

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

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

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

Thank you.

FACILITATOR RAGAZZI: Chris Hatton.

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

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

I feel like business along the Klamath River is
very reflective of the condition of the river. You look at all these towns, and they are depressed, and that's truly just a reflection of the river.

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

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

On a personal level, I spend a lot of time in the river kayaking, and it's a passion of mine, and that's, frankly, why I moved up here, because these are such amazing rivers. In the summer season you're limited to the Klamath River to paddle in. And you know, I have ear infections at least five times a year, you know. And it's like I wear earplugs, you know. You get -- it's just one of those things that you're going to -- you know, you're going to deal with. It's just like bathing in the river, it's something that I'm going to keep doing, you know.
And it's just this is a resource here that is world class and could be world class if this was clean water. And it could be such a boon for California as a state and such a gift to -- I mean, obviously a gift to the people that live here, but it's -- you know, it's just a tragedy what's happened to the Klamath and how pathetic the water quality is. So I hope that you will deal with it and confront it.

Thank you.

FACILITATOR RAGAZZI: Rene.

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

And not only is it poison to us, but because of the low levels of water, the rivers don't get to come up in the winter and flush out the areas so that we have
healthy materials, healthy willow. Now they're just
infested with bugs. And if you go across the Klamath
River here at the bridge, you'll see that the willows have
grown right down to the water's edge. There never used to
be willow there, it used to be all open. And that was our
favorite swimming area, and we swam all summer long.

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

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

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

And our river was always so big and -- like the
Sacramento River was. We were always so proud of the fact
that we had the second biggest river in California. And now it's like a little trickle. I mean, a lot of you who haven't been around for years like I have, and used to see it as a kid and how big and majestic it was, and now it's just this little -- sad, little, non-moving river where you can almost walk across it in some places. It's not supposed to be that way. And we have a responsibility for the future generations. And the dams have to come out or it will never be fixed.

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

Thank you.

FACILITATOR RAGAZZI: Josh.

MR. STRANGE: Hello. My name is Josh Strange. I'm a fisheries biologist with the Yurok tribe. We'll be submitting written comments to you guys, but I wanted to emphasize some areas of which I have expertise. First though, I'd like to start by really encouraging you not to have any more annual extensions to PacifiCorp in this 401 process. Let's go ahead and get this done.

In terms of the Microcystis, I'd like to draw into question the World Health Organization's low risk guidelines of 20,000 cells per milliliter. There's other
research that indicates that the threshold should be much lower. For example, Ressom 1994 suggests it is not possible to specify safe levels of Microcystis in water use for recreation or bathing purposes on the basis of reports that establish links between skin contact with sign of bacteria and adverse health effects.

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

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

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

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

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

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

In sum, really, it's about cumulative impacts. These fish are asked to bear such a burden in terms of nutrients, pH, temperature, dissolved oxygen, diseases, and then we're throwing this microcystin on top of that.
There's just no way that this is going to work in the long term.

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

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

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

And also, we would encourage a long-range view in
terms of the synergy of climate change, increased human 
population; all of these things in the long term as you 
consider this proposal by PacifiCorp.

Thank you.

FACILITATOR RAGAZZI: Is it Breanna?

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

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

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

So thank you.

FACILITATOR RAGAZZI: George Pearlingi.

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

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

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

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

Right after that I had the opportunity to drive up and go rafting on the upper Klamath above Copco Lake, if you want to call it a lake; and we came out -- you
know, the end of the trip was Copco Lake. And it was --
it was this green fluorescent color. And it's like, well,
this must be where it's coming from. And, you know, I'm
not a water scientist or anything, but it seems pretty
obvious to me the dams have to go.

Thank you.

FACILITATOR RAGAZZI: Mark Duponte.

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

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

In 2002 -- or 2001 there was a drought, and that
was the first year that we had to remove large mats of
algae from our beach where people swim so that they could
get into and out of the river without getting covered with
algae.
In 2002, there was the devastating fish kill that everybody's heard about. That destroyed our fall fishing business, and it has not recovered since.

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

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

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

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

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

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

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

We should have a good fish population in this river, and we don't. There's a lot of reasons for that, but one of the prime reasons that I've seen -- and I admit, when I first heard about the blue-green algae, I was slightly skeptical that it was a serious problems, but
in the years -- you know, the river is the last thing that
I look at at night before I go to bed and the first thing
I see in the morning, so I see it every single day, and
I'm convinced that the shallow, warm reservoirs behind the
dams are having a huge impact on the quality of the river.
And I don't think that we're going to be able to do any
serious restoration until we take them out.
So I'll be including the photos I mentioned with
my letter and sending that in. I can leave a copy of that
with you now if you'd like.
And thanks again for making the trip out here; we
do appreciate it.

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

MR. PENNINGTON: Hi. My name is Nat Pennington,
P-e-n-n-i-n-g-t-o-n. I'd like to reiterate, it's
wonderful of you guys to come out here and hear our
community's opinion on the process that you're undergoing
with the dams on the Klamath.
I did actually bring a prop; I forgot to grab it
before I came up, but you guys may have seen this one
already. This is -- this is an example of what the
Klamath River sometimes looks like, or at least what we're worried about with the toxic blue-green algae, as I'm sure you guys all know.

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

And I know, you know, I could speak for a lot of those people who right now are working their jobs and couldn't make it here today, that I think this area really
has suffered quite a lot from the four dams that are on
the Klamath. Not just the toxicity of the water and
people's inability to use the water for, you know,
recreation, jobs, everything, I mean, we're -- this is a
river community here, and I could probably say everybody
here are river people; and when the river is sick, I think
everybody is sick. And I think that just kind of sort of
trickles down to all aspects of communities and life in
rural areas.

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

But I know that for them, it's tough to be out
here and not have a lot of the things that, you know,
normal kids or, quote, unquote, normal kids get to do, go
to the mall and whatnot. And it seems like they should be
able to go swimming, you know, that should be a benefit of
living in a rural community. You should be able to be a
part of the nature that's surrounds you. And I think that
it's a sad thing that I have to tell my kids, no, we can't
go rafting because the Klamath River is too sick to allow
us to do that.
So anyways, I will -- if it's okay, I'd like to allow my daughters to say something.

FACILITATOR RAGAZZI: Halley and Crescent.

MR. PENNINGTON: Halley and Crescent, yeah.

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

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

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

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

MR. PENNINGTON: Or at least salmon.

MS. HALLEY PENNINGTON: Yeah, or at least salmon. But neither of those things seem to be happening right now. And I don't think that that's fair. So I think the dams should be taken down. Yeah. Because at our school,
now we don't have enough money to get a healthy lunch. We
eat peanut butter and jelly sandwiches every other day,
and that's not healthy for us.

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

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

Thanks very much.

FACILITATOR RAGAZZI: Thank you.

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

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

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

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

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

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

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

So I think it's really important that we step back and look at the big picture, both in terms of the historical context and within the context of making sound, scientific management decisions. If we take a step back and look at the historical context of why these dams are here, it was -- it was based on a false promise that the fish would continue to exist. And that promise was broken. And that trust was broken. And that was a breach
And these dams are illegal today as they were when they were put in, when fish access was promised and never delivered, thereby basically wiping out probably the most precious salmon run imaginable, the Klamath spring salmon run that connected to basically the jewel, the crown jewel of the west coast wetland systems, the upper Klamath wetlands.

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

And I'd say primarily, it's like, okay, there were people living well here on a healthy diet, and now, you know, people have to survive. You're looking at the Karuk tribe being the single poorest group in the State of California with a per capita income of around $12,500. You know, they're getting impacted the most, you know, from this, because with that much money, you're either eating all commodities or you get a little fresh salmon in
your diet or a little fresh acorn in your diet or a little
deer in your diet; but those resources have been impacted
too because the same kind of mismanagement that's happened
in the up slope -- you know, with regards to forest
service lands, the tribes have not been given any access
to take care of their traditional resources like acorns.
So fires, you know, are intense and disruptive, rather
than the cool fires that would burn on a regular basis.
So there's a lot to consider. And it needs to be
held within this larger frame, historical and scientific
management framework. Again, this community has done an
incredible job of stepping up to the plate. So thank you
guys.
Thank you.
FACILITATOR RAGAZZI: Bari Talley.
MS. TALLEY: Hi. I'm Bari Talley. I'm a Karuk
tribal member, and I work for the tribe at the computer
center. I'm also a member and a community member.
And I just wanted to also say I love to go
tubing. And it's a family tradition. And I -- everyone
around here knows my car because it always has a tube on
it, all summer long. And we also have a family tradition
that at age ten each of our kids gets a tube and then they
get to go tubing if they're a strong swimmer and they've
been trained in safety aspects of that.
Well, a couple of years ago we went, and a big family; our whole entire family comes together in August, and everybody comes for like a month and does all the family gathering kind of things. And one of the things we did was go tubing.

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

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

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

Thank you.

FACILITATOR RAGAZZI: Barry McCovey.

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

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

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

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

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

So the first part is to preserve, enhance, and restore the quality of California's water resources. So
you guys have heard so many stories the last few days
about how this is not happening, the water isn't being --
the water quality is not being preserved. The window of
that opportunity passed a long time ago when the dams were
put in. There's no longer an opportunity to preserve
water quality. I wouldn't even call it water quality.
There's no quality about it.

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

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

The second part of the Board's mission statement
is to ensure proper allocation. So what happens with the
water is it comes out of Oregon and it flows directly into
a reservoir, and then it flows into another reservoir, and
then another reservoir, and then another reservoir. And
so the water is -- first and foremost, the top priority is
allocated to a power company to produce a meaningless
amount of electricity. This is before any of the people
of California get to touch the water or get to use the water. And not only do they get first priority and first shot at the water, but they degrade the water quality to points that are unimaginable that you guys have heard so much about.

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

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

So all of these things, the preservation, the enhancement, the restoration, and the proper allocation and efficient use of California water is done to benefit present and future generations of Californians. And as you've heard numerous times over the past few days,
present generations are not benefiting; in fact, they're suffering. And future generations are not going to benefit if things stay the way they are; they're going to suffer.

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

Thank you.

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

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

There's also going to be another workshop held over the web, and there will be a number that you can call in to as well. So if you come up with something that you
didn't get to say and you'd like to, you can listen over
the web, watch over the web, or you could even call in to
that meeting as well.

Any other announcements that you guys want to
make?

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

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

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

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

So as you saw, we're extremely early in the
process. PacifiCorp's application was just resubmitted at
the end of September. And so we're now gathering
information during our scoping meetings and using our own
review of the existing materials to get an idea of where
there's gaps in information, where additional studies need
to be conducted, additional requests made of the
applicant. And so that part is difficult to predict right
now. I'd like to give you a direct answer, but we're so
early in the process right now that I'm not sure of the
scale of studies.
In general, the process takes approximately a year, but then that is variable depending on whether the existing information is very easy to use and the conduct of the subsequent environmental review is quicker or whether there's additional studies that need to be done that sometimes lengthen the timeline.

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

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

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

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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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