

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
KLAMATH HYDROELECTRIC PROJECT SCOPING MEETING

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REPORTER'S TRANSCRIPT OF PROCEEDING

Monday, January 25, 2016

5:03 P.M.

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D Street Neighborhood Center

1301 D Street

Arcata, California 95521

Jennifer L. Yang, CSR 12367

A P P E A R A N C E S

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1 ARCATA, CALIFORNIA

MONDAY, JANUARY 25, 2016

2 5:03 P.M.

3 * * *

4 MR. WETZEL: Okay. We're a couple minutes past
5 five o'clock, so as people keep shuffling in, we'll get
6 started here. Hopefully, everyone's in the room for the
7 Klamath Hydroelectric Project presentation.

8 Purpose of today's meeting is to inform
9 everybody and receive some public comments about the State
10 Water Board's process at it relates to the Klamath
11 Hydroelectric Project.

12 My name is Jeff Wetzel. I'm an engineer with
13 the State Water Resources Control Board Division of Water
14 Rights, and before we get started, I will introduce some
15 of our team members. Parker Thaler is the lead technical
16 staff on the project. Erin Ragazzi is our program manager
17 who oversees the program. Marianna Aue is with Office of
18 Chief Counsel and she provides legal support. Richard
19 Hunn is with AECOM, he's our consultant, and Jennifer Yang
20 over there is our court reporter for the day, and Kristen
21 as well is also our support staff in the back.

22 I'm going to give a little meeting logistics and
23 ground rules, Parker's going to give a short presentation,
24 and then we'll receive comments by those in attendance and
25 hopefully adjourn the meeting around seven o'clock.

1 Meeting logistics: Please sign in on the
2 attendance sheet in the back. If you wish to fill out a
3 speaker card, those are provided, and if you filled one
4 out and haven't passed it in, please raise it up. State
5 Water Board staff will grab it if there's some that have
6 been filled out and haven't been picked up.

7 So that your comments can be correctly
8 transcribed, please speak into the microphone and provide
9 your first and last name with spelling, and there's also a
10 hand-out in the back with more information on submitting
11 written comments or you can indicate no comments on the
12 speaker card if you just would like to write them down.

13 Some ground rules for tonight: Please silence
14 all your electronic devices.

15 Please respect the speaker and their point of
16 view. One person speaks at a time and speak into the
17 microphone.

18 Please hold questions and comments until the end
19 of the presentation, about 15 minutes. It will be pretty
20 quick. Recognize we have a short time frame to receive
21 oral comment.

22 Please respect your time allotments so we can
23 hear from everybody that came here tonight.

24 Written comments are an alternative for those
25 that would like additional comments beyond the allotted

1 time or those that don't wish to speak today.

2 So just to give some quick context why we're
3 here tonight, PacifiCorps, the applicant for the Klamath
4 Hydroelectric Project, submitted a water quality
5 certification application to the State Water Board. The
6 State Water Board conditions hydroelectric projects via
7 the water quality certifications, part of section 401 of
8 the Clean Water Act, and also, the California
9 Environmental Quality Act requires environmental impact
10 report to inform the State Water Board and the public
11 about the project's significant environmental impacts and
12 ways to reduce them.

13 Parker, you're up.

14 MR. THALER: Hello. My name is Parker Thaler
15 and I'm an environmental scientist with the State Water
16 Resources Control Board. I'm also the lead technical
17 staff assigned to the Klamath Hydroelectric Project, and
18 I've been working on the project for over three years.

19 Today I'll be providing an overview of
20 PacifiCorps's Klamath Hydroelectric Project, or KHP
21 facilities, a short background of the KHP's Federal Energy
22 Regulatory Commission, or FERC, re-licensing process, a
23 general overview of the California Environmental Quality
24 Act, and a discussion of the State Water Board's notice of
25 preparation public comment period.

1 Shown in this slide is a map illustrating the
2 general facility locations of the Klamath Hydroelectric
3 Project. This map should look a little bit familiar, as
4 it can be found on the cover of our notice of preparation.

5 Owned and operated by PacifiCorp, the Klamath
6 Hydroelectric Project is located in Northern California
7 and in Southern Oregon. The Oregon and Klamath
8 Hydroelectric Project facilities include Eastside and
9 Westside, which are located adjacent to Bureau of
10 Reclamation's Link River Dam, Keno and J.C. Boyle.

11 The California portion of the KHP from upstream
12 to downstream includes Copco number one, Copco number two,
13 and Iron Gate Dam, all located on the main stem Klamath
14 River, and the Fall Creek Diversion Facility, located on
15 Fall Creek, a tributary to the Klamath River. Iron Gate
16 Dam is the most downstream Klamath Hydroelectric Project
17 facility and is the current limit of anagamous fish
18 passage on the Klamath River, as Iron Gate was not
19 constructed with fish passage facilities.

20 Today our focus is on the California portion of
21 the Klamath Hydroelectric Project as that is the portion
22 of the project subject to the California Environmental
23 Quality Act. For context, the State of Oregon also has a
24 water quality certification application for the Klamath
25 Hydroelectric Project which is a separate action than what

1 we are discussing today.

2 Now that I've provided information on the
3 Klamath Hydroelectric Project's general facility
4 locations, I will briefly provide background information
5 on the Klamath Hydroelectric Project's progress through
6 the FERC relicensing process.

7 FERC is a federal agency that issues licenses to
8 hydroelectric projects for construction and operations.
9 Modern licenses are often issued with conditions or
10 measures that project operators must follow in order to
11 protect environmental and public resources. Licenses
12 typically last between 30 to 50 years.

13 So beginning in 1956, FERC issued the original
14 license to construct and operate the Klamath Hydroelectric
15 Project. The original license wasn't subject to today's
16 standards of environmental regulations, as many of them
17 had not been created, such as the Federal Clean Water Act
18 and associated section 401 water quality certification
19 requirement.

20 In February of 2004, PacifiCorp applied for a
21 new license from FERC in anticipation that the original
22 1956 license would be expiring in 2006, as it had been
23 issued on a 50-year term.

24 In March of 2006, PacifiCorp filed a water
25 quality certification application with the State Water

1 Board. PacifiCorp's filing opened our first opportunity
2 to condition the Klamath Hydroelectric Project for the
3 protection of water quality and beneficial uses.

4 In January of 2007, the United States Department
5 of Interior and National Marine Fishery Services provided
6 FERC with mandatory conditions, and for context, mandatory
7 conditions are conditions issued by federal agencies in
8 the Federal Energy Regulatory Commission relicensing
9 process that must be implemented.

10 In 2007, FERC issued its final environmental
11 impact statement for National Environmental Policy Act
12 compliance. Following FERC's issuance of an environmental
13 impact statement in 2008, the State Water Board issued a
14 notice of preparation for the Klamath Hydroelectric
15 Project and help scoping meetings. Throughout the
16 relicensing process, some Klamath Hydroelectric -- or some
17 Klamath Hydroelectric Project-interested parties began
18 discussions for a settlement agreement that resulted in
19 the Klamath Hydroelectric Settlement Agreement, or KHSA.

20 Beginning in 2010 is when the Klamath
21 Hydroelectric Project began to deviate from the typical
22 relicensing process as KHSA members requested that the
23 State Water Board put the water quality certification
24 process on hold, or in abeyance, to provide additional
25 time for the Klamath Hydroelectric Settlement Agreement

1 process. At the request of interested parties, the State
2 Water Board held the certification application in abeyance
3 from May of 2010 to June of 2013.

4 I would like to note here that the State Water
5 Board is not a signatory to any of the Settlement
6 Agreements and maintains its independent authority to
7 condition the Klamath Hydroelectric Project for the
8 protection of water quality.

9 The settlement process is a separate process
10 from the FERC relicensing process, and during the
11 abeyance, State Water Board staff continue to participate
12 in Klamath Hydroelectric Project-related forums such as
13 the Klamath Hydroelectric Settlement Agreements' Interim
14 Measure Implementation Committee and the Klamath Basin
15 Monitoring Program.

16 And in July of 2013, the State Water Board's
17 abeyance lifted and the State Water Board resumed the
18 certification process. Following the end of abeyance,
19 State Water Board staff have been reviewing past
20 materials, continuing participation in Klamath
21 Hydroelectric Project-related forums, and I've been
22 working with PacifiCorp on items such as updating the
23 water quality certification application, obtaining current
24 environmental data, and CEQA process logistics like
25 selecting a consultant.

1 Finally, on November 30, 2015, in light of new
2 information, such as the Klamath Hydroelectric Agreement's
3 joint CEQA-NEPA document, the State Water Board issued a
4 new notice of preparation for an environmental impact
5 report for the Klamath Hydroelectric Project.

6 Now for our CEQA discussion. The CEQA process
7 is needed per state law. The State Water Board cannot
8 issue a water quality certification without a final CEQA
9 document. Information developed in the CEQA process will
10 be used to inform the State Water Board's actions on the
11 Klamath Hydroelectric Project. We are all here today
12 because the State Water Board reinitiated the CEQA process
13 for the Klamath Hydroelectric Project by releasing a new
14 notice of preparation.

15 Shown here is an overview of the typical CEQA
16 process in which the State Water Board is the sequela
17 agency in determining EIR, or environmental impact report,
18 is necessary. The purpose of a notice of preparation is
19 to gather information from resource agencies and the
20 interested public about what should be included in an
21 environmental impact report.

22 Following the notice of preparation comment
23 period, the State Water Board will review all comments
24 received, in addition to other available information, and
25 use that information to prepare a draft environmental

1 impact report.

2 Here's a list of the resource areas we plan to
3 evaluate during the California Environmental Quality Act
4 process for development of an environmental impact report.
5 This information was taken from our notice of preparation,
6 and some of these items were evaluated by FERC's
7 environmental impact statement. To the extent possible,
8 we plan to use that information.

9 Following development of a draft environmental
10 impact report, the State Water Board will issue the draft
11 environmental impact report with a minimum 30-day public
12 comment period. The draft EIR will include items like a
13 detailed description of project alternatives, mitigation
14 measures to reduce impacts to resource areas, and a
15 description of environmental baseline conditions.

16 Similar to the notice of preparation portion of
17 the CEQA process, the State Water Board will consider all
18 comments received and issue a final environmental impact
19 report. Following issuance or concurrent with the final
20 environmental impact report, the State Water Board will
21 take an action on PacifiCorp's water quality certification
22 application.

23 The CEQA-proposed objectives identified in our
24 notice of preparation are: Modify the Klamath
25 Hydroelectric Project as needed to comply with California

1 water quality standards and in conformance with mandatory
2 conditions as established as part of the Federal Energy
3 Regulatory Commission relicensing process and continue to
4 generate power from a renewable resource to serve Klamath
5 Hydroelectric Project customers to the extent compatible
6 with water quality standards and mandatory conditions as
7 established as part of the Federal Energy Regulatory
8 Commission relicensing process.

9 Our CEQA approach is to focus on the California
10 portion of the Klamath Hydroelectric Project, use FERC's
11 EIS and the Klamath Hydroelectric Settlement Agreement's
12 joint CEQA-NEPA document in development of our
13 environmental impact report and use information gathered
14 by the scientific community, settlement agreement, tribes,
15 PacifiCorp, CEQA commenters, and other sources.

16 The alternatives we've identified include a
17 range, from PacifiCorp's project as proposed in the water
18 quality certification application, which is continued
19 operations with the additional environmental measures with
20 the State Water Board's addition of mandatory conditions,
21 to full main stem Klamath Hydroelectric Project facility
22 removal. Other alternatives include implementation of
23 Settlement Agreement measures, FERC staff's alternative,
24 and partial facility removal scenarios.

25 Receiving input on these alternatives is a key

1 part of the scoping process. All comments received during
2 the comment period, including comments received in the
3 2008 notice of preparation, will be considered.

4 Some key items that we are interested in hearing
5 from the public include adequacy of FERC's EIS and the
6 Klamath Hydroelectric Settlement Agreement's joint
7 CEQA-NEPA document. In other words, do these documents
8 address your concerns; the range of alternatives or
9 specific alternatives that we should be considering;
10 potential impacts to evaluate and potential mitigation
11 measures and in addition to any other items that you feel
12 is necessary to the CEQA process.

13 If you would like to provide written comments,
14 please provide them prior to January 29, 2016, to the
15 physical or e-mail addresses shown here. Also, I've
16 included a link to our project web page which is a good
17 resource available to the public. On the web page, we
18 post updated Klamath Hydroelectric Project information
19 such as PacifiCorp's water quality certification
20 applications and this PowerPoint.

21 This concludes the presentation, and I'll be
22 turning it back over to Jeff for the comment portion of
23 today's meeting. Thank you.

24 MR. WETZEL: Again, if anyone has speaker cards
25 that haven't been passed in, please raise them up and do

1 so at this time. It looks like we have approximately
2 about 20 speaker cards here in front of me.

3 MS. RAGAZZI: Does anyone have any speaker
4 cards?

5 MR. WETZEL: Those in the back, feel free to
6 come on in. There's plenty of seats available. Shuffle
7 in and find them.

8 Before we get into the comment period, I would
9 like to use this time to answer any general questions or
10 questions about process anyone might have.

11 AUDIENCE MEMBER: I've got one.

12 MR. WETZEL: Please come up to the microphone
13 and make sure to do your first and last name with spelling
14 for the court reporter, please.

15 PATRICK HIGGINS: Patrick Higgins,
16 H-i-g-g-i-n-s, and my question is -- there it is.

17 At any rate, you've now considered whether or
18 not to reopen the 401 over a sequence of years, and my
19 question to you is: Are the comments that you fielded
20 during your consideration of reopening the 401 part of
21 your scoping -- you follow my question?

22 MR. WETZEL: Not exactly.

23 PATRICK HIGGINS: Okay. For the last 2010 to
24 2012 --

25 MS. RAGAZZI: I understood your question, I

1 think, so if I didn't, you can let me know.

2 We will be considering all comments that were
3 made as part of the previous scoping process, as well as
4 any comments received in the interim, so even outside of
5 scoping, we'll consider any comments we received on the
6 Klamath.

7 PATRICK HIGGINS: So when the Board didn't
8 reopen the 401 in previous years, the comments we filed
9 associated with that are part of your record and will be
10 considered?

11 MS. RAGAZZI: All information that's been
12 submitted will be part of the record.

13 PATRICK HIGGINS: Thanks so much.

14 MR. WETZEL: Anybody else with a question?

15 ADAM SPENCER: Adam Spencer, spelling,
16 S-p-e-n-c-e-r. Could you explain the use of abeyances
17 again in more detail that's going on and how it's been
18 used in other 401 certifications or other projects and
19 just how the clause of the Clean Water Act of getting
20 these done within a year or reasonable time frame is how
21 abeyances are usually used to comply with that section of
22 the Clean Water Act.

23 MR. WETZEL: I don't think we want to get too
24 deep into that aspect, but the abeyances have not been
25 used in any other water quality certification project I've

1 been a part of, and it was unique to this project because
2 of all the interested parties that were part of the
3 Settlement Agreements came to the State Board and asked
4 the board members to hold it in abeyance for a period of
5 time, so we responded, the Board responded to those
6 people's request.

7 ADAM SPENCER: Withdrawal and resubmission of
8 application, that has been common for other projects?

9 MR. WETZEL: That's common throughout the
10 projects.

11 The question was the withdrawal and resubmittal
12 process, and that's very common throughout all the
13 hydroelectric relicensing projects that go before FERC.

14 All right. We'll start with the comment period.
15 The first comment will be John Driscoll and then behind
16 them -- behind him will be Marianne and then also Sylvia
17 DeRoy.

18 JOHN DRISCOLL: Thank you very much. I think I
19 was having a hard time hearing.

20 MR. WETZEL: The speaker? First and last name
21 spelling.

22 JOHN DRISCOLL: It's John Driscoll, and I'm the
23 district representative for Congressman Jared Huffman.

24 Okay, thank you very much. I'm John Driscoll.
25 I'm the district representative for Congressman Jared

1 Huffman, and I want to thank the Water Board staff for
2 being here today to hear the concerns of people in the
3 Klamath River Basin, specifically about the river's dams.

4 I'd like to read a brief statement from the
5 congressman regarding the consideration of PacifiCorp's
6 application for a 401 permit under the Federal Clean Water
7 Act.

8 The four dams on the Klamath River have for too
9 long suppressed salmon runs, caused severe impacts to the
10 river's water quality and significantly affected the lives
11 of tribal members, fishermen, and others. Like so many in
12 my congressional district, I'm committed to removal of
13 these dams. As you know, legislation in Congress that
14 would have accomplished this is dead. Your board for
15 years has worked with the settlement parties to
16 accommodate that legislation and those agreements, which
17 was a worthwhile pursuit.

18 To its credit, PacifiCorp does appear committed
19 to pursuing dam removal through a Federal Energy
20 Regulatory Commission process that includes the
21 cooperation of the states of California and Oregon. This
22 process has real promise if it's diligently pursued by
23 those parties. My understanding is that discussions to
24 form this plan are proceeding with urgency and that no act
25 of Congress is necessary for this approach to proceed.

1 That said, nothing short of an aggressive
2 approach will do here. To ensure expeditious
3 decommissioning of the dams through the FERC process, I
4 believe the State Water Board should exert its full
5 authority under the law. In short, it is time for your
6 board to demand dam removal and ensure compliance with the
7 Clean Water Act.

8 Your efforts toward rectifying the long
9 degradation of one of the West Coast's most important
10 rivers is appreciated. Please feel free to contact my
11 office at any time if I can be of assistance. Thank you
12 very much.

13 MR. WETZEL: Thank you.

14 With about 20 cards, we'll do three minutes per
15 speaker. Marianne, you're up, and then we'll have Sylvia
16 and Erica Terence on deck.

17 MARIANNE MADEJ: My name is Marianne Madej,
18 M-a-d-e-j. I worked on the Klamath River from 2010 to
19 2013 measuring stream temperatures and mapping the
20 geomorphology of the channel. At that time I was working
21 for the U.S. Geological Survey, but today I'm speaking as
22 an independent citizen, not as a USGS employee.

23 I will be submitting written comments because
24 the scientific issues get somewhat complicated for a
25 three-minute presentation. I just wanted to say in

1 summary of what we found, we found many elevated stream
2 temperatures throughout the Klamath. We created these
3 geomorphic maps of the Klamath River, and downstream of
4 the dam it's very -- the complexity of the channel is very
5 low compared to what it would be under natural conditions,
6 so not only should the Board consider water quality and
7 stream temperature, I would like you to consider the
8 geomorphology of the Klamath as well. Thank you.

9 MR. WETZEL: Thank you.

10 Sylvia? Sylvia, no. Okay.

11 Erica Terence is next and then Kent Sawatzky.

12 ERICA TERENCE: Thank you.

13 This testimony is addressed to the members of
14 the State Water Resources Control Board and the State
15 Water Resources Control Board staff, so I'm asking you
16 deliver this back to them as well as record it.

17 My name is Erica Terence, E-r-i-c-a
18 T-e-r-e-n-c-e. I need to be clear that I'm here
19 representing only myself today.

20 I was born and raised in the Klamath Basin, but
21 wanted to come here to Arcata to testify today. I have an
22 inherent stake in the outcomes there, but I got my
23 professional start in the Klamath River restoration
24 movement here in Arcata, so it felt like coming full
25 circle. In fact, I got my feet wet organizing people to

1 attend the FERC hearing about Klamath dam relicensing. Do
2 you remember that meeting? I sure do. It was in Eureka
3 at the Red Lion Inn, and FERC representatives were worried
4 there were so many people overflowing the large room out
5 into the hall to call for dam removal that we were in
6 violation of fire codes. It was a proud organizer moment,
7 though a much prouder moment will be the day we begin
8 deconstructing Iron Gate, Copco 1, Copco 2, and J.C. Boyle
9 dams.

10 It's hard to believe it's been ten years since
11 then. Ten years and we're basically right back where we
12 started, in FERC's jurisdiction, deliberating whether dams
13 should stay or go.

14 At that time in 2006, many of us already saw the
15 devastating impacts of the outdated Klamath dams on the
16 ground and believed they should be decommissioned and
17 removed. Since then, the legal, regulatory, and
18 scientific case for dam removal has grown so compelling,
19 it would be illogical and irresponsible to leave them in
20 for another 30 to 50 years. Let me put it in NEPA terms.
21 Allowing Klamath salmon to go extinct because these four
22 dams are allowed to stand would represent one of the
23 clearest and most egregious, irretrievable commitments in
24 the history of environmental analysis, in my opinion.

25 The water quality impacts, biological impact,

1 economic impact, cultural impacts of these dams are well
2 documented, and those voluminous documents that must be
3 considered in this EIR will be entered into the record via
4 written comments. This testimony is instead geared toward
5 providing some overarching context for a decision that
6 rests on your regulatory agency with considerable weight.

7 In thinking about the big picture, I want to
8 leave you with two lessons I learned from giants amongst
9 the players in the Klamath, two key mentors for me. Tim
10 McKay taught me to apply my critical faculties to every
11 issue and decision at hand, to think for myself. Troy
12 Fletcher taught me not to delay and always put my needs
13 and wants on the table and represent them clearly so we
14 could begin the difficult, but rewarding work of
15 negotiating workable, durable, meaningful solutions.

16 I think if the Water Board is able to apply
17 those principles, especially with respect to proposed
18 techno-fixes, as they go through this environmental
19 analysis process, we'll be in good shape.

20 You have a large and exciting opportunity
21 sitting in front of you to make a precedent-setting
22 decision. Many of us support you in taking that step and
23 requiring dam removal in any Clean Water Act section 401
24 permit issued to PacifiCorp. I completely understand your
25 interest in making a legally-defensible decision, but want

1 to encourage you to make a decision based on the facts of
2 this case. Don't allow the motivation to stay out of
3 court determine the content or outcome of your analysis.
4 Instead, spend your time building a good defense for a
5 permit that requires what the preponderance of evidence
6 suggests would improve water quality in the Klamath and
7 protect beneficial uses you're charged with preserving.
8 Remove four dams by 2020.

9 MR. WETZEL: Thank you.

10 Kent Sawatzky is next with Leo Carpenter on
11 deck.

12 KENT SAWATZKY: Kent Sawatzky, S-a-w-a-t-z-k-y.

13 I feel I'm kind of late for this. This is my
14 first meeting on this. I should have been here 20 years
15 ago. I apologize for that, because it's a very important
16 issue, and I want to thank everybody out here who's been
17 fighting this battle.

18 It is time to remove these dams. There's many
19 reasons which everyone's been speaking of, and I'm going
20 to say ditto to that.

21 If I get to three minutes, there's no problem
22 with saying three minutes; I will cease to speak.

23 I have real major problems with some of the
24 things that the Water Board's been doing lately, and
25 that's the baseline. They've been using the Fat case as

1 an example for the baseline. Anything above that's an
2 improvement. I think that would be an incorrect
3 assumption to use in any circumstance with CEQA, so I want
4 to state that for the record.

5 I do not see any way you can mitigate the
6 problems you have here unless you take the water
7 temperature in these dams and run it through coolers and
8 bring it down to a temperature that will allow the fish to
9 survive. That's something that should be required for
10 mitigation if someone can afford to do that. I don't
11 think they can. This is not a viable project.

12 I think the assessment as far as alternative
13 power in the area will show there is other, more feasible,
14 more environmentally friendly methods. We have all kinds
15 of other alternatives these days. I strongly suggest you
16 go through complete efforts to find out what those are and
17 go ahead and compare those.

18 I'm not going to go any further at this time.
19 I'm going to let the next person speak. I think
20 everybody's going to say what needs to be said here. We
21 all want the dams removed. Thank you.

22 MR. WETZEL: Thank you.

23 Leo Carpenter next with George Pearlingi on
24 deck.

25 LEO CARPENTER JR.: Thank you. High-un.

1 MR. WETZEL: First and last name?

2 LEO CARPENTER JR.: Leo Carpenter Jr.,
3 C-a-r-p-e-n-t-e-r. I am Hoopa, Yurok, and Karuk, all
4 three tribes. I can only speak for myself and my family
5 and mostly my grandchildren.

6 I think it's very important not to relicense
7 this, these dams. For one, just like the people said
8 before me, the water temperature does not support.
9 There's -- there's no room for compromise or mitigation.
10 They have to go.

11 My grandchildren participate in ceremonies along
12 both rivers, the Trinity and Klamath, and I'm proud of
13 that. They know how to work with the salmon and take care
14 of it, and I think that's important to our culture and our
15 generations to come, so thank you for allowing me to say
16 that in public.

17 I also will be writing a comment, but thank you
18 for allowing me to come up and say that before you, but
19 no, take the dams down. Thank you.

20 MR. WETZEL: Thank you. George Pearlingi is
21 next with Vivian Helliwell on deck.

22 GEORGE PEARLINGI: Hi. My name is George
23 Pearlingi, P-e-a-r-l-i-n-g-i. I just want to say I agree
24 and concur with the comments of Jared Huffman, and the
25 other thing I want to talk about is that I understand that

1 the licenses for PacifiCorp expired in 2006. That's ten
2 years ago. Maybe I don't understand all the subtleties of
3 this process, but I do want to say something. I hold a
4 California contractors license, and if my license had
5 expired ten years or ten minutes ago, I would not be
6 allowed to work; meanwhile, PacifiCorp is allowed to spin
7 their turbines and collect money on the sale of kilowatts.
8 This I believe cheapens and devalues the entire licensing
9 process. PacifiCorp should be held to the licensing
10 regulations, and if they cannot, then they shouldn't be
11 allowed to operate.

12 I think these dams should come down.

13 MR. WETZEL: Thank you very much.

14 Vivian Helliwell and Brian Cook on deck.

15 VIVIAN HELLIWELL: Vivian Helliwell,
16 H-e-l-l-i-w-e-l-l. I'm with Pacific Coast Federation of
17 Fishermen's Associations and the Institute for Fisheries
18 Resources. I come from a commercial fishing family, and a
19 large part of our community relies on Klamath fish in the
20 ocean for our ocean fishery, bring salmon to market.

21 One of my colleagues, Dave Bitts, is going to
22 talk in more detail about impacts to the fisheries, but
23 the -- we don't see how it's feasible for -- economically
24 feasible, even, for PacifiCorp to meet the water quality
25 standards with the dams in. It's not clear to me why

1 they're even applying for a permit when they say they're
2 committed to taking the dams out, so we're going to go
3 through this process and ask them to analyze all the
4 features that are required for CEQA for having the dams in
5 place, when actually probably the only way to meet water
6 quality standards is to take the dams out, as far as we
7 can tell from many years of study, now that we've had time
8 to look at all the information that's come in.

9 Losses to the fisheries have been 82 to
10 97 percent in this area, from Brookings to Eureka,
11 inability to catch ocean fish due to depressed stocks in
12 the Klamath.

13 California needs to work with Oregon to solve
14 the water quality problems that are coming across the
15 border, and the TMDL for temperature and dissolved oxygen
16 points to the operation of Iron Gate and Copco 2 as
17 point-source problems for water quality downstream.

18 The geographic area that's considered in the EIR
19 needs to include all the ocean fishery that gets closed
20 for Klamath returns, which at times has been all the way
21 to the border of Mexico we've been tied up, not able to
22 fish the entire coast, at times, for Klamath returns.

23 The reservoir management plan should be thrown
24 out. It doesn't qualify as mitigations under CEQA. It's
25 mostly planning and studies, and the mitigations, if

1 they're going to do them, need to be much more concrete.

2 That's all for now. Thank you very much.

3 MR. WETZEL: Thank you.

4 Brian Cook is next with Dave Bitts on deck.

5 BRIAN COOK: Thanks. I'm Brian Cook, B-r-i-a-n
6 C-o-o-k. It's I'm not old enough to remember, but I heard
7 for years that the Klamath area and this -- and the
8 Klamath town and the coastal area was the destination for
9 people all over the world to come and fish and spend their
10 money at hotels, fishing supports, and since the '50s,
11 when the Iron Gate dams went up, that the economics,
12 besides the tribal and the cultural problems, they took a
13 whole economic base away from this area and gave it to a
14 different area with the dams, and that was not right.
15 It's time to even it up, bring the dams back, bring the
16 fish back and the economics will come back so this isn't
17 such a depressed area.

18 People will spend all kinds of money on sport
19 fishing, commercial fishing. It was a way of life, and
20 people came from all over the world to participate in it,
21 and now there's nothing. I think the dam should come
22 down.

23 MR. WETZEL: David Bitts and Larry Glass on
24 deck.

25 DAVE BITTS: Thank you. My name is Dave Bitts,

1 that's Bravo-India-Tango-Tango-Sierra. I'm a commercial
2 salmon fisherman based in Eureka and also president of the
3 Pacific Coast Federation of Fishermen's Marketing
4 Associations, and oddly enough, I want to talk about the
5 effect of the dams on ocean fisheries, which is twofold.

6 The first thing is, of course, the dams block
7 off I think it's several hundred miles of former salmon
8 habitat. Salmon can't get to it. Springers used to go
9 through Klamath Lake and up the Sprague and Williamson
10 Rivers above Klamath Lake. Of course, they can't get
11 above Iron Gate dam anymore.

12 There's some very rich habitat, spawning
13 streams, right above Iron Gate Dam which are the only
14 streams that that dam mitigates for, it doesn't mitigate
15 for the lost habitat above the Copcos, so we'd like to see
16 fish regain access to that habitat.

17 Perhaps equally large or maybe a larger bad
18 effect of the dams on salmon is what they do to water
19 quality because they have very bad effects on temperature,
20 nutrient load, toxicity. Those, the reservoirs behind
21 those dams, are in the high desert, they bake that water
22 in the summertime, and it's not fit for fish or people a
23 lot of times by the time it gets out of Iron Gate Dam.

24 Why this matters to us, we do catch Klamath fish
25 in the ocean, but we are managed basically to avoid them.

1 All fisheries combined have to leave enough fish to spawn
2 out of each brood year, so we get, in the ocean, we get
3 the opportunity to catch a fairly small percentage of
4 Klamath fish, and that percentage goes down as the
5 predicted number of fish goes down.

6 The rub is that it's not just Klamath fish that
7 we don't get to catch when they're scarce. We target
8 Sacramento fall Chinook. That's the bread and butter of
9 the ocean fishery off California and Oregon. In lean
10 years, we're constrained to fishing below San Francisco.
11 We're catching one Klamath fish out of every 50 we land,
12 so the effect, in terms of fish we are denied the
13 opportunity to catch, can be as high as 50 to 1 and is
14 typically 10 or 20 to 1, which is a very serious hit on
15 the ocean fisheries.

16 If the dams are removed, we would expect that we
17 would have a lot more years when we got to fish to the
18 maximum, still-small percentage we're allowed, and we'd be
19 able to fish here off Eureka occasionally, which now we
20 really don't get to, so that's our stake. We'd like to
21 see the dams out.

22 MR. WETZEL: Thank you.

23 Larry Glass and Mike Belchik on deck.

24 LARRY GLASS: Thank you, Water Board staff, for
25 having this opportunity here in Arcata to speak. My name

1 is Larry Glass, G-l-a-s-s. I represent the North Coast
2 Environmental Center, its members and its group members.

3 We have a long history of wanting these dams
4 out. There's nothing that's transpired in the last ten
5 years to diminish that desire. We still want these damn
6 dams out of here.

7 So one thing, there's been a lot of great
8 comments up to now. I don't want to repeat all those. I
9 intend to submit written comments as well, but one issue I
10 wanted to point up is when a lot of these environmental
11 documents done, the economics weigh in. I want to be sure
12 that when PacifiCorp is crying about the economics of
13 taking the dams out that you also consider the economics
14 of having not taken the dams out for all this time they've
15 been there that we've been calling for them to go down.

16 There's been decimated economies because of
17 this, and the threat to public safety and health and
18 well-being of the human beings that live along the river,
19 as well as all the wildlife, that all has to be taken into
20 account, plus what will be the cost in the future if
21 there's more delay in taking these dams out. Thank you.

22 MR. WETZEL: Thank you.

23 Mike Belchik and Sierra Loucks.

24 MIKE BELCHIK: I'm going to trade spots. We
25 have an elected tribal official here who I'm going to let

1 go first, Laura Borden. If you could switch our cards,
2 that would be great.

3 LAURA BORDEN: Good evening. I am Laura Borden.
4 I'm a council member for the Yurok Tribe.

5 The Yurok Tribe believes the dam removal is the
6 best way to solve the serious problems created by the
7 Klamath Hydroelectric Projects. We have reached this
8 conclusion based on years of careful study and evaluation
9 by many studies done by PacifiCorp, the federal and state
10 government, and ourselves.

11 The Yurok Tribe supports the California State
12 Water Resource Board 401 certification process moving
13 forward and urge the Board to consider certification that
14 provides comprehensive and long-term solutions on the
15 ongoing water quality issues caused by the dams, including
16 evaluating complete facility removal.

17 The Yurok people have been stewards of the
18 Klamath River since time immemorial, and for the last two
19 and a half decades, the Tribe has collected a wealth of
20 water quality and fishery data and documented the negative
21 impact of the dams on the health of the river, and trust
22 me, our biologists have worked very, very hard on this,
23 and we have data that the state and federal government
24 uses in support of this, so we have been contributing for
25 a long time. The Tribe provides much of this data, along

1 with its written comments, and encourages the Board staff
2 to contact the Tribal Natural Resource Department with any
3 questions.

4 One other thing is that toxins in the river
5 interfere with the fishes' ability for ceremonial and
6 subsistence. It interferes with our ceremonial dances
7 associated with the river. It exposes basket weavers to
8 health risk processing the plants and materials we use for
9 traditional methods -- and I am a basket maker, so I can
10 totally attest to this because it is hard -- and it
11 prevents subsistent freshwater muscle harvest, and as you
12 know, we've been testing that as well and making sure that
13 our muscles are cleared before we even are able to get out
14 there and gather, so thank you.

15 MR. WETZEL: Mike Belchik.

16 MIKE BELCHIK: Thank you. My name is Mike
17 Belchik, B-e-l-c-h-i-k, and Erica was right, we have been
18 doing this for almost 15 years now, talking about dam
19 removal. In that time, we've gone from thinking that it
20 was a pretty good idea conceptually to now we have a
21 mountain of data. We have a FERC EIS that's thousands of
22 pages, but more importantly, we have a secretarial
23 determination EIS where they've developed the science
24 behind dam removal alternatives. There's different ways
25 to remove dams. We've come a really long way.

1 The impacts the dams have to the river that you
2 know, I'm sure, one of the most important is that the dams
3 raise the fall temperature of the river in a way that's
4 not mitigable. There's not enough cold water in the
5 reservoir. It interferes with the processing of nutrients
6 and transfers that unwanted production downriver, carries
7 microcystis downriver, and when it all goes downriver, it
8 ends up on the Yurok reservation with some of the effects
9 that Laura was just talking about.

10 Also, importantly, and even the FERC EIS
11 admitted this, the dams are contributing to interruption
12 of sediment and a stability of habitats, which is
13 contributing to fish disease. Last year we had the most
14 incidents of disease since we've begun that monitoring,
15 with somewhere over 90 percent of the juvenile fish
16 succumbing to these diseases which are in part related to
17 the presence of the dams.

18 We have come a really long way. You have a lot
19 of data to use already. We submitted 95 pages of comments
20 on the original FERC EIS, another 60 pages of comments.
21 I've got to resurrect our comments on the original scope
22 in taking a look at this, but we've spoken to this issue
23 for a very long time.

24 The science is very well-developed about the
25 ability to mitigate, or the lack therefore, of the

1 water-quality problems. The science regarding how to
2 remove the dams, how much it costs, what's the impacts of
3 dam removal is also well-developed, and we urge you to
4 rely upon that body of information.

5 The specific ways that we didn't agree with the
6 EIS, for example, we thought that the secretarial
7 determination EIS made several fundamental mistakes in
8 overestimating the impact of dam removal to fish. We will
9 resubmit those comments to you. We also have a mountain
10 of original data that we've collected through our Wytech
11 program and fisheries program and will be submitting raw
12 data or pointing to where you can get that yourself.

13 So in short, we support the removal of all four
14 facilities in 2020 and that's it.

15 MR. WETZEL: Thank you.

16 Sierra Loucks is next with Patrick Higgins on
17 deck.

18 SIERRA LOUCKS: I'm Sierra Loucks, S-i-e-r-r-a
19 L-o-u-c-k-s, and a lot of people have said the important
20 things that need to be said already, and definitely the
21 fish are number one. I mean, they're so important to --
22 to this area. They basically bring the nutrients and the
23 resources from the ocean up into the forests to distribute
24 them and create all this abundance that, you know, existed
25 in this area for thousands of years and was managed by the

1 people here, but I wanted to say one more thing that I
2 have not heard anyone say, and that's, well, I grew up
3 around here and I used to go swimming up there by
4 Weitchpec up there in the Klamath, and, you know, we'd
5 swim all summer. We'd go camping like anytime July,
6 August -- not September. That's when school starts -- but
7 we'd go camping all summer and swim and have a great time,
8 and people can't do that anymore and it's just getting
9 worse and worse, and the drought has a lot to do with it,
10 but it would be nice to see people using the river again.
11 I mean, fish are number one for sure, but people are
12 important, too.

13 MR. WETZEL: Thank you.

14 Patrick Higgins with Regina Chichizola.

15 PATRICK HIGGINS: I'm Patrick Higgins,
16 H-i-g-g-i-n-s. I'm a consulting fisheries biologist.
17 I've studied the Klamath since I helped do the long-range
18 plan in 1991. Your record is replete with information
19 that I have provided.

20 Your board has to take action under the 401.
21 The problem with temperature cannot be remediated. It's
22 putting intensive, selective pressure on fall Chinook,
23 likely reducing their fecundity every year, and this is
24 over time. Evolution is a 1 percent game, but in fact,
25 you just heard Mike Belchik say there's a 90 percent

1 epidemic rate for downstream migrant Chinook salmon in the
2 Klamath River. That means that the mechanisms of disease
3 spawned by the nutrient pollution that are part and parcel
4 of the operation of the Klamath Hydroproject are an
5 eminent danger to these fish and are causing a precipitous
6 collapse of the population, which causes widespread
7 economic hardship. At this point, the Board needs to show
8 courage. The science is there. The law is clear. These
9 dams have to come down.

10 There's a place where I would take issue with
11 the EIS/EIR for the Klamath Hydropower Settlement, and
12 that is they left off Tule Lake and Lower Klamath Lake,
13 which may not be exactly part and parcel of the hydropower
14 removal, but they are a huge part of the pollution within
15 the dams which is why the dams are as bad as they are.

16 There's no dissolved oxygen in the Lost River
17 affected link, the Keno Reservoir right below Klamath
18 Falls, for five weeks a year, so that means nothing's
19 alive except things that don't need oxygen that live in
20 the mud, then we're looking at nutrients spiraling
21 downstream from there, so the fish disease problems will
22 not be remediated. They will just move if you removed the
23 dams.

24 You guys are on the hook for Tule Lake and Lower
25 Klamath Lake with endangered species such as suckers, and

1 I would have to say that you've been remiss in that regard
2 and that the Klamath Settlement has had chilling effect on
3 your engagement and that it's time you re-dedicated
4 yourselves to that because, you know, I remember a man's
5 clear statements in July 2006 when he said there were no
6 lakes where PacifiCorp put those lakes. God didn't put
7 them there, so of course the river's broken. And you can
8 look at how it's broken, but it's a corollary, and that is
9 Native American harmony-based culture, everything has a
10 right to exist, the suckers, all the species of the river,
11 the animals.

12 If you're good to nature, nature rewards you.
13 You play against nature, nature will play tricks on you,
14 so our fish are dying. The river can dissolve your liver.
15 It's not a historic condition, and it won't be remediated
16 without dam removal, baby.

17 MR. WETZEL: Thank you.

18 Regina Chicinski with Scott Greacen on deck.

19 REGINA CHICHIZOLA: Hello, my name is Regina
20 Chichizola, C-h-i-c-h-i again, z-o-l-a. I will be
21 providing written comments on behalf of the California
22 Water Impact Network, but most of my comments here today
23 are for myself.

24 First, I wanted to say that I read the entire
25 application and I must say it is a joke. PacifiCorp

1 claims that the reservoirs help water quality throughout
2 the basin, that they provide for great recreational
3 benefits, that they provide for fisheries, that they trap
4 fish diseases and help water quality. They ignore all the
5 science from the last 15 years that prove how bad the
6 toxic algae is within the reservoirs. They ignore the
7 science that shows the toxic algae above the reservoirs is
8 barely existent and that the reservoirs are creating and
9 releasing this toxic algae at up to 10,000 times what's
10 safe for water contact. This is very significant for the
11 people who live on the river. The river actually turns
12 bright green and stinks. That violates many water quality
13 standards.

14 I think that PacifiCorp's reservoir management
15 plan that they provide is not only illegal, but it's a
16 joke. It's based on a lot of interim measures that
17 they've been trying out in the reservoirs, and within that
18 time, the reservoirs have gotten more polluted and the
19 Klamath River has gotten more polluted. Furthermore,
20 their mitigation is more studies. There's no actual hard
21 mitigations proposed. There's no economics that say how
22 much they will cost.

23 This is really important also because of the
24 impacts of global warming on the reservoirs. I believe
25 the fact that the toxic algae get worse every year shows

1 that global warming is having an impact, and also having
2 an impact worldwide, on the operation of dams and the
3 amount of money you can make off of dams because of warm
4 water.

5 I'd like to echo the concerns about fish disease
6 issues. PacifiCorp claims their dams actually catch
7 spores and help with fish disease in the river, but you
8 look below the dams and up to 90 percent of the juvenile
9 salmon are dying of C. shasta, and everything shows that
10 if those dams were removed, that water quality conditions
11 would be much better and also sediments would wash away
12 the algae that supports the C. shasta, so I think these
13 are very important issues.

14 Along with that, I would like to agree there's
15 absolutely no way these dams can stay in and meet water
16 quality standards. It bothers me that power production is
17 considered one of the things we're hoping to continue as
18 part of this process when the Water Board is fully aware
19 that these dams need to come out in order to meet water
20 quality standards.

21 Another problem PacifiCorp doesn't mention, the
22 process of the TMTLs in California which says these dams
23 can no longer pollute. They do pollute and they need to
24 stop, and the only way for them to stop is dam removal.

25 One of the last issues is that PacifiCorp

1 doesn't look at the whole project. Oregon pollution is
2 part of the dam TMDL. Keno Reservoir is a huge polluter,
3 and PacifiCorp doesn't even include it in their
4 application because they don't want it because it's a
5 liability.

6 So these dams need to come out. This permit
7 needs to focus on dam removal. It is the only thing that
8 will work, and we need a permit for dam removal, a 401
9 permit to take the dams down anyway, which PacifiCorp says
10 it supports. There will be a lot more comments coming in
11 from me in the form of written comments. I thank you very
12 much for being here, and please tell the Water Board
13 everyone wants them to do the only legal thing, the only
14 right thing. Take these dams down and reject PacifiCorp's
15 mitigations. Thank you.

16 MR. WETZEL: Thank you.

17 Scott Greacen is the next speaker with Felice
18 Pace on deck.

19 SCOTT GREACEN: I'm Scott Greacen,
20 G-r-e-a-c-e-n. I'm with Friends of the Eel River,
21 speaking on their behalf.

22 It's both discouraging and heartening to be here
23 tonight, deeply discouraging because, as many have noted,
24 we've been here before. We shouldn't have to be here
25 again at the bottom of a steep hill, a process that has

1 not yielded dam removal in the past and doesn't seem to be
2 designed to do so now. At the time same time, it's really
3 heartening to be here because there's a movement that will
4 not be denied here. These dams are coming out. They need
5 to. Everybody agrees except, frankly, Congress that's
6 been radicalized by big money, and that I think is the
7 hardest part of this, and this is why it's so important
8 that Congressman Huffman made the statement that
9 Mr. Driscoll brought to us tonight, and I want to amplify
10 that statement and underscore it.

11 Because the legislative process has collapsed,
12 because we are at such a remove from sanity in our
13 self-government, it's now essential that this process play
14 its part, that you guys step up and do what you can. Do
15 everything you can to protect clean water.

16 As many have noted, there is a river, a great
17 river of evidence that the dams cannot be maintained while
18 maintaining clean water, and it is, of course, vitally
19 important not just to the Klamath and its salmon, but to
20 the Eel and our salmon, that systems like this, the
21 agencies like yours, act to protect the public interest.
22 We're going to need to remove some dams as well, and if
23 this process fails, ours will as well, and I'm gravely
24 concerned by that, but as I said, I think we can look
25 around us and see that we're not going to stop fighting

1 until these dams come down. Thank you.

2 MR. WETZEL: Thank you.

3 Felice Pace with Amber Shelton on deck.

4 FELICE PACE: Good evening. My name is Felice
5 Pace. I'm here tonight as the water chair for the North
6 Group of the Redwood Chapter of the Sierra Club.

7 F-e-l-i-c-e P-a-c-e.

8 I'm going to be talking tomorrow for myself on
9 the Klamath River -- I've lived in the Klamath River Basin
10 for 25 years -- but tonight I'm here on behalf of the
11 Sierra Club.

12 The Sierra Club -- and I want to say I'm really
13 happy to see everybody out there tonight. A lot of you
14 have worked so long. It's good to see you working on the
15 same page tonight and saying the very similar things, and
16 it's good to see these young people here tonight as well,
17 who are also going to speak, and some older folks here for
18 the first time. We need every single one of you, so thank
19 you. Afterwards, some of us, if you want to stay behind
20 to get plugged in better, I write a blog on Klamath River
21 issues. We can get you on mailing lists, things like
22 that, so I'll be here afterwards.

23 The Sierra Club is on record with a long letter
24 that's in your record -- it's available on your website --
25 that we submitted way back, what was that, like six years

1 ago when the process started, or more, and we are also
2 going to submit a -- "we" in this case, the Mother Lode
3 chapter and the Redwood chapter -- are going to submit a
4 letter tomorrow to you as well, and that because both
5 chapters have part of the Klamath River Basin that we
6 cover, and that, that letter, is going to stress the Clean
7 Water Act.

8 People have said there's plenty of data out
9 there, but your job is to honor the Clean Water Act, and
10 in this basin, in the Klamath River Basin and on the North
11 Coast, that is implemented through The Basin Plan and so I
12 want to read to you, and for the benefit of those out
13 there, one critical part of The Basin Plan, very critical
14 part, and it's on page 3-1.00, and here's what it says:

15 Controllable water quality factors shall conform
16 to the water quality objectives contained
17 herein. When other factors result in the
18 degradation of water quality beyond the levels
19 or limits established herein as water quality
20 objectives, then controllable factors shall not
21 cause further degradation of water quality.
22 Controllable water quality factors are those
23 actions, conditions or circumstances resulting
24 from man's activities that may influence the
25 quality of the waters of the State and that may

1 be reasonably controlled.

2 The dams get very bad water quality and they
3 make it worse. Honoring The Basin Plan, and that
4 provision in particular, these dams, their continued
5 operation cannot be certified as compliant with the Clean
6 Water Act, so Sierra Club is asking you to take a position
7 that you'll give them a permit to take those dams out.
8 Thank you.

9 MR. WETZEL: Thank you. Amber Shelton with Mark
10 Lovelace on deck.

11 AMBER SHELTON: I want to thank the members of
12 the Water Board for having us here tonight. My name is
13 Amber Shelton and I work with EPIC, Environmental
14 Protection Information Center, but tonight I'm here on my
15 own accord and for the future generations who will inherit
16 this river.

17 We believe it's incredibly important that the
18 Water Board deny the certification for the clean water
19 permit for the dams, and we need this to happen because
20 the toxic algae has been pooling up behind the dams and
21 poisoning our rivers. When we go to our rivers, we have
22 these flyers up saying we cannot enter the rivers; that
23 they're toxic, and for PacifiCorp to be -- them to
24 continue -- for them to be allowed to continue filling the
25 rivers with this toxic algae is violating the Clean Water

1 Act, it's degrading the water for downstream users, and I
2 want to echo everything that's already been said. A lot
3 of the talking points I have here have already been said.

4 I don't want to wake up someday and have another
5 Klamath fish kill. Last summer, my son, Madrone, and I
6 went onto the fish counting, the screw traps, and we did
7 one of the counts, and almost all of the juvenile salmon
8 that were in the Klamath River screw trap were dead, and
9 having to show him and see him crying and sad was really
10 sad, so don't issue the permits, please, for future
11 generations and for -- and for the people who have fought
12 and died on this issue just trying to make it right for
13 future people.

14 MADRONE: M-a-d-o-o-n-e.

15 AMBER SHELTON: What do you want to say?

16 MADRONE: Undam the Klamath.

17 MR. WETZEL: Thank you.

18 Mark Lovelace is next with Ducky Slowcode on
19 deck. Remember to spell your name, please.

20 MARK LOVELACE: Thank you. I'm Mark Lovelace,
21 M-a-r-k L-o-v-e-l-a-c-e. I'm the chair of the Humboldt
22 County Board of Supervisors and here on their behalf.

23 The County will be providing detailed written
24 comments, including a number of citations for a number of
25 studies and technical reports that we believe should be

1 included in the record, and those comments will support
2 full dam removal.

3 The County has been on record for years in
4 support of full dam removal because the most recent and
5 most exhaustive environmental analysis for this river,
6 KBRA, the secretarial determination for support and that
7 analysis, if it was stacked up here, it would be this
8 tall, and it already supports full dam removal.

9 We've been through this so many times. We
10 already have done so much analysis. We understand
11 process-wise we have to do this again, but again, again,
12 again and again the science demonstrates to us that full
13 dam removal is necessary for this river, our board
14 believes the only viable alternative for this river, and
15 has consistently taken that position back to the stalled
16 FERC process in 2007.

17 The Klamath was historically the third most
18 productive salmon fishery in the United States outside of
19 Alaska. It supported thriving commercial, sport, and
20 tribal fisheries, yet today, 90 percent of the habitat in
21 the Klamath Basin has been destroyed by these aging,
22 out-of-date, and, frankly, completely unnecessary dams.
23 420 miles of habitat have been rendered completely
24 inaccessible, and Chinook salmon have been reduced from
25 900,000 to less than 35,000. With that decline has come a

1 shuttering of a commercial processing facilities, a loss
2 of onshore jobs and a dwindling fishing fleet. Each boat
3 lost, that is an independent, family-owned business now
4 gone.

5 You noted in your comments earlier these dams
6 were originally licensed in 1956, long before NEPA, long
7 before CEQA. There was no EIR. There was no
8 environmental analysis. There was no economic analysis
9 before these dams were built, before our region's natural
10 wealth in the form of cold, clean water was taken from us,
11 and that has to be the baseline.

12 It's always strange when we do this kind of
13 analysis for relicensing something that's already there --
14 in the process of the KBRA, to analyze the impacts of
15 removing the dam when the damage has been done and we've
16 lived with it for so many years -- so we have to recognize
17 that the baseline today is a highly-damaged condition that
18 has to be considered. We have to recognize that as we do
19 this.

20 Erica Terence earlier referenced the 2006 FERC
21 hearing. I appreciate her bringing that up -- at the Red
22 Lion Inn -- because I was there, too, wearing a different
23 hat at the time, and that was the first time I met a lot
24 of the people in this room and they're still here. We're
25 still here and we're not going away until the dams do.

1 Thank you.

2 MR. WETZEL: Ducky Slowcode with Isaac Kilner on
3 deck.

4 DUCKY SLOWCODE: Hi. My name is Ducky Slowcode,
5 D-u-c-k-y S-l-o-w-c-o-d-e. I'm here representing myself,
6 but I work occasionally with a group called Marcellus
7 Shale Earth First!, which is admittedly an East
8 Coast-based group, but I happened to be visiting the area
9 and I figure it's worthwhile to voice my support for dam
10 removal.

11 I think no matter where we're based, we tend to
12 live in a world that takes advantage of natural resources
13 for anthropocentric needs. We're looking only at what we
14 can do to advance humanity, and that ignores a lot of
15 things that have an inherent right to live. In the case
16 of the Klamath River, that would be the fish that have an
17 inherent right to breed in that river, and the dams are
18 blocking them from being able to do that, so on that basis
19 alone I would say these dams have to come down, and I
20 think, based on the public support I'm seeing for that
21 move, if the Water Board doesn't do it, I think there's
22 going to be plenty of people who are willing to do that on
23 their own.

24 MS. RAGAZZI: Isaac Kimmer and Josh Norris is
25 next up on deck.

1 ISAAC KINNEY: Good evening. My name is Isaac
2 Kinney, I-s-a-a-c K-i-n-n-e-y. I'm here representing
3 myself as a Yurok tribal citizen as well as the operations
4 manager for the Seventh Generation Fund for Indigenous
5 Peoples. I have seven points, and I'll list them and go
6 right through them.

7 Number one: Approval of this permit will impede
8 on my right to exercise my indigenous religious freedoms,
9 including our language.

10 Number two: Low water is a signal that the
11 federal government is willing to compromise money with me
12 and my family's safety during these ceremonies and
13 gathering.

14 Approval of this permit will affect, negatively
15 affect, my way of life, my family's way of life, both for
16 sustenance as well as financial support.

17 I encourage this to be used as an opportunity
18 for FERC to show they will not sell-out my tribal rights
19 and my rights as a U.S. citizen.

20 Me and the Seventh Generation Fund urge for full
21 dam removal, including denial of this permit, as well as
22 to respect the indigenous peoples' rights to
23 self-determination of the watershed, and the last point
24 is: Undam the Klamath. No excuses.

25 MR. WETZEL: Josh Norris is next with David Cole

1 on deck.

2 JOSH NORRIS: Good evening. Josh Norris. I'm a
3 Yurok tribal member and a father and a fisherman as well,
4 and I just want to comment on the worsening conditions in
5 the river and the obvious connection to the dams, namely
6 the water temperature that's killing the fish and the and
7 the toxic algae blooms.

8 When I go fishing now, it's just a normal thing
9 for me to have a rash from my hands up to my shoulders,
10 basically from putting my hands in the water. My kids
11 can't go fishing, and, you know, as someone who pulls in,
12 you know, hundreds of fish, possibly, a year, I can see
13 the difference between the fish from year to year. I know
14 there's drought conditions and that cause it, but it's
15 also obvious even to a child, if you ask a child what's
16 going to be warmer, water that is spread out in a wider,
17 shallower area or one that is in a deeper, narrower area;
18 what's going to be warmer? What's going to cause more
19 toxic algae blooms? So it's time for the dams to come
20 out. Thank you.

21 MR. WETZEL: David Cole with Daniel Close on
22 deck.

23 DAVID COLE: I'll make it real simple. To me,
24 these dams represent cultural genocide, ongoing cultural
25 genocide. What's genocide? It's a systematic, planned

1 destruction of a group of people, and that's what these
2 dams represent.

3 Every single person in here has said get the
4 dams down. What else? Federal government, absolutely
5 broken, completely rotten, inept, corrupt. You kidding
6 me? Ten years people worked to get that agreement
7 together and the Feds couldn't get it together to vote on
8 it? They killed it. Federal government done, bankrupt,
9 rotten.

10 You've got a chance to restore people's faith in
11 government if you do the right thing and get these dams
12 down now, but we see what happens when people don't have
13 faith in government anymore. Oregon's showing us that
14 right now. People get hold of guns and take over
15 buildings because they don't feel their voice is heard.

16 Do we feel like our voice is heard? I hope
17 you're going to hear our voice tonight. Thank you.

18 MR. WETZEL: Joshua Strange on deck. Daniel
19 Close now.

20 DANIEL CLOSE: In 2002, I lived in Requa,
21 working as an AmeriCorps VISTA at the Klamath/Del Norte
22 CCC. It was the second year I'd been working there, and I
23 had firsthand witness to the fish kill in 2002 and it's
24 undeniably caused by the water quality of the four dams
25 upstream.

1 I volunteered with the Yurok Tribal Fisheries
2 counting fish in gill nets and talking to tribal fishermen
3 just before that, and we were rewarded for river clean-up
4 with a jet boat trip up the river, and the only place you
5 could see, it stunk like you wouldn't believe and it was
6 so much resources just dumped of dead fish before they
7 spawned everywhere. It was something I'll never forget.

8 The jet boat trip took us to Clear Creek, the
9 mouth of Clear Creek, where lots of fish were piling up
10 trying to get into the clean water coming out of the
11 wilderness area in the Klamath. There was no way they
12 could make it, and the ich and disease and the science
13 proves this was a direct cause of these dams.

14 So 2006, I was also at the Red Lion meeting for
15 the FERC meeting. That was a decade ago, as so many
16 people have stated -- but I haven't heard direct accounts
17 of the fish kills, so I thought I'd bring that -- and
18 promises were made that this would never happen again and
19 something would be done, and the foot dragging's way too
20 long.

21 As George Pearlingi and many other people have
22 said, if you don't have a license to operate, you -- I
23 mean, and you get caught operating, I mean, you just can't
24 keep going without this license, so this is a critical
25 juncture, and mitigation, which is impossible, would cost

1 more than dam removal, so it seems obvious that the only
2 way to proceed is deny the license. Buck stops here. You
3 are the water quality control authority in charge and then
4 let's get on with the dam removal. Thanks.

5 MR. WETZEL: Thank you.

6 Joshua Strange with Leo Kanez on deck.

7 DR. JOSHUA STRANGE: Thank you. I'm Dr. Joshua
8 Strange. I have over 20 years of experience in the
9 Klamath River, expertise in fisheries ecology and fish
10 disease ecology, especially in this issue as it relates to
11 fish migrations and the pathogens that are problematic in
12 the Klamath River.

13 My main message tonight is that these dams
14 cannot be certified for 401 certification. It would
15 violate the spirit and the letter of the law. There's
16 multiple reasons for that, but I would urge the Water
17 Board to take action that would ensure removal of these
18 dams in order to meet the Clean Water Act and whatever
19 interim measures until such an agreement is implemented.

20 I'd like to focus my comments tonight on three
21 major issues: Fish diseases impacting juveniles, as well
22 as adults, and the toxic blue-green algae.

23 When it comes to the adult, disease that's most
24 problematic is the ich responsible for the 2002 fish kill,
25 and ich thrives in warm waters, low flows, but there's

1 another thing ich needs, and that's fish that basically
2 stay in one place.

3 What happens in the Klamath, there's an unusual
4 migration behavior where the fish tend to pause their
5 migration in the Lower Klamath River for a week or two
6 before continuing on. This has only been documented in
7 the Klamath River. The leading hypothesis that emerged is
8 this is due to the thermal lag of seasonal cooling in the
9 autumn due to the reservoirs that creates an increasing
10 temperature profile as the salmon are migrating upstream
11 when, at that time of year, early September, there should
12 be a decreasing thermal profile as they migrate upstream.
13 For complicated reasons, it basically means it's better
14 for the fish to hang out and wait and let things cool
15 down. This is a big contributor, in my mind, as to why
16 ich outbreak has occurred in the Lower Klamath River.
17 It's the only place where this disease has ever occurred
18 in a migrating salmon population, otherwise it only occurs
19 when fish are stationary, and this, as I mentioned, I
20 believe is because of this thermal lag, and what the
21 mitigation measures that PacifiCorp is proposing, testing,
22 experimenting with, will not be sufficient. There's not
23 enough cold water pool in Iron Gate Reservoir to mitigate
24 for thermal lag. I'm working on publishing this
25 information.

1 Also, when it comes to the -- the myxozoan
2 diseases killing the juveniles, it's very clearly created
3 the perfect situation, having the reservoirs, the terminus
4 of fish migration at Iron Gate, and Iron Gate hatchery all
5 on top of each other, which really in particular promotes
6 the intermediate host, the worms, the polychaete worms.
7 The one strong component of that is the food source coming
8 from the reservoirs themselves. The platonic food source
9 can be quite rich, and that's something that is not going
10 to be mitigated through what has been proposed thus far
11 through the company.

12 There are other reasons why the dams are
13 creating a perfect storm for those diseases that it will
14 not be mitigated by what PacifiCorp is proposing. Along
15 with that, the toxic blue-green algae, not only is that a
16 hazard in its own right, but it is toxic to the liver of
17 the fish, and there's debate about whether that could be a
18 contributing factor to poor immune function and poor
19 resistance to these diseases.

20 Dr. Gary Hendrickson, who is retired from HSU,
21 is researching the impact of blue-green algae on the
22 flavor of the meat of the salmon, which, for anyone that
23 has been around the Klamath River knows, there's a point
24 at which the fall run turns sour and fish turn sour and
25 they're basically unedible, and that he believed was due

1 to the toxic blue-green algae which cannot be mitigated
2 with the reservoirs in place, so I urge you to deny
3 certification. Thank you.

4 MR. WETZEL: Leo Canez with Rosie Clayburn on
5 deck.

6 LEO CANEZ: Nak-now Leo. Wahtek -- (speaking in
7 Yurok language.) My name is Leo Canez, C-a-n-e-z.

8 The federal government has a habit of making
9 promises they cannot keep, especially when it comes to
10 natural resources that they do not own. These dams need
11 to come out. They promise. They made promises to
12 farmers. They took away our responsibility to this river,
13 our responsibility to our kids, our responsibility to our
14 ancestors.

15 This scoping hearing is a joke. This is our
16 responsibility that predates local government, state
17 government, federal government. The reason why we're not
18 here waving American flags, like I'm sure they're doing in
19 Oregon, is because our responsibility to this river and to
20 the health of this river and to the water quality of this
21 river predates the flag of the United States of America.
22 Our responsibility is to the kids in the back of this
23 room. Take down the dams. Stop playing games.

24 There's one river on the West Coast, the Elwha
25 River, that was the biggest dam removal project on the

1 West Coast. The next one is the Klamath River dams.

2 ROSIE CLAYBURN: Aiy-yu-kwi. Nak-now Rosie
3 Clayburn. I work at the Yurok Tribe as the cultural
4 resources manager. I'm also a Yurok tribal member and
5 cultural practitioner and I'm a fisherman on the Klamath
6 River, both commercial and subsistence.

7 What I'd like to bring to your attention today
8 is what the water quality is doing to the religion and the
9 culture of the Yurok Tribe. Right now, the water quality,
10 I did comments back in 2006, and I've seen this get worse
11 and worse and worse.

12 As you know, part of our ceremonies, part of
13 praying is actually interacting with that water, and you
14 heard Josh Norris bring up that when we go to fish, we
15 have a rash on our body. We leave that river with a rash.

16 To be able to practice our religion, we have to
17 be able to bathe in that river. We have to be able to
18 walk in that river. For our ceremonies, we have to be
19 able to have canoes and go down the river. We don't even
20 have the water flow to do that. We have to request water
21 releases to have that done.

22 We have to be able to gather basket material.
23 At the tribe, I manage our cultural collection, and I look
24 at the baskets and the things my ancestors created back in
25 the day and I look at the opportunities that my children

1 and grandchildren are going to have, and if the water
2 continues this way, they are not going to be able to
3 gather those materials to carry on those traditions.

4 I'd like to remind the Board that the
5 environmental review must also consider the cultural
6 significance of river to the tribe. The Klamath and its
7 resources are tribal cultural resources as defined by
8 AB52, the newly-adopted CEQA Amendment. Under the CEQA,
9 the Board must consult with the tribe on cultural impacts
10 and collaboratively seek measures to avoid and mitigate
11 those impacts. The tribe will be submitting its formal
12 request for consultation, and we look forward to working
13 with the Board to incorporate the Yurok culture
14 perspective into the review. Thank you.

15 MR. WETZEL: Jean McCoy is next with Stacey
16 Becker on deck.

17 JEAN McCOVEY: Could you give it to me?

18 Aiy-yu-kwi. Nek-now Jean McCovey.

19 The Klamath River is in the middle of U.S.
20 jurisdiction between Mexico and Canada. It is also
21 between the Columbia River and the Sacramento River. It
22 is -- it's a sad thing.

23 The basin has many headwaters, many tributaries,
24 and when I used to travel to Warm Springs Fort, Oregon, to
25 visit my brother, when I got up to I-5, the water was

1 dirty and brown, but when I came down the river, the river
2 started to clean. That river, the Klamath River, became
3 cleaner as it got down to Weitchpec and cleaner.

4 I grew up on Hoopa River in the Trinity, and I
5 would swim in there where I wouldn't swim in the Klamath.
6 The Klamath was deep and cold and scary and mossy. The
7 last 34 miles of the Klamath River is in Yurok
8 jurisdiction.

9 There are three kinds of water. There's water
10 that runs in the trough when it rains. There's water that
11 runs with no fish. There's water that runs with fish.
12 There's quality water and there's quantity water.

13 Berkshire Hathaway, Warren Buffett, PacifiCorp
14 bought an environmental lemon from the Scottish power.
15 They knew what they were buying. Whatever plan they've
16 had is ongoing. Warren Buffett needs not have to worry
17 about pipelines to ship his natural resources, fossil
18 fuel. He bought the Santa Fe Railroad.

19 These companies have taken down dams. They have
20 money to do it. They're charging their electrical people.
21 They have the right to charge them to take down these
22 dams. They have nothing, no reason to move to take down
23 the dams. They are collecting money.

24 California has been a rogue from the beginning.
25 The legislature, the first senators, didn't adopt the 18

1 treaties. They allocate water. That's only paper. These
2 companies are responsible. They bought an environmental
3 lemon. They should take out the bottom two dams
4 immediately. They can do it. The cold water that comes
5 out of the mountain aquifers will come down to us that
6 last 34 miles. It will pass up the Shasta River, who
7 doesn't even run in its mountain tributary anymore. Maybe
8 now because of all these rains.

9 We sit and we watch. This is what's happening.
10 They're looking for -- the companies are looking for the
11 U.S. citizens to pay the bill to take the dams down. They
12 bought the dams. They bought the environmental lemon.
13 They need to do it. Thank you.

14 MR. WETZEL: Stacey Becker is next with Jill
15 Beckman on deck.

16 No Stacy Becker? Jill Beckman. Jay Wright.

17 JAY WRIGHT: My name is Jay Wright, J-a-y
18 W-r-i-g-h-t. I'm a citizen of Arcata. I was here when
19 you guys were here the last time at the Forest Center in
20 Eureka doing the same thing, scoping process. Here we are
21 again.

22 So you've already accumulated volumes of data
23 and volumes of information that you need to make this
24 decision, so I won't talk about a technical aspect here.
25 I will say this basin exists on a lifeboat every single

1 year. It's a near-catastrophe year-in and year-out, like
2 we sit on the edge. There is no margin here. We live on
3 the Trinity record-of-decision water every year to infuse
4 the lower course of this river with cold, clear water to
5 save catastrophe.

6 Everybody in this room and PacifiCorp know if we
7 go back to the FERC process, the section 18 fishway
8 prescriptions for full, volitional fish passage upstream
9 and downstream of all life stages of not only the salmon,
10 but the Pacific lamprey, it's not going to happen. It can
11 happen. PacifiCorp can afford it. It's not going to be
12 reasonable.

13 The dam removal's a fait accompli, and you guys
14 are the first ones around the post. Save us all the
15 hassle and deny the 401. It's just going to happen. Save
16 us the hassle. Thank you.

17 MR. WETZEL: Kelly Bohemus?

18 Is there anymore speaker cards that are out
19 there that still need to be passed in? Then Annelia
20 Hillman will be our last speaker.

21 ANNELIA HILLMAN: Nak-now Annelia Hillman,
22 A-n-n-e-l-i-a.

23 Our river is really sick and unhealthy and our
24 people are sick and unhealthy and the quality of water
25 directly relates to quality of life on the river, and our

1 people, who have been here since the rivers were made,
2 we're directly affected by that water, we're directly
3 connected to it, and when the water quality is bad, it
4 affects us mentally, and our mental health is
5 deteriorating and so it's urgent that we don't stall
6 anymore.

7 We've been battling this for a long time, and
8 we're out of time and we can't stall any longer and it's
9 time for you guys to do your jobs and make sure that
10 PacifiCorp does their job and take those dams out, and
11 again, there's no more time to waste and it is genocide
12 when you're talking about the destruction of our water and
13 our people. Thank you.

14 MR. WETZEL: Thank you.

15 Is there any other comments today by anybody in
16 the audience?

17 AMELIA BEROL: My name is Amelia Berol,
18 B-e-r-o-l. I think the best way for the Water Board to
19 understand what the situation is is to experience it
20 firsthand, and I recommend that you get out on the river
21 this summer. The best way to do it is have someone raft
22 you down from Hoopa, on the Trinity River, and after you
23 spend a day on the Trinity and approach the Klamath,
24 you'll smell it for about a mile before you see it and
25 that's pretty much everything you need to know. It's

1 pretty bad. Thank you.

2 MR. WETZEL: Thank you.

3 BRIAN DIBACCO: Good evening. My name is Brian
4 Dibacco, B-r-i-a-n D-i-b-a-c-c-o. I'm from Ohio, but I've
5 read a lot about dam removals and the effects dam have on
6 the environment, and from hearing everyone here tonight,
7 it blows my mind this is even something that's going on,
8 that they came to agreement five years ago and Congress
9 failed to pass it, or whoever, and makes me feel for the
10 people here and the future of the people here.

11 I don't know how much the government cares about
12 our ecology and the fish and stuff, but I want to eat them
13 and be good and see them live longer, so I felt that I
14 need to say something, that you guys have my support, and
15 hopefully something happens quick. Thank you.

16 PAULA TIRPP-ALLEN. Good evening. My name is
17 Paula Tirpp-Allen, T-i-r double-P--A-l-l-e-n. I am a
18 Karuk tribal member, Karuk and Yurok cultural
19 practitioner.

20 As I sat back there and reflected on that first
21 time we did this back at the Red Lion years and years ago,
22 I was thinking of all the people who have passed on in
23 that time, all the people who stood with us at that time
24 to ask you to take the dams down, to ask you to do the
25 right thing, to ask the government to be responsible for

1 those they're supposed to be responsible for, to take care
2 of river and the people, and I want to let you know that
3 in 12 years, there's tons more people.

4 Our kids are more aware of the issues than even
5 we were growing up, and I grew up pretty aware in a
6 cultural family, but even more kids know about it, more
7 community members know about it, so no matter how many
8 times you do this, there's going to be more and more
9 people with stronger voices who are more committed to
10 taking those dams out, so I would encourage you to do the
11 right thing.

12 We're not going anywhere. It's for our kids and
13 our for ancestors and, like I said, it's amazing how many
14 people stand with us now compared to 12 years ago and how
15 many people find in common. They actually know things
16 about this issue and know things about this process, and
17 we're going to continue to show up and speak our voices.
18 On behalf of all of those that stood with us, I think of
19 my dad, who was out in the hall with me at the Red Lion,
20 for him I decided to come up and remind everybody we need
21 to take the dams out. It's the right thing to do.

22 MR. WETZEL: Thank you very much.

23 If there's no other comments or questions at
24 this time, then I think we can go ahead and adjourn the
25 meeting. Any follow-up?

1 This has been up on the slide, but written
2 comments are due on January 29. We have a website with a
3 lot of information out there. There's a handout in the
4 back that has all that written down so you guys don't have
5 to scribble it. Thank you guys so much for coming. We
6 really appreciate it.

7 (Whereupon, the State Water Resources Control
8 Board scoping hearing adjourned at 6:44 p.m.)

1 STATE OF CALIFORNIA)

2 COUNTY OF HUMBOLDT)

3 I, the undersigned, hereby certify that the
4 foregoing public meeting was taken in shorthand by me, a
5 Certified Shorthand Reporter, at the time and place herein
6 stated and that the testimony of this public meeting was
7 thereafter reduced, by computer, to typewriting under my
8 direction and supervision.

9 I further certify that I am not of counsel or
10 attorney for either or any of the parties participating in
11 the foregoing public meeting, nor am I in any way
12 interested in the event or outcome of this cause and that
13 I am not related to any of the parties thereto.

14

15

16

IN WITNESS WHEREOF, I have

17

hereunto set my hand this

18

12th day of February, 2016

19



20

21

Jennifer L. Yang, CSR No. 12367

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23

24

25