STATE WATER RESOURCES CONTROL BOARD STAFF PRESENTATION

SOLICITING COMMENTS ON THE NOTICE OF PREPARATION

KLAMATH HYDROELECTRIC PROJECT)
PUBLIC COMMENTS.)
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Date: TUESDAY, JANUARY 26, 2016

Time: 5:02 p.m.

Place: Best Western Miner's Inn
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A P P E A R A N C E S:

For State Water Resources Control Board Staff:

JEFF WETZEL, SWRCB Sr. Water Resource Control Engineer
PARKER THALER, Environmental Scientist, Lead Tech Staff
ERIN RAGAZZI, Environmental Program Manager
MARIANNA AUE, Office of Chief Counsel, Legal Support
KRISTEN GANGL, Environmental Scientist

For AECOM:

ELENA NILSSON, Principal Archaeologist
RICHARD HUNN, Senior Water Resources Planner

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PROCEEDINGS

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WATER BOARD MEETING

Tuesday, January 26, 2016

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MR. WETZEL: Hi, everybody. Thanks for coming. I appreciate the great turnout. Obviously, we are here tonight for the Klamath Hydroelectric Project. The purpose of this meeting is to inform you guys in attendance and receive public comment on the State Water Board process as it relates to the Klamath Hydroelectric Project.

My name is Jeff Wetzel. I'm an engineer with the State Water Resources Control Board, Division of Water Rights. And we have some other team members in attendance tonight. We have Parker Thaler is the lead technical staff on the project; Marianna Aue who is office of chief counsel, our legal support; Erin Ragazzi is our program manager; Richard Hunn and Elena Nillson is AECOM, they are our consultants. Kristin in the back is also support staff with the State Water Board. And Carol --

THE COURT REPORTER: Chase.

MR. WETZEL: Carol Chase is our court reporter for tonight.

I'm going to talk a little bit about some logistics and some ground rules for tonight, then Parker

is going to give you a short technical presentation and I will move into the public comment section and then adjourn the meeting.

Please sign on the sheet in the back if you haven't done so already. If you wish to speak, please fill out one of the blue speaker cards and then hand it to Erin or Kristen in the back. And if you have those now, you can go ahead and raise them up or raise them at any time and make sure they find their way to some of the staff. When you do come up to give your comment, please speak into the microphone and give your first and last name with the spelling so that the court reporter can correctly transcribe your comment.

There's also a handout in the back of the room with some information on submit -- written comments or, on the blue speaker cards, you could do a quick comment and then check no oral comment tonight for speaking.

Some quick ground rules for tonight: Please silence your electronic devices; please respect the speakers and their points of view; please, one person speak at a time and use a microphone; please hold the questions and comments until the end of the presentation.

It's a quick presentation, about 15 minutes. Recognize we do have a short period of time for comments

so we ask that you respect your time limit so that we can hear from everybody that came tonight. Written comments are an alternative for those that would like to provide additional comments beyond their oral comment or for those who do not wish to speak tonight.

Before Parker jumps into his presentation, I want to give a quick context of why we're here tonight.

PacifiCorp, the applicant for the Klamath Hydroelectric Project, has submitted a Water Quality Certification Application to the State Water Board. And the State Water Board uses these certifications to condition hydroelectric projects, which is basically Section 401 of the Clean Water Act.

We're also here because the California Environmental Quality Act requires an Impact Report to inform the State Water Board and the public about the project's significant impacts and then ways to reduce them.

And I'll turn it over to Parker for his quick presentation.

MR. THALER: Hello, my name is Parker Thaler, and I'm an environmental scientist with the State Water Resources Control Board Division of Water Rights. I'm also the lead technical staff assigned to the Klamath Hydroelectric Project, and I've been working on the

Klamath Hydroelectric Project for a little over three years.

Today, I'll be providing a brief overview of PacifiCorp's Klamath Hydroelectric Project facilities, background on the Klamath Hydroelectric Project's, or KHP's, Federal Energy Regulatory Commission relicensing process, and overview of the California Environmental Quality Act process and a discussion of the Notice of Preparation public comment period.

Shown here in this slide is a map that provides an overview of PacifiCorp's Klamath Hydroelectric Project facilities. It's actually a little bit familiar as it can be found on the cover of our Notice of Preparation.

Owned and operated by PacifiCorp, the Klamath Hydroelectric Project is located in southern Oregon and northern California. The Oregon Klamath Hydroelectric Project facilities include East Side and West Side (which are located adjacent to Bureau of Reclamation's Link River Dam), Keno, and JC Boyle.

The California portion of the Klamath Hydroelectric Project from upstream to downstream includes Copco No. 1, Copco No. 2, and Iron Gate Dam, all located on the mainstem Klamath River and the Fall Creek Diversion Facility which is located on Fall Creek,

a tributary of the Klamath River.

Iron Gate Dam is the most downstream Klamath Hydroelectric Project facility and is the current limit of anadromous fish passage on the Klamath River, because Iron Gate was not constructed with any fish passage facilities.

Today, our focus is on the California portion of the Klamath Hydroelectric Project, as that is the portion of the project subject to the California Environment Quality Act. For context, the State of Oregon also has a water quality certification application for the Klamath Hydroelectric Project and has a separate action than what we are discussing today.

Now that I have provided information on the Klamath Hydroelectric Project general facility locations, I will briefly provide background information on the Klamath Hydroelectric Project's progress through the Federal Energy Regulatory Commission or FERC relicensing process.

FERC is a federal agency that issues licenses to hydroelectric projects for construction and operations. Modern licenses are often issued with conditions or measures that project operators must follow in order to protect environmental and public resources. Licenses are typically issued on 30- to

50-year terms.

So for this project, beginning in 1956, FERC issued the original license to construct and operate the Klamath Hydroelectric Project. The original license wasn't subject to today's environmental standards as many of them had not been created; such was the case with the Federal Clean Water Act and associated Section 401 water quality certification requirement.

In February of 2004, PacifiCorp applied for a new license from FERC in anticipation that the original 1956 license would be expiring in 2006 as it has been issued on an 50-year term. And in March of 2006, PacifiCorp filed a water quality certification application with the State Water Resources Control Board. PacifiCorp's filing opened the State Water Board's first opportunity to condition the Klamath Hydroelectric Project for the protection of public resources and environmental water quality.

In January of 2007, the United States Department of Interior and National Marine Fisheries Services provided FERC with mandatory conditions. For context, mandatory conditions are conditions issued by federal agencies in the FERC relicensing process, and a condition that must be implemented.

In 2007, FERC issued its final Environmental

Impact Statement for National Environmental Policy Act compliance.

Following FERC's issuance of an Environmental Impact Statement, in 2008, the State Water Board issued a Notice of Preparation for an Environmental Impact Report and held scoping meetings. Throughout the relicensing period, some Klamath Hydroelectric Project interested parties began discussions for a settlement agreement that resulted in the formation of the Klamath Hydroelectric Settlement Agreement or KHSA.

So beginning in 2010 is when the Klamath Hydroelectric Project began to deviate from the typical relicensing process. This was a result of some of the Klamath Hydroelectric Settlement Agreement parties requesting that the State Water Resources Control Board put the water quality certification process on hold or in abeyance to provide additional time for the KHSA settlement process.

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

I would like to note here that the State Water Board is not a signatory to any of the settlement agreements and maintains its independent authority to condition the Klamath Hydroelectric Project for the

protection of water quality and beneficial uses.

And during the abeyance, State Water Board staff continued to participate in Klamath Hydroelectric Settlement processes such as the Interim Measure Implementation Committee and Klamath Basin Monitoring Program.

And in July of 2013, the State Water Board's abeyance lifted and the State Water Board resumed the certification process. Following the end of abeyance, State Water Board staff have been reviewing past materials, continuing participation in Klamath Hydroelectric Project processes and have been working with PacifiCorp on items such as updating the water quality certification application, obtaining current environmental data and CEQA process logistics such as selecting a consultant.

And finally on November 30th of 2015 in light of new information such as the Klamath Hydroelectric Settlement Agreement's joint CEQA/NEPA document, the State Water Board issued a new Notice of Preparation for an Environmental Impact Report for the Klamath Hydroelectric Project.

Now, for our CEQA discussion. The CEQA process is needed per state law. The State Water Board cannot issue a water quality certification without a final CEQA

document. Information developed in the CEQA process will be used to inform the State Water Board's actions on the Klamath Hydroelectric Project.

We are all here today because the State Water Board has reinitiated the CEQA process by releasing a new Notice of Preparation. Shown here in the slide is an overview of the typical CEQA process in which the State Water Board is the CEQA lead agency and determined an Environmental Impact Report is necessary. The purpose of a Notice of Preparation is to gather information from resource agencies and interested parties about what should be included in our Environmental Impact Report.

Following the Notice of Preparation public comment period, the State Water Board will review all comments received in addition to other information and use that information to prepare our Draft Environmental Impact Report.

Shown in the slide is the list of the resources we plan to evaluate during the CEQA process. This information was taken from our Notice of Preparation, and some of these items were evaluated in FERC's Environmental Impact Statement and the KHSA's joint CEQA/NEPA document. To the extent possible, we plan to use that information.

Following the development of a draft Environmental Impact Report, the State Water Board will issue the draft Environmental Impact Report with a minimum 30-day public comment period. The draft EIR will include items like a detailed description of project alternatives, mitigation measures to reduce impacts to resource areas, and a description of environmental baseline conditions.

Similar to the Notice of Preparation portion of the CEQA process, the State Water Board will consider all comments received and issue a final Environmental Impact Report. Following issuance or concurrent with the final Environmental Impact Report, the State Water Board will take an action from PacifiCorp's water quality certification application.

The CEQA process propos- -- or our CEQA process proposed objectives that we've identified in our NOP and include: Modify the Klamath Hydroelectric Project, as needed, to comply with California water quality standards and in conformance with mandatory conditions established as part of the Federal Energy Regulatory Commission relicensing process, and continue to generate power from a renewable resource to serve Klamath Hydroelectric Project customers to the extent compatible with water quality standards and mandatory conditions

established as part of the Federal Energy Regulatory Commission relicensing process.

Our CEQA approach is to focus on the California portion of the Klamath Hydroelectric Project, use FERC's EIS, and the KHSA's joint CEQA/NEPA document in the development of our Environmental Impact Reports, and use information gathered by the scientific community, settlement agreements, tribes, PacifiCorp, CEQA commenters, and others.

The alternatives we've identified include a range from PacifiCorp's project as proposed in the water quality certification application which is continued operations with additional environmental measures, along with the State Water Board's addition of mandatory conditions, to full mainstem Klamath Hydroelectric Project facility removal. Other alternatives include implementation of settlement agreement measures, FERC's staff alternative, and partial facility removal scenarios.

Receiving input on these alternatives is a key part of the scoping process. All comments received during the comment period, including comments received in two thous- -- on the 2008 Notice of Preparation will be considered.

Some key items that we are interested in

hearing from the public include:

Adequacy of FERC's EIS and the KHSA's joint CEQA/NEPA document. In other words, do these documents address your concerns;

The range of alternatives or specific alternatives that we should be considering;

Potential impacts to evaluate;

Potential mitigation measures;

And any other items you think is relevant to this process.

If you would like to provide written comments, please provide them prior to January 29th, 2016, to the physical or e-mail address that is shown here. I've also included a link to our project Web page which is a good resource available to the public where we post updated information for the Klamath Hydroelectric Project, which is PacifiCorp's water quality certification application and this PowerPoint.

This concludes my portion of the presentation. I will be turning it back over to Jeff for the question and comment portion of today. Thank you.

MR. WETZEL: Thank you. Judging by the number of cards that we have and the people here tonight, let's do a three-minute allotted time for your comments. But before we do that, I wanted to give people a quick

opportunity to ask some general questions that they might have or process-related type questions that have arose before we jump into oral comment. So if you do come up and give your first name and last name and your spelling, please.

MS. BENNETT: My name is Grace Bennett. I'm one of the Siskiyou County Board of Supervisors. And in your presentation, you said a minimum of 30 days. Is there a maximum time on that? Or is it just 30 days? We need to understand that.

MR. WETZEL: This is to receive NOP comments?

MS. BENNETT: After -- after comments.

MR. THALER: So CEQA requires a minimum 30-day public comment period on the Environmental Impact Report, but it's often for large documents, for other interested parties to request an extension, and it's typical that the extension is honored. So there's no maximum. There is a minimum 30 days.

MS. BENNETT: Okay. Thank you.

MR. ADAMS: Michael Adams. That's three days away -- less than three days away since we're past 5 o'clock. Where's due notice?

MR. WETZEL: Yeah, I hear you. We did release this NOP on November 30th of last year, so it's been on the street for --

FEMALE ATTENDEE: To who? Where?

MR. ADAMS: To whom?

MR. WETZEL: We posted it to our web page.

FEMALE ATTENDEE: There's something we --

MR. WETZEL: We sent it out to our interested party e-mail list and hard-copy mail list. We posted it in the Sacramento Bee, the Eureka Times Standard, and the Yreka newspaper.

MS. RAGAZZI: And we sent to who participated --

MR. WETZEL: And -- yeah, and we sent it to everyone that participated in the 2008 scoping meetings. We also posted it at the county clerk offices.

MR. COSTALES: My name is Rick Costales. I retired in July with Siskiyou County natural resource policy specialist. I'm not here representing Siskiyou County, so I can speak my own two cents worth in this. But one of the --

MS. RAGAZZI: Question.

MS. COSTALES: One of the questions that I have is you -- you reference the fact that the -- you're going to use the KHSA EIS and stuff for the -- for the work. And the only new stuff on -- relative to, like, socioeconomic analysis and stuff like that that you're going to consider is new data. Is that correct? If

there is some new data say it -- regarding things that weren't considered as part of the socioeconomic analysis, you would -- I mean, I don't want to make a lot of comments or anybody here --

MR. WETZEL: Yeah.

MR. COSTALES: -- make comments that aren't pertinent, that you're just going to accept what's already been done and no more along those line.

MR. WETZEL: Yeah, so the take-home here is that some of the other documents that have already been done, we'll rely on those as we need be. And then any new information that's been developed past then that we receive by comment or by written comments, we will take into consideration.

MS. AUE: Hey, just to -- just to clarify, our document is going to look -- it's going to reflect our opinion of what's in those other documents. So we're not just going to document the documents, and we are not limiting our -- our request for information or the information that we're looking at to information that's been developed since out of the FERC EIS or since the KHSA KBRA EIS/EIR was developed. So we're -- this is a fresh document.

The reason we're coming and doing scoping again is because new information was developed. But we aren't

saying "Okay, well, you had to tell us in 2008" if you could have told us in 2008. This is just -- we're just starting a new scoping process, but we'll take all the info.

MR. WETZEL: Any other questions?

MR. BAIRD: Mark Baird, Scott Valley Protect Our Water --

THE COURT REPORTER: Could you speak up, please.

FEMALE ATTENDEE: We can't hear you.

MALE ATTENDEE: We can't hear.

MR. BAIRD: Mark Baird, Scott Valley Protect Our Water.

Do you, in this process, intend to study ocean conditions as it relates to the so-called endangered species, because no one has ever done that before.

MR. WETZEL: I think the extent of our analysis we'll partially do by some of the comments that we receive here, so I don't think it's actually been determined what the scope of the analysis will be at this point.

MR. BAIRD: So you don't know exactly what you're going to study at this point and, based on the public comments, that's how you'll determine what you're going to study?

MR. WETZEL: Partially, yes.

MR. BAIRD: Okay. That answered my question.

MR. MENKE: John Menke. I'm representing myself.

Are you going to analyze the impacts of diversions off the Trinity River? I always thought it was remarkable that the previous assessments ignored the Trinity. And I'm in very close touch with all the information about that river. And from the time of conception of Lewiston and Trinity dams, 81 percent of the water was diverted until the year 2000 at the record of decision.

That's a remarkable diversion of the water. It completely destroyed the fishery below Lewiston Dam. I'm an avid fly-fisherman, and Grass Valley Creek sediments below Lewiston completely changed that river. And I find it remarkable that, during the previous assessments, there was no study or consideration to the Trinity diversions. And I know Governor Brown, which is all your guys' boss, is trying to send the water to LA.

FEMALE ATTENDEE: Already did.

MR. WETZEL: Now, that's a great point to bring up. And there's a lot of projects and a lot of water projects in California. He mentioned the Central Valley Project on the Trinity River. And as this process

relates specifically to the Klamath River and the Pacifi -- you know -- Corp project facilities, and we try to look at the analyses that are stemming from that operation and that project.

MS. RAGAZZI: So what you're bringing up is that you think that there is information that should be analyzed relative to the Trinity flows or lack of flows as part of the Klamath Project. And so when we receive comments along those lines, that's something we can take into consideration determining the scope and scale of the analysis that's performed as part of the Klamath Project.

MR. SIMPSON: My name is Bill Simpson, and I'm a writer columnist with My Outdoor Buddy and a couple of other organizations. I've been asking a lot of questions of the people in the area recently over about the last couple of years. And the question that I have for you folks is that I've been told that no one has submitted any kind of scientific research to you as to the current water quality entering above Copco compared to the water coming out of Iron Gate Lake right now; and that there have been informal studies that show the water coming out of the Iron Gate today is better quality than the water coming in up above Copco upriver; and that Oregon State University conducted a study as to

the ag- -- the anthropogenic pollution coming off of the Klamath Basin upriver in Oregon and that that water would not meet your current standards today.

So what I would like to know is what you folks intend to do as far as admitting or accepting new information about the mitigation in the anthropogenic pollution that those dams are providing right now. I would like to hear your answer to that.

MR. WETZEL: I'm not sure that I follow the exact question but, I mean --

MR. SIMPSON: Well, it's simple. The water coming out of Copco is -- is polluted. The water coming out of Iron Gate is less polluted. Is that complicated?

MR. WETZEL: No. That doesn't -- that's a clear statement, yeah.

MR. SIMPSON: There you go.

MR. WETZEL: So there's a lot of information out there --

MR. SIMPSON: No, there isn't. That's my point. You guys never brought in the -- the KBRA's never brought in any research as to those -- the differences. And if you take those dams out, what do you intend to do? And got three days here on your official research even if -- even if I ponied up $5,000 and brought down some water scientists from Oregon State

and redid those samplings in the summer when we've got the highest level of anthropogenic pollution, I couldn't get you the study done in time for this ridiculous deadline. And yes, you did publish it in places that some of the people here don't read. I mean, you know, I don't subscribe to the Sacramento Bee, you know, and things like that so...

MS. RAGAZZI: Thank you.

MR. SIMPSON: Okay.

MS. RAGAZZI: So I just want to state again for folks, the purpose of tonight's meeting is to solicit --

MR. SIMPSON: Don't answer my question.

MS. RAGAZZI: -- comments and information. So if you have information or data that you think is relative or pertinent that should be included as part of the scoping process as part of development of the EIR, we want to get that information for you. So if you have that information, please pass it along. If you come up with it two weeks from now, a month from now, send us your information.

This is a CEQA scoping meeting. It's required by state law that we hold these meetings and that we have deadliness. The State Water Board collects comments and information throughout its process. So if you get information two months from now and you want to

pass it along, we're happy to have it and please do so.

MR. SIMPSON: I'm sorry, but it's not an answer to my question.

MS. RAGAZZI: Sir, I'm going to ask you to sit down, please.

MR. SIMPSON: Okay. You haven't answered my question.

MR. WETZEL: It seems that we should move into the public comment portion of the meeting.

MR. MENKE: I have one more question that is rather critical. The State Water Resources Control Board funded Dr. Steve Kaffka and Danowski, and I don't know his first name, to do a study of the -- this is a followup on his question, right here, he had. They did a study, I think published in 2004 -- I have a copy of it -- on the comparison of the water input to the Tulelake Irrigation District compared to the water coming out of the drains of the Tulelake Irrigation District. And it was clearly the water cleaned up due to -- and I'm an agronomist and (inaudible). And so --

THE COURT REPORTER: Could you repeat that? Sir --

MR. MENKE: -- the control board funded a study by a brand-new professor at UC Davis, Steve Kaffka, K-A-F-F-K-A, and Danowski, manager of the irrigation

district for Tulelake, they went up there and did a fantastic study and it shows a reduction in water pollution coming out of that district compared to the water going in. So I -- I would strongly urge you to analyze your own funded research.

MR. WETZEL: Thank you.

Carol, what did you need?

THE COURT REPORTER: It's past. I don't remember.

MR. WETZEL: So we move into the public comment section here. Three minutes is the allotted time, and our first speaker will be Grace Bennett and then Richard Marshall will be on deck. Please remember first and last name with spelling.

MS. BENNETT: Grace Bennett, Siskiyou County Board of Supervisors.

And I, too, have comments about the dams and the removal. Many people believe that if Klamath River dams are removed, all this clear, clean, cold water will suddenly appear and come rushing down the Klamath River.

This is not the case. The water that comes from Oregon and California is a problem. This water is a source of much pollution. The Upper Klamath Lake is shallow, warm in the summer, and has many nutrients, phosphorous, and organic matter in it. To its

prestorage, they are talking about flooding the wetlands around the Upper Klamath Lake. However, this will only add more phosphorous because the phosphorous is in the soil.

Phosphorous causes algae to grow in slow-moving waters. Once the water leaves, the Upper Klamath Lake picks up more impairments as it continues down the -- to the Klamath Project and a series of canals to help the farmers irrigate the Klamath and Tulelake Basins, then travels to Lower Klamath Wildlife Refuge. It is not -- it is untreated, unfiltered flows through a canal back into the Klamath River. This stretch of the river from Keno to Copco Lake has been identified as the most impaired water in the system.

And this -- this is at -- in -- on page 144 of the endangered and threatened fish of -- in the Klamath River. It's a book I've read several times. JC Boyle, Copco, and Iron Gate Dams allow these nutrients, organic matter, and phosphorous to settle and the water is cleaner when it leaves Iron Gate Dam than when it goes in. This documented in the PacifiCorp studies.

There are 84 creeks and rivers below Iron Gate Dam to deal with this impaired water. These creeks and rivers provide 471 miles of great habitat for spawning fish, plus 196 miles of the Klamath River. Surely, this

is enough area to use for fish -- for spawning grounds.

Over the past 30 years, there has been a concentrated effort to improve the habitat and restore the Klamath River. The people of Siskiyou County have worked very hard since 1986 to improve the water quality and quantity in the Shasta and Scott Valleys where dams have been replaced, new pumping stations installed, ditches have been lined to improve water, fish grates have been added to ditches, irrigation practices have been changed to improve crop production and use less water. Logging practices have been drastically changed to protect watersheds. Streams have been fenced off, so the cows are in 'em. That's providing -- making streams narrower and lowering temperatures.

It is estimated that the Siskiyou County Road Department has completed over 62 projects since 2008 to improve fish access to streams, removing culverts and installing bridges. The Scott Valley RCD has completed over 1200 projects. Shasta Valley has completed over 1500 projects. And this does not include the work that our farmers, ranchers, and loggers have done.

Am I done?

MS. RAGAZZI: Yeah.

MS. BENNETT: Okay.

MS. RAGAZZI: But you can come up at the end

and provide the rest of your comments, or we can take that.

MS. BENNETT: I've got a whole file available for you.

MR. WETZEL: Richard Marshall followed by Rex Cozzalio on deck.

MR. MARSHALL: My name is Rich Marshall. I'm president of Siskiyou Water Users, and I'm a rancher in Scott Valley.

Well, it seems like, just last week, we had the Fish and Wildlife Service representatives here fighting on the issue of wolves. And now we're here to try to protect our dams and our water and keep them pollutant free by talking to you today.

First of all, I want to say that I heard about this meeting on December 15th in an e-mail that was referred to me. And I'm on the Water Board's e-mail list, so I don't understand that.

And secondly, I want to say that the problem about timing on responses was brought up earlier, and I agree with that. The January 29th is a ridiculous date to be using for people who want to truly respond with documents and so on.

The major issues I have and our group has deal with the use of the EIR for the CEQA analysis, the EIR

being done by DOI. In your statement of going forward with it, the analysis, you state you are going to rely heavily on the work done by DOI, which you call the KHSA document. DOI had worked on this for a number of years, knowing that the DOI and the EIR was severely corrupted to meet the political objectives of DOI espoused, in particular, by Secretary Salazar --

THE COURT REPORTER: Please slow down.

MR. MARSHALL: -- who stated publicly --

THE COURT REPORTER: Slow down, please.

MR. MARSHALL: Okay. Stated publicly, prior to the completion of the study, that the dams were going to be removed. That was his goal. This can be attested to as well as the scientific manipulation of data by Dr. Paul Houser. I'm sure you've heard of him. He was a quality control officer of the DOI and became a whistleblower.

In addition, the DOI was caught fabricating evidence in the Lunny Oyster EIR which was attested to by Dr. Corey Goodman. We also have the fact that, on the Klamath EIR, the DOI was rebuked by Congress for a manipulation of a so-called public survey in which they paid respondents $20 to respond. It is our request, because of these things, that the analysis be pristine on the part of your group, that they should look at the

entire river system, including all seven reaches of the Klamath River and the Trinity.

We saw the recent study by Governor Brown that the dams are going to be removed as the same insolent statement made by Salazar. This gives us no confidence that, in fact, this will be a far-reaching, independent, and thorough scientific study of the river and the damage that will be done by removing the dams.

The Water Resources Board, I want to talk to some of your own documents. In the late 1960s, the Water Board, in conjunction with numerous engineering firms and hydrological studies, made recommendations invoked in '83 which, if they had followed them, it would have made these Klamath issues today disappear and we wouldn't be having this meeting.

The reports, in essence, recommended a series of water storage structures throughout Siskiyou County, including the upper elevation storage structures, which would have provided opportunity to capitalize on abundant rainfall to keep the aquifers full. This work, together with proactive forestry employees, to increase the water flow in the streams that were serving the Klamath Basin.

These upper -- are you getting ready to shut me down? Because I want to add one more thing. And then

I'll give you this.

But I want to point out that this meeting is being conducted while there's a lawsuit -- a pending lawsuit by Hoopa, which has been brought in by the Yurok and the County of Siskiyou and others. And it is exactly on this issue of your authority to be able to do this study and be able to make these comments. And it's been put forward by their attorneys, in fact, you can't -- you gave up your rights to do this.

So I question this whole hearing process that you're undergoing, the scoping process. I think you should wait until the FERC has completed its situation on Hoopa lawsuits. And then I'll give the rest of my comments to your girl over here.

MR. WETZEL: Oh, no, I got 'em in here.

MS. RAGAZZI: Okay. I'll take them.

MR. WETZEL: After Rex will be Thomas Joseph.

MR. COZZALIO: Actually, I'll -- I'm going to show the concerns about the time frame of that. And, also, I'd like to submit separately this -- this paper for you.

THE COURT REPORTER: Could you state your name again, sir?

MR. COZZALIO: Rex Cozzalio, C-O-Z-Z-A-L-I-O. And fair warning, this goes 15 seconds over.

We are four generations living at the same location on, with, and in the Klamath. We live directly below where Iron Gate now sits. I'm in the Klamath over 50 times a year for nearly 60 years, as my grandfather before me. I have personally seen the overwhelming benefits those facilities provided to our river reach in environmental or wildlife enhancement, fisheries habitat, riparian stability, water quality, world-class salmon production, erosion prevention, sediment reduction, fire protection, supplemental water storage, and relief for nearly annual destructive flood damage. The added capacity of Iron Gate augmented those same benefits experienced by my grandfather and every local resident we knew who lived the before and after of the Klamath Project.

Majority consistent opinion, empirical knowledge, and current science contradicting agenda premise have fallen on deaf ears at every scoping meeting presented by Water Resources and its divisions. Every instance has seen this agency's incremental resource confiscating regulations constructed to economically attrition all vested residents except for the participating and profiting special interest few.

Every one of those purchased theoretically-based computer modelled studies supporting

regulatory conclusion have failed in beneficial prediction, and yet the regulations remain and compound towards agenda outcome. This agency's recent water quality 401 permit revision was constructed to force PacifiCorp acquiescence to KHSA mandated water storage removals; in doing so, ignoring water quality that was better exiting the facilities than entering. Instead, this agency conducted and paid for peer review temperature and microcystin claims that have since been proven unsubstantiated, but which consequent regulatory mandates still remain in force.

Now, we are here for the coup de grâce compelling removal of historically balanced benefits. This agency, again, eliminates consideration of information refuting agency premise, allowing for inclusion of the biased, outdated FERC EIR and already failed KHSA profiting conclusions and options. Agency claims of nonbias or overt lies when the governor's own just-released Final '16 California Water Action Plan calls for the full weight of regulatory might to be aimed at specifically removing the Klamath water storage facilities. Rewinding policy driven funding and directives ensure employee and special interest cooperation. Thousands of regional lives and futures have already been sacrificed to the same failed

regulatory impositions, to no benefit, acknowledgement, or accountability. It is unrealistic to believe this agency will ever oppose the regional devastation of removals, or equally destructive regional attrition through benefitting agency and special interest so-called "mitigating" oppression.

Destruction of those facilities will not only bring a return of former degraded pre-project conditions, it will bring even greater consequential, transitional, environmental damage and irreversible hardship to countless species in perpetuity, including man. Thank you.

(Applause.)

FEMALE ATTENDEE: Could you switch the microphones? Because that one sounds like you're in a closet and that one's clear.

MALE ATTENDEE: Is that better? Can you hear?

FEMALE ATTENDEE: Yeah.

(Applause.)

MR. WETZEL: Thomas Joseph and Dr. Richard Gierak on deck.

DR. GIERAK: Dr. Richard Gierak, G-I-E-R-A-K. Basically, we've heard all of these different areas. First of all, most of this problem has been caused about listing of coho salmon. What a pain. First of all, in

the 2000, when we had the great big fish kill down on the Lower Klamath, it was blamed on the algae in the reservoirs. CDC, a number of years later, did the evaluation and found that to be untrue.

Second of all, which is most important, this was all done as a matter of the Indian tribes claiming to have a annual water boat dance at that time of the year. However, historically prior to the dams being built, there was no water in the river at that time of the year that would support a water boat dance. Just look up the actual data.

Secondly, the Klamath River is designated as a wild and scenic river. Destruction of this dam or any one of them would put so much change in the river, it would be a direct violation of the Federal Act. So we must consider that. I do believe that I was part of the FERC evaluation team in the year '99 and 2000. And Iron Gate is a wonderful facility and it works great. I think that takes care of it. Thank you.

MR. WETZEL: Thank you. Can you hear that? Better?

MALE ATTENDEE: We can't understand you.

MR. WETZEL: Thomas Joseph. Ah, there we go.

MR. JOSEPH: Just say our name and where we're from or what?

My name is Thomas Joseph, T-H-O-M-A-S, Joseph, J-O-S-E-P-H.

My message, too, is very simple and plain. The -- this board has been put together by the State of California to look after the best interest of California water. As a State of California -- as a member of the State of California, I ask you to do that, protect the California watershed. It's simple and it's easy.

If these dams can't comply with EPA regulations, then they can't comply, and they're outdated, they need to be redone, and they need to be taken down. All this other stuff is just -- it doesn't matter. You guys do your job as a California water board to protect the best interest -- protect the interests of California citizens. Thank you.

MR. WETZEL: Robert Davis is next with Anthony Intiso on deck.

MR. DAVIS: Good evening. I'm Robert Davis, D-A-V-I-S. Congress was supposed to vote regarding dam removal. Most of the congressmen do not know where we are. They think Northern California ends at a line from San Francisco to Sacramento. They must be provided with a scientific study of the -- of some of these and the conditions.

For example, when I moved to this area over 30

years ago, some people were alive who remembered conditions before the dams. When I ask how they built the pilings in the middle of the river with the rushing water, they laughed because, before the dams, the river dropped to a trickle that you could step over.

That was the -- that was the time to put the bridge supports in. Some people want these conditions to return.

As far as a scientific study, no one ever reported on a reason that the salmon did not go above Shovel Creek. This was generally known by everyone.

We checked conditions at the hot springs area, which is just before the creek bottom. There is a large area with hot springs coming out of the ground in many spots. We checked one only and found 25 gallon per minute of 140-degree water at a time when the air temperature was 36 degrees. That's enough to warm the water enough to stop the salmon.

The algae contamination is another thing that's thick in places of no water flow. We do not go into such scummy places. Only people who want to measure something that looks real bad go there. You can find the same thing in spots on the river wherever flow is low. None of the residents I know has ever had any ill effects from the algae nor have the many people that

were tested by the Siskiyou Health Department.

The testing shows that cleaning by the dams is the -- of what is happening to the river. Everyone that takes studies of the river all through the summer and, if you look at it, every study comes out that there's contamination and posting at the beginning of the river all the way down to Iron Gate. By the time the water goes through Iron Gate, it is cleaner than it came in.

Now, how can you say there's anything that the dams are doing except cleaning? They are not causing any type of contamination. You got nothing else to clean like those dams.

(Applause.)

MS. RAGAZZI: Thank you, sir.

MR. WETZEL: And Anthony with Robert Rice on deck.

MR. INTISO: Thank you. My name is Anthony Intiso, I-N-T-I-S-O. Good evening and thank you for my opportunity to speak. I am here representing the granges of Siskiyou County.

As a recent graduate of Hillsdale University and the faculty and students who fought in the civil war, I studied there and completed their courses on insti- -- constitutional law. As a result of those studies and -- and the -- I am here to give your agency

a notice. And I have copies here that I'll give you.

MS. RAGAZZI: Thank you.

MR. INTISO: Any time I have left over or someone else needs it, I'm not going to take the whole three minutes.

This is the Notice of Non-Conformance. The California North Coast Water Quality Control Board: Notice is hereby given to you that the said California agency's governmental procedures, policies, rules, rulings, fines, fees, and enforcement actions are in violation of the U.S. Constitution and the California Constitution. U.S. Constitution Article 1, Section 1; Article 2, Section 1 -- I won't go through all of that -- and the California Constitution.

The California legislature establishes your agency in -- by the passage of Dickey Act of 1949 and subsequent acts, up to and including the Porter-Cologne.

The passage of the Water Codes Act, 13000, et seq, does not give you authority to make rules of law, enforce those laws, and set penalties.

The U.S. and California Constitutions are very specific in their language enumerating who has those powers and authority. In addition, the U.S. Supreme Court Decision 551 US 644 further restricted your discretionary powers.

As board members, each of you swore to an oath when taking office. And that oath of office was to uphold the Constitution of the United States of America and the Constitution of California. When you faithfully execute your duties according to the Constitution, you have immunity to civil and criminal prosecution, both absolute and qualified. But once you are made aware of -- of taking official actions as a board member and that those actions are unconstitutional, it becomes a violation of the oath of office, thereby removing you from the cloak of immunity and making you subject to personal legal action. And that is the purpose of this notice, to inform and ask that you uphold your oath of office and stop conducting unconstitutional actions.

Respectfully, the granges.

MS. RAGAZZI: Thank you.

(Applause.)

MR. WETZEL: Robert Rice with John Livingston on deck.

MR. RICE: My name is a Bob Rice, R-I-C-E. I've lived in Siskiyou County for 35 years. My employment with the Forest Service-USDA was to plan and administer three million acres of the land and water resources in the Klamath Basin. Sixty-two percent of the Klamath River was my responsibility.

In 1986, the Secretary of Agriculture appointed me to the 13-member Klamath River Fishery Task Force. We researched and planned to sustain or improve the riverine habitat of anadromous fish species in California portion of the Klamath River. An early focus of water quality, which is now a hot subject, was presented in 1991 through a Wild and Scenic Classification Report by the Bureau of Land Management. It represented an area from river mile 190 to river mile 254 and reported on water quality regarding eutrophication of two reservoirs, Ewauna and Upper Klamath Lake in Oregon.

In 1998, USGS, another agency in USDI, reported on water quality and nutrient loading. North Coast Regional Water Control Board and PacifiCorp were co-operators. They concluded that the methodology to achieve a water quality strategy is lacking.

These two reports were instrumental in the development of Public Law 106-498 passed in 2000 called the Klamath Basin Enhancement Act. The Bureau of Reclamation USDI was charged with doing the assessment for off-stream storage and water pollution treatment.

The focus of these three documents identified either deficiency in water storage or the presidents -- presence of both non-point and point-source pollution

before entering the Klamath River. They also state that water quality downstream from pollution sources will naturally improve due to dilution and mixing with tributary flows as the water passes through reservoirs.

I make two points: PacifiCorp is not the major culprit in Klamath River pollution, and the California water plan planners have only begun a long journey of research, which the authors of KBRA and KHSA have not done.

The Klamath River is a complex two-state waterway and all implemented actions must be compatible with the necessary flow dynamics of the Klamath River. At this point, what I read in your deliberations addressing management strategies for water quality improvement or additional water supply is nonexistent.

(Applause.)

MR. WETZEL: Thank you. John Livingston with Rick Costales on deck.

MR. LIVINGSTON: John Livingston, J-O-H-N, L-I-V-I-N-G-S-T-O-N. I'm a resident of Redding, and I follow the issues up here on the Klamath River carefully because I do a lot of hiking and canoeing up here.

For the documents that the State is going to prepare, I would offer the following technical issues. When the dams are -- for the alternatives where the dams

are to be removed, the analysis of the sediments in the federal documents was fairly weak. And it -- it puts the document at risk of a lot of criticism if the analysis of the sediment discharge following removal and those alternatives, yet it puts the -- it generates a lot of negative feedback when the analysis isn't real strong on the -- the analysis of what's in the sediments and how they're released. I witnessed a couple of dam removals up in Washington State, and those sediment issues are extremely important.

The next next thing is construction impacts for both dam removal and nondam removal alternatives. The -- the real activities during construction and for, say, the next five years, those impacts are real important to doc- -- to analyze and document in the -- in the EIR document. The -- when we remove things or we do things that involve fish, we have a big difficulty establishing measurable parameters that we can define as whether we were successful or we weren't successful.

So I would encourage the analysis to try to develop some -- some mitigation measures or some parameters that are measurable instead of everyone saying "well, it worked" or "it didn't work."

And, finally, although some people claim that pollution isn't occurring in the river, I drove across

I-5 a few months ago and there were cattle in the river grazing or next to the -- they were right in -- their feet were in the water. So contrary to some people's belief, there are cattle in the river. Thank you.

(Applause.)

MS. RAGAZZI: Thank you, sir.

MR. WETZEL: Brandon Criss is on deck.

MR. COSTALES: I have a layman's understanding of the Clean Water Act and the Porter-Cologne Act and the CEQA --

MS. RAGAZZI: Can you state your name and spell it.

MR. COSTALES: Oh, I'm sorry. Yeah. Rick Costales, C-O-S-T-A-L-E-S, and I'm representing myself, but a laymen's understanding of those laws, the Clean Water Act, Porter-Cologne, CEQA, but my understanding is that these things are not cut and dried with regard to water issues. It doesn't require you to prioritize water to the nth degree or any one of the many beneficial uses of this stuff. You guys are required to kind of seek some kind of balance and that balance doesn't have to be -- it seems to me there's a lot of language talking about feasibility and, you know, practical stuff, that these things are -- have to be achievable and, essentially, worth what it is that it

takes to achieve these sorts of mitigations or accomplish these projects.

If water was the bottom line on these things, half the people would have to move out of the Bay Area or Los Angeles for the LA River. So, obviously, you guys are required to balance that. And I think as far as that goes, the proposal that PacifiCorp has and it is trying to meet your water objectives and at the same time run the dam, I believe, that that is a -- is a sound alternative.

As far as the alternatives that go along the lines of trying to take the dams out, I -- I think short shrift has been given to the socioeconomic analysis and the impacts of taking those dams out. The mitigations proposed when I was working for the county, mentioning some of the things that were left out of what were looking out for the county's concerns and the general feeling I got is that if the county had played ball a little more, maybe some of the mitigations could have been written into the KHSA and the KBRA and those kinds of things. And that's not the way that these mitigations under water quality for the ben- -- other beneficial uses are supposed to take place. They either take place and they're fair and they're right and their just, but it should not matter whether you play ball or

not.

And I really don't think that's adequately been done. And I don't think the analysis of -- I think there are a lot things that gone under the radar in terms of the socioeconomic analysis. For example, Hornbrook School, I believe, is funded through the -- through PacifiCorp through the Klamath Project. And I believe, you know, there's going to be a school that might have to close or have struggle with the funding. I don't believe necessarily that that was in that analysis.

So I think that we've really got to look hard at what these -- these impacts. They just don't stand alone. It isn't 70 megawatts that we can generate someplace else or replace something else.

The presence of PacifiCorp here with the taxes and the jobs and all the things that contributes to it along the lines of the cultural aspects that the native tribes are talking about, their cultures -- I realize the -- the culture of Siskiyou County isn't written in as a beneficial use, but they still have impacts to our culture just wiping these industries out and taking these things out. And I think you don't just analyze 70 -- 70 megawatts. You have to analyze down that whole chain, and I don't think that was adequately done in the

socioeconomic analysis, so I would like to see you include that in the scoping. Thank you.

(Applause.)

MR. WETZEL: Thank you. Brandon Criss with Regina on deck.

MS. RAGAZZI: State and spell your name.

MR. CRISS: My name is a Brandon Criss, B-R-A-N-D-O-N, last name C-R-I-S-S. I'm the County Supervisor for District 1.

At 10:00 p.m. on August 1st, 2014, I received a phone call from Sheriff Lopey advising me that constituents were being evacuated from their homes due to a rapidly spreading fire north of Copco Lake. I drove over to the evacuation center and spent the night there getting feedback of what was happening.

Constituents witnessed helicopter bucket load after helicopter bucket load of water being drawn out from behind Copco Dam. The water behind the dam was used to save homes and lives. When you consider this issue, we demand that public health and safety be given a priority. Do not take this fire protection tool that the dams provide.

We ask that you also consider the health of the migrating salmon. Also in 2014, there was a chance of another fish kill similar to 2002 on the Klamath River.

At the North Coast Regional Water Quality Control Board meeting here -- held here in Yreka in this room on October 9th, 2014, the Karuk tribal spokesman, Craig Tucker, stated that, quote, "increasing flows and the velocity of flows disperses diseases on the Klamath. We averted a fish kill because of Trinity River flows. Then the Karuk tribe observed disease above the Trinity confluence. A lot of credit to PacifiCorp's" -- this is all still a quote -- "a lot of credit to PacifiCorp's collaboration with the Bureau of Reclamation to at least 16,000 acre feet, which was released at 1700 cubic feet per second," as credited.

A total of 20,000 acre feet was released -- this is not his quote -- a total of 20,000 acre feet was released by these dams. Without the dams, this 20,000 acre feet would not have been available to save the salmon.

We find an -- oh, Craig Tucker said that on agenda 6, minutes 30 to 37 on the recording: "We find it ironic that some claim these dams impair water for fish, yet the release of an extra 20,000 acre feet of this same water is credited with being pivotal in helping to prevent a fish kill. Please do not take this tool away from us for fish health."

The Bureau of Reclamation struck a deal with

PacifiCorp to release this 20,000 acre feet from behind these dams so this water would not have to be taken from farmers and ranchers in the Klamath Basin. The Bureau of Reclamation August 8, 2014, press release stated that that water released from behind the lower dams would, quote, "assist reclamation by extending the Klamath Project's available water supplies from Upper Klamath Lake to help close the irrigation season" for those farmers. Please, for the benefit of those farmers, do not take this tool away from us.

Real quick.

MS. RAGAZZI: Okay.

MR. CRISS: Lastly, do not view agriculture as harming the river. View it as a tool to benefit the river. For example, the State Fish and Game quickly blamed Klamath Basin agriculture for the 2002 fish kill, yet the National Academy of Sciences made clear in their study that agriculture did not cause the fish kill.

It's a proven fact as well that agriculture water runoff in the Klamath and Tulelake Basins is cleaner and has less phosphorous loading than natural conditions would give this river. Don't just demand cleaner water; respect and honor that you are already receiving cleaner water due to the agricultural practices.

We request that you allow us to continue to use the dams as a tool, a proven tool that benefit the Klamath River system in whole. With dams in place, we are seeing record runs of Klamath River salmon. Tearing out existing hydro power dams that have proven benefits for fish, Klamath and Tulelake Basin agriculture, and firefighting efforts is no solution. It's, instead, the start of many problems. Thank you.

MR. WETZEL: Regina, then Curt Babcock on deck.

MS. CHICHIZOLA: Hello. My name is Regina Chichizola. I was a long-term resident of Siskiyou County and recently moved to Orleans, California.

I spoke specifically about different water quality issues throughout the time that this process has been going on and I might hit those a little bit, but I'm also going to talk slightly personally today, too, and also talk about how great dam removal can be to the economy and to the restoration of the salmon -- and to the restoration of salmon throughout the Klamath River watershed.

I understand a lot of people here want the dams in and I -- I get that, that they find them to be beneficial but, for the people downriver, the toxic algae the dams create, the lack of fishery that has hurt

is a huge impact. Last year, up to 90 percent of the juvenile salmon in the -- in the river died and --

FEMALE ATTENDEE: That is a lie.

MS. CHICHIZOLA: -- that is -- no, that is true. And I would -- I respected everyone here, and I would like you to respect me. Thank you.

Anyway, so over 90 percent of the salmon died in the river. The commercial fishermen that live on the -- that depend on the river and the native people that fish on the river are hardworking people that want to see their way of life continue, just the same as the people in the room want to see their way of life continue. And a lot of people have made some real strides to try to figure out ways to do that together.

When the Condit Dams were removed in Washington, it was amazing how fast the sediment worked its way out of the river system and it brought a big boom to the local economy and actually helped the ocean out also.

As far as the -- as far as the dams, these are owned by a corporation that is from out of the area. They don't care about us and they are going to make the decision based on what they want. So that's what the situation is.

For you guys, it's up to you to protect the

water and make sure that it's drinkable and swimmable and can benefit our communities. In the Klamath River when we need water taken out of the river during -- for fires, we get it from the river. That can happen here also.

In other dam removals, water systems have been updated and local communities' concerns were factored into the situation, and I'm sure people are willing to do that here, too.

I would also like to say that, while it is true that there are some serious water quality issues in the Upper Klamath, there are also serious water quality issues coming from the Oregon dams. And that is not good that everyone gets -- else gets blamed for all the different water quality situations. It is a cumulative thing going on. But these dams are causing a giant impact, and they have been identified by the State Board as causing a giant impact.

I'd also like to say that there's -- one of the things I forgot to say yesterday is there is a lot of refugia that cannot be used within the dam's area that would bring cold water into the system and I think that's an important issue.

And -- shoot -- oh. And last is that PacifiCorp has had the chance, like everyone else that

is in this room, to listen to the TMDLs, to listen to requirements for the fishery, and they have fought it every time possible. They have not been regulated. They release toxic algae into the river in warm water conditions. While everyone else is fencing their cows out of the creek, PacifiCorp continues to pollute, and they argue that this permit is the only chance for the TMDLs to be complied with and for the water quality to be improved. And any permit that you issue will last 50 years, so it's really important that concrete mitigation measures are included in this permit. And it is really important that you guys do the right thing and stay strong in this permit process and listen to the best available science. And there's a lot of it existing. Thank you.

(Applause.)

MR. WETZEL: Curt Babcock with Mark Baird on deck.

MR. BABCOCK: Hi. Curt Babcock, C-U-R-T, B-A-B-C-O-C-K, representing California Department of Fish and Wildlife mainly here to support your process.

As you know, the department's been involved in the relicensing since its conception. We were signatory to the KBRA as the state was to their KHSA for the state lead agency for the joint Klamath facilities removal for

the EIR/EIS. And we are a trustee for the State's Fish and Wildlife Resources who manage Iron Gate hatchery which is the current mitigation for the project below Iron Gate Dam. And we actively monitor and manage the Klamath fishery with our basin co-operator. We are the State's trustee for fish and wildlife resources. And, as such, we have principal interest in the outcome of this process. Primarily, we want to support this process and your analysis.

Primarily, the -- the main issues with the project are impaired fish passage -- excuse me -- impaired flows and impairments to water quality. That's all been well documented, but I encourage you to utilize the analysis and the information contained in the EIR/EIS for the Klamath project removal. The -- and the -- the FERC EIS contains the information as well.

We support the alternatives that you've selected, including the inclusion of the mandatory provisions for fish passage, and encourage you to work with us as you move forward, too, and I offer our help in any information that you may need to move forward.

Thank you.

(Applause.)

MR. WETZEL: Thank you. Mark Baird followed by Glen Spain.

MR. BAIRD: Mark Baird, Scott Valley Protect Our Water.

This whole process has been filled with so much lying and cheating, and it's -- it's hard to even describe. But, first of all, the system of stakeholders that constructed the KBRA KHSA and sponsored a lot of the so-called science that you propose to quote is -- is spurious at best.

Mark Stouffer headed the lead agency for the State of California after they entered into an unconstitutional compact with another state. As you know, by the United States Constitution, that's prevented unless Congress approves and Congress has never approved to this process.

Mark Stouffer made the statement in a public meeting with regard to the 20 million-plus cubic yards of potentially dangerous sediment behind the dam. Well, this is just an experiment we have to try to see how it turns out. My suggestion is if you put up a $10 billion surety bond so that the lives and property you ruin with removal of these dams can be paid for after the fact, then, yeah, try your experiment. But if you're not going to pay for it, that's not an experiment we want to come to the conclusion of.

Buster Attebery made a statement in front of a

couple of our members that -- once again in a public meeting, "I don't give an 'S' about the fish, we want the money."

Don Gentry from the Klamath tribe when I was testifying in front of the Oregon State Legislature, someone asked him -- Senator Witsett asked him, "Was it true that the Klamath tribes planned to remove themselves from the KBRA KHSA? And if so, why?" And Mr. Gentry replied because -- not because it was a great idea to do it, but it wasn't going to happen, he said "because we failed to realize our bargained-for benefits."

When you look at every one of these stakeholders, they have something to gain. LeRoy from the Yurok tribe in a public meeting here in Yreka, several people in the audience were there, he said, "We don't care what the people of this county think, we don't care what you want, we don't care what you do. We want the money and we want control of the flow of the Klamath River." That was his response.

So when you look at the stakeholders involved, everyone in this process stood to get something. They weren't trying to save the fish, they weren't trying to save the basin. They wanted something, and that was the bribe that they bargained for in exchange for signing on

with the KBRA.

And I have to say one -- one stakeholder group missing from that are taxpayers, voters, and property owners. And it's odd to me that seven out of nine counties potentially affected by this project chose not to sign on, because they represented the voters, taxpayers, and property owners who would be directly impacted by the rash actions that, perhaps, you may choose to take.

I agree this is an unconstitutional and illegal process, but I do also agree with Mr. Joseph. There's an easy way to figure this out. Page 53 of the FERC relicense that PacifiCorp did the last time said that "the water was cleaner when it left the dams than it was when it entered them."

Go up to the upper basin, wait until a real cruddy day in the summer, see what the water quality was, then go down to the entrance of the first dam, see what the water quality is, and then check the water quality when it comes out of the dam and see where it's best and see where's it's worst.

But, also, read the history, because the first Applegate party called the Upper Klamath Basin and the Klamath River the stinky river. The horses wouldn't even drink the water. In fact, they bypassed the whole

area. So if you're claiming that the dams are making the water dirty, that's a false assumption. Thank you.

(Applause.)

MR. WETZEL: Glen followed by Konrad Fisher.

MR. SPAIN: My name is Glen Spain, G-L-E-N, last name, S-P-A-I-N. I'm the northwest regional director for the Pacific Coast Federation of Fishermen's Association. We're a west coast trade association for the commercial fishing industry.

I want to remind you that the Klamath Project area was defined in the FERC application by PacifiCorp as not only including all the river but the estuary and up to several hundred miles north and south, all the way through the -- at least the Klamath management saw it -- that's the area that is most affected in the coastal fisheries by the stocks in the Klamath and where they migrate. These are highly migratory fish. They affect the economies of counties all the way down to Central California is -- and all the way down to Monterey. They also affect counties in Oregon all the way up to the Oregon/Washington border.

There was also the project area definition in the FERC analysis and in the KHSA NEPA and CEQA analysis as well, so that should be as well your project area definition in order to be consistent.

Looking at the application itself, there are a number of deficiencies and, aside from the things that you need to be looking in your scoping, there are some deficiencies in the application. Number 1, there's no analysis to speak of of the fish passage impacts. These are mandatory conditions under Section 18 of the Federal Power Act. That has been litigated that -- the -- they are solid. The court order is that they go forward with the FERC relicensing. So that is not only a foreseeable condition; it is virtually a certain legal condition.

There is very little reference to the California and Oregon TMDLs, and put -- including the fact that PacifiCorp's numbers do not match up with the current standard. So there -- its underlying assumption on some of their conclusions is false. They need to meet the TMDLs like every other entity.

There is a lot of ignoring of past studies, past cherry-picking of various studies and not really giving a complete picture of the economic issues.

In terms of the economics, again, you need to do socioeconomic analysis clearly in the system. And that means looking at both the impacts of project change and the impacts of project as it is; that is, relicense. Both have impacts. Both have some potential benefits. They all have to be analyzed all together before you

have anything like an adequate analysis. And that is a -- a process supported by many economists.

THE COURT REPORTER: I'm sorry. Supported by what?

MR. SPAIN: Many economists.

THE COURT REPORTER: Thank you.

MR. SPAIN: The cumulative impacts are ignored. The mitigation measures are almost unexistent, unfortunately. Mostly what they are is study plans for future studies, which are vaguely described which may or may not result in mitigation. That would not be a legal basis for actually issuing a permit, because it would not be a legal basis for FERC relicense.

We can't just plan to plan. There has to be actual concrete mitigation. Those are mostly missing in the application.

The other problem is Keno Reservoir is ignored. And Keno Reservoir is also not going to be relicensed. Keno Reservoir is orphaned in the application of the company to FERC. So it's unclear what the status of Keno would be. It would probably have to be removed ultimately, and that is an impact that needs also to be studied.

Thank you.

MS. RAGAZZI: Thank you. Do you have a copy of

the report?

MR. SPAIN: We will have a copy of the report.

MR. WETZEL: Okay. Ms. Peggy?

FEMALE ATTENDEE: I'm going to go ahead and pass.

MR. WETZEL: Okay. Konrad Fisher followed by Ryan Walker.

MR. FISHER: Konrad Fisher, K-O-N-R-A-D, F-I-S-H-E-R.

I would like to thank the Water Board for resuming the water quality certification process. And since we're here, I just thought I would acknowledge that the -- the most vocal opposition to the dam removal has come from my fellow Siskiyou County residents. And I would argue that most of this is rooted in ideology rather than the preponderance of scientific evidence.

I live on the Klamath and I can assure you the Clean Water Act beneficial uses are not being protected right now and have not been in recent years.

PacifiCorp's water quality certification application is based on a series of activities that will not mitigate water quality impairments. It is mostly activities being proposed that have already tried -- been tried and failed and a lot of proposals for more studies, which are not a form of mitigation.

I'd request that you integrate your analysis with Oregon DEQ, because this problem can't be solved without addressing water quality problems coming from Oregon. And you can't protect California without fixing those problems.

And as you probably know, California -- California is in the process of developing procedures to establish water quality cert- -- water quality standards for cultural -- tribal cultural beneficial uses. So depending on the timing of that process, it may impact what's happening here. It will probably set different standards, and I would ask that you commit to a timeline.

Earlier today, I think I heard one year to complete the EIS. That sounds reasonable. And I believe you have everything you need now to issue a water quality certification that's conditioned on dam removal.

And thank you again for all of your time.

(Applause.)

MR. WETZEL: Ryan Walker followed by Robert Walker.

MR. RYAN WALKER: Thank you. My is Ryan Walker, W A-L-K-E-R. I am a -- a Vice Chair on the Shasta Valley RCD. I'm also a rancher on Bogus Creek

which is the last creek-flowing tributary on the Klamath River comes in right below --

THE COURT REPORTER: Slow down, please.

MR. RYAN WALKER: Comes in right below Iron Gate right -- right at the fish hatchery.

And I have, I have to say, mixed feelings about what I hear this morning. I -- I know when I hear the proponents of dam removal -- Konrad right there -- I know they have a sincere belief that this is creating -- or creates a better environmental position, both for the fish and for wildlife below the dams, maybe even above the dams. I hope he understands that we have a sincere belief also and -- and it's not simply ideology but, I mean, I think we do have a sincere belief.

But even -- even accepting that dam removal would improve the environment, even the most ardent proponent has to accept there's a -- a risk. There is a great risk. And we have a great amount of sediment behind those dams. We don't understand flows entirely. We don't understand the phosphorous coming down from Oregon entirely and how that will be mitigated without the dams.

These are all questions. Now, there's answers. And conduit [sic] is -- the Condit Dam is an example, a much smaller dam, much different sediment profile paths,

not the same phosphorous levels coming from up there, but there's questions, there's risks. And it's an enormous amount of the money that's going to be spent removing these dams. You can spend a much smaller amount of money in mitigation for things that we absolutely know are going to help environmental quality in the river.

We -- like I said, I'm the Vice Chair of the Shasta Valley RCD. We have projects lined up in the area under the -- under the TMDLs, under -- under -- just by ranchers coming in, things they want to do. Repairing fencing, there's no money for. Piping ditches with warmer water, there's no money for. Putting in tail water projects would help water temperature, there's no money for. All sorts of things, roads that can be -- they can be decommissioned or changed, so they -- they don't have a sort of runoff. Upland work that helps flows, reducing the overgrowth of our forest and things like that. Money that has 100 percent return.

And I absolutely agree that mitigation doesn't count if it's just a plan. You can't give the -- the mitigation money to some government agency for plans and hope that's going to result in water quality improvement. We know that Siskiyou County has spent a

lot of money on the ground, concrete projects. We need -- they put the money in the hands of landowners that want to do good work, want to keep cows out of the water, want to deal with rock, want to deal with heated water -- elevated water -- tailwater temperatures, want to deal with -- with choked-off forks.

That's mitigation we know will help water quality. I -- I think -- I hope everyone in this room, you know, on both sides of the dam removal question can agree on that, and I would -- I would argue for putting that sort of mitigation into the project, the sort of mitigation that will go right to the ground, that can go right to landowners, not get lost in the government bureaucracy and deal with water quality without the risks associated with dam removal.

Thank you.

MR. WETZEL: Robert Walker with Bill Duval on deck.

MR. ROBERT WALKER: Robert Walker.

I got to tell you that last speech was really good, wasn't it, guys? I'm a rancher out at -- on a [inaudible] where we have our -- a ranch, the family ranch. Myself, my wife Carol over here, and Ryan, my son, and my two grandsons, we operate the ranch there. And I got to say it's been interesting listening to all

of you here, because you've got these big plans and you understand things a lot better than I do. And I'm here to play small ball, I'm afraid.

I'm here about a mitigation issue. Our ranch is located five miles below Copco 1 and Copco 2, dead south, and there are two transmission lines that run six miles through the -- bisecting our ranch north to south. That's the issue I want to get to, but I've got to give you a little background, I'm afraid, that -- to let you know why -- why it's going to be important to me.

Our 6,000 acres comprises a significant part of the Bogus Creek watershed, which is a very small watershed compared to Scott River, Shasta, and a lot of these others, but it has a unique position. It's a -- one of the prime spawning grounds for salmon on the Klamath River.

There's a report -- the Fish and Game, you guys are -- where did my Fish and Game guy go? They're real good at it. They've come out with a lot of reports on this. They've come out with a report on Bogus Creek here. And if I wasn't so old -- but I did put a marker so I can find it anyway.

Here's what they have to say about Bogus Creek; Bogus Creek study is -- Bogus Creek is particularly important. It's a major salmon spawning tributary.

Despite its small size, for example, during the '96 to '98 spawning season, an average of 30 percent of the total number of actual adult spawners above the Trinity River are estimated to have been at Bogus Creek to spawn.

Now, that means that we've got -- above the Trinity, we have the Scott, we have the Shasta, we have 24 more creeks. And out of all that together, Bogus watershed had 30 percent of the return. But it -- for a watershed that small, it's amazing.

I go there with the grandkids in August of that -- the last of October. In five big steps, I can go ahead and cross that creek. And, here, you got these 30-pound, 40-pound salmon up there and they can barely get under the water, it's so shallow. But that little creek doesn't. Okay. So we had a lot of -- we had a lot of return on this thing.

It -- real -- us ranchers are real proud. The Foster family, they -- the ranch next to us, between the two ranches, we control about 70 percent of that watershed and we were real happy when we got this report. And then imagine our surprise and it is kind of unbelievable, perplexing to us, when the TMDL came out and it says the Klamath River and all its tributaries, including Bogus, were impaired for sediment and the

temperature. And, you know, we just didn't want to believe that.

So Ryan and I went to the Fish and Game and went to the -- the Water Board, the North Coast Regional Water Board, and said, "Hey, guys, we really don't understand what's going on here but, I tell you what, if we're doing something wrong, we want to find out what it is and how we can fix it."

And to their credit, they sent out three biologists. One man wore the -- his wet suit and snorkeled the creek every three days -- every three weeks during the summer of '09 checking for the -- how the Fry were doing and the conditions of the creek. The other two biologists were planted HOBO temp sets, temperature devices that take the temperature every hour for 24 hours, 24/7.

Please give me a little more time, would you? I appreciate it.

MR. RYAN WALKER: I went short.

MR. ROBERT WALKER: Anyway, they came out with the report. There we go. (Dropping papers.) I think I can remember most of what I want to say. Here's what the report came back on: In general, the riparian habitat for juvenile Coho salmon in the -- is in good condition. The riparian committee contains both mature

and young coniferous and deciduous trees --

THE COURT REPORTER: Slow down, please.

MR. ROBERT WALKER: I'm sorry. I'll take it slowly. She's rushing me here.

MALE ATTENDEE: Your time's up.

MS. RAGAZZI: It's a difficult balance.

MR. ROBERT WALKER: It is. You got to take into consideration an old man like me. Huh?

The cover of the creek is very good and approaches 100 percent of the tributaries of the creek. Juvenile Coho salmon were consistently observed using pools and slack water with woody cover in lower Bogus Creek and both locations in Cold Creek.

Okay. Just an aside for all you people.

MS. RAGAZZI: Thirty seconds, sir.

MR. ROBERT WALKER: All right. Hang on. I'm almost done. Almost done. Almost done.

These re- -- these reports -- scientific reports of -- of the TMDLs says we were impaired. We were doing a bad job, but we were given 30 percent of all the salmon in the -- the Klamath River here. And when their old scientists came here, they gave us glowing reports. So this is the sign that -- I'm making someone wait -- that the scientists, they -- they got to be looked at. They -- they're not necessarily right

just because they said they've been done.

But here's my point. There was one area they found out was deficient and it was roads. They said the roads were not up to standard; they could cause sedimentation because they haven't been constructed and engineered correctly.

Ninety percent of the roads on our property are the result of the roads Pacific Power built when they put in the two power lines across the ranch. When they were built 80, 90 years ago, and I'm not claiming to take power for this -- no one understood the -- that rogue methods of filling and how to prevent --
I appreciate that. And I'll keep you busy so you don't bother me.

So what we think as a mitigation that would make sense -- and, again, this is small and I understand that -- thank you very much -- that, as part of the mitigation, we ought to have Pacific Power go in and rebuild the roads the way they should be up to Forest Service standards, and that would eliminate this sedimentation problem that may come about. And if the lamps and the power lines stay in commission, at least it's something we can do to make some progress on it.

Thank you.

MS. RAGAZZI: Thank you.

MR. WETZEL: Bill Duval with Jerry from SCWUA is on deck.

MR. DUVAL: My name is Bill Duval, D-U-V-A-L.

And one impact that nobody's really talked about is the impact on the citizens of this county. Those lakes are used for recreation like crazy all summer along, particularly Iron Gate. You can't even get a campsite there in the summertime. There are fishing tournaments, there are waterskiers, there are boaters of all kinds using those lakes.

The other impact is, if Copco Lake was to go away, property values there -- I've been a real estate appraiser here for 25 years -- the values there would probably go to near zero. It's a long drive to get out there and the only reason to live out there is the lake. If that lake went away, there would just be a devastated mud hole with a creek -- a small river running through the bottom of it. You couldn't sell one of those properties to anybody.

And the last thing I think is it's -- just given everybody's concern about carbon and all that stuff to tear out hydro power dams and replace it with burning something is just really dumb.

MS. RAGAZZI: Thank you.

MR. WETZEL: Jerry with SCWUA with

Sarah Schaefer on deck.

MR. BACIGALUPI: I didn't -- I didn't catch that, so sorry. Jerry Bacigalupi, spelled B-A-C-I-G-A-L-U-P-I. I'm also an engineer.

And, anyway, the -- the Klamath River --

FEMALE ATTENDEE: We can't hear you.

MR. BACIGALUPI: Okay. The Klamath River is the only upside-down drainage basin on the West Coast. It's got very poor, impaired water in the upper basin and -- which drains into California, but it improves as it reaches the coastline. And the salmon, basically, are a cold-water fish. Their habitat is within 30 miles of the ocean, you know, basically.

And so with that, I'd like to move downstream. And I have a booklet here I want to leave with you, which is the Siskiyou County Water Users Alternatives to Dam Removal. And they're positive alternatives, you know. Let's keep the dams and let's see what kind of mitigation we can do to improve the hydroelectric facilities.

And let me talk about the benefits of the dams. Number 1 is they provide about a 25 percent reduction in peak flow. And this is based on a 1964 flood hydrograph that I received from the Division of Water Rights. And -- and they -- they also will provide -- given a

complete shutoff of the Klamath River at the Oregon/California state line -- complete shutoff the Klamath River, they'll provide Fish and Game's minimum prescribed flows for a three-month period.

The dams, also, they provide electricity for 70,000 homes, they provide for the fish hatchery. Without the dams, the fish hatchery goes. The fish hatchery gets its water from two levels, at a 20-foot level and a 70-foot level from Iron Gate. And it has a oxygenator that provides the -- the correct dissolved oxygen content to the fish hatchery. So without the dams, the fish hatchery goes.

And according to a former game warden, who studied the Klamath Basin, he stated that there's no way that the upper basin could ever come close to providing the fish that the fish hatchery provides. Six -- six million fish in fingerling fish it provides to the Klamath River.

So to -- to address the fish ladders, the fish ladder -- the Department of Interior has calculated that it's going to cost more to put in fish ladders than it will be to remove the dams, if you can believe that.

So Siskiyou County Water Users came up with a alternative, which is the tunnel bypass which is used in Bogus Creek which Bob Walker stated gets 30 percent of

the returning flow -- the returns of coho salmon. It's a 4.7-mile tunnel. It will bypass the three dams. The cost of it is at one-sixth the cost of the proposed fish ladders.

The other alternative that we proposed was the Klamath-Shasta transfer of water. And it was studied by the Department of Fish and Game in 2007. So what it would be doing is taking impaired water from the Klamath River and transferring it to the Shasta Valley. It would produce about 80 percent of the water demands of the Montague Irrigation District.

So what could happen in trade was, the proposal was to release water from the reservoir here in the valley or from the wells -- Montague Irrigation District wells to improve water quality in the Klamath River. And this was studied in 2007. It was done under the cooperation of the RCD and -- am I running out of time.

MS. RAGAZZI: You're out of time.

MR. BACIGALUPI: Anyway, that is --

MALE ATTENDEE: He can have my three minutes.

MR. BACIGALUPI: -- that is a positive aspect of being cooperative and doing a cooperative study to keep the dams.

And with this, we have not heard anything about this proposal going forward. The reason for it was

because it required keeping Iron Gate Dam.

So anyway, I'm going to leave this book with you and it's all up there.

And, also, I met with the Division of Dam Safety on the safety of these dams. They've been inspected and they're in good condition. So let's look for positive ways to keep the dams and to do mitigation to improve, you know, all aspects of water quality.

(Applause.)

MS. RAGAZZI: To anybody that I do cut off and would like to speak longer, at the end, you can come back up and make additional comments. We just want to give everybody an opportunity to speak within the time frame that was allotted. Thank you.

MR. WETZEL: Sarah Schaefer with William Simpson on deck.

MS. SCHAEFER: My name is Sarah Schaefer, S-C-H-A-E-F-E-R. I'm with the Quartz Valley Indian Reservation.

It's not easy getting up in front of here, you know. You guys are my neighbors. You're my friends. It's real difficult to hear, you know, nasty comments, and I'm just saying it's not easy. You know, I have a lot of rancher friends. They're some of my best friends but I don't agree. And I have to -- I have to say what

I have to say, you know. And we should be respecting each other anyway. So that's -- that's how part of this whole process is respecting each other.

Additionally, I work for the reservation. I don't see anybody getting rich off of these issues. Nobody. I've never heard anybody say, "I don't want the dams to come out because" -- or "I want the dams to come out because I want to get rich. I'm going to get rich off of this." No, I've never heard anybody say anything like that, you know, and I know the ranchers aren't getting rich off of anything right now either. So we should really be working together and try to figure this water quality situation out.

So water flowing -- I'm really nervous. Water flowing into the res- -- into the reservoirs is already polluted. We already know that. That's been addressed a few times. These rivers are upside-down and polluted at the headwaters, not at the bottom.

So if -- water quality issues aren't going to be addressed by just merely removing the dams. We've got to look out -- the forming practices that are going on. They're listed for nutrients. Nutrients sounds like a good thing, but it's not when it's in our rivers. They're listed for aluminum. It's listed for mercury. It's listed for microcystins, toxic algas that are

coming in. And people are saying, "Now, there's -- there's no issue with it now. It's not a health and safety issue," but it actually is a health and safety issue. It is a problem for fish even though fish do have incredible livers. They have strong livers that can deal with a lot of this stuff.

But what's starting to happen now is that adenovirus, which is a virus that lot of the deer in the county are dealing with right now, and the deer are congregating to different water sources. But when they congregate in the summer when there's not a lot of water around, they're going to the -- these reservoirs and drinking the water. And there has been confirmed deaths from deer confirmed by the state by the Department of Fish and Wildlife from ingestion of microcystin.

We already know that dogs have died from this. We have -- it's not been studied very much. We don't know what kind of impacts this will have on human health as well. So, personally, you know, I support removal after all four dams and those diversions in the Fall Creek watershed, which I think has been proposed as well.

But more importantly, we're going to be submitting written comments that will be a lot more flowing than what I was able to say tonight. But I -- I

hope that we can all be patient with each other and listen to each other and try to work on these issues together without being too judgmental and attacking each other because, I don't know, if somebody's getting rich off this, let me know. I -- I don't know of anyone. I don't know anyone.

MS. RAGAZZI: Thank you.

(Applause.)

MR. WETZEL: William Simpson followed by Larry Bell.

MR. SIMPSON: Hi, my name is William Simpson. I'm a resident of Siskiyou County and I live on Iron Gate Lake.

First of all, I'd like to say that there was logic when the dams were put in. There was a reason those dams were put in. And I'm going to look at this. There's a lot of the people in the room, myself included, who have -- probably need a glossary to keep track of all the acronyms that you guys like to use and reams of legal documents and paragraphs and so on and so forth. And I went to Oregon State for four years to be a doctor. I was in premed.

But, anyway, the point I'm making here was there was logic in place when dams were built. I don't think the logic has changed. When I look at the dams

today and I see them several hours a day every day for the last two years, I live on the lake, Iron Gate Lake, and I can tell you that, first of all, there's a benthic algae that lives in that lake. It's endemic to all the waters. It's not some new, invasive species.

It's found in Klamath -- well, Upper Klamath Lake, Klamath Lake, all the way down. Those little algas, what happens is, as they fix -- they're nitrogen-fixing and phosphorous-fixing algas as they com- -- as they fix those minerals out of the water, the freeform nitrates, they -- and the sun and the amount of solar insulation they get, their little air bladder expands and they float up.

They are always in the lake. People go "oh, look at all that algae" in the summer. But, really, the only reason they're on the top is because their little air bladders expand because they're metabolizing a lot of nitrogen and phosphorous. So they're there. You just don't see 'em in the winter. And we see this through the seasons up there.

If those little algas weren't mitigating the amounts of nitrates and phosphates coming down that river, the water going out of the dam would not be very nice. And that's just -- that's just a fact.

The other thing is is somebody was talking

about the deer. Okay. I live there. I look at the deer out my window. There are no sick deer from drinking out of the -- out of the lake. That's -- that's not true.

There's a lot of birds on that lake. There's a lot of species of animals that have made a habitat because of those lakes. And it's also a stopover for a lot of flyway birds that are going north and south. So if those lakes go away, all of that stuff dries up. You have an incredibly beautiful and important habitat is now gone suddenly.

And -- and, of course, then there's all the other things about water control. We just had a lot of snow. A lot of people don't know this, but when it rained after that heavy snow, they had enough back- -- backlog in the lake to let it come up about eight feet. Now, that saved a lot of flooding downriver. A lot of people don't know this. I drive up and down. I live there.

The river was on its banks all the way up. And the lake absorbed that.

So, you know, there's a lot of benefits to those dams that will disappear, not to mention the sediment. Sediment up there is like a bentonite clay. It's firewalling a lot of those anthropogenic pollutions

on the bottom in between layers of clay.

If you guys open that up and we get, you know, a million tons of clay coming down the river, you can just forget the fish beds. They'll be covered with the equivalent of bentonite clay, and they won't recover for maybe a decade or so.

So there's a lot of things that the -- the KBRA and things that -- studies that I've looked at. And, you know, fairly cursory -- compared to some of the people in this room, I've kind of glanced over it -- that you're not considering all the very important facts.

You know, the logic here is being missed. And these dams are very important. Seventy-eight percent of the county voted to keep the dams. Will this body no longer respect the will of the American people? That's the question.

(Applause.)

MR. WETZEL: Larry Bell followed by Alex Watts-Tobin.

MR. BELL: I'm Larry Bell, and I'd just like to say that I agree with these ranchers that live up by Copco Lake and I think the dams should be left in. I think if you took the -- we took a vote in Siskiyou County on the dams to stay in or go out and it was by

over majority, even the Tulelake Basin, they wanted to leave the dams in. And we're the local people and we live around them. We know more of what's going on than the average people in San Francisco and LA.

Thank you.

(Applause.)

MR. WETZEL: Alex followed by Thomas Hotaling.

MR. WATTS-TOBIN: My name is Alex Watts-Tobin, A-L-E-X and W-A-T-T-S, hyphen, T-O-B-I-N.

I work for the Karuk tribe, and I proudly serve as the tribal historic preservation officer.

And it is a little bit difficult to hear the -- the statement that the tribes do not care about fish, because the fish are essential to the tribe's life and not just this tribe but the Shasta, of course, the -- the three downstream tribes that have been mentioned.

The scientific studies have been done for about ten years. There's a good reason why the relicensing wasn't pursued. The 50-year license wasn't pursued ten years ago. There is a certain amount of cherry-picking of the science going on here.

I also -- besides the -- the environmental concerns, I think, have been pretty well established. I want to bring up that there is also a body of historic property law and -- and studies have been done about the

cultural real estate of the Klamath River.

There are -- the Karuk people have been in -- around Yreka for 150 years, because they were removed. Some of them were moved here, but they've been downriver. And I live and work in Orleans, 120 miles downriver. They've been living there for thousands of years. And there's a good reason -- there's a reason why, in the last couple of generations, that essential, important tribal centers have been damaged by erosion from unnatural flows from the Klamath River. This has been linked to the -- the four dams and this -- these -- these studies are being done by the best people in the business.

And I just want to say that this is not just an -- not just a matter of the tribe. I come up here for work in Yreka quite a lot as I did today. And all the communities around here do depend on the river. And everybody has eyes and everybody could see that the quality of the river downstream is not very good. There are various reasons for it, but the salmon are sick and the quality of the river is bad. And dam removal has been established for a long time as the best way of addressing that.

Thank you very much.

MS. RAGAZZI: Thank you.

(Applause.)

MR. WETZEL: Thomas Hotaling followed by Don Meamber.

MR. HOTALING: My name is Thomas Hotaling, H-O-T-A-L-I-N G.

I come from Salmon River. Salmon River is a unique place here in Klamath where people come to go swimming in the summer, because they cannot swim in the Klamath River. Children can't go swimming in the Klamath River. Dogs can't swim in the Klamath River. People can't eat fish in the Klamath River.

The Salmon River is where the spring-run salmon still exist. Spring-run salmon were once the largest run of fish in the Klamath Basin. They are fish that would have gone up into Upper Klamath Lake and gone into the tributaries up there. They come in earlier and they can go up further in the watershed.

Spring-run salmon no longer can survive in Klamath because of water quality and loss of habitat. Upper Klamath Basin is where spring-run Chinook belong, and fish ladders will not solve the fish disease epidemic. A fish ladder where sick fish swim up the river and dead fish float down is not a solution.

Every summer, juvenile salmon are dying, and sampling can -- shows that 100 percent disease rates are

found in Klamath River. Adult salmon encounter fatal outbreaks of disease when they reenter the Klamath River.

Every year, the situation gets worse and, every year, emergency water releases are required from the Trinity where the release is actually cold water coming in, unlike the Klamath River dams. There is no water to spare and things -- the long-term weather patterns are not favorable. Every year is another water quality crisis.

The Upper Klamath Basin was a natural water storage facility before the dams. The lakes and wetlands fed the river with cold groundwater every year year round. Dams surround the river with warm, toxic water, and disease.

Every year, the tribes prepare for a fish kill to see the river littered with salmon dead from disease. Every year, the planet is getting warmer. Every year the dams are relicensed, tribal culture is neglected and the river is diseased.

Please consider spring-run Chinook salmon and its impacts on tribal culture and fish harvest.

Thank you.

(Applause.)

MR. WETZEL: Don, next followed by

Nathaniel Pennington.

MS. RAGAZZI: State your name and spell it.

MR. MEAMBER: My name is Don Meamber. That's M-E-A-M-B-E-R.

What I wanted to talk about is -- it's -- basically, has been touched on before, I want to reemphasize it -- the water in and the water out through the project area, because the -- the project dam water is not a good quality. It's not the power company's fault. It's the bad water coming in. I never hear about removing Trinity or Shasta Lake because of poor water quality. Shasta Lake is a huge lake. Why is that not right? Why do they not have trouble there? Because there's good water coming in.

And it -- the states of Oregon and Washington -- Oregon and California, if they are concerned about the water quality, they should be looking upstream. I don't know if there's anything you can do about it. Maybe it's just the way it is.

And Glen Spain mentioned earlier about, well, maybe Keno may be next. Well, if Keno's going to be next, then Link River may be after that because I'm pretty sure Keno is -- is -- is used for irrigation as Link River has stored more water. And I don't think either one of them have very good -- have very minimal

usage for hydroelectric power. It's -- it's strictly irrigation diversion-type dams.

And if you take out Link River next, then we're going to really see some floods down the river, because there's the -- there's the real storage to keep water back to prevent floods and will also produce as -- it irrigates all of the Upper Basin as -- through those two dams.

So that's all I have to say.

MS. RAGAZZI: Thank you.

(Applause.)

MR. WETZEL: Nathaniel is next with Joe Watkins on deck.

MR. PENNINGTON: Hello. Nathaniel Pennington, N-A-T-H-A-N-I-E-L, P-E-N-N-I-N-G-T-O-N. I would like to thank you guys for the opportunity to hear some testimony.

In response to the last comment, I'm pretty sure that no one's proposing to remove Link River Dam, just the four dams on the -- on the Lower Klamath, the hydroelectric project.

I've been -- I've lived on the Klamath River for over 20 years now, been a fisheries researcher. I currently own a white-water rafting company in the -- in the Mid Klamath area.

According to the National Research Council and the National Academy of Sciences, at times, there were hundreds of thousands of spring chinook salmon, most of 'em going to the Upper Klamath Basin, many of them traveling even through Upper Klamath Lake and definitely above the -- the dam in the Klamath.

Currently, there's only around 700 spring chinook that return to the -- to the Klamath Basin. At least on the Klamath side, most of them end up in the Salmon River, which my colleague Tom had mentioned earlier.

And as far as the fall chinook, I heard a speaker mention Bogus Creek and -- in the Klamath, there's a -- governed by the Magnuson-Stevens Act which requires, I believe, it's 33,000 fall chinook should return to the Klamath every year or it sets off bells and whistles and shuts down the entire fishing industry off the coast of California and Oregon.

And what happens in Bogus Creek is that there's the -- the dam is right there, and then there's the hatchery. And so Bogus Creek really is all the hatchery fish that, once they close the hatchery, they all just head up in there, so they're not really naturally spawning fish. They're mostly fish that are excess from the hatchery. And those fish are -- are what's counted

towards that minimum number of fall chinook that we're supposed to get to make sure that the run stays alive and which is kind of bogus, which is kind of ironic.

But, anyways, the -- the -- the water quality impacts that the hydroelectric project and the fact that there's no real feasible way to have fish passage around them is one of the -- the main reasons why I would encourage you to require full dam removal on the Klamath. We've lost most of our salmon in the Lower Basin. It was once a very robust economy.

My daughter was born locally on the Klamath in Fort Jones. When she was young, you know, I would take her on the Klamath and we would fish and go in the boat. And now, when you go down to the Klamath River, you see these signs that say, you know, "health advisory, stay off the river," and it's not very good for the economy.

The dams, contrary to what a lot of folks are saying, they're not flood control dams. They're not water storage dams. Like, the biggest flood in the Klamath happened in 1964, which was the year after they were completed. They block 50 percent of salmon habitat. And the Iron Gate doesn't really mitigate for the loss of spring chinook because, in the '60s when the dams were built, they attempted to raise spring chinook but the water from the dams was too hot and they all

died.

So, anyways, I know a bunch of folks here are probably proponents of property rights. Well, I know that the dams are owned by Pacific Power, PacifiCorp, and I believe that they signed the Klamath Hydropower Settlement Agreement, which says all dams would be removed. So I encourage people to support their right to decide what they want to do with their own property.

Thank you.

MR. WETZEL: Joe Watkins followed by John Menke.

MR. WATKINS: I'm Joe Watkins, W-A-T-K-I-N-S. I'm from Merrill, Oregon.

I'm down here with some concerns about dam removal, how they will affect our area and the water supply in our area. There's 150- to 200,000 acre feet of water storage in the -- in the dams down here. If they are removed, I'm afraid that that water will have to come from the upper basin.

Right now, in the upper basin, there's a severe water shortage project. The Klamath Bureau of Reclamation Project Irrigators aren't dealing with dry -- with water restrictions every year. We cannot afford any more water from the upper basin to supplement flows downstream for fish. We're already being asked to

give so much that the impact is in the millions of dollars to the agricultural industry up there.

And if you're thinking that you're going to get better water quality out of the upper basin, millions of dollars have been invested by U.S. Fish and Wildlife Service, OWEB, NRCS, and National Fish and Wildlife Foundation on restoration efforts to improve the water quality to Klamath Lake.

There was a recent study done by USGS on the suckers that are endangered in Klamath Lake, and it shows a population decrease from 50 -- 50 to 80 percent in the years between 2001 and 2011. And we're not sure, it's either management strategy because of the water management they're doing or the water quality isn't -- isn't good enough. But their strategy isn't working and it's -- and it's having a huge negative effect on the agricultural industry up there.

No settlement measures should be implemented. As far as the -- the restoration settlement agreements, they're not supported up in our area. They're not supported down here. They're not supported by the Siskiyou County voters or -- and the Klamath County commissioners. And they don't have -- do not have congressional support, so I don't -- do not believe that any of those should be implemented.

As to some of the other remarks that have been made here referring to Keno Dam and Klamath Lake, they were just in Reeves [phonetic] on Keno where Keno Dam has been placed now and water levels are not being held any higher than historical levels for irrigation. And Klamath Lake, the dam on it replaced an existing -- existing reef, and I believe it's being held a little bit higher.

So -- but my -- my key point is the effects that it could have on the agriculture in the upper basin by requiring more water down here due to dam removal.

Thank you.

(Applause.)

MR. WETZEL: Thank you. John Menke followed by Betty Hall.

MR. MENKE: My name is John Menke, M-E-N-K-E. I'm a retired professor of agronomy and rain science, most recently at University-California Davis; previous to that, University of California at Berkeley.

I've been up here 23 years now. I have followed every single meeting revolving around the dam removal. And, actually, I'm appalled to see where our society has gone in NEPA and CEQA.

Having untrained, scientific-based meetings like this is really a waste of time, I'm sad to say.

It -- it -- the reports are available to you and the studies have been done. Many of them are corrupted studies, and it's a real sad state of affairs.

Dr. Peter Moyle and Dr. Jeff Mount, who I'm sure you know; they are champions of the delta smelt in the bay delta. They're colleagues of mine. They both have written to Fish and Wildlife Service and, I think, USGS of -- of the bioremediation benefits of the dams. Slowing the rate of passage of water by dams provides blue-green algae an opportunity to sequester the -- the high natural phosphorous that comes down from the Klamath River watershed.

As was said earlier by Jerry Bacigalupi, this is truly a unique watershed. I know of no other watershed in the world that has a high phosphorous level that is purely natural. The appetite mineral in the rocks and the soils is what causes this system to be hypereutrophic much of the year.

The blue-green algae is the ideal species complex for sequestering phosphorous. In fact, even Dennis Lynch has a paper from USGS talking about the mechanism by which blue-green algae cells regulate their location in these shallow lakes by moving up and down by changing the vacuole size; that is the air pocket inside the cell to either make them float to the surface or

sink to the bottom. They go to the bottom to get the "P," that's phosphorous. And they go to the surface to get the nitrogen.

The unfortunate thing about them is they do have some disease relationships. But to tell you the truth, I have a ranch now for 23 years here and know something about blue-green algae problems in the Great Plains and other areas where cattle get their water from stock ponds. We never get to have a high enough blue-green algae level in these lakes to be at issue of disease. That's a complete hoax.

Now -- now, as far as -- I mentioned Steve Kaffka earlier, the person who did the study on the Tulelake Irrigation District, he calls the North Coast Water Quality Control Board TMDL "not rationale." The hopes of those writers of that document with no training, other than Brian McFadden who has an engineering degree, is a complete impossibility. The water quality will never be clean in this river system.

Now, the vast majority of the 21 million cubic yards of sediment is really not sediment. It's dead blue-green algae cells. This is a tremendous biofuel resource that could allow, also, production of phosphorous fertilizer. So that amount of material has to be dealt with before these dams would ever be

removed.

I have a few other important comments here to say and I will be as quickly as I can here. That's all been studied by the expert science panel. Blair Greimann out of Denver did all kinds, even pot studies in greenhouses with the algomuck that he collected off the bottoms of the reservoirs. So all that is well published.

But I'll have a couple of other things to say about the fish. Several years ago, the federal government asked the Lower Basin Indian tribes "Could you take 120,000 this year?"

They say "No, we could only handle 70,000." It is a complete hoax. We've been having record salmon runs on the Klamath River in recent years. That Mike Coopman, the best guide on the Klamath, who I fished with only one time but I know of him very, very well, has been seeing more salmon coming to the estuary than he's ever seen in his whole career of fishing the Klamath River.

The last item I have to say is Russ Bowlus who works for the division -- Department of Water Resources for State of California Division of Safety and Dams said -- as Jerry Bacigalupi said, the other engineer here in the room, said, "The dams are in as good a shape

today as the day they were built."

And, in fact, on Copco 1 and Copco 2, they did not have rebar in those times and they used railroad rails. According to Russ Bowlus, he says they could take a direct hit by a bomb and not go out. So that's -- that's your own Department of Water Resource Division of Safety and Dams.

So the other item I want to just mention briefly is I'm very tired of Fish and Game, or now Fish and Wildlife, continuing to maxillary clip all the coho salmon. That is a crime. That is a listed species. And they're cutting off -- off half the upper jawbone of the fish at Iron Gate be- -- of the juveniles before they let them go. And they're doing the same thing to steelhead and they're also doing that at Lewiston.

This is a crime. And California Department of Fish and Wildlife employees or the people that run that policy need to go to jail, because that is a listed species. I want this organization here to deal with the issue -- issue of maiming all the juvenile fish that are being used as a device to NEPA and CEQA --

MS. RAGAZZI: It's time --

MR. MENKE: -- to get dams out. I'll give you more comments by written form.

Thank you.

MR. WETZEL: Thank you.

(Applause.)

MR. WETZEL: Looks like we have four more speaker cards here and we're a little over. So Betty Hall is next with Tom Pease on deck.

MS. HALL: I'm Betty Hall from Shasta Nation.

And I totally agree with everyone that spoke about keeping the dams in. I think they're serving a good purpose. You've heard all their reasons, which are good, but nobody mentioned all the Shasta Nation burial grounds and village sites, sacred sites, vigiquest [phonetic] sites up and down the river. There's hundreds of 'em.

The Shasta Homeland is from Lake Ewauna clear to Clear Creek on the Klamath River, which is a few miles below Happy Camp. That's all Shasta Indian lands, and that's all our people buried along that river and the villages there. And if the dams come out, they're going to be washed out. There are village sites under the water, yes. There wasn't anything we could do to protect the sites when the dams went in, but at least they're not being dug up now.

But PacifiCorp has done ex- -- has paid for extensive studies by archaeologists. Do you know those books? There's two big books and the maps and

everything of these village sites where all the different archeologists have worked and studied Shasta Nation.

We have those books and, by law, signed by our governor, they must be protected. You must work with us, but people want to ignore the Shasta Nation. They tell us we're not federally recognized. That has nothing to do with it. We are a sovereign nation, and it is written that you must recognize us and work with us.

And I have about 13 pages or 12 pages that I wrote a while back about the fish and the people on that river. Not one item in that paper can be refuted. It's been thoroughly researched and researched.

And I know some people made comments that we don't know what we're talking about or some of the other people here voting to keep the dams in don't know what they're talking about but they do. And you need to listen to us, all of us.

I'll turn this paper in. And every item there, you need to consider.

(Applause.)

MR. WETZEL: Thank you.

MS. HALL: One more statement.

I usually don't say this, but I do have an

extensive library on Native American research and not just local but for all over and North American, Central America, South America, Native peoples around the world. And some students have come from universities and done research in my library. They've come from San Francisco State, UC Los Angeles, Southern Oregon, Chico, you name it, a number of them. And somebody told, I guess, because I started getting phone calls from Cambridge of Who's Who of America. And they have recognized me as a historian. So you can take this document and you can quote from it and use it.

(Applause.)

MR. WETZEL: Tom Pease is next followed by Tim Hayden.

MR. PEASE: Good evening. My name is Tom Pease, P-E-A-S-E, born and raised in Weed. I'm a native of Siskiyou County, lived there all my life.

A couple of things that I haven't heard mentioned and haven't -- what -- what I would insist upon knowing is that, if you want take the dams out, so be it. I'm not in favor of that. It's going to be -- because you need to go back and check the water flows in the Klamath River from at least 1850 to current times. There are times that that river's been dry. There's documents when there's not been enough water in there

to -- you could step across.

And I'm 69 years old, and that was during my time before the dams. So think about that.

Everybody's worried about all the salmon. Now, you start up and there's Bogus Creek, there's Shasta River, there's the Scott River, there's the Salmon River, and there's the Trinity River that start below the dams. It has that -- they accumulate water. The fish -- the -- the salmon could get as far -- in a dry year, as far as maybe 20, 25 miles into the river system on the Klamath.

Okay. When the water -- you just heard a gentleman talk about the Upper Klamath Basin. The Upper Klamath Basin is hurting for water. They can't -- they do not have enough water, steady water to keep the Klamath River flowing to sustain fish, let alone flush out 23 million cubic yards of sediment that's sitting in the bottom of just Iron Gate itself.

Now, see, none of those things -- it's really cute. Take the dams out, take everything else out and then stand there. And then you're going to ask: Where you gonna get the water to flush it? Where are you going to get the water to stay in the river?

Thank you.

MR. WETZEL: Tim Hayden followed by

Thomas Willson.

MR. HAYDEN: Thank you. My name is Tim Hayden, H-A-Y-D-E-N. I'm the natural resources division lead for the Yurok tribe, trained as a fisheries biologist.

And I just want to say -- I want to thank the board for having these public meetings. I've attended several the last few days, and I just want to say I've heard a lot of opinions and a lot of different viewpoints, but I think it's really good that the public, despite your perspective for dam removal or not, that you provide this information. And I really want to say thank you for the opportunity to give comments. And I really believe that this is a good process.

The Yurok tribe support the 401 certification board's efforts and supports this process. The Yurok tribe, we just want to say we're committed to dam removal. We're going to work with the board to support this process and to provide technical info- -- information and expertise. We're ready and willing to work with our partners shar- -- and work, you know, to support this process. But I think we're also willing and able to work with other stakeholders as well to look for other solutions.

But at this time, we think that this is the -- the -- the best process to move forward. It's timely.

And it's been several years of delays and we think this is the time for this process to move forward.

So with that said, we'll be providing written comments by the deadline, and we look forward to working with the board.

Thank you.

MR. WETZEL: Thank you. Thomas Willson followed by Dana Rose Colegrove.

MR. WILLSON: Thomas Willson, W-I-L-L-S-O-N. I'm just hear to talk for things that can't speak for themselves.

I'm a Yurok tribal member. I'm a councilman for the Yurok tribe and I'm -- I'm also a traditional fisherman.

And I've been looking at our -- our fishery for the last couple decades how, a long time ago when I was a kid, we didn't have no gill rot in our -- in our -- in our adult fish coming in. Now, we're getting gill rot and sores on 'em.

And we never had this stuff called "blue-green algae" when we were -- when I was a kid. I don't know where that came from. I don't know if some of 'em out there are going to do an experiment up here to grow blue-green algae and put it in pills or what.

But we got to look for our next generations.

We can't look to make that dollar bill -- we can't put that dollar bill on a plate and salt and pepper the heck out of it. It's never going to taste any better.

If we don't take care of our resources, it's going to hurt you guys, it's going to hurt us, it's going to hurt everybody. And this -- it will go all the way. What happens? We've done nothing. We're going to be starving to death. And we got to take care of our resources.

And them dams, you say the clean water -- the cleaner water coming through 'em once you get through 'em, well, I can't see that. They're like a mud puddle. There's not no flood -- flood mitigation, because they don't -- they don't hold enough water to be a flood mitigation. Whatever's coming into 'em has got to go out of 'em, because there ain't no -- no storage there.

And I guess that's about all I got to say.

MR. WETZEL: Thank you.

(Applause.)

MR. WETZEL: Dana.

MS. COLEGROVE: I'm Dana Colegrove, C-O-L-E-G-R-O-V-E. And I'd also like to thank you guys for being the whipping boys in the room today or for the last few days. You guys all do a good job.

Basically, I never thought I'd say this, but

I'm looking forward to working with PacifiCorp and the KHSA for dam removal. I know that's in your guys' best interest and it's probably in the best interest of the State of California but we don't realize it yet up here.

So by undamming the Klamath, you're gonna -- you're gonna have places with fish passage. We're going to have places with fish in the river. And, hopefully, we'll have twice as much water, clean water. Somewhere along the line's, something's got to give.

And the State of Oregon has to realize that that water rolls down here, too, and it needs to be clean when it comes here, so I'm hoping you guys are going to be working with the Water Board in Oregon and I'm sure you are.

Also, I am a tribal member, too, down there. And we still eat out of the river. We still fish out of the river. We eat a number of -- we eat eels. We eat salmon. We eat sturgeon. We eat the mussels. And, like one of these people said -- or maybe it was in Orleans, but toxic water going into the ocean is not good for the ocean. It's killing the ocean, too.

And someplace along the line, I think it's -- the water's contaminated here in Siskiyou County, because you guys all have a -- I wouldn't even know how to explain it. You guys need to open your eyes. I know

we're all getting older. We're all been here for ten years. Most of you guys have been here in this room over and over.

You should think about the best interest of your grandchildren and your children's grandchildren, because we're looking at the next seven generations. What are you guys looking at? What are you preserving.

Thank you.

MR. WETZEL: Thank you guys very much. I really appreciate all the comments here tonight. Is there any other comments that people would like to make?

MALE ATTENDEE: Come up?

MS. RAGAZZI: Yes.

MALE ATTENDEE: Real quick, sir, if we send an e-mail, do we get a confirmation e-mail from you saying you do receive it?

MS. RAGAZZI: Yes, I believe there's an automatic e-mail that comes back saying it was received.

MALE ATTENDEE: Okay. Thank you.

MS. RAGAZZI: If not, let us know and we'll be more than happy to do so.

MALE ATTENDEE: Thank you.

MR. LIVINGSTON: John Livingston, J-O-H-N, L-I-V-I-N-G-S-T-O-N.

One item I forgot, the -- the power generated

by these dams, which is really the -- the whole reason we're here. The whole cause of this action is the power, a FERC relicensing. The owner of the dams has said we don't really need that power. It is not a lot of power. We could build a small solar farm. They are being built like crazy in -- around the United States, and we could replace that power. So I -- I think that the EIR should identify methods for replacing the power.

MR. WETZEL: Thank you very much.

Yes, sir.

DR. GIERAK: Dr. Gierak, G-I-E-R-A-K.

Just one final comment. First of all, all of this whole hullaballoo has been over coho salmon. However, the research has shown that they're not even native to the Klamath Basin. They're from Cascadia, Oregon. And under the Federal Endangered Species Act, you can't even list them as endangered because they're not a native species.

Thank you.

MR. WETZEL: Thank you very much.

(Applause.)

MR. KOBSEFF: Michael Kobseff, K-O-B-S-E-F-F, Siskiyou County Board of Supervisors, District 3.

And forgive me, I didn't get here earlier enough. Is there a board member here from the State

Water Board Resources Control Board.

MR. WETZEL: No.

MR. KOBSEFF: One of the things that Siskiyou County Board of Supervisors would request is that you do have at least one board member when you're taking comments. That's what our board does. There's five of us when we do that, but it would be helpful. Even though you got a short deadline, you would have a board member here.

Two things: In 2008 or '9, Catherine Coleman, who was the executive director of the North Coast Regional Water Board, attended a board meeting at -- here in Yreka for our board with regard to the 401 certification for PacifiCorp. When asked the question if -- if the relicensing required a 401 certification permit, would a 401 certification permit be required if the dams were deconstructed or decommissioned? Answer was "yes."

Siskiyou County would like to know how you will re- -- reconcile that and if you will do an analysis in both of those scenarios, because you'll be required to for water quality.

The other thing is is that through the Klamath Compact, which is a bistate compact between Oregon and California, has been approved by Congress has authorized

the Siskiyou County Flood and Water Control District authority over pollution entering our waters in California. That is the mechanism that you should be using to bring analysis to the water quality problem within Siskiyou County.

Thank you.

MR. WETZEL: Thank you.

(Applause.)

MR. HAUPT: Good evening. And my name is Ray Haupt, H-A-U-P-T, Siskiyou County Board of Supervisors, District 5.

I wasn't going to speak tonight, but I thought I'd bring a little different discussion, maybe, here.

As I listen, I have a number of concerns. And you know, I've heard a lot of things in the room tonight. And one of the things that continues to confound me is we, as a species, put a man on the moon, and we can't figure out how to fix this issue on the Klamath. You know, that -- that's beyond comprehension to me.

I've been involved with dam removal, the decisions to do that, the analysis to do that, both as an agency official in my previous life, as a college instructor for four years teaching hydrology, as well as now a county supervisor. And I have a couple things to

say. One, you know, since 1988, I have been following this process intently.

One of the things that I -- that I do want to caution you on is using -- and this is the most disturbing thing I heard all night, I think, is that you're going to rely on the science that's in the EIS for the FERC dam removal piece.

I, for one, am a natural resource professional. I follow the science. I have major issues with the sediment modeling that was used for dam removal and I caution you in moving -- in using that. My main caution is there was an inappropriate model used to model the sediments and the release into the -- into the Klamath River mainstem.

That's a two-dimensional model when we all know that it's three dimensional in nature, and in that it was artificially, I believe, constrained as a head-cutting model just to model the sediments in the channel itself and not look at the side discharges associated with subsequent collapses over a period of time.

With that said, the model there also picked sand clay as a substrate to model, and anybody in the room that knows anything about engineering, that's the most stable soil that we could use and that doesn't

represent it.

The last thing I want to bring up is the reliance on artificially constraining the effects of the sediment that's five miles below the dams. There are far-reaching effects all the way to the estuary and into the -- into the ocean that this body right here must consider that were constrained from being looked at, both through a biological assessment for that science as well as in the determinations by National Fishery Service.

And I will leave you with those comments, and I know there will be more coming from the board.

Thank you.

(Applause.)

MR. WETZEL: Thank you.

MR. BACIGALUPI: Jerry Bacigalupi.

I -- I'd just like to emphasize on what Ray said about the sediments. If you put the 20 million cubic yards in perspective, it amounts to, if you assume that the river's 150 feet wide, it's 190 miles to the river to the estuary from the Iron Gate, it amounts to 3 feet deep by 150 feet wide by 190 miles long, so it's not just a little -- little bit of sediment. It's a lot.

And I can't believe that the North Coast

Regional Water Quality Control Board and the Department of Interior recommended washing these sediments out while the dams were being removed. I just can't believe it as an engineer.

Thank you.

MR. WETZEL: Thank you.

MR. COZZALIO: Rex Cozzalio, C-O-Z-Z-A-L-I-O.

I would just like to respond to some of the people who well-intentioned and, I understand, have dismissed the presence of our comments on the river. As far as I know, none of those people actually lived directly below Iron Gate Dam before and after, during, and in the area that's defined by all of the statements that have ever been made as being the highest impact of dam consequence. Theoretically, we should be the most toxic, the most -- the most detrimentally affected by the dams.

The fact of the matter is in the studies that were done, the reach from Iron Gate back to the Shasta River has actually been found by tagged salmon studies to have the highest survival rate of any reach from the river down to the coastal influence.

I personally experienced the improvements, as I said earlier, in the water quality, the -- and the fishery's conditions in our region. I can't speak to

120 miles downstream, but I can speak to the area directly impacted three miles below Iron Gate and the other dams that we experience the benefits of, although they weren't sufficient in capacity to be able to cause those enhanced benefits until Iron Gate was put into place.

If you release those, all of the return to those conditions that I experienced as a child are that the cold water refuges, the deep water pools, the gravel beds that provide the spawning ground for the salmon in our particular region will be decimated. They will be filled with sediment that -- from the salt-based clay soil that will not be flushed out in any reasonable time.

You talk about the periphyton and the moss and the algae that's formed. Those periphyton beds will increase the biomass incredibly without those dams. That -- we experienced that before Iron Gate. Just conceive of pulling all four of those out.

And if you want to look at the history, read Gibbs' report from 1851 that described the Klamath conditions in the -- in the coastal region and the salmon conditions at that time long before any European influence was put into place for the dams.

Thank you.

MR. WETZEL: Thank you very much.

(Applause.)

MR. WETZEL: I think that's it for this evening. Thank you guys all for coming.

(The proceedings concluded at 7:32 p.m.)

CERTIFICATE OF REPORTER

I, Carol J. Chase, CSR 13538, hereby certify that the proceedings in the within-entitled cause was taken down in shorthand by me, a Certified Shorthand Reporter and a disinterested person, at the time and place herein stated, and that the proceedings were thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties to the said proceedings, nor in any way interested in the outcome of this cause, and that I am not related to any of the parties thereto.

I hereto declare under penalty of perjury that the foregoing is true and correct. I have hereunto set my hand on February 8, 2016.

_____
Carol J. Chase, CSR #13538