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STATE WATER RESOURCES CONTROL BOARD STAFF PRESENTATION  
SOLICITING COMMENTS ON THE NOTICE OF PREPARATION

LOWER KLAMATH PROJECT LICENSE SURRENDER )  
PUBLIC COMMENTS. )

~~~~~

Date: THURSDAY, JANUARY 26, 2017

Time: 5:00 p.m.

Place: Best Western Miner's Inn  
122 East Miner Street  
Yreka, California 96097

Reporter: Carol J. Chase, CSR No. 13538  
COLEMAN REPORTERS  
510 Fourth Street, Suite A  
P.O. Box 7  
Yreka, California 96097  
(530) 842-1455  
e-mail: colemanreporters@earthlink.net

1 A P P E A R A N C E S:

2

For State Water Resources Control Board:

3

PARKER THALER, Environmental Scientist, Lead Tech

4

ERIN RAGAZZI, Environmental Program Manager

MARIANNA AUE, Office of Chief Counsel, Legal Support

5

KRISTEN GANGL, Environmental Scientist

TIM MURAN, Office of Public Affairs

6

WILLIAM RICH, Tribal Tribal Cultural Resources Leader

7

8

For Stillwater Sciences:

9

MAIA SINGER, Stillwater Sciences Senior Scientist/Water  
Quality Specialist, Consultant

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LAUREN McCLURE, Stillwater Sciences, Consultant

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- 3       - Susan Mallett Rodgers  
4       - Jack & Judy Roggenbuck  
5       - Margo Robbins  
6       - Sarah Rockwell

7                                           ----oOo----

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1 cultural resources lead.

2 And then also here this evening, we have  
3 Carol Chase. She's our court reporter. Who has as a  
4 very vital role today. And we have a couple of key  
5 points to make sure that she's able to transcribe the  
6 meeting accurately this evening.

7 So a little bit on logistics. If you need to  
8 use the restroom, out the main door. The women's  
9 restroom to your right and the men's to the left.

10 There are handouts out there. There are  
11 speaker cards. And then there is a scoping meeting  
12 information sheet. The important thing about the  
13 scoping meeting information sheet is that it has the  
14 Lower Klamath Project Web page, which has a bunch of  
15 information about our process and the project. And at  
16 the bottom, it has information about how to sign up for  
17 our e-mail subscription list. So if you want to remain  
18 informed moving forward, that's a great way to sign up  
19 for that list and you'll get e-mails as we move forward.  
20 On the back of that information sheet is a map of the  
21 project area.

22 So the purpose of tonight's meeting is to  
23 provide a little bit of information about the Lower  
24 Klamath Project but, more importantly, it's to solicit  
25 comments from folks about the water quality

1 certification application that the State Water Board has  
2 before it for the Lower Klamath Project.

3 So a little bit logistics, Parker's going to  
4 provide a brief presentation about the Lower Klamath  
5 Project, and then we'll have comments by attendees.

6 And logistics, there's a sign-in sheet out  
7 there. If you want to speak, please make sure that you  
8 fill out that white speaker card and you hand it to  
9 Kristen or just bring it up front here and we'll grab it  
10 from you that way, too.

11 And so that we can get all of the comments  
12 transcribed correctly, please make sure you use the  
13 microphone. And I'm going to ask you to state your  
14 first name, your last name, spell it for Carol. And  
15 then, also, I had a request from someone that if you  
16 could state where you're from, they would appreciate  
17 that, and your affiliation if you feel comfortable.

18 We'll have a slide up at the end of the  
19 presentation to remind you about that because, when you  
20 come to speak, sometimes you don't remember all those  
21 things. And then we've got that handout. So if you  
22 haven't got one, I suggest you grab one of those.

23 A little bit on ground rules. Typical ground  
24 rules, please silence these electronic devices so we  
25 don't have interruptions. Take a moment to do that.



1           Also, make sure that we respect all speakers  
2 and all points of view this evening. We're going to  
3 have one person speak at a time, make sure that you do  
4 use that microphone, not only so that Carol can make  
5 sure she gets things transcribed but also so that  
6 everybody can hear those comments.

7           If you have any questions or comments, we'll do  
8 that at the end of the presentation. Questions and  
9 comments -- or questions that we're looking for are  
10 procedural questions, because we're not responding to  
11 comments tonight. We're really soliciting and listening  
12 to your comments this evening, so we're really looking  
13 for any procedural questions that you may have.

14           We recognize that we do have a short time frame  
15 this evening, so this meeting is scheduled from 5:00 to  
16 7:00. It's possible it will run late depending on the  
17 number of commenters, so we're going to have a  
18 three-minute limit on comments. And I ask that  
19 everybody respect that time limit so that we can hear  
20 from everybody.

21           If someone feels that they want to say more  
22 after their three minutes, once everybody has had an  
23 opportunity to provide their comments, you're welcome to  
24 come back up and provide more comments or additional  
25 comments at that time. You can also send us a comment

1 letter.

2 The comment decline is 5:00 p.m. on  
3 February 1st, so that's next week. So you can also  
4 provide us with written comments by that time.

5 And with that, I'm going to turn it over to  
6 Parker to get into the meat and potatoes of why we're  
7 here and a little brief overview of the Lower Klamath  
8 Project.

9 MR. PARKER THALER: Hello. Thank you all for  
10 coming.

11 My name is Parker, and I'm the lead technical  
12 staff assigned to the Lower Klamath Project Water  
13 Quality Certification application.

14 As for why we are here, the Klamath River  
15 Renewal Corporation or KRRC has submitted a water  
16 quality certification application for the Lower Klamath  
17 Project.

18 The State Water Board conditions hydroelectric  
19 projects via water quality certifications to ensure the  
20 protection of the State's waters. And the California  
21 Environmental Quality Act requires an Environmental  
22 Impact Report to inform the State Water Board and the  
23 public about the project's application and the  
24 environmental effects and ways to reduce those impacts.

25 So jumping into today's portion of the

1 presentation -- I'm sorry, Erin -- I'll be providing an  
2 overview of the Lower Klamath Project dam development, a  
3 brief background on the Lower Klamath Project dam  
4 development, and progress through the Federal Energy  
5 Regulatory Commission or the FERC licensing process, as  
6 well as the link between The Lower Klamath Project and  
7 the Klamath Hydroelectric Project, an overview of the  
8 CEQA process, and discussion of the Notice of  
9 Preparation that was released on December 22nd of 2016  
10 with a comment period that ends on February 1st of 2017.

11           Next slide. So shown in this map is the figure  
12 illustrating the general location of The Lower Klamath  
13 Project dam development. This is the same figure that  
14 is located on the front page of the Notice of  
15 Preparation and is also included on the back page of the  
16 fact sheet which, again, is located at the back of the  
17 room.

18           For the ease of viewing and today's  
19 presentation, we have these blue dots on top of the  
20 Lower Klamath Project dam development and a red line to  
21 delineate the border between the states of Oregon and  
22 California.

23           The Lower Klamath Project dam development  
24 consists of Copco No. 1, Copco No. 2, and Iron Gate,  
25 which are all located in California, and J. C. Boyle dam

1 development which is located approximately 16 miles  
2 north of the California-Oregon border.

3           The J. C. Boyle dam development is subject to  
4 the State of Oregon's water quality certification  
5 process, which is a separate action than what we are  
6 discussing today as we are focused on the California  
7 portion of the project.

8           The Lower Klamath Project dam development are  
9 located in Klamath County, California -- or Siskiyou  
10 County, California, and Klamath County, Oregon.

11           For reference, I've included the Klamath  
12 Hydroelectric Project facilities in relation to the  
13 Lower Klamath Project and development. And from  
14 upstream to downstream, those include:

15           East Side and West Side which are located  
16 adjacent to Link River Dam, Keno, and J. C. Boyle which  
17 are both Oregon-based facilities located along the main  
18 stem Klamath River;

19           Copco No. 1 and Copco No. 2 and Iron Gate,  
20 which are all located on the main stem Klamath River;

21           And Fall Creek which is located on Fall Creek,  
22 a tributary to the Klamath River;

23           In bold and underlined and delineated, the  
24 Lower Klamath Project dam development from the Klamath  
25 Hydroelectric Project facilities. And, off to the

1 right, you can see an abbreviation for the state that  
2 that facility's located in.

3 Next slide. So now that I've provided  
4 information on the general facility location, I would  
5 like to discuss the background of the Klamath  
6 Hydroelectric Project and as it proceeds to the Federal  
7 Energy Regulatory Commission or FERC process.

8 And for reference, FERC is the federal agency  
9 that issues license orders for the construction,  
10 operation, and decommissioning of hydroelectric  
11 facilities. FERC's orders are issued usually with terms  
12 or conditions that project operators must implement in  
13 order to protect public and environmental resources.

14 So beginning in 1956, FERC issued the original  
15 license order for the construction and operations of the  
16 Klamath Hydroelectric Project. The 1956 license was  
17 issued on a 50-year term that expired in 2006. And  
18 because the FERC license expires, the Klamath  
19 Hydroelectric Project was required to obtain a new  
20 license from FERC which requires a water quality  
21 certification as well as other state and federal  
22 authorization.

23 So in 2004, PacifiCorp, the owner of the  
24 Klamath Hydroelectric Project applied to renew the FERC  
25 license and, in 2006, submitted a water quality

1 certification application to the State Water Board. And  
2 in 2007, FERC completed it's National Environmental  
3 Policy Act compliance by issuance of a final  
4 Environmental Impact Statement that analyzed  
5 PacifiCorp's then proposed project for continued  
6 operations of the Klamath Hydroelectric Project as well  
7 as various alternatives.

8           Shortly after that in 2008, the State Water  
9 Board began it's California -- California Environmental  
10 Quality Act or CEQA process by release of a Notice of  
11 Preparation and hosting public scoping meetings.

12           So following FERC's issuance -- next slide.

13           Following FERC's issuance of its Environmental  
14 Impact Statement, some Klamath Hydroelectric Project  
15 affected parties began discussions for a Settlement  
16 Agreement that resulted in the formation of the Klamath  
17 Hydroelectric Settlement Agreement or KHSA in February  
18 of 2010.

19           Now, the KHSA created a pathway for a dam  
20 removal of J. C. Boyle, Copco No. 1, Copco No. 2, and  
21 Iron Gate Dam development in federal authorization that  
22 would have removed these dam developments from the FERC  
23 process.

24           And in September of 2012, the KHSA and its  
25 companion agreement known as the Klamath Basin

1 Restoration Agreement resulted in the final Klamath  
2 Facilities Removal Environment Impact Statement and  
3 Environment Impact Report.

4           And before I go any further in today's  
5 presentation, I would like to note here that the State  
6 Water Board is not a signatory to any of the Settlement  
7 Agreement and that the State Board maintains its  
8 independent authority to condition the Klamath  
9 Hydroelectric Project and the Lower Klamath Project for  
10 the protection of water quality.

11           And in light of the substantial new information  
12 that have been developed since the 2008 Notice of  
13 Preparation, in 2015, the State Water Board reinitiated  
14 the CEQA process by release of a Notice of Preparation  
15 in hosting a public scoping meeting, they analyzed  
16 PacifiCorp's Klamath Hydroelectric Project. And shortly  
17 thereafter, on April 6th of 2016, the Klamath  
18 Hydroelectric Settlement Agreement was amended to remove  
19 provisions requiring federal authorization and, instead,  
20 pursue dam removal through the FERC process.

21           Following the amendment of the Klamath  
22 Hydroelectric Settlement Agreement and, at the request  
23 of Pacificorp on June 16th of 2016, FERC placed the  
24 Klamath Hydroelectric Project relicensing process in  
25 abeyance. And on June 24th of 2016, Pacificorp withdrew

1 its water quality certification application from the  
2 State Water Board effectively endings its water quality  
3 certification and CEQA process for the Klamath  
4 Hydroelectric Project.

5           Following the withdrawal of PacifiCorp's  
6 application, several items happened on September 23rd of  
7 2016, the first being a new entity of 501(c)(3)  
8 nonprofit, known as the Klamath River Renewal  
9 Corporation or KRRC, jointly filed with Pacificorp the  
10 license transfer application seeking to divide the  
11 Klamath Hydroelectric Project into two separate  
12 projects.

13           Next slide. The first project being the  
14 Klamath Hydroelectric Project would consist of East Side  
15 and West Side, Keno, and Fall Creek. The second project  
16 would be titled the Lower Klamath Project and would  
17 consist of J. C. Boyle, Copco No. 1, Copco No. 2, and  
18 Iron Gate dam development. The Klamath Hydroelectric  
19 Project would maintain its ownership of PacifiCorp and  
20 be known as -- and would maintain its first project  
21 number of 2082.

22           The Lower Klamath Project would go to the  
23 Klamath River Renewal Corporation and would have a new  
24 FERC number of project number 14803, which has been  
25 designated by FERC. I would like to note here, though,



1 that the transfer application is currently pending  
2 before FERC.

3           Next slide. In addition to the transfer  
4 application filed by both PacifiCorp and KRRC also on  
5 September 23rd of 2016, the KRRC filed with FERC a  
6 license surrender application seeking to decommission  
7 sufficient portions of the Lower Klamath Project to  
8 provide for a free-flowing Klamath River and volitional  
9 fish passage.

10           And, finally, also on September 23rd of 2016,  
11 the Klamath River Renewal Corporation submitted a water  
12 quality certification application to the State Water  
13 Board. Now, the State Water Board is proceeding with  
14 processing the Klamath River Renewal Corporation's water  
15 quality certification application. But before the State  
16 Water Board can issue a water quality certification or  
17 take an additional action for the Lower Klamath Project,  
18 it must first comply to CEQA as CEQA is a process  
19 required by state law. Information developed in the  
20 CEQA process will be used to inform future actions on  
21 the State Water Board on the Lower Klamath Project.

22           Today's scoping meeting is part of the public  
23 comment period that began with the issuance of the  
24 Notice of Preparation on December 22nd of 2016 with  
25 comments due of February 1st of 2017.

1           So shown in the slide here is an overview of  
2 the typical CEQA process in which the State Water Board  
3 is the CEQA lead agency and has determined an  
4 Environmental Impact Report is necessary. Following  
5 that determination, the State Water Board will issue a  
6 Notice of Preparation and conduct scoping meetings.

7           You can see in the slide I have cap-locked and  
8 underlined that this is a formal public comment period.  
9 And as we discussed, the comment period began on  
10 December 22nd with comments due by 5:00 p.m. on  
11 February 1st of 2017.

12           Following the close of the comment period, the  
13 State Water Board will take all comments into  
14 consideration and use those in preparation of its draft  
15 Environmental Impact Report. The draft Environmental  
16 Impact Report will include items such as a detailed  
17 description of the proposed project as wells as  
18 alternatives, mitigation measures to reduce impact to  
19 resource areas and a description of environmental  
20 baseline.

21           Next slide. Following the preparation of the  
22 draft Environmental Impact Report, the State Water Board  
23 will issue it as dictated here for another formal public  
24 comment period. That's a minimum 30-day comment period  
25 on the draft EIR, and the State Water Board will review

1 and respond to all comments and use those comments as  
2 well as other scientific information or information  
3 submitted to prepare a final Environmental Impact  
4 Report.

5           Following or concurrent with the issuance and  
6 certification of a final Environmental Impact Report,  
7 the State Water Board plans to take an action on the  
8 Klamath River Renewal Corporation Lower Klamath Project.

9           Next slide. So our CEQA approach is to focus  
10 on the California portion of the Lower Klamath Project,  
11 because that is the portion subject to the State Water  
12 Board's water quality certification process. And we  
13 plan to use past environmental information such as  
14 FERC's Environmental Impact Statement and the Klamath  
15 Facilities Removal Final Environmental Impact Statement  
16 and Environmental Impact Report in preparation for our  
17 CEQA document. And we also plan to use the information  
18 gathered by CEQA commenters such as those provided at  
19 today's meeting, Settlement Agreement, tribes,  
20 scientific community, and other sources.

21           Next slide.

22           Our Notice of Preparation identified two  
23 project alternatives, those being the no project  
24 alternative and the Klamath River Renewal Corporation's  
25 proposed project to decommission sufficient portions of

1 the Lower Klamath Project dam development to provide for  
2 volitional fish passage and a free-flowing Klamath  
3 River.

4 We recognize that there is a range of  
5 alternatives between those two proposed plans. And part  
6 of what we'd like to hear in our scoping meeting today  
7 and our scoping period is if there's any thoughts on  
8 specific alternatives or actions that should be  
9 considered in our final environmental -- or in our draft  
10 environmental document.

11 Next slide. So to jump back to today's  
12 meeting, all public comments submitted by February 1st  
13 of 2017 will be considered. I consider all comments to  
14 be helpful, but there are a few key pieces of  
15 information that would be most helpful to us in our  
16 process. And those are listed on this slide and include  
17 the adequacy of past environmental documents developed  
18 in relation to this project.

19 And two examples here is FERC's Environmental  
20 Statement and the Klamath Facilities Removal EIR/EIS.  
21 In other words, do these documents address your  
22 concerns? In addition, a range of alternatives or  
23 specific alternatives that you feel should be analyzed  
24 in our Environmental Impact Report as well as potential  
25 impacts to evaluate and mitigation measures, and as well

1 as any other items that you feel is relevant to this  
2 process.

3           Next slide. I'd like to note though that, as  
4 discussed today, there's been a lot of previous analysis  
5 done on alternative, impact, and mitigation measures.  
6 To the extent that you agree or disagree with that past  
7 information, we would like to hear about it.

8           We do understand that there will be  
9 environmental impacts associated with the Klamath River  
10 Renewal Corporation's project and various alternatives,  
11 such as the large amount of sediment behind Copco and  
12 Iron Gate Reservoirs, impacts to groundwater table and  
13 tribal cultural resources.

14           If you're planning on commenting on any of  
15 these, I encourage everyone to please refer to  
16 attachment 1 of the Notice of Preparation as we did our  
17 best to identify the summary of potential significant  
18 impacts.

19           And with that, I ask that you please submit  
20 your comments by February 1st of 2017 at 5:00 p.m. You  
21 can submit them to the physical address or e-mail  
22 address listed on the screen. And also on the screen,  
23 I've included a link to our Lower Klamath project's Web  
24 site, which is a useful Web site that includes  
25 information such as today's presentation, the Notice of

1 Preparation that we released, and other relevant  
2 information that developed related to the water quality  
3 certification process.

4 I'll be turning it over to Erin for questions  
5 related to processes described in our presentation and  
6 then public comments.

7 Thank you.

8 MS. ERIN RAGAZZI: Thank you, Parker.

9 So the other thing that I did want to point out  
10 on that slide right there, it says, how to stay  
11 informed. So I don't expect you to copy down that Web  
12 page while you were looking at that slide.

13 So if you can grab this handout, they're  
14 outside. You can pick one up already. It's a one-page  
15 summary. On it, it has that Web page address and you  
16 can go directly there.

17 It also has this information up here about how  
18 to sign up for the Lower Klamath Project e-mail  
19 subscription list. So please make sure you grab one of  
20 those before you leave because it will make it a lot  
21 easier. When you leave here today, make sure you sign  
22 up for the e-mail lists and that you can get to the Web  
23 page.

24 So before we move into the comment period, are  
25 there any procedural questions that folks have about the

1 water quality certification process?

2 UNIDENTIFIED WOMAN: My question is, if we make  
3 a comment tonight, can we still make a written comment?

4 MS. ERIN RAGAZZI: So the question was, if you  
5 make an oral comment tonight, can you still provide  
6 written comments? Yes. We welcome both types of  
7 comments and I anticipate lots of folks will say  
8 something here tonight that may have additional thoughts  
9 or they may just want to put them in writing as well.  
10 And we would appreciate you providing comments in  
11 whatever way you feel most comfortable.

12 UNIDENTIFIED MAN: Is anyone here from the  
13 KRRC?

14 MS. ERIN RAGAZZI: So the question is whether  
15 or not anybody is here from the Klamath River Renewal  
16 Corporation if they feel comfortable. Anybody here? Or  
17 over there, there's a hand up. That gentleman right  
18 over there has his hand up.

19 How about other people who have their hand up,  
20 are you with the Klamath River Renewal Corporation? No.  
21 Okay.

22 Are you as well? Okay. So there's three  
23 people here with the Klamath River Renewal Corporation.

24 Any other procedural questions? I don't know  
25 if that was procedural, but any more questions with more

1 informational as opposed to comment questions? All  
2 right.

3 I've got a handful of comment cards. If you  
4 want to make a comment, please fill out a comment card.  
5 They're in the back of the room. You can hand them to  
6 Kristen, who is probably out there waiting for more  
7 comment cards. Walking in right there (indicating) if  
8 you can hand them to Kristen or you can bring them  
9 directly up to us as well.

10 So, first speakers of the evening, I'm going to  
11 ask folks to come up to this microphone right here. I'm  
12 also going to have a slide up here to remind people,  
13 state your name, first and last name, spell it for us.  
14 If you fee like giving your affiliation, that would be  
15 great as well.

16 And please stick to that three-minute time  
17 limit. As we get close to the three-minute time limit,  
18 you'll see I start walking closer to you to let you know  
19 that you should wrap it up.

20 So this gentleman showed up really early so  
21 John Bermel. So do you want to come up and make a  
22 comment?

23 MR. JOHN BERMEL: Well, hi, everybody.

24 MS. ERIN RAGAZZI: I needed to turn on the  
25 monitor.



1 Hello. And my name is John, J-O-H-N, Bermel,  
2 B-E-R -- can you hear me back there?

3 MS. ERIN RAGAZZI: Can you hear me? They can  
4 hear me. Okay.

5 MR. JOHN BERMEL: My name, again, is John,  
6 J-O-H-N, Bermel, B-E-R-M-E-L.

7 I am a resident of Hornbrook, California. And  
8 I am for having the dams emptied, so that the salmon can  
9 live and so other people can have water.

10 I have an unrelated comment. Perhaps I am  
11 looking to see Klamath Hot Springs become restored,  
12 perhaps not like it was in -- 100 years ago, but I'm  
13 looking for somebody or some group to become a working  
14 steward of this place with very light development on it  
15 and sensitive -- sensitivity to the environment and  
16 beauty of the development of it. I think this is too  
17 good of a place to leave as it is.

18 Currently, it is being leased by a rancher and  
19 his wife and there is a very good probability that a  
20 parcel within the 460 acres that -- I believe that's  
21 what it is -- could be created for the springs and have  
22 the ranching, grazing going on around it.

23 And I'm very optimistic about this. I think  
24 that it is not a matter of if this will ever become  
25 developed but when. And I would appreciate people

1 giving their response to me. I will leave my name and  
2 phone number and e-mail address and -- and you know,  
3 please let me get it in here.

4 Thank you.

5 MS. ERIN RAGAZZI: Thank you.

6 Next speaker -- and I'm going to go through a  
7 couple of speakers so folks know when they're in line.  
8 So Richard Marshall followed by Sami Jo followed by  
9 Brandon Criss followed by Grace Bennett.

10 MR. RICHARD MARSHALL: Well, good evening. Can  
11 you hear me? I don't hear it coming -- there we go.

12 UNIDENTIFIED WOMAN: We can't hear that very  
13 well at all.

14 UNIDENTIFIED MAN: He needs your microphone.

15 UNIDENTIFIED WOMAN: It happened the last time  
16 we had the meeting as well. Yours works better.

17 MS. ERIN RAGAZZI: Well, I can hear myself.  
18 Can you guys hear me?

19 MR. RICHARD MARSHALL: My name is  
20 Richard Marshall.

21 I'm the president of the Siskiyou Water Users  
22 Association. I'm also a rancher out at Fort Jones,  
23 California. And we are in California, thank goodness.  
24 Things are going to change in California pretty soon.

25 In any case, I want to start off by admonishing

1 this committee that you have before me because the last  
2 time I was here -- it was almost a year to this date --  
3 we never received any comments. I know other people  
4 were here, too. Nobody got any comments back or  
5 feedback from this meeting. I hope it's different this  
6 time. We would like to have you respond to our comments  
7 by February 15th. I think that's an appropriate time  
8 for you to respond.

9 In any case, we just found out about the  
10 meeting late. That's why I'm admonishing you, because  
11 I'm on all your mailing lists and I just got the  
12 information. And speaking now of the 20th when it was  
13 supposed to be on the 20th the day before for the FERC,  
14 which I understand the FERC which we're going to submit  
15 all this to, is now a defunct commission for the time  
16 being until Trump signs -- President Trump signs new  
17 people into the commission.

18 So I would like to start off by saying that  
19 when we're talking about water quality, we really have  
20 to talk about Oregon, because that's where the problem  
21 with the water is in Oregon. And even the Bureau of  
22 Reclamation recommended in its report that Keno Dam,  
23 there should be placed a water purification facility  
24 before the water even gets into California.

25 There's no reason to take the dams out to

1 improve the water quality. That has nothing to do with  
2 the water quality. It's Oregon where you have to start  
3 with the process.

4 Next, I'd like to refer to the fact that the  
5 group here is here to do a CEQA study, I understand.  
6 And in the announcement they lay out, you start off by  
7 saying you're going to support the KRRC's comments,  
8 basically, that you're supporting their effort to get  
9 the water quality control certification.

10 I don't think taxpayer money -- we certainly  
11 don't want to spend our money here for their bill to  
12 take care of the KRRC. The KRRC was formed in New York  
13 City by a law firm and it was then codified in  
14 California as a corporation. Certainly, to be here as  
15 part of this process because it's --

16 THE COURT REPORTER: One moment. Stop.

17 I can't hear him.

18 UNIDENTIFIED WOMAN: I can't either. That's  
19 why --

20 THE COURT REPORTER: I mean, I have other  
21 people talking so, please, one at a time.

22 UNIDENTIFIED WOMAN: But we can't hear in the  
23 back, Richard.

24 (Heavy overtalk of the audience.)

25 MR. RICHARD MARSHALL: How's this? Is that

1 better? All right. I'm glad to hear it.

2 As I was saying, it's in Oregon where the water  
3 needs to be cleaned out. Even the Bureau of Reclamation  
4 recommended a clean-up facility to be placed at Keno Dam  
5 to clean up the water before it came into this area.

6 And then my next question I rose was, why are  
7 our tax dollars, the people who are here in this room  
8 and in this area, being spent to support the KRRC?

9 KRRC was formed in New York City at the law  
10 firm there, and then it was codified as a corporation,  
11 501(3)(c) [sic] here in California. It wasn't put  
12 together until June of this last year. And they didn't  
13 fill their board spots until later.

14 The next thing I want to raise is the issue of  
15 CEQA versus NEPA. You're talking about doing a CEQA  
16 designation, but this is a federal interstate navigable  
17 waterway. Two states can't join together to do work on  
18 that as a project without the Congress intervening  
19 because -- in the process, because it's a federal  
20 interstate waterway.

21 And right now, there's already a compact that  
22 exists. It's the only one that exists, Klamath compact  
23 which controls both the water quality -- supposed to  
24 control the water quality and the way the water is used  
25 for beneficial use.

1 MS. ERIN RAGAZZI: I did give you extra time.

2 (Multiple people speaking over each other.)

3 MR. RICHARD MARSHALL: I had a lot of  
4 interference. Let me just do this.

5 MS. ERIN RAGAZZI: And like I said, you can  
6 come up at the end.

7 UNIDENTIFIED MAN: I give all of my time to  
8 him.

9 MR. RICHARD MARSHALL: Okay. I'm just going to  
10 read my last conclusion letter, which I'm going to turn  
11 in. We reiterate our concerns over the legitimacy of  
12 this scoping session by the Water Board.

13 First, because the notice period was extremely  
14 short, as I said, and begs the question of the intent of  
15 the Board in giving such short notice to the group most  
16 impacted by potential destruction of hydro facilities,  
17 which is Siskiyou County in which three of the four  
18 facilities are located which has the greatest river  
19 frontage to be impacted by the release of sediment and  
20 opening up the prospect of flooding as a result of the  
21 damage.

22 Secondly, we come to the initial state funding  
23 to conduct this EIS for the benefit of a private  
24 company, 501(3)(c) of the KRRRC which is not even  
25 recognized by either the FERC or the CPUC at this time.

1 In fact, the money is frozen, the surcharge money at the  
2 CPUC right now.

3 The KRRC has no demonstrated capability to  
4 manage such a huge undertaking and they have no  
5 significant funding. Further, the governor of the State  
6 of California had no authority to enter into the KHSA as  
7 it's never been reviewed or approved by the legislature.  
8 And by signing the agreement, he put the State of  
9 California and citizens of California and Siskiyou  
10 County at great risk and peril.

11 And, finally, the water board planned action  
12 violates three federal laws --

13 THE COURT REPORTER: Pull it away, please.  
14 Thank you.

15 MR. RICHARD MARSHALL: Three federal laws. Is  
16 that better? I'm just ready to finish up.

17 Three federal laws -- and including the Federal  
18 Interstate Compact, Article 1, Section 10,  
19 U.S. Constitution, and the Endangered Species Act; and  
20 two state laws, Quo Warranto and the Water Code  
21 Section 5900 to 5901.

22 And, finally, we feel that the existing  
23 interstate compact, as I said before, it is the law of  
24 the river, it's still the law of the river, and will  
25 continue to be the law of the river.

1 MS. ERIN RAGAZZI: Thank you, Richard.

2 (Applause.)

3 MS. SAMI JO DIFUNTORUM: Okay. Good evening.

4 My name is Sami Jo Difuntorum, D-I-F, as if  
5 Frank, U-N-T-0-R-U-M, just like it sounds.

6 So I'm here to represent the interests of the  
7 Shasta Indian Nation. And welcome to the traditional  
8 homelands of the Shasta people.

9 I see my colleague, Roy Hall, in the audience,  
10 and I hope he's going to share comments on behalf of the  
11 Shasta Tribe as well. We don't support dam removal, and  
12 there's a reason for it.

13 Our state in the area is a little bit different  
14 than other people's. So my mother's family specifically  
15 lived in the Indian village where Iron Gate is right  
16 now. Right? It was my mother's, great grandmother, and  
17 her brother. They were removed at gunpoint. Right?

18 And so they moved up it to Copco and, later,  
19 the lands were taken from them -- well, oh -- can you  
20 hear me? Can you hear me?

21 And so our interest in the area is a little bit  
22 different. It isn't really about the water quality or  
23 any of those things. It's a very personal story to us.  
24 We have family graveyards underneath the sediment. We  
25 have our villages there. So when the dams come out and



1 the water is drawn down and the sediment starts moving,  
2 what happens to -- I won't start crying -- to our  
3 people -- to our people that are buried there?

4 I know anybody in the room that -- every native  
5 person gets this, and I think everybody gets this. One  
6 of the things that people really hold very sacred and  
7 personal is where we lay our people to rest. And it's  
8 for that reason that we object to dam removal. We  
9 appreciate that you've implemented the CEQA process.

10 Under NEPA, we're considered just another  
11 public group, because we're not a federally-recognized  
12 tribe and, under CEQA, we actually have standing. And  
13 so I'm going to respectfully request, maybe insist if  
14 that's appropriate, that you hold off on the  
15 certification until such time as consultation with our  
16 tribes is concluded and issues have been addressed.

17 I've not heard a single solitary person or  
18 group or entity, anybody come forward with a plan to  
19 mitigate our concerns. I don't know how you would  
20 mitigate those issues. But, you know, it's important  
21 that the story is told because that part of the dialogue  
22 is often left out.

23 People talk about a lot of issues and, you  
24 know, we don't want to make light of anybody's issues or  
25 anybody's concerns. I just know for us and for Shasta

1 people, it's a very different -- very different state,  
2 very different issue.

3 We are not signatories to any of the agreements  
4 for obvious reasons. Actually, I don't think we were  
5 asked to sign them, but I don't think we would have  
6 anyway. So when you start thinking about dam removal  
7 and all of these things flowing downriver, imagine how  
8 you would feel if that was your family. That's how we  
9 feel.

10 So, what else do I want to say? That's it.  
11 Three minutes. Thank you.

12 (Applause.)

13 MS. ERIN RAGAZZI: Thank you.

14 We've got Brandon Criss followed by  
15 Grace Bennett followed by Robert Davis and then  
16 Jack Mattz. Again, I don't think it's the microphone.  
17 If you could state your name and spell it, that would be  
18 great.

19 MR. BRANDON CRISS: My name is Brandon Criss --  
20 sorry.

21 My name is Brandon Criss, B-R-A-N-D-O-N, last  
22 name, C-R-I-S-S.

23 At 10:00 p.m. on August 1st, 2014, I received a  
24 phone call from Sheriff Lopey advising me that  
25 constituents were being evacuated from their homes due

1 to a rapidly spreading fire north of Copco Lake. I  
2 drove over to the evacuation center and spent the night  
3 there getting feedback of what was happening.

4           Constituents witnessed helicopter bucket load  
5 after helicopter bucket load of water being drawn out  
6 from behind Copco Dam. Water behind the dam helped save  
7 these people's homes and lives. When you consider this  
8 issue, we demand that public health and safety be given  
9 priority. Do not take away this fire protection tool  
10 from -- that the dams provide.

11           We also ask that you would also consider the  
12 health of the migrating salmon. Also, in 2014, there  
13 was a chance of another fall kill as occurred in 2002 on  
14 the Klamath River.

15           At the North Coast Regional Water Quality  
16 Control Board meeting on October 9th, 2014, the Karuk  
17 tribal spokesman stated that, quote, "Increasing flows  
18 and the velocity of flows disperses disease on the  
19 Klamath...we averted a fish kill because of Trinity  
20 flows then the Karuk tribe observed disease above the  
21 Trinity confluence. A lot of credit to PacifiCorp's  
22 collaboration with the Bureau of Reclamation, 16,000  
23 acre feet was released with 1700 cubic feet per second."

24           In total, 20,000 acre feet was released from  
25 behind these dams. Without the dams, this 20,000 acre

1 feet would not have been available to save the salmon.

2 We find it ironic that some claim these dams  
3 impair water for fish, yet a release of an extra 20,000  
4 acre feet of this exact same water that's credited with  
5 being pivotal in helping to prevent a fish kill. Please  
6 do not take this tool away from us.

7 The Bureau of Reclamation struck a deal with  
8 PacifiCorp to release this 20,000 acre feet from behind  
9 these dams so this water would not have to be taken from  
10 farmers in the Klamath basin. In the BOR August 8,  
11 2014, press release stated that the water released from  
12 behind these dams would "assist reclamation by extending  
13 the Klamath Project's available water supplies from  
14 Upper Klamath Lake to help close the irrigation season."  
15 Please, for the benefit of these farmers, do not take  
16 that 20,000 acre feet of water away from them.

17 (Applause.)

18 MR. BRANDON CRISS: All right. Lastly -- I get  
19 the shakes and I do that myself, even at a young age.

20 Lastly, do not view agriculture in the Klamath  
21 Basin as being the one that impairs the water.

22 Actually, the water that goes through Tulelake Basin --

23 UNIDENTIFIED MAN: Hold the mic down.

24 MR. BRANDON CRISS: Oh, sorry.

25 That goes through Tulelake Basin agriculture

1 and Klamath Lake agriculture is less phosphorous loaded  
2 than the water that actually comes down Klamath River.  
3 The water is cleaner after it's being used for  
4 irrigation than it is when it actually comes down. So  
5 please give that benefit to the farmers. And we ask  
6 that all these benefits be considered and that you keep  
7 the dams in place.

8 Thank you.

9 (Applause.)

10 MS. GRACE BENNETT: Good evening. Thank you  
11 for coming to Yreka for this meeting.

12 And I am Grace Bennett, B-E-N-N-E-T-T. I just  
13 retired from 20 years being in public service and a  
14 county supervisor for the last eight years. I've been  
15 cleaning out my library of interesting information. I  
16 have boxes and boxes and boxes of studies, reports,  
17 everything that has happened in the whole Klamath River.

18 Going through these, I found some things that  
19 are very interesting. In my notes, when I talked to  
20 tribal elders, they informed me that they have to move  
21 away from the river in the summertime because of the  
22 smell of the river and it was so low.

23 In George Gibbs' report, horses that were in  
24 the 1850s that came on the exploration of Siskiyou  
25 County would not drink the water in the Klamath River.

1 People who lived on the river also talked -- and these  
2 people are long-time residents, generations that have  
3 lived on the river. They talk about the floods, the  
4 stink of water, how low the water is in the summer and  
5 it's muckiness and other reports.

6 The Klamath Basin Compact which Mr. Marshall  
7 just talked about, in a report that they did in 1962  
8 talked about the algae in the Upper Klamath Lake and the  
9 bad water quality in Oregon. Then the next thing that I  
10 thought was very interesting was the CDM report, Camp  
11 Dresser Report.

12 In this report -- it's the only thing that can  
13 be trusted. Because after that report was done,  
14 Mr. Salazar from the Department of Interior talked  
15 about, in public speeches, that the dams would come out.  
16 He was very adamant that these dams would come out no  
17 matter what anybody did or said. After that, the  
18 reports, studies, and models that were produced were  
19 written to reflect this predetermined decision. And  
20 that was noted when Paul Houser was the integrity  
21 officer for the Department of Interior and he was fired  
22 and -- because he brought this -- he was a  
23 whistle-blower.

24 The expert panels that came and reviewed all  
25 the documents, they were very, very concerned about dam

1 removal. They -- in their reports, they said that only  
2 eight miles of new habitat would be expanded and they  
3 were very concerned about a listed species being  
4 introduced to the Upper Klamath where the redband trout  
5 have a great deal of influence.

6 Our work in Siskiyou County with the farmers,  
7 ranchers, and the loggers, we have stopped sediment,  
8 we've done beaver dams, removed weir dams, pumping  
9 stations, lined ditches, replaced culverts with bridges.  
10 Water storage has been provided for cold water and major  
11 irrigation practices. And there's very little mining  
12 that -- or very little logging that happens and suction  
13 dredge mining has been completely stopped.

14 Two of the biggest ranches on the Shasta River  
15 were purchased by the Nature Conservatory and the water  
16 was sold to -- the water right was sold to Fish and  
17 Game.

18 I have some other things but I'm going to -- to  
19 say a couple more things.

20 I am totally appalled that the California  
21 taxpayers and the Water Board have been -- in this last  
22 year, spent 400,000 in Oregon trying to improve the  
23 water quality up there. It is not the -- it is not the  
24 responsibility of the California taxpayers to pay the  
25 bill for the nasty water that's in Oregon. The Oregon

1 taxpayers should pay for that.

2 I have -- and I'm tired of hearing that you and  
3 other agencies think that they can make warm water of  
4 the Klamath River system cold at the expense of the  
5 Siskiyou County residents. It is a warm water system.  
6 It has been for 150 years or more, a million years  
7 probably. It cannot be made warm -- cold. It is warm.

8 (Applause.)

9 MS. ERIN RAGAZZI: Robert. Again, lower that  
10 so people should hear you. Okay.

11 MR. ROBERT DAVIS: Good morning [sic]. I'm  
12 Robert Davis. I live on Copco Lake. My name is  
13 R-O-B-E-R-T, last name, D-A-V-I-S.

14 You said you were going to have a scientific  
15 study for this Environmental Impact Statement. There  
16 has been a scientific study that has been going on for  
17 years and it was conducted by Ken Salazar and  
18 Dennis Lynch.

19 And then Paul Houser came on the scene. And  
20 when he came on, he wanted to know why all the studies  
21 showed that dams should be removed. There was never  
22 anything that showed anything about a dam being of any  
23 benefit. So he was called a whistleblower and they gave  
24 him a bad name, told him he was not a team player.

25 Now, is that the kind of a study that we are



1 going to have again, or are we going to have some honest  
2 people come in and make an honest study? That's what  
3 was supposed to be done in the first place. If that had  
4 been done, they would have submitted the study to  
5 Congress so that the Congress people would know what  
6 they were voting on and there would have been a vote  
7 depending on what they found out.

8           The way it's been, there has been no fairness  
9 in anything. And I've been living there for 30 years  
10 and I don't know -- what have you done to clean up the  
11 water?

12           We've been waiting for a clean water permit  
13 from the water resources board but they never could get  
14 it. The water was always dirty. Now, the water is  
15 suddenly clean when you have somebody else that you want  
16 to report to. The whole thing don't add up.

17           You should go back and start from square one  
18 and get some honest people to get some honest results.

19           (Applause.)

20           MS. ERIN RAGAZZI: So Jack Mattz followed by  
21 Erin Ryan followed by Rex Cozzalio.

22           MR. JACK MATTZ: Good evening, everybody.

23           My name is Jack Mattz, J-A-C-K, M-A-T-T-Z. I'm  
24 a Yurok tribal member. I'm also on the tribal council.  
25 I'm here to speak for dam removal.

1           Our -- our history goes back time tomorrow  
2 [phonetic]. We've always depended on fish, salmon  
3 mainly, but there's another fish that used to be in the  
4 river was called candlefish. It used to go up the river  
5 by the boatloads. And since the dam's been put in, now  
6 they're gone.

7           And our salmon seem to be following the same  
8 route. Last year, we didn't have enough fish to feed  
9 every member in our tribe. There wasn't enough fish to  
10 give one fish to every tribal member. There's over  
11 6,000 members. We got 5,000 fish.

12           So dam removal is contingent on a lot of  
13 things. Temperature -- water temperature in the fall,  
14 the water's so hot, it affects our fish. And in the  
15 summer, the water -- the water affects our -- while it  
16 affects -- excuse me there. It affects our fish where  
17 the smolt that are getting ready to go downstream,  
18 they're -- it makes it more susceptible [sic] to Shasta  
19 Sea.

20           And what's the other one there? Make it -- it  
21 makes 'em more susceptible to get and -- especially in  
22 Shasta Sea.

23           In 2014, we lost 81 percent of our juveniles.  
24 In 2015, we lost 91 percent of our juveniles born  
25 downriver to Shasta Sea. Now, last year, that's what we

1 got. We don't know what we're going to get this year if  
2 we even get that amount or what we're going to get next  
3 year. It's just -- we don't know. We won't know if  
4 later on in the year when the scientists come out and  
5 say "this is what you're going to get."

6 And it all depends on dam removals. There  
7 should have been some way to get them fish above them  
8 dams when the dams were put in but that got pushed aside  
9 and everybody just let it go. And, now, it's cheaper to  
10 take the dams out than it is to keep the dams in and  
11 build the ladders around them.

12 To build a ladder around Iron Gate,  
13 \$250 million. Now, it's -- they can take out all four  
14 of 'em for 250 million or 400 million so -- that's the  
15 way it's got to go. We're -- I'm here to request that  
16 dams be taken out. And that's -- that's the point of  
17 the Yurok people.

18 Thank you.

19 (Applause.)

20 MS. ERIN RAGAZZI: Thank you.

21 So we've got Erin Ryan followed by Rex.

22 I'm going to just ask that everybody respect  
23 each speaker and don't make comments while other people  
24 are trying to speak, so that we can accurately  
25 transcribe the meeting and we can give everybody the

1 respect while they're speaking.

2 MS. ERIN RYAN: Hi, I'm Erin Ryan, last name  
3 R-Y-A-N, pretty straightforward.

4 I'm with the office of Congressman  
5 Doug LaMalfa. And the word I kept hearing was the "gill  
6 netting" during that last comment that was the  
7 unintelligible word. So maybe try not gill netting and  
8 see what happens. Just a thought.

9 So anyway, the congressman had a little message  
10 for you from Ryan Zinke who is -- I -- I don't know  
11 what's happening with the Secretary of the Interior, but  
12 it's kind of on hold or something. So, without all the  
13 inside baseball, he did have a message for you, quote --  
14 Zinke told me, quote, "We don't pull down dams, we put  
15 'em up."

16 I told him I'd be short and succinct, but I  
17 think it would be a good point so there you go.

18 (Applause.)

19 MS. ERIN RAGAZZI: Thank you.

20 UNIDENTIFIED WOMAN: Thanks, Rex.

21 MR. REX COZZALIO: Hi. My name is  
22 Rex Cozzalio, R-E-X, C-O-Z-Z-A-L-I-O.

23 Is that better?

24 We're four generations at the same location on  
25 the Klamath directly below where Iron Gate dam now

1 exists, before and after. It was described as a focal  
2 point of dams impacts.

3 I'm in the Klamath I love for over 50 times a  
4 year fore nearly 60 years before and after Iron Gate, as  
5 my grandfather before me.

6 The majority of salmon reaching our location  
7 are historically depleted and dying from -- dying from  
8 multiple impassable upstream reefs, a river often going  
9 subsurface in the canyon late summer before the dams and  
10 a naturally non conducive Upper Basin salmon habitat.  
11 Salmon were never historically a known resident above  
12 Spencer Creek near present Copco Dam or to populate the  
13 Upper Klamath Basin. Historical documentation,  
14 experiential testimony and recent studies have been  
15 submitted many times but have been consistently ignored  
16 in pursuit of agency agenda.

17 Our area has witnessed dam-related dramatic  
18 improvements to water quality, the late summer quantity,  
19 fisheries habitat, riparian stability, drastically  
20 reduced flood damage, and environmental improvements.  
21 Dams vastly improved the fisheries above and below for  
22 optimized and sustainable resident warm and cold water  
23 species.

24 Iron Gate Dam artificially creates unnaturally  
25 cold downstream water resources for one of the best

1 producing hatcheries in California, far exceeding prior  
2 known upstream production. Statistics for nearly  
3 100 years evidence no significant alteration in salmon  
4 returns occurring at our location as a result of the  
5 dams.

6 The addition of Iron Gate Dam and Hatchery  
7 increased average returns by well over 100 percent and  
8 averaged a 200 percent increase during proponent's cited  
9 so-called "recent catastrophic declines." Incoming data  
10 now confirms the locally submitted historic  
11 documentation, empiric declarations and studies  
12 regarding the environmental benefits of the  
13 hydroelectric and storage facilities. However, none of  
14 that data is allowed by profiting KHSA special interests  
15 to modify failed biological opinions until after the  
16 dams are scheduled for irreversible removals.

17 Hatchery and cold water resources, along with  
18 clean hydroelectric power for 70,000 homes, major  
19 holistic ecosystem enhancements, nonreproducible  
20 regional recreational opportunities, optimized  
21 downstream benefits, property use, valuations, public  
22 safety, and both area and downstream public/private  
23 infrastructure will be lost as a result of the dams  
24 removals.

25 The 2007 FERC EIR and 2012 KHSA EIR are

1 predicated upon now just proven unavailable and unfunded  
2 criteria. The DWR Board serves at the pleasure of the  
3 governor. In the California Water Crisis Management  
4 Plan, the governor ordered all California agencies to  
5 facilitate the removal of the Klamath dams.

6 DWR is limited to its EIR scope to only  
7 consider conditions within California effectively  
8 disenfranchising an interdependent ecosystem from a  
9 comprehensive EIR assessment. Therefore, it must fall  
10 to a fully comprehensive and inclusive NEPA EIS executed  
11 through the FERC, encompassing entire watershed impacts,  
12 options, alternatives, and required mitigations to  
13 fulfill the public trust. Only after that NEPA EIS and  
14 FERC evaluation would DWR be procedurally called upon or  
15 capable of producing a California EIS necessarily  
16 conditioned upon and subject to the options and  
17 mitigations considered by FERC.

18 Thank you.

19 (Applause.)

20 MS. ERIN RAGAZZI: The next speaker is  
21 Glen Briggs followed by Mark Coats followed by  
22 John Menke.

23 Glen Bridges -- or Glen Briggs?

24 MR. GLEN BRIGGS: Thank you.

25 Can you hear me? This is coming out all right?

1 I have one question before I get going.  
2 Reading this project description, it refers to the  
3 environmental -- the environmental condition that you're  
4 going by to evaluate the releases from the dam. Is that  
5 the current condition that is being used as a guideline?

6 UNIDENTIFIED WOMAN: The current EIR?

7 MS. ERIN RAGAZZI: Are you asking what baseline  
8 would be?

9 MR. GLEN BRIGGS: It calls for -- it says --  
10 just a minute -- the environmental baseline.

11 MS. ERIN RAGAZZI: Yeah. So we have --

12 MR. GLEN BRIGGS: The current -- the current  
13 existing condition?

14 MS. ERIN RAGAZZI: The final baseline is  
15 defined in CEQA as the current condition.

16 MR. GLEN BRIGGS: Okay.

17 MS. ERIN RAGAZZI: Typically around the time of  
18 the NOP -- it's not exactly right, but the Klamath River  
19 as it is basically today.

20 MR. GLEN BRIGGS: My name is Glen Briggs,  
21 G-L-E-N --

22 MS. MARIANNA AUE: One more thing about that,  
23 if there's a reason that you think that using the  
24 current conditions isn't a good idea, that's just --  
25 it's normally what's used. But if that would be



1 confusing to people about, you know, if there's an  
2 impact that you don't get from using that, we would love  
3 to know about that.

4 MR. GLEN BRIGGS: I asked that question to your  
5 office and I got a response the very same way. What I  
6 was asking is, which is applied to this project?

7 MS. MARIANNA AUE: Right. So the --

8 MR. GLEN BRIGGS: The current conditions.

9 MS. ERIN RAGAZZI: So, currently, the baseline  
10 is existing conditions at the time of the Notice of  
11 Preparation. If for some reason you think that is not  
12 an appropriate baseline, that is something that you can  
13 comment on and we would like to hear from you about  
14 that.

15 MR. GLEN BRIGGS: Okay. Okay.

16 My name is Glen Briggs, G-L-E-N, B-R-I-G-G-S.

17 I am a retired engineer from the Bureau of  
18 Reclamation. My experience was construction on dams and  
19 irrigation facilities. I have been associated with the  
20 Klamath River since 1931. My mother was associated with  
21 the Klamath River from 1909 until 2009. My grandmother  
22 was associated with the Klamath River from 1875 to 1970.

23 So I know of that period of time does not add  
24 up to what the native tribes can account for, but it is  
25 long enough that we've gained some opinions. And I

1 won't take very long here once we get started. If I can  
2 find the right page, we'll get there. Okay.

3 You put out as a notice of project a summary of  
4 the potential significant impacts. And reviewing  
5 those -- in reviewing those, it occurs to me from my  
6 experiences and knowledge about the Klamath River where  
7 we live which is 60 miles downstream from here.

8 The first water quality note here -- and I  
9 think water quality is primarily what you're interested  
10 in. The water quality, short term, does not matter that  
11 much because it takes care of itself. Long term, water  
12 quality a going to be a disaster if you remove the dams.  
13 There is no question about that.

14 All you have to do is go back, look at early  
15 literature, start with George Gibbs' journal about the  
16 treaty expedition up the Klamath River, look at miner's  
17 notes, look at the Fish and Game files on their check of  
18 the river years ago. You will find that the dams have  
19 improved the quality of the water in the river  
20 tremendously. There's no comparison. Water in the late  
21 fall on low rainfall years gets very, very dry without  
22 supplementing flows from the dams.

23 Now, the fisheries people that require that the  
24 dam out -- the power dam operation has been modified so  
25 that releases are -- can be made for fish survival

1 coming up the river. If you take out the dams, there's  
2 going to be no more water for that, but there will be a  
3 drive to get the water from Upper Klamath Dam which  
4 currently is used for irrigation and will be -- on  
5 normal years, will be pretty well used up before the  
6 fall salmon season. Okay.

7 MS. ERIN RAGAZZI: Thank you.

8 MR. GLEN BRIGGS: That is the extent of my  
9 comments I have. Thank you.

10 MS. ERIN RAGAZZI: Thank you. So Mark Coats,  
11 John Menke, and Dr. Richard Gierak.

12 MR. MARK COATS: I'm Mark Coats. I'm here and  
13 just briefly want to say I oppose the dams being  
14 removed. Shut down quick so you guys can move forward.

15 MS. ERIN RAGAZZI: I'll pass it on.

16 MR. JOHN MENKE: Thanks for the Shasta talk.

17 I'm John Menke, M-E-N-K-E, J-O-H-N.

18 I'm retired professor of agronomy and range  
19 science and forestry at Berkeley for 25 years with the  
20 university and then for training for ten years before I  
21 became a professor for 25.

22 I've now lived up here for 24 years. And I  
23 tell you, I'm hoping with Trump we can end the NEPA  
24 process. I am appalled at all the idiots that think  
25 they know something -- [applause] -- education. I took

1 all the soils, all the water science, all the animal  
2 science courses at Davis. I went to college for ten  
3 years. My dad was a surgeon in Sacramento. I didn't  
4 need to have a job so I studied all my life.

5 Now, I raise prime Red Angus cattle. We're  
6 making so damn much money, I'm paying too much taxes, I  
7 hate to see the money thrown away on outfits like this.

8 I never thought I'd do this, but this is the  
9 picture of a colleague of mine at Davis,  
10 Dr. Peter Moyle. You probably know the crooked state of  
11 California has already approved the damn tunnels across  
12 the Bay Delta. You talk about a disaster. Peter Moyle  
13 and I are really ticked at you people in Sacramento for  
14 ever even going for this.

15 But the reason I refer to Peter, in 2007, he  
16 and Jeff Mount at Watershed Sciences at Davis --  
17 UC Davis submitted about a four-page letter to the  
18 resources secretary of the -- in Sacramento and the Fish  
19 and Wildlife Service. Let me just -- item No. 1: No  
20 entities including Pacificorp, federal and state  
21 agencies and stakeholder interest groups has provided  
22 sufficient modeling and analysis to demonstrate the  
23 water quality impacts associated with removal of the  
24 dams.

25 Peter has been too busy to come up here and

1 spend a lot of time on the dams, but he's had his agent  
2 here, John Menke, for 25 years. I've read all the  
3 Stillwater sciences reports for the first FERC  
4 assessment and they're an absolute joke -- [applause] --  
5 an absolute joke. Today, we call that type of analysis  
6 semi-science. It's not true science. They haven't  
7 tested any hypotheses.

8           Do you realize in 2020, the oldest dam when it  
9 goes out, you're going to be flushing about 43 percent,  
10 is the estimate of materials that accumulated there for  
11 98 years, down a wild and scenic river? You people have  
12 to have your head examined. [Applause.]

13           Because I happened to buy a fabulous ranch in  
14 Quartz Valley that has a dam in the Marble Mountain  
15 Wilderness Area called Campbell Lake Dam for which was  
16 built in 1896, I have to have the Division of Safety of  
17 Dams Department of Water Resources in Sacramento every  
18 year come up and look at that dam because it exceeds the  
19 height required and inspected by an engineer.

20           Russ Bowlus, who is a current engineer with the  
21 Division of Safety of Dams about three years ago, walked  
22 in with me. It's about two and a half hours each way.  
23 And I had lots of time to talk with him. He inspects  
24 the Klamath River dams four times a year or his agent  
25 does. The dams are in as good a shape today as the day

1 they were built.

2 Copco 1 and Copco 2, because it did not have  
3 rebar at the time, this is -- I quoted Russ Bowlus, a  
4 professional engineer with Division of Safety of Dams in  
5 Sacramento -- "could take a direct hit by a bomb and  
6 they would not go out."

7 Finally, I have one last item. Another  
8 colleague of mine at Davis, Dr. Steve Kaffka, did an  
9 analysis of -- under the 205(j) program -- 205(j) of the  
10 Water Resources Board, this board that's doing this  
11 process. This is the final report of the California  
12 State Water Resource Control Board, April 16th, my birth  
13 date, of 2002. Mine was many years earlier.

14 "Farming practices and water quality in the  
15 Upper Klamath Basin, the final conclusion in this, the  
16 Lost River, water that comes into Tulelake compared to  
17 the water that goes out the drains, it is much improved  
18 after agriculture has exported the nutrients."

19 So all this effort recently to take agriculture  
20 away from the Upper Basin is actually doing harm to the  
21 water quality.

22 Thank you.

23 DR. RICHARD GIERAK: Dr. Richard Gierak,  
24 G-I-E-R-A-K.

25 I wanted to start out by indicating basically

1 that removal of these dams is, first of all, in  
2 violation of four federal laws. Second of all, in  
3 violation of Oregon and California water rights.

4           These are things that we need to look at. But,  
5 primarily, all this has been premised on the backs of  
6 coho salmon. Now, in 1992, the Federal Endangered  
7 Species Act listed coho salmon. And under the Federal  
8 Endangered Species Act, the only thing you can really  
9 take care of is the water in substrate of the river.

10           Two years later, a Federal Endangered Species  
11 Act group wanted to change that so they could get  
12 300 feet from the edge of the river. That means that  
13 every individual that lives along the river now would  
14 have to get a federal permit to go ahead and put gravel  
15 on your road, a roof on your house, et cetera.

16           Well, I went ahead and joined with the granges.  
17 We have Idaho, Washington, Oregon, and California state  
18 granges. And in that process, we stopped that terrible  
19 thing from happening.

20           But it's also interesting to note that, at that  
21 time, the Karuk Tribal Council made it very clear at one  
22 of their meetings that coho salmon were never native to  
23 the Klamath River.

24           Then, as we continued on and, in '97, the  
25 California and Oregon granges came together and they

1 filed a lawsuit with Pacific Legal Foundation. And what  
2 they founded and won was that coho salmon were not an  
3 indigenous species to the Klamath River and could not be  
4 listed under any Endangered Species Act.

5 Then, in 2002, came the big fish kill. And  
6 right away, they blamed it on bacteria from the dams.  
7 Well, what happened was they immediately listed the  
8 salmon again in violation of the laws.

9 And in 2009, the CEC came up here and evaluated  
10 our dams and lakes and they said, "gee, they didn't  
11 cause the problem."

12 And then the Northern Research Council did an  
13 evaluation of the 2000 fish kill, et cetera. And what  
14 they discovered was that, "gee, the coho salmon that  
15 were killed in that big 2002 mess were from Cascadia,  
16 Oregon," again, proving they are not an indigenous  
17 species to the Klamath Basin and, therefore, cannot be  
18 listed under any federal laws.

19 In 2006, an environmental group tried to list  
20 chinook salmon in the Upper Klamath Basin. Well, we  
21 found out about it before it got listed and then we  
22 filed a delisting petition. And that was really  
23 interesting because, a few weeks later, got a call from  
24 DC and the gentleman indicated that we can't go ahead  
25 and use a delisting petition on something that's being



1 listed. So I will use that material when I look at the  
2 listing. Two weeks later, they denied the petition.  
3 But this is all about a ruse to remove our dams.

4 Thank you.

5 (Applause.)

6 MS. ERIN RAGAZZI: Next, Larry Bell followed by  
7 Susan Wallace followed by Linda Ebert.

8 MR. LARRY BELL: Oh, my name is Larry Bell.  
9 I'll spell it, L-A-R-R-Y, B-E-L-L.

10 I am a person who -- whose father who  
11 homesteaded in the Klamath Basin 70 years ago. I've  
12 never seen such a mess as you people are making over  
13 some fish. I've never seen a salmon in the irrigation  
14 water in the Klamath Basin. I don't know where all this  
15 got started but it's crazy.

16 And I'm for what the people have stated here  
17 that want to keep the dams in. I see no reality to tear  
18 something out that is doing good for human kind.

19 Okay. Thank you.

20 MS. ERIN RAGAZZI: Susan Wallace.

21 MS. SUSAN WALLACE: Susan Wallace, S-U-S-A-N,  
22 W-A-L-L-A-C-E.

23 I am a resident of Hornbrook area. I overlook  
24 the Klamath River from my house. I watch all the  
25 fisherman fish every year, and we have quite a lineup at

1 the Klamathon Bridge constantly.

2 I have to say that I don't trust anything you  
3 people are doing. This has just been a ruse to remove  
4 dams. We have renewable electric resources that we've  
5 used for years.

6 We have never seen anything other than good  
7 coming out of these dams. Taking them out is going to  
8 release the sediment that we've already spoken to  
9 earlier that has more than likely chromium-6 involved.

10 I have a sister-in-law who has a steel rod  
11 through her spine right now because of chromium-6. I  
12 have a brother-in-law who is dying of cancer because of  
13 it. It is a group thing when you turn this stuff loose.

14 You have evidence of this activity in the  
15 sediment in the Oregon dam removals of which there were  
16 two. They have -- the stuff in that sediment has  
17 poisoned dams -- or excuse me -- poisoned wells all  
18 along the river's edge in Oregon. So it's not like it's  
19 a surprise. It's already out there.

20 We have so much information people have brought  
21 here that exists. The reason for another fake -- I will  
22 say "fake" -- study is just to promote the removal of  
23 the dams. They have nothing to do with truth, honestly,  
24 and I think it stinks.

25 Thank you.

1 (Applause.)

2 MS. ERIN RAGAZZI: So Linda Ebert followed by  
3 Steve Radford followed by Mark Fischer.

4 MS. LINDA EBERT: Hello. My name is  
5 Linda Ebert, E-B-E-R-T.

6 My husband and I are private residents on Copco  
7 Lake. Around 16 years ago, we settled on its north  
8 shore. We've enjoyed the pleasures of residing on a  
9 lake filled with perch, croppie, bass, trout, sucker,  
10 and catfish.

11 And aside from experiencing many memorable  
12 fishing and boating outings on the lake, we have been  
13 visually rewarded while viewing the many moods of the  
14 lake, whether sparkling in sunshine, bathed in  
15 moonlight, iced over surging with waves or mirroring the  
16 hills. And all that enjoyment is threatened by dam  
17 removal on the Klamath to which we strongly object.

18 We also object to the following consequences of  
19 dam removals:

20 The release of both coarse and fine sediments,  
21 some of which have been shown to contain toxic  
22 pesticides in core samples that will endanger the fish  
23 on whom they are released because of their toxic nature  
24 and because they will deoxygenate the water causing fish  
25 to die. Furthermore, large debris material will litter

1 the landscape in front of our houses now on the lake.

2           Number 2, the potential for flooding will  
3 become a reality for ourselves and others downriver.  
4 Floodplains will be redrawn having implications for  
5 insurance coverage.

6           Number 3, the cloud of uncertainty surrounding  
7 potential dam removals that pushed our property values  
8 downward will darken as values plummet with dam removals  
9 while our visual paradise or what once was disappears.

10           Number 4, our sense of security that comes with  
11 knowing that there's a huge reservoir of water that can  
12 be drawn upon when there's a fire emergency threatening  
13 our homes will be gone in the event of Klamath dam  
14 removals.

15           We experienced such an emergency in 2014 when  
16 those of us living on the north shore of Copco Lake were  
17 placed under mandatory evacuation for four days. We  
18 witnessed helicopters dip into the lake many times  
19 during firefighting in our area and just over the Oregon  
20 border.

21           Lastly, we also object to the tactics used by  
22 proponents of dam removals; namely, the following:

23           Number 1, we, the property owners living on the  
24 Klamath, many of us also rate payers, were never given  
25 or sent or -- a seat, I'm sorry, at the table in

1 determining the fate of the Klamath dams. We are the  
2 true stakeholders. We live on the Klamath.

3           Number 2, instead, reasonable advance notice of  
4 the times and places of the official dam determination  
5 meetings, that has seldom been forthcoming to those  
6 opposed to dam removals, including our Siskiyou County  
7 supervisors.

8           Number 3, there's been a dismissive attitude  
9 toward, and an unwillingness to consider seriously,  
10 viable alternatives for fish passage on the Klamath  
11 versus dam preservation which would save valuable  
12 hydropower infrastructure, which has been previously  
13 mentioned serves at least 70,000 households.

14           Such alternatives for fish passage include,  
15 (a), fish tunnel passages as proposed by Shasta Indians;  
16 two, trap and haul; and, number 3, fish cannons as  
17 available from the company Whoosh Innovations; and  
18 number 4, there has been an unwillingness to achieve a  
19 compromise with the Copco Lake Fire Protection District  
20 through the government-to-government process of  
21 coordination which was abandoned by government dam  
22 removal proponents.

23           Thank you.

24           MS. ERIN RAGAZZI: Thank you.

25           MR. STEVE RADFORD: Hi, I'm Steve Radford,

1 resident of Siskiyou County.

2 God, it's amazing. I'm a little bit appalled  
3 that you guys are so young and -- I'm a little bit  
4 appalled that you guys are so young and think you have a  
5 voice up here. You don't live up here? You have no  
6 idea what life up here is like as I didn't.

7 (Applause.)

8 MR. STEVE RADFORD: I had no idea what life up  
9 here was like until I moved up here seven years ago. I  
10 was from your part of the country, had no idea how these  
11 people live up here and what they're up against.

12 They lost their logging due to lobbyists and  
13 money. If you follow the money, that's what's going on  
14 here. You guys aren't educated enough. You're not old  
15 enough. You haven't been on this earth long enough to  
16 understand how this government works, how corrupt our  
17 government is, the federal and now Governor Brown  
18 follows -- you know, his hands, you know, are in the  
19 pockets of all the federal criminals.

20 I'm a Vietnam veteran, combat veteran, and I've  
21 witnessed how corrupt our government is. I've been  
22 fighting it ever since. I'm 67 years old.

23 The global initiative to control all of the  
24 people in this world today is so big and that's what's  
25 going on here. It's not about the fish. It's really --

1 it's about controlling the people and taking the people  
2 out of the environment, the rural areas, and putting us  
3 all in these stack-and-pack communities that you guys  
4 are living in down there.

5           We don't live like you guys doe down there. We  
6 live completely different. If you moved up here, if you  
7 spent a month or a year up here and lived up here and  
8 witnessed these people, these intelligent people,  
9 scientists, and ranchers and farmers that have been  
10 living here for generations.

11           You know, where's the study about the dams  
12 that -- that put those dams in in the first place? You  
13 know, they studied those -- the initiative to put the  
14 dams in for years before they went in. And then the  
15 clean hydropower and clean energy that comes from those  
16 dams, plus the fresh water that goes to the cattle that  
17 you guys are enjoying down there in Sacramento.

18           You know, there's a lot of reasons for these  
19 people to be here. This is the heart of the land right  
20 here and the farming and the ranching.

21           What goes on down there in those cities is  
22 pollution. This is clean, environmental property up  
23 here. I'm an environmentalist. I want to sees the dams  
24 stay.

25           Thank you.

1 (Applause.)

2 MS. ERIN RAGAZZI: So Mark Fischer followed by  
3 Nita Still followed by Leo T. Bergeron.

4 MR. MARK FISCHER: Mark Fischer, F-I-S-C-H-E-R.

5 And I am a resident of Copco Lake, been for  
6 eight years. In those eight years, I've only heard  
7 twice from anybody about these meetings, once from  
8 Elizabeth Vasquez and one by a lawyer firm, Cable  
9 Hut- -- Huddon [phonetic].

10 Anyway, and you guys just bring these on last  
11 minute like we can just drop everything. And I think  
12 it's all in a game to try to get these dams out without  
13 any of us around.

14 And I'd like to give the rest of my time to  
15 this gentleman right here (indicating) if he'd like,  
16 because he knows more about it than I do.

17 MR. RICHARD MARSHALL: Thank you very much.

18 But I think you can see the issue here is this  
19 process of taking dams out. You are going to have to be  
20 independent thinkers, because the people behind you who  
21 are telling you what to do, having a plan, which is to  
22 take these dams out -- we want to keep the dams.  
23 There's good reasons to keep the dams.

24 And as you heard from one gentleman, the water  
25 quality has been improved, actually, by having the dams



1 in place. That's proven. But you won't find that in  
2 the stuff that DOI has prepared, because they have an  
3 agenda.

4 That's all I have to say.

5 (Applause.)

6 MS. NITA STILL: I want a -- I'll get it. I  
7 want to put my crutch on a chair.

8 UNIDENTIFIED MAN: I'll get it up there.

9 MS. ERIN RAGAZZI: And I think we have copies  
10 of --

11 MS. NITA STILL: Thank you for being here. I  
12 appreciate it. And we're being hard on you but that's  
13 okay.

14 In the year 2009, we voted to keep the dams by  
15 80 percent. The people in Oregon also voted to keep  
16 their one dam. There is a manipulation and a conniving  
17 going on here, and those who want to take out our dams  
18 are holding secret meetings with some of our  
19 representatives and the two governors named Brown.  
20 These NGO stakeholders will do anything to have our dams  
21 destroyed basically.

22 The KBRA expired and now they have made the  
23 K- -- now they have made a KRRC. They are involving  
24 every agency in hopes that they will get their way.

25 There is another problem. The Klamath River is

1 flowing over the burial grounds of the Shasta tribe.  
2 And it was covered by water and now they want to expose  
3 it. This is all against the Antiquities Act. There has  
4 been no courtesy or respect shown to the Shasta tribe or  
5 even to the common people here. So you should not  
6 get -- you should not be coordinating with these killers  
7 of dams.

8 I got to relax a minute.

9 MS. ERIN RAGAZZI: Do you want to sit down? I  
10 completely understand.

11 MR. RICHARD MARSHALL: You can sit down.

12 MS. NITA STILL: That's okay. I won't sit  
13 down.

14 You should not be cooperating with these NGO  
15 stakeholder environmentalists. The TMDLs will not be  
16 what you want them to be because the Klamath River runs  
17 through a volcanic area.

18 And there are hot springs running from  
19 tributaries near Keno Dam. A company named Quicksilver  
20 Mining mined mercury in that area in the 19th century.  
21 Mercury --

22 MS. ERIN RAGAZZI: Let me hold the microphone.

23 MS. NITA STILL: Mercury is also called  
24 "quicksilver." Besides, it is the truth that the water  
25 after it goes through the dams is much cleaner. If the

1 dams are removed, it will be much less water in the  
2 river, so the TMDLs will be worse.

3 In 1851, George Gibbs went with another man who  
4 was having the Indians along the Klamath River to sign  
5 treaties. He told about one area, possibly sometime in  
6 October maybe near Hamburg community, where there were  
7 thousands of dead salmon possibly because the water was  
8 low and/or some of them had spawned since it was  
9 October. They had to move their camp up the tributary  
10 to get away from the bad odor.

11 The Karuk tribe, in the 1970s, took the  
12 Shasta R Treaty and became a recognized tribe. They're  
13 also claiming Shasta territory as claiming there's not  
14 enough fish for them when there are enough fish. And I  
15 do believe they are supposed to get their fish at  
16 Ishi Pishi Falls. I may not be pronouncing that right.

17 UNIDENTIFIED WOMAN: You are correct.

18 MS. NITA STILL: Oh, dear. If the dams -- oh,  
19 there's another thing when -- the ocean also affects the  
20 amount of fish -- the amount of salmon that return. And  
21 Mr. Gierak, he didn't mention that but he knows all  
22 about that.

23 Did I say my name? Okay.

24 But if the dams come out, there will not be  
25 enough water for the salmon to spawn or available water

1 to do their Karuk canoe dance. And the coho salmon is  
2 not indigenous to this area.

3 Since the fish stay out in the -- and they come  
4 to be adults when they're out in the ocean, that's what  
5 can affect 'em because, sometimes, there's lots of fish  
6 and, sometimes, there are no fish.

7 Please do not involve yourselves in something  
8 that is as conniving, mean, and unjust as is this plot  
9 to destroy our dams. We would like you to respect our  
10 rights and be honest.

11 Thank you sincerely.

12 (Applause.)

13 MS. ERIN RAGAZZI: Can we get the spelling of  
14 your last name?

15 MS. NITA STILL: S-T-I-L-L. Nita.

16 MS. ERIN RAGAZZI: Leo Bergeron. Leo. Come  
17 back. After you, we will have John then.

18 MR. LEO BERGERON: Leo Bergeron,  
19 B-E-R-G-E-R-O-N.

20 And there was reference made to some activities  
21 of the grange and the salmon was concerned. And I've  
22 been a member of the grange for over 55 years.

23 And don't you just love that woman? Can you  
24 imagine? Can you imagine what she had to go through to  
25 get up here and do that? Right? God, that was

1 beautiful.

2 First, I just had a birthday and it's caused me  
3 some anxieties, because I'm getting closer to 100. And  
4 some of these things kind of disturb me now where, in  
5 the past, I was a little bit more understanding shall we  
6 say.

7 But right off the bat, I took exception to your  
8 title. It says "dam development." That's a bunch of  
9 bull. We're talking about dam removal. Why the hell  
10 won't you say it?

11 And good water quality -- water quality. Good  
12 water quality does not exist in the Klamath. Polluted  
13 water comes into California from Oregon. California  
14 cleans it up so that, by the time it gets to the ocean,  
15 it's almost decent.

16 How does this happen? A coastal range with  
17 streams that are fed by fresh rain and dams, dams on the  
18 river. The water comes into the dams dirty and it goes  
19 out cleaner. Now, you've got a number of dams each  
20 time. I mean, it gets a little bit cleaner so.

21 This is not a real thing. Everybody knows  
22 this. I mean if you have any sense whatsoever, you know  
23 this, but science -- there have been tests made and  
24 surveys made and studies made and it says, "this is what  
25 the truth is, it's dirty coming in, clean coming out."

1           So, you know, this same thing we experienced  
2 here a whole year ago. I made reference to that. The  
3 same thing, the same things was said, the same people  
4 talked. Nobody listened. Nobody listened. Now, you  
5 people -- all educated people, hi, listen, check out the  
6 information and then do something. Do something  
7 intelligent this time.

8           Thank you.

9           (Applause.)

10           MS. ERIN RAGAZZI: John Livingston and Greg --  
11 I think it's Kuck followed by Javier Kinney.

12           MR. JOHN LIVINGSTON: I'm John Livingston,  
13 J-O-H-N, L-I-V-I-N-G-S-T-O-N.

14           I was born and raised in Northern California  
15 over in Eureka and I reside in Redding and I came up  
16 here to give my testimony tonight.

17           I'm a recreationist. I'm a canoer, a rafter, a  
18 hiker. And I would like to see the dams removed, so  
19 that the economy of Siskiyou County can be improved  
20 through increased recreational opportunities.

21           Thank you.

22           I also have a letter from the Sierra Club.

23           (Applause.)

24           MS. ERIN RAGAZZI: So we have a Greg K-U-C --

25           UNIDENTIFIED WOMAN: "Cook."

1 MS. ERIN RAGAZZI: Cook [phonetic], okay,  
2 followed by Kinney.

3 MR. GREG KUCK: Well, almost all the people in  
4 this room probably know me. I'm a sixth-generation  
5 rancher -- cattle rancher living in the watershed of the  
6 Klamath. We have the Shasta River -- a mile of Shasta  
7 River.

8 And what I kind of want to talk to you folks  
9 about -- you guys all have families? You all got kids?

10 Well, we've been doing this on the same ranch  
11 for six generations raising our families. We have  
12 cattle in that drainage. We spent a lot of time fencing  
13 the rivers out for this whole watershed. We have some  
14 of the cleanest water in the world that runs into the  
15 Klamath. We developed one of the nicest fisheries in  
16 the world in California or on the West Coast to bring  
17 those fish back up, rear 'em and send 'em back down.

18 And I sat in a lawsuit and I heard Leif Garrett  
19 say that he'll never let those fish come back up. Well,  
20 after I heard that, I gave up on you guys. And I went  
21 through a bunch of you people over the last 30 years.  
22 We've jumped through every hoop that we could do to get  
23 these fish back up here for you guys. And it isn't  
24 getting done by taking the dams out.

25 Thank you.

1 MS. ERIN RAGAZZI: Javier Kinney followed by  
2 Linda Oliver followed by James Adams.

3 MR. JAVIER KINNEY: We are the Klamath River;  
4 the Klamath River are us.

5 My name is Javier Kinney. I'm the director of  
6 the south governance for the Yurok tribe, comes from the  
7 village of the Pkw-tuehl, Weych-pues,  
8 Rugger [phonetic], the villages that we originate, you  
9 know, the traditional and indigenous peoples of the  
10 Klamath River.

11 And I just wanted to share with you, first off,  
12 we strongly support the removal of all four dams by  
13 2020. We also support a successful certification of the  
14 401 certification process by 2019 in order for the four  
15 dams to be removed by 2020.

16 There's three things I'd like to provide for  
17 the record on behalf of the Yurok tribe: Respect,  
18 recognition, and understanding. First, as the  
19 traditional and indigenous people of the Klamath and  
20 Trinity Rivers, we want to make sure that the respect is  
21 given to the traditional life ways and cultural ways for  
22 ceremonial purposes and the food/security that is  
23 required of the Yurok tribe and communities and peoples  
24 that live along our traditional ancestral territory.

25 We're provided the knowledge as well as



1 technical expertise and fisheries, a natural resource  
2 protection, since the beginning of time. We also  
3 understand the importance of the continuance of that  
4 knowledge to protect the water and the way of life that  
5 we know.

6 Recognition of including that knowledge in the  
7 management of not only our waterways but of the natural  
8 resources to ensure that the health and welfare and the  
9 prayers are carried on prior to anybody coming to what  
10 we know of as California. We have traditional  
11 government systems that have been put in place before  
12 the State of California and the United States, and we're  
13 going to continue that.

14 Lastly, understanding. We understand the  
15 changing times and the importance to have inclusive of  
16 not only scientific fact but old is new again.  
17 Governments across the world are looking at indigenous  
18 peoples and the way that we manage our resources in a  
19 sustainable way. We're going to continue that, because  
20 we are those caretakers.

21 A lot of times our elders share with us the  
22 ways to carry on and, many ways, your kids will may be  
23 at some type of meeting 50 years from now and we'll have  
24 the same conversation but we'll come with that respect,  
25 recognition, and understanding because we're not going

1 anywhere.

2           So we support the four dams to be removed by  
3 2020. We support the 401 certification to be approved  
4 by 2019 in order to make that happen.

5           Thank you.

6           (Applause.)

7           MS. ERIN RAGAZZI: Linda Oliver, James Adams,  
8 and then Kristen Sellmer.

9           MS. LINDA OLIVER: My name is Linda Oliver,  
10 L-I-N-D-A, O-L-I-V-E-R. I am a chairman of the Copco  
11 Lake Fire Protection District.

12           A few years ago, I teamed to coordinate with  
13 the Federal Government of this land. All I got from  
14 them was we agree to disagree. It is against the law to  
15 take something away from people and not either make it  
16 better or best when you leave.

17           We will not tolerate these dams coming out. If  
18 we become the State of Jefferson, then what are you  
19 going to do? And I hope we do because I am tired.

20           I've been up here for 14 years. I have met  
21 people here and they've got far more education than I've  
22 ever seen in any place that I've ever lived in the State  
23 of California and I can call 'em my friend. But to have  
24 to go through this year after year after year, this is  
25 ridiculous. And all the scientific study that is bogus;

1 I know more science from the seventh grade than people  
2 do. It's not about degrees. It's about common sense.

3 And as far as respect? What about the Shasta  
4 Nation? Do they not deserve the respect of their  
5 tribes? Their burial grounds? And they are allowed to  
6 come on our property to investigate those areas. Are  
7 they allowed to go on your property? Think about it.

8 Thank you.

9 (Applause.)

10 MS. ERIN RAGAZZI: James.

11 MR. JAMES ADAMS: Good evening. I'm Jim Adams,  
12 J-I-M, A-D-A-M-S like the second president. Thank you.

13 I've been in state service, my wife and I,  
14 almost 60 years. I retired after 37. I've been on that  
15 side of the Board. I've been on this side of it. I'm  
16 now currently always on this side. And I understand  
17 your positions, and I would just like to have you hear  
18 me out and a couple of things that I have to say.

19 Get my specticators on here. And I'm chasing  
20 some hay fever so just have to deal with that.

21 My wife and I have worked for a government  
22 agency, so we sort of have an idea of how some of this  
23 works. We do feel that this is a waste of time, as we  
24 feel in political power has an agenda of their own and  
25 we really don't care and they, the government, really

1 don't care what the citizens of Siskiyou County want.

2           However, we will say our piece. Thank you for  
3 the opportunity. We are against the dams coming out.

4           First, they keep our power bills down and  
5 produce clean energy better than buying it from another  
6 state or an entity that will charge more.

7           Secondly, it provides small towns below the  
8 dams with flood production.

9           Thirdly, we have water storage for drought  
10 years of which we have experienced in the last six --  
11 which we have experienced the last six or seven years  
12 and which out of -- as without the water storage --  
13 excuse me -- John C. Boyle, Copco, Iron Gate, the fish  
14 would have suffered greatly. The state has just cast a  
15 disgust adding four more reservoirs from Colusa to  
16 Red Bluff and another near Colfax on Bear River. Why in  
17 the world during a drought have -- why in the world,  
18 during a drought or otherwise, would you remove existing  
19 dams?

20           Since DWR takes water from the Trinity system  
21 to send down to the Delta, John C. Boyle, Copco, and  
22 Iron Gate can supplement water to the Lower Klamath to  
23 enable to send water from Trinity down to the Delta. So  
24 does this mean that you will no longer send water from  
25 the Trinity to the farmers in the Delta if the water in

1 the Klamath is not enough?

2           It is -- was truly getting the -- if it was  
3 truly about getting the fish up and over the dams, this  
4 could be done using the natural topography of the area  
5 and create an additional waterway around the dams.

6           Americans have created some of the most  
7 wonderful things: Mt. Rushmore, put a person on the  
8 moon, enormous bridges. Well, you know where this is  
9 going. I believe it can be done. If the word  
10 "compromise" was only in a politician's or government  
11 worker's vocabulary.

12           I'll just to give you a little impromptu  
13 background. I probably had my hands on about a billion  
14 eggs and fry and salmon and trout in 37 years. They  
15 need water. Fish need water. So in '14 and '15 when  
16 the drought was at its most severe, those dams, with  
17 water in reserve like a bank account, were able to flow  
18 to the ocean and keep the 2002 die-off from being --  
19 happening again. The additional flow, lower water  
20 temperatures, less pathogens, and they were able to keep  
21 fish. And the ones at Iron Gate dam were able to  
22 complete their cycle.

23           I could go on and on about fish and their life  
24 cycles but you get my idea that, if you don't have  
25 water, you don't have fish. And believe me, without the

1 dams, Klamath River will become pretty small come  
2 September and October.

3 Thank you.

4 (Applause.)

5 MS. ERIN RAGAZZI: So Kristen followed by  
6 Mark Baird followed by Don McIntosh.

7 MS. KRISTEN SELLMER: Hello. My name is  
8 Kristen Sellmer, K-R-I-S-T-EN, S-E-L-L-M-E-R.

9 I'm a resident of Etna, California, and I  
10 coordinate the fisheries program for the Salmon River  
11 Restoration Council.

12 Concerning the scope and content of the  
13 environmental information to be included in the new EIR,  
14 I ask the State Water Board to incorporate the Klamath  
15 facilities removal 2012 EIS/EIR analysis as well as new  
16 scientific findings such as those that have emerged in  
17 the wake of our nation's largest in the state of  
18 Washington on the Elwha River, which has been met with  
19 unprecedented success.

20 To know that specifically that the unavoidable  
21 impacts to water quality and aquatic resources due to  
22 dam removal will be short term and that the removal of  
23 the four PacifiCorp dams provides the highest long-term  
24 benefits for salmonid restoration and the water quality  
25 of the Klamath River.

1           The costs of any alternatives besides dam  
2 removal outweighs the benefits as dam removal has been  
3 proven to be an effective way to restore watershed  
4 ecosystems, revive wild and sustainable fisheries and  
5 associated jobs, protect coastlines, and improve water  
6 quality.

7           Therefore, despite the difficult challenges in  
8 changing, it just -- that this project poses, I  
9 sincerely request that the Water Board, with the  
10 advocacy of the best available science, issue water  
11 quality certification for dam removal and to issue it in  
12 time for FERC to approve dam removal by 2020.

13           Thank you.

14           (Applause.)

15           MS. ERIN RAGAZZI: Thank you.

16           So we have Mark.

17           MR. MARK BAIRD: Mark Baird, B-A-I-R-D.

18           I'm from the Scott Valley Protect Our Water and  
19 the Jefferson Declaration Committee.

20           So far, we have spent in excess of a quarter  
21 billion dollars of the taxpayers' money to save the coho  
22 salmon in this watershed. And by the admission of  
23 Mark Stouffer, the head of the Fish and Game and lead  
24 agent for this mess prior to you guys coming this time  
25 with a new plan -- according to him, we haven't saved a

1 damn one of 'em.

2           So I don't know. I'm an airplane pilot and a  
3 rancher but, if I do something that doesn't work for 25  
4 years, the last thing on my mind is to keep doing it for  
5 another 25 and spend another quarter billion or  
6 500 million or 2 billion and hope it turns out different  
7 the next time.

8           And also, in addition to that, Stouffer also  
9 said, "Well, this is just an experiment. We have to try  
10 to see if it works." We've heard that before about  
11 ObamaCare. But he had no idea how long this will poison  
12 the river, 200 million cubic yards of sediment.

13           And you guys are really interested in doing the  
14 right thing, there's an easy way to do it. Just take a  
15 water sample in the Upper Basin and take a sample again  
16 below the last dam and see which one is cleaner. And  
17 that would be the science -- the best emerging science I  
18 think our opponents say to find out whether those dams  
19 clean the river or destroy the river. I think you would  
20 probably be pretty surprised because your agenda is to  
21 take it out.

22           Just remember that article 1, section 10,  
23 clause 3 of the United States Constitution prohibits  
24 states from making agreements with one another without  
25 the consent of Congress. You have no consent from



1 Congress. Which means that if you cooperate in any way,  
2 shape, or form, you personally on the Water Board are  
3 acting outside the scope of your agency and your  
4 training which puts you in jeopardy of being prosecuted  
5 under title 18, section 242 of the United States Code.

6 And also, the civil penalty for acting outside  
7 of the scope of your agency is title 42, section 1983,  
8 and that applies civil penalties for acting under color  
9 of authority to deprive anyone of privileges, rights, or  
10 immunities. And we fully intend to prosecute every  
11 single one of you if you participate in this scam. Dam  
12 removal is nothing more than the biggest environmental  
13 scam of the century.

14 And I keep reminding our people in the water  
15 rights group this has nothing to do with the fish. It  
16 never did. This is about money and power and they want  
17 it. And it's taxpayers' money.

18 Now, finally, I will leave you with this  
19 thought. I was invited to a secret meeting in Yreka. I  
20 remember a couple of other people in the room that were  
21 there. And just raise your hand if you were there. And  
22 you know the meeting that I'm talking about.

23 So Rich, you were there, I think. Is Rich  
24 still here?

25 Anyway, there were a couple of people there and

1 they can testify to what I'm about to tell you. An  
2 emissary of the Yurok tribe was there and he sat on the  
3 stage with somebody from the Klamath Irrigation  
4 District, and he said to us, "We don't care what you  
5 think, we don't care what you want, we don't care what  
6 you do, we're not asking your permission or telling you  
7 what's going to happen. These dams are going to come  
8 out because we want control of the flow of the Klamath  
9 River and we want that money." And I was there and  
10 that's a quote and there were other people there, too.

11 MR. JAVIER KINNEY: Not true. I was there.

12 MR. MARK BAIRD: Well, I heard it and so did  
13 other people.

14 Thank you.

15 MS. ERIN RAGAZZI: Don followed by  
16 Jerry Bac- --

17 UNIDENTIFIED PARTICIPANTS: Bacigalupi.

18 MS. ERIN RAGAZZI: Followed by supervisor  
19 Michael Kobseff.

20 MR. DON MACKINTOSH: I'm Don Mackintosh,  
21 M-A-C-K-I-N-T-O-S-H.

22 I'm a rancher but, before that, I was with PG&E  
23 for 28 years. I retired as a grid operations -- in grid  
24 operations. I controlled the power including, you know,  
25 hydroelectric hydro power.

1           And what I wanted to talk about here is just  
2 to -- the -- to talk about these dams being removed  
3 which is -- there is -- these dams are a business. It's  
4 a beautiful business. It has revenue that is in excess  
5 of \$40 million annual. And the cost of producing that  
6 at 12 percent, plus or minus, which is quite a return on  
7 your pock- -- money. But it is a beautiful thing. It's  
8 the cleanest, cheapest power that there is and the -- I  
9 was -- it's got so many benefits you just couldn't --  
10 the benefits for power, the power system itself.

11           But let's go over the steps that's going to  
12 happen when they take 'em out. First of all, they'll  
13 blow the dams and then that destroys this business that  
14 produces 40 billion -- million dollars. And so then --  
15 and then when you take this out -- these dams out,  
16 you're going to have to replace 'em, the power, and  
17 that's going to be possibly a billion dollars.

18           So then the -- just the cost of removing these,  
19 you know, I've seen a \$2 billion price tag on it. So  
20 then it's -- it's awful. This is what is happening  
21 because I spent my whole life in this business and  
22 there's nothing nicer and does more -- more good things.  
23 Everything can pre- -- can -- it benefits from  
24 hydroelectric power. And so then -- but then the bad  
25 thing about it, when they do take this out, you have

1 nothing and the whole -- the bottom line of it is  
2 complete cost. Everything is cost.

3           So then -- and then on top of that, you have --  
4 you know, the people -- the people are going to end up  
5 paying for this liability, the cost of moving it out  
6 because they -- the way this is set up, the company  
7 that's taking -- wants to take 'em out is a worthless  
8 company that isn't creditable to handle power or doesn't  
9 have the money, doesn't have the experience to deal with  
10 it. And, you know, when I was in the power business,  
11 you know, the FERC was for, you know, power and for  
12 hydroelectric.

13           You are saying I'm done? Well, it's a sad  
14 thing and this should not happen. So -- so -- and then  
15 I'm also a rancher now, but I loved what I did and I was  
16 good at what I did. And then so I just -- this is an  
17 awful thing to take 'em out.

18           (Applause.)

19           MS. ERIN RAGAZZI: Thank you.

20           Are you Jerry?

21           MR. JERRY BACIGALUPI: I'm Jerry Bacigalupi.

22           And I'm a former state employee with Caltrans  
23 and the Department of Conservation and I was a resident  
24 engineer on Interstate 5 for the bridges.

25           And Siskiyou County, to me, was the last

1 frontier in California. So my wife and I, we bought a  
2 ranch up here, and now I'm up here full time. So,  
3 basically, on my input to you, I'll try to highlight  
4 some of the things --

5 MS. ERIN RAGAZZI: A little bit higher.

6 MR. JERRY BACIGALUPI: Okay. Basically, as a  
7 professional engineer, I would like to highlight some of  
8 the things that I would propose if I were responsible  
9 for moving this project forward. And number 1 is,  
10 because of the controversy of the anadromous fish  
11 habitat in the Upper Basin where Salazar claimed that it  
12 would provide an additional 425 miles of anadromous fish  
13 habitat if the dams are removed.

14 This has created a tremendous controversy. And  
15 what I would propose is that we need to do a truck and  
16 haul study. And I would say, without a doubt if I was  
17 involved as an engineer, there would be no doubt that's  
18 what we would do.

19 So Iron Gate Dam is at mile 190. The  
20 headwaters to the Iron Gate Dam which is the headwaters  
21 for Lake Ewauna and the outlet of Link River which is  
22 just below the Upper Bas- -- Upper Klamath Lake is at  
23 mile 254.

24 So what I would -- what I would propose is to  
25 take the fish from Iron Gate Dam, collect them at Iron

1 Gate, dispose of them at the headwaters of the Klamath  
2 River, and I would propose probably, you know, somewhere  
3 between 50 and 100 female salmon with corresponding  
4 males and make a five-year study out of it.

5           And the problem is that Upper Lake and Agency  
6 Lake, they are probably -- they are over 30 miles long  
7 and the fish would have to traverse a shallow lake that  
8 is high in nitrates and high in sulphates, very shallow,  
9 very warm in the summertime, and to be able to traverse  
10 to the upper five rivers that contribute to the upper  
11 lake.

12           And so let me read -- let me read an article  
13 here that is by a former game warden and wildlife  
14 biologist that worked for Department of Fish and Game.  
15 He says, "Regardless of what Native Americans upstream  
16 of Klamath Lake impound believe, I do not think salmon  
17 or steelhead trout would navigate the shallow lake from  
18 its outlet into the Link River or find their way to the  
19 Woods, the Williams, or any other tributary to the north  
20 end of the lake, even if they were trucked there and  
21 released."

22           The whole project is ignorant from the start  
23 and to offer rebuttal to insanity is worthless and  
24 senseless from the start. So this comes from a wildlife  
25 man and I respect -- am I done already?

1 MS. ERIN RAGAZZI: Yes.

2 MR. JERRY BACIGALUPI: Okay. What else I would  
3 like to do is Siskiyou County has several alternatives  
4 in here. Siskiyou County has several alternatives to  
5 dam removal and there's a lot of other evidence.

6 Did you present them at the --

7 MR. RICHARD MARSHALL: Yeah, I gave them one.

8 MR. JERRY BACIGALUPI: Okay. So a few items  
9 above there, it shows the reefs along the river. It  
10 would preclude that salmon from ever getting into Upper  
11 Basin and, basically, I would like to have you guys  
12 review that thoroughly.

13 MS. ERIN RAGAZZI: Thank you.

14 (Applause.)

15 MS. ERIN RAGAZZI: So Joe James followed by  
16 Robert Lindi- -- I think it's an I -- Lindamood.

17 MR. MICHAEL KOBSEFF: Michael Kobseff,  
18 K-O-B-S-E-F-F.

19 I'm the current chairman of the Siskiyou County  
20 Board of Supervisors. And I'll be reading a statement  
21 that was a unanimous statement from the Siskiyou County  
22 Board of Supervisors.

23 The Siskiyou County Board of Supervisors would  
24 like to provide the following oral and written com- --  
25 statement regarding the Water Board's note of public

1 scoping meetings in the preparation for the EIR for the  
2 Lower Klamath Project license surrender.

3 In addition, the Board of Supervisors will be  
4 providing formal written comments by February 1st of  
5 2017 in response to the proposed Notice of Preparation.

6 First, it seems that the public notification of  
7 the original January 10th meeting was very limited, even  
8 within the county in which it's taking place. The Board  
9 of Supervisors was informed of the meeting by an  
10 individual who read it -- read about it on her local  
11 environmental group's Web page in late of December 2016.

12 We did not receive official notice from the  
13 Water Board until January 4th of 2017, although it  
14 appears that the notice was first sent out to certain  
15 people in groups on December 22nd, 2016. This short  
16 notice and limited communication violates, if not the  
17 letter, then certainly the spirit of the law intended to  
18 notify and engage the public and solicit active  
19 participation. Unfortunately, this is not the first  
20 time situations like this have happened.

21 The County of Siskiyou deserves and demands  
22 adequate notice at the earliest possible date of all  
23 future meetings. Siskiyou County is concerned with the  
24 economic and environmental consequences that would  
25 impact the county if the four Lower Klamath River dams



1 were transferred to and removed by the Klamath River  
2 Renewal Corporation.

3 To address a few of these concerns, the county  
4 continues to reiterate that the 20 to 30 million cubic  
5 yards of sediment that has been collected behind the  
6 dams and would be released down the Klamath River after  
7 dam removal has not adequately been evaluated to address  
8 the averse local and environmental impacts.

9 Over the last several years, water has been  
10 released from behind Copco Dam to initiate Klamath River  
11 pulse flows to help improve water quality and fisheries  
12 habitat during the summer months. If the dams were  
13 removed, this water would not be available at a critical  
14 time needed and would have to come from Upper Klamath  
15 Lake storage which would impact agriculture and wildlife  
16 refuge deliveries in the Klamath Basin.

17 Other issues include the potential for  
18 catastrophic flood, either during dam removal activities  
19 or after or -- and property loss values in the areas  
20 surrounding Iron Gate and Copco dams which Siskiyou  
21 County estimates would be several million dollars.

22 As part of the environmental process, it is the  
23 Water Board's responsibility to fully address these  
24 issues, impacts to Siskiyou County, and the impacts to  
25 the Klamath River water quality. In the past when the

1 Klamath Restoration Agreement and the Klamath Hydro  
2 Settlement Agreement were being developed, environmental  
3 documents limited the analysis of the area to a  
4 five-mile stretch of the Klamath River which is  
5 inadequate and, in no way, addresses the total effects  
6 of dam removal.

7           During any environmental process concerning the  
8 Klamath River, the area of analysis needs to consider  
9 the entire river systems surrounding the areas and the  
10 and local communities including Siskiyou County. We  
11 also raised the issue that it would be difficult to do  
12 as the Water Board does not have any jurisdiction beyond  
13 California which raises the question as to the legal  
14 ability this board the Water Board to analyze impacts  
15 for the dams located in Oregon and waters originating in  
16 Oregon.

17           Nevertheless, any deviation from full analysis  
18 would be in violation of Title 14, Chapter 3 of the  
19 California Code of Regulations, Guidelines for  
20 Implementation of the California Environmental Quality  
21 Act. In relation to this, the Water Board's documents  
22 outlining the process for the water quality permit  
23 certification seem to assume that dam removal is -- is a  
24 determined outcome, which would make the environmental  
25 document predecisional and would, again, violate Code of

1 Regulations.

2           We were requesting that you not make this --  
3 almost there -- assumption and that you meet the needs  
4 of all impacted environmental and natural resources and  
5 give due diligence to the people, livelihood, and  
6 economy of Siskiyou County.

7           To reiterate, it is Siskiyou County's  
8 expectation that there would be a fair and complete  
9 analysis of all environmental consequences of the  
10 proposed section 401 certification for the entire  
11 impacted Klamath River system. Only if the Water Board  
12 thoroughly and transparently identifies, analyzes, and  
13 determines whether possible mitigation measures are  
14 feasible and would render identified impacts less than  
15 significant and we would submit that this is not  
16 possible, can the Water Board approve the requested 401  
17 Water Certification.

18           The California, oh, Environmental Quality Act  
19 and interpreting case law makes clear that proceeding  
20 without meeting these requirements would be an improper  
21 abuse of the Water Board's discretion in acting on this  
22 proposed project.

23           Thank you for the opportunity to make this  
24 statement. And we'll follow up with more comments.

25           Thank you.

1 (Applause.)

2 MS. ERIN RAGAZZI: Joe James, Robert Lindemann,  
3 Craig Tucker, and Konrad Fisher.

4 MR. JOE JAMES: I agree now. Joe James, J-O-E,  
5 J-A-M-E-S.

6 I'm a Yurok tribal member. I'm also a Yurok  
7 tribal elected official to the Yurok tribe. The Yurok  
8 tribe is the largest populated tribe in the State of  
9 California.

10 Since time immemorial, the Yurok tribe, and its  
11 indigenous people have been stewards of the land. I'm a  
12 resident -- full time resident of the Indian country.  
13 The Yurok Tribe fully supports the removal of the  
14 Klamath River dams and it's associate -- facility  
15 structures. We encourage the environmental process to  
16 show, as it did in the 2012 EIS, that ben- -- that the  
17 impacts of dam removal due to social, cultural, and  
18 illogical [phonetic] amount of features were the  
19 strongest and most lasting with the full removal of the  
20 dams.

21 Also encourage the State Water Control Board  
22 Certificate Program purchase -- the board to issue the  
23 certificate for dam removal by 2019 so the dams can be  
24 fully removed.

25 Also, in closing, we understand the issues. We

1 agree to disagree. But for us as a people -- as people,  
2 as river people -- as people that utilize the river  
3 since time for a number of things for our cultural,  
4 economic, our social, the river is a vital and key  
5 component of the river for the Yurok tribe.

6 And in closing, not only do we urge the removal  
7 of the dams, but we also consider utilizing the Yurok  
8 tribe labor force to remove -- when the dams do come  
9 down to remove -- to utilize our labor force and  
10 resources as the dams come down.

11 Thank you.

12 (Applause.)

13 MS. ERIN RAGAZZI: Robert followed by Craig by  
14 followed by Konrad.

15 Can you please spell your name for --

16 MR. ROBERT LINDAMOOD: Robert, you know how  
17 spell that, L-I-N-D-A-M-O-O-D, not Lindawood.

18 Hi, my name is Bob Lindamood. And thank you  
19 for coming today finally.

20 First thing I want to go ahead and say is thank  
21 you -- Richard? You still here? Richard Wallace --  
22 Marshall. I'm sorry. And also Erin, my good friend  
23 from the Congressman's office, thank you for what you  
24 said. I want to amplify these people and what they  
25 said. I'd definitely say, there is no way in hell they

1 want that dam tore down.

2 Now, let me ask you a question -- actually, let  
3 me not ask you question, just make a statement about  
4 that. We're talking about quality. There's one thing  
5 about quality that we have. There's also consumer  
6 impact. Now, consumer impact, we're talking about water  
7 quality. And also how many fees we're paying to the  
8 power company already to tear the dams down. Why are we  
9 paying that? I don't know. When I first came here, I  
10 said, "Why are you all paying that?" Nobody knew.

11 But here's your job as far as quality -- water  
12 quality goes is for recreation. And, yes, I ran up here  
13 from Sacramento to make that statement. Recreation also  
14 includes the peaceful enjoyment of your property in the  
15 area.

16 Now, if you would like to go fishing for  
17 salmon, what happens when the dam's tore down? Let me  
18 explain that part for you. I've done a lengthy study  
19 myself. In 2009, salinity was higher further upriver we  
20 went, lower as we went down past each dam. Now, what  
21 does that tell us? You tear the dams down, you're going  
22 to kill all the damn salmon, and there won't be no  
23 fishing for nobody.

24 Thank you.

25 (Applause.)

1 MS. ERIN RAGAZZI: Craig Tucker.

2 MR. CRAIG TUCKER: My name is Craig Tucker.

3 I'm the natural resources policy advocate for the Karuk  
4 tribe.

5 I just bought a t-shirt. I wish I'd worn it.  
6 It says, "science doesn't care what you think." And I  
7 say that because there's been a lot of anecdotal stories  
8 and a lot of vague references to science. But what I'm  
9 asking you guys to do is look at the technical record  
10 that's been built.

11 This is probably the most studied dam project  
12 in the world. Over 3,000 pages of technical reports  
13 went into the 2012 EIS/EIR. The United States went  
14 through the exceptional step of putting all of that data  
15 through three levels of peer review -- did the peer  
16 review by a committee with the National Academy of  
17 Sciences.

18 The National Academy of Sciences is the most  
19 prestigious scientific organization in America. It's  
20 America's best scientists. They concluded that removing  
21 the dams was safe. They concluded that removing the  
22 dams was the best way to address water quality concerns,  
23 and that removing the dams is the best way to restore  
24 fish in the Klamath Basin.

25 It is really bizarre to me to come to Siskiyou

1 County and hear people want to force a private company  
2 to maintain an asset that it loses them money. So  
3 Pacificorp, for their part, have a legal obligation to  
4 pursue this relicensing process in a way that leaves the  
5 cheapest possible power rates to their customers.

6 The Public Utility Commission of Oregon and  
7 California agree the PacifiCorp that removing these dams  
8 through this agreement achieves the lowest possible  
9 power rate for their customers.

10 (Audience overtalk.)

11 MR. CRAIG TUCKER: That's not my opinion.  
12 That's not my opinion.

13 Hey, you know what, you guys bully people that  
14 you don't agree with off a stage, but not you're not  
15 going to bully me off the stage. All right.

16 So this is not my opinion. This is what these  
17 regulatory agencies have decided. So I urge you guys to  
18 look at the existing public record, the existing record  
19 for the 2012 EIR/EIS in the decision by the Public  
20 Utility Commissions.

21 The Karuk tribe strongly supports the 401  
22 permit to decommission these dams as soon as possible.

23 Thanks.

24 (Applause.)

25 MS. ERIN RAGAZZI: Thank you.



1           Konrad Fisher followed by John Foster followed  
2 by Sarah Rockwell.

3           MR. KONRAD FISHER: Thank you. My name is  
4 Konrad.

5           I live on the Klamath River in southwest  
6 Siskiyou County. My family has been here for four  
7 generations. And so it's always interesting to come  
8 upriver and meet my fellow Siskiyou County residents.  
9 My grandparents came, in part, to log and, in part, to  
10 build a pipe to takes water out of the Klamath Basin and  
11 sell it to Central Valley, California.

12           But it's interesting to hear from people who  
13 live in Scott and Shasta Valley about their opinions  
14 about dam removal. Many of you do not live on the  
15 Klamath River so that's interesting but just the  
16 sheer -- it's hard to know where these facts come from.  
17 And it's critical to base opinions on actual facts  
18 rather than alternative facts.

19           And I think the irony of all of this is that we  
20 all kind of want the same thing. I assume you all  
21 believe in private property rights. I assume you all  
22 want clean water and economic recovery and more salmon  
23 and health for your kids. So we all want the same  
24 things. We just don't really agree on how to get there.  
25 And I'm not sure we ever will agree so the question is

1 what to do about that.

2 For three summers in a row, I had to tell my  
3 niece and nephew, "you can't come to the Klamath." We  
4 set a date. "You can't come because the river is too  
5 toxic green." The preponderance of scientific evidence  
6 suggests that we can fix that according to the plan  
7 that's being presented here.

8 So really -- we're not going to agree on -- we  
9 can agree on what we want. We're never going to agree  
10 on facts, so I urge the state agencies to continue doing  
11 what you did in the past. Good job analyzing all of the  
12 evidence. In 2012, you reached the correct conclusion.

13 So the only new evidence that has come out  
14 since the last EIR further supports your conclusion. So  
15 I urge you to issue a water quality certification for  
16 dam removal in time to remove them by 2020.

17 Thanks.

18 (Applause.)

19 MS. ERIN RAGAZZI: John Foster, Sarah Rockwell,  
20 Betty Hall.

21 MR. JOHN FOSTER: Hello. John Foster, J-O-H-N,  
22 F-O-S-T-E-R.

23 MS. ERIN RAGAZZI: A little closer, sir.

24 MR. JOHN FOSTER: My family has been on Bogus  
25 Creek which is the last live stream below Iron Gate Dam

1 for since -- I think it was 1869 or something like that.  
2 As a kid, I remember lots of salmon. And it seems like  
3 the more we've done to improve the habitat, the less  
4 salmon. The more things done to make things better, the  
5 less salmon.

6 And I know the Klamath River is what they  
7 consider a back-ridge river. It starts out warm and  
8 gets colder as it goes down. So where you take out the  
9 dams, deep water makes colder water, so salmon like cold  
10 water, so the dams are improving the salmon habitat in  
11 my opinion.

12 And I still haven't heard anything what -- all  
13 that I know if we put in -- we used to put in flashboard  
14 dams. We're getting rid of them and now doing other  
15 things. But those dams would only be in for a summer  
16 and we had to wait until there was some good rains  
17 before we pulled 'em because there was so much sediment  
18 just after a summer that you killed the stream, you  
19 know, for it to flush on through.

20 So how many years of high water is it going to  
21 take to flush all that sediment behind them dams? I  
22 don't even venture to guess. And just going to lock up  
23 the gravel and spawning beds and definitely not good for  
24 the salmon.

25 (Applause.)

1 MS. ERIN RAGAZZI: Thank you.

2 Sarah Rockwell. Sarah. Is Sarah here?

3 Here, I'll move it to the back. Betty Hall  
4 followed by Roy Hall followed by Mike Mallory.

5 Here you go, ma'am.

6 MS. BETTY HALL: Just a minute. How am I going  
7 to do this and do that, too?

8 MS. ERIN RAGAZZI: I can hold it for you.

9 MS. BETTY HALL: Okay. I am Betty Hall. I am  
10 a liaison for the Shasta Nation.

11 And if these dams come out, they will flush out  
12 our village sites, sacred sites, burial grounds,  
13 hundreds of 'em from John Boyle clear on down, clear  
14 down to Clear Creek on the Klamath River. That's all  
15 Shasta Nation aboriginal homelands.

16 Ancestors -- my ancestors bones will be  
17 floating down the river. Would you like to see yours  
18 doing that? You know, it's hard to think about.

19 And I have a statement here. A document that  
20 was written by State of California Resource Agency  
21 Department of Parks and Recreation continuance sheet.  
22 There are 41 cairns listed here. Resource name, Shasta  
23 Civil War cairns.

24 We have Shasta Indians that were Civil War  
25 veterans buried on the Klamath River. They must be

1 protected by NEPA, CEQA, whatever. And if these come  
2 out, they're going to be gone. That's criminal. That's  
3 a crime.

4 Now, I have a letter here I'm going to read  
5 from the Native American Heritage Commission. I think  
6 it says a lot. It's written to the Shasta Nation. It  
7 says, on December 28th, 2016:

8 "Dear tribal leaders, on behalf of  
9 the commissioners and staff of the  
10 Native American Heritage Commission,  
11 I would like to thank you for support  
12 in celebrating the 40th anniversary  
13 of the NAHC. The celebrating  
14 culminated with the 40th anniversary  
15 date on October 21st, 2016.

16 The gala was an overwhelming  
17 success and we continue to receive  
18 very positive feedback for those who  
19 were in attendance. Since its  
20 inception in 1976, the NAHC has been  
21 charged with protecting Native  
22 American religious and sacred sites,  
23 assisting Native Americans in  
24 obtaining access to religious and in  
25 sites on public lands and bringing

1           legal action to prevent severe or  
2           irreparable damage to sacred sites or  
3           the ceremonial places as they have  
4           served as a momentous forum to  
5           celebrate all that has been  
6           accomplished over the last 40 years,  
7           an offer to look forward to the  
8           future, challenges and opportunities  
9           to protect California tribal cultural  
10          resources.

11                        Most importantly, the gala  
12           served as an opportunity for the NAHC  
13           to show its appreciation to you and  
14           your tribal community and leaders for  
15           your unwavering commitment to culture  
16           resource protection.

17                        To show our appreciation,  
18           please find the following items  
19           enclosed with a letter and  
20           certificate honoring your tribal  
21           commitment to the protection of  
22           California's tribal culture  
23           resources.

24                        Signed by myself and NAHC  
25           Chairman James Raymond and a flash

1 drive containing all of the  
2 photographs and videos taken of the  
3 gala, including a short highlight  
4 video and digital copies of the  
5 printed materials distributed at the  
6 gala.

7 I would also like to take  
8 this opportunity to thank you for  
9 your continued support, and I look  
10 forward to working with you in the  
11 future.

12 Signed by Cynthia Gomez.  
13 Cynthia, Executive Secretary, Native  
14 American Heritage Commission."

15 I think that's powerful. I think that says a  
16 lot coming from our state official. And in this right  
17 here is all the cairns -- pictures of the Civil War  
18 cairns. Think about it. You have to save them.

19 MS. ERIN RAGAZZI: Are you leaving that with  
20 us?

21 MS. BETTY HALL: No. I'll send it to you.

22 MS. ERIN RAGAZZI: Thank you.

23 (Applause.)

24 MS. ERIN RAGAZZI: Roy Hall followed by  
25 Mike Mallory followed by Chrissie Reynolds.

1 MR. ROY HALL: I am Roy Hall, H-A-L-L.

2 I'm the Chief of the Shasta Nation. That's the  
3 local tribe right here.

4 The coho salmon is a tool for dam removal.  
5 There are natural blockages on the -- there are numerous  
6 natural blockages on the Klamath River from Iron Gate on  
7 up which the fish have never passed. We have  
8 documentation that the Shastas gave the Klamath tribe  
9 periodic permission to come down and gather salmon on  
10 the Shasta River. The fish never went up here. No one  
11 listens to this.

12 We have the documentation. If you want to see  
13 it, we've got it.

14 And what really bothers me about this -- this  
15 new deal -- this new corporation, the State of  
16 California and Oregon signing a bilateral contract.  
17 They're trying to say they didn't by creating this new  
18 corporation, but this is illegal and you are partly  
19 responsible.

20 And -- and this dam removal, what bothers me  
21 the most is Endangered Species Act. Species that are  
22 native and non native will be introduced upon our land  
23 and will be managed thereof. So there goes all our  
24 property rights.

25 We have nothing. We will be totally



1 controlled. They can introduce anything they want  
2 anywhere they want. And they've already proved that by  
3 introducing the Canadian gray wolf. It's here now.

4 And they are limiting our private property  
5 rights. And this is a violation of the Constitution.  
6 And I want you folks to know that you will be in court  
7 if this proceeds.

8 Thank you.

9 (Applause.)

10 MR. MIKE MALLORY: Good evening. My name is  
11 Mike Mallory. I'm the Siskiyou County Assessor  
12 Recorder. That's Mike, M-I-K-E, M-A-L-L-O-R-Y.

13 I've been involved in the valuation process of  
14 the -- to determine negative value impacts of dam  
15 removal for probably a dozen years now. I have a  
16 statement, a couple of concerns that I have -- three, in  
17 fact -- and some requests upon the Water Board to  
18 address those concerns.

19 Valuation studies to date at the federal level  
20 have been woefully inadequate, as the Department of  
21 Interior has carefully crafted the scope of work to  
22 arrive at a predetermined outcome of minimal value  
23 impact in the event of dam removal.

24 The figures so far are -- in the update, and I  
25 believe it was 2012 was 2 to \$2-and-a-half million in

1 value lost to the properties around Copco and Iron Gate.  
2 And that is just totally ludicrous. That's just such a  
3 low number that it's hard to fathom that somebody could  
4 put that down on paper.

5 Appraisals to date have been based on the  
6 hypothetical assumption that the land underlying the  
7 lakes has been restored to its native condition with  
8 full accesses to a free-flowing river. It also excludes  
9 structural and site improvements from the process, so  
10 none of that value has been included. That's the  
11 largest portion of a property's value.

12 And an estimate of nearly 1500 impacted parcels  
13 has been grossly underestimated at just 700 impacted  
14 parcels, so less than half of what were originally  
15 targeted were analyzed.

16 For you, as the Water Board, I make this  
17 request that you completely disregard any valuation  
18 study relating to Klamath dam removal as commissioned by  
19 the Department of Interior, provide an objective  
20 analysis of the loss in property values and tax revenues  
21 to all impacted parcels in the event of dam removal,  
22 with consideration of mud flats and denuded landscape  
23 which will remain for years after dam removal.

24 My second observation is the Klamath River dams  
25 were not constructed specifically for flood control.

1 They are utilized to temper flood -- river flows to  
2 reduce flooding. Moreover, there's a perception that  
3 they provide flood control, and perception is reality in  
4 real estate valuation.

5 I ask that you analyze the impacts to the  
6 property values and tax revenues along the Klamath River  
7 below Iron Gate dam due to real and/or perceived loss of  
8 flood control in the event of dam removal. In addition,  
9 silt deposition may change the river course and lead to  
10 more severe flooding, which also must be considered in  
11 this analysis.

12 And, lastly, valuation of PacifiCorp's assets  
13 for property tax purposes are accomplished by the State  
14 Board of Equalization in Sacramento. And they insist on  
15 the State Board role also known as a unitary role.  
16 These values are transmitted to the county annually and  
17 are collected locally by the Siskiyou County tax  
18 collector.

19 These PacifiCorp's values currently are at  
20 162 million in the county and the -- but the underlying  
21 classification by property type are not available even  
22 to the county assessor in the county.

23 At one time, we learned from Pacificorp  
24 representatives that hydroelectric assets represented  
25 about 20 percent of the total assessment which would --

1 so removal of these assets would be reducing the tax  
2 roll by about 32.5 million. That's \$370,000 per year.  
3 That will be a big impact to the County of Siskiyou as  
4 well as the Hornbrook School District, which is a basic  
5 aid district, one of only of its type in the  
6 North State.

7 So I ask you to analyze the impacts to property  
8 values and tax revenues caused by removal of the  
9 hydroelectric facilities from the assessment roll. And  
10 I have a written statement.

11 (Applause.)

12 MS. ERIN RAGAZZI: Thank you.

13 So Chrissie.

14 MS. CHRISSIE REYNOLDS: Will you hold that for  
15 me?

16 MS. ERIN RAGAZZI: Yeah. And Ray --

17 MS. CHRISSIE REYNOLDS: Haupt, H-A-U-P-T.

18 MS. ERIN RAGAZZI: Haupt and then  
19 Thomas Joseph.

20 MS. CHRISSIE REYNOLDS: First -- first of all,  
21 a couple comments. The Elwha that was referenced, it's  
22 only 45 miles from the river to where the dam was, so  
23 you cannot compare what happened on that system to this  
24 system.

25 Second of all, it's never been mentioned in any

1 of those documents from the DOI on the EIR before about  
2 the roads. There's only one road going into the Copco  
3 and out. And Linda Ebert who spoke, her house is the  
4 last place that's paved. Beyond that, it's unpaved.

5 So as a daughter that has a kid that goes on  
6 the school bus with one way in and one way out, and I'm  
7 thinking of machinery and equipment for dam removal and  
8 the destruction of that road and people walking on that  
9 road and livestock and deer and my dog on that road,  
10 that's, you know -- that needs to be taken into  
11 consideration. Very small road, one way in, one way out  
12 for a project of this size, and it's never been  
13 mentioned in any EIR. I don't know. That needs to be  
14 looked at.

15 My name is Chrissie Reynolds, C-H-R-I-S-S-E,  
16 Reynolds, R-E-Y-N-O-L-D-S.

17 "Never be afraid to do what's right, especially  
18 if the well-being of a person or an animal is at stake.  
19 Society's punishments are small compared to the wounds  
20 we inflict on our soul when we look the other way,"  
21 Martin Luther King.

22 I live at Copco Lake. I'm a resident of  
23 Siskiyou County and I'm a mom.

24 First of all, I'm outraged that the first I  
25 heard about this public meeting that was supposed to

1 happen before was from a Facebook post from a part-time  
2 resident and not from any official, either from your  
3 organization or even my own elected government  
4 representative. I now understand that the latter is due  
5 to late notice from you.

6 I'm a property owner and a stakeholder of what  
7 happens at Copco Lake. I received no notice of your  
8 intent to provide me the opportunity to speak. And  
9 apparently you received a letter from our Board of  
10 Supervisors also voicing their anger and displeasure at  
11 the lack of consistent notice with regards to some  
12 people in favor of dam removal being informed early and  
13 some people not in favor of dam removal being informed  
14 without much notice.

15 I agree almost wholeheartedly with the letter  
16 our Board wrote in response to you, except that in  
17 regards to their statement on transparency. I feel it's  
18 truly transparent that the residents of Siskiyou County  
19 are again being purposefully misled and that our due  
20 process is, again, being diverted by government agencies  
21 that are supposed to be looking out for the welfare of  
22 their citizenry. But, instead, these citizens are  
23 having to speak up and out against the agencies with  
24 which their responsibilities are about furthering  
25 policies that are not in the public interest but in

1 maintaining policies that benefit a certain agenda and  
2 not on the welfare of the people or the fish.

3           It's absolutely absurd to me that when  
4 80 percent of the residents of Siskiyou County have  
5 voted no on dam removal and spoken and written and  
6 commented for over a decade now against dam removal, the  
7 false and misleading science of the last environmental  
8 impact study that was done which resulted in the firing  
9 of Dr. Paul Houser who was the scientific integrity  
10 officer and began a whistle-blower case that ended up  
11 being settled out of court due the lack of continued  
12 coordination with the Copco Lake Fire Board and those  
13 meetings being satisfactory to disregard our board of  
14 supervisors and their expressed feelings and needs that  
15 we are undergoing this process again under these  
16 conditions is simply unacceptable.

17           We the people are being denied due process by  
18 having our state governors decide on their own that they  
19 want the dams out. They set up a nonprofit entity with  
20 no accountability to anybody and the state agencies now  
21 have an agenda to follow regardless of what laws, either  
22 legally, morally, or ethically with which they violate.

23           In Siskiyou County's history, there are harsh  
24 reminders of what governmental policies were with  
25 regards to the indigenous people who were here before

1 our government was. They gathered the leaders of the  
2 Shasta people who, in 2017, are still not a  
3 federally-recognized tribe and, under the pretext of the  
4 feast were given tainted food and blankets with smallpox  
5 in a genocidal attempt. It simply boggles the mind that  
6 these people are still not recognized with the proper  
7 respect with the sovereignty they inherently deserve.

8 I, myself, am Japanese American. With parents  
9 and grandparents that were stripped of their  
10 constitutional rights and had their homes, business, and  
11 belongings taken from them while they were sent to,  
12 first, horse stables and then shipped out of state to be  
13 held in concentration camps the tar paper shacks in a  
14 barren desert landscape simply because that was the  
15 policy at the time.

16 Now, it seems we are in times just as dark and  
17 incomprehensible because that's how we are being  
18 treated. Our rights are being ignored, denied, and  
19 completely disrespected. The current agenda will be to  
20 lock us up and out from the lands which we hold  
21 ownership through our property rights and for which we  
22 pay taxes.

23 But no matter if we lose property values, no  
24 matter that we don't want dam removal, no matter that we  
25 are being extorted by having to pay for dam removal on



1 our power bills, some of us with properties in both  
2 Oregon and California so they have to pay for it twice  
3 and still lose their property value, it just all doesn't  
4 seem to matter to these agencies that are simply doing  
5 their job.

6           You know, people who do their jobs without  
7 thinking of the people or the lives that they are  
8 impacting really ought to know what it feels like to be  
9 robbed of the freedoms and their constitutional rights.  
10 They should lose their jobs if they're guilty of being  
11 complicit while these agendas are being carried out  
12 against the will and the rights of the American people  
13 who have an inherent and inalienable right to live where  
14 they want to live, in manners that they have self  
15 determined, bring about their right to life and the  
16 pursuit of happiness. And no government agency should  
17 be allowed to use policy to carry out eco terrorism  
18 against its own people.

19           The people have spoken. They said "no." You  
20 are not listening, and you are using our tax money  
21 against us and furthering to cause pain and suffering to  
22 people with this constant nonsense. We want our tribal  
23 people given the respect and the recognition they  
24 deserve. We want our lakes and our reservoirs to  
25 continue to provide clean, green, renewable energy to

1 over 70,000 homes. We want to be able to hunt, fish,  
2 and recreate in these areas.

3 We want to be able to keep these waters  
4 available for fire suppression. I was evacuated. I  
5 know how important these waters are. They've been  
6 dipped out of every year since I lived here.

7 MS. ERIN RAGAZZI: You need to wrap it up or  
8 you can come back up, that's fine.

9 MS. CHRISSIE REYNOLDS: We want an end to the  
10 geoengineering of our weather and our food and causing  
11 increased loss of life. We want our property values  
12 back to where they were before you started posting the  
13 blue-green algae scare, which is what the perceptual  
14 value was that started the deadline in our property  
15 values. This was even before dam removal.

16 I would hope that you will see what is so  
17 transparent for all of us. We will not give up our  
18 land, our water, or our rights and we will hold  
19 accountable those who will lie, cheat, deceive, and  
20 disregard us.

21 (Applause.)

22 MS. ERIN RAGAZZI: So Ray followed by  
23 Thomas Joseph followed by Daniel F. Simon followed by  
24 Margo Robbins followed by Sarah Rockwell if you're here.

25 MR. RAY HAUPT: Thank you. Almost thought you

1 forgot me back there. It's been a long evening.

2 My name is Ray Haupt, H-A-U-P-T. I'm the  
3 Siskiyou County Supervisor, Vice Chair of the Chair --  
4 the Board and represent District 5, the bulk of the  
5 Klamath River.

6 You know, I -- we've listened to a lot in the  
7 room. And some things come to mind, certainly, that I  
8 could bring forward. I'm not going to dwell on the  
9 science, because they've been studied in great detail  
10 for over ten years. And I am trained in those areas to  
11 be able to look at it.

12 The question I would have as a former  
13 decisionmaker in the Federal Government is, why weren't  
14 mitigation measures looked at for dam removal?

15 You know, you've heard the controversy with all  
16 the sediment being flushed down the river. Why wasn't  
17 dredging an option prior to dam removal? It certainly  
18 fits the Clean Water Act. It certainly fits a better  
19 fit for the river. I suspect probably because it didn't  
20 fit the benefit-to-cost ratio and the economic analysis  
21 which I'm not allowed to see.

22 So I'm going to focus on a couple of procedural  
23 things in CEQA and NEPA. And those -- those come to  
24 mind to me as well as some of the jurisdictional  
25 comments I might have.

1           The action of the board, I think, is premature  
2 because of attempts to sidestep federal processes and  
3 use former processes that were not vetted by public  
4 review and appeal process or legal scrutiny through the  
5 courts.

6           In your previous meeting when you were here,  
7 someone made the statement that the intent was to use  
8 the environmental assessments from the 2012 Klamath dam  
9 EIS. The document really has no legal standing, as it  
10 is mentioned, and it prevents tiering under federal  
11 statutes or agreements outlined in the Council on  
12 Environmental Quality document.

13           I'm going to need a podium here.

14           The document I refer to is a federal document  
15 that says "integrating federal and state environmental  
16 reviews dated February 2014."

17           Legal sufficiency for NEPA analysis is defined  
18 in law. CEQ decisions may not tier to a NEPA decision  
19 when the EIS has not concluded in the record of  
20 decisions. CFR title 40, section 1506.1 subpart A --

21           THE COURT REPORTER: Slow down a little,  
22 please.

23           MR. RAY HAUPT: Pardon?

24           THE COURT REPORTER: Slow down a little,  
25 please. I'm getting a little tired.

1           MR. RAY HAUPT: I'm trying to speed up so these  
2 folks can go get some dinner.

3           THE COURT REPORTER: That's not working.

4           MR. RAY HAUPT: Those actions are outlined in  
5 that subpart that places some limitations on actions  
6 during the NEPA process.

7           This recent -- as recent as November 2016, the  
8 Federal Energy Regulatory Commission formally stated  
9 that they postponed the analysis of the license transfer  
10 until mid March 2017. And that's -- at least what they  
11 conveyed to our county. This, in part, due to  
12 incomplete application appendices from which to properly  
13 analyze the action before the commission.

14           What action is the board undertaking right now  
15 when the action is not clearly accepted or identified?

16           Using the former EIS documents for Klamath dam  
17 removal does not meet the thorough and hard look for  
18 effects found in NEPA and CEQA statutes. Those previous  
19 documents had, as a premise, a federally funded  
20 mitigation list found in the expired KBRA/KHSA  
21 agreements. Those no longer exist. Those mitigation  
22 measures are now -- are now not part of the analysis  
23 that you're predicating this decision on.

24           Am I getting --

25           MS. ERIN RAGAZZI: (Indicating.)

1           MR. RAY HAUPT: Those mitigations were part of  
2 this analysis and they helped reduce the effect designed  
3 to lessen impacts on fisheries, the public and water  
4 quality on the Klamath River. The ESA determinations  
5 environmental conclusions in those documents are now  
6 referred to as "stale" and must be rejected and analysis  
7 reinitiated as both NEPA and ESA require them when there  
8 is a significant change in this proposal.

9           The former analysis is -- was incomplete. In  
10 the ten years of analysis that took place, every one of  
11 them eliminated the flows of the Trinity River as the  
12 analysis was narrowed to five miles below the Iron Gate  
13 Dam. So any analysis must include the entire river  
14 under federal and state statute prior to any clean water  
15 certification the state may undertake.

16           Judicial comments I have: Does the state  
17 agency have the jurisdiction to analyze and make a Clean  
18 Water Act determination regarding the transfer of four  
19 dams when one of them is in Oregon? There's no  
20 authority for the State of California to make  
21 determinations outside its sovereign borders, nor do its  
22 laws extend beyond them. One of the dams, like I said,  
23 is in Oregon and it affects both the Lower Klamath and  
24 flows on the Trinity.

25           I'm going to speed this up a little bit.

1           In the Supreme Court decision *Ramos versus*  
2 *United States and Carabell versus the U.S.* clarify the  
3 authority and jurisdiction of the Clean Water Act for  
4 navigable waters and is to be under the Army Corps of  
5 Engineers and the Federal EPA, and it directs them to  
6 exert their regulatory authority over them. This  
7 jurisdiction is further clarified in the Civiletti  
8 Memorandum at 43 Opinion Attorney General 197, 1979. So  
9 that memorandum between the United States and the State  
10 of California defines when the state may make clean  
11 water certifications.

12           There are a number of things that are reserved  
13 to the EPA. Those are discharges to territorial seas,  
14 discharges which may affect the water quality of another  
15 state, and discharges from any other source which  
16 exceeds a daily average discharge of a 100 [sic] million  
17 gallons.

18           In summary, I think we all want a process but  
19 we want a fair process. We want one that looks at  
20 both -- all of the lawsuits that govern this process as  
21 well as the best available science to make this  
22 decision.

23           Thank you.

24           (Applause.)

25           MS. ERIN RAGAZZI: Thomas Joseph.

1 MR. THOMAS JOSEPH: Thank you. My name is  
2 Thomas Joseph, T-H-O-M-A-S, J-O-S-E-P-H.

3 I can feel the frustration and anger if it be  
4 for foreigners coming into our land and dictating what  
5 you're going to do or what is best for your land. And I  
6 think that's the sediment that a lot of these people in  
7 here may feel and they're worried about what may happen.  
8 That happened to us quite a long time ago when they said  
9 they were going to come in here and the build these  
10 dams. "We don't care what you're going to do or what  
11 you're going to say. We're going to build them  
12 anyways."

13 Listening to the people speak, they go back as  
14 far as, I think, an elderly gentleman here said 1850 was  
15 as far back as his people went. That's about the same  
16 amount of time here on this land as you guys being here  
17 for an hour in Northern California to these people that  
18 have been here for may be a few generations.

19 It doesn't take too much science to realize  
20 that these dams cause grave harm for the water quality  
21 and everybody downstream, affecting everybody upstream  
22 as well. And you can hear all the alternative facts or  
23 lies that these people have said that try to prove it  
24 wrong but, as we know, alternative facts are lies.

25 The facts state that when these dams come out,



1 the water quality will get better. As evidence of that  
2 happens, in Washington, the removal of that dam and the  
3 sediment that came down actually created large amounts  
4 of space at the mouth of that river for additional  
5 animals to live in and to prosper.

6           There's no way that these farms clean the water  
7 as you heard tonight. That's -- it's just -- that's  
8 another alternative fact. The fact is the sediment and  
9 the junk they put into the farm and foods that goes into  
10 the river pollutes the river. And then we know that  
11 when these dams are removed, the water quality will  
12 greatly repair itself as it has throughout the rest of  
13 the nation.

14           I don't really know what else to say besides  
15 these dams need to come down. And I know that it's not  
16 your guy's fault that they're coming down. They point  
17 the finger to you guys. We know it's the company that  
18 says, "Hey, we don't want to build these fish ladders.  
19 It's cheaper for us to take 'em down. How can we take  
20 'em down?"

21           Over 50 years ago, the United States people,  
22 its citizens agreed to have an Environmental Protection  
23 Agency with EPA regulations protecting its natural  
24 waters and natural rivers. But because of the privilege  
25 that these people receive in this area that that was not

1 abided by for over 50 years on the Klamath River.

2           Because of the privilege and the ancestors of  
3 the people in this room, the water quality on the Lower  
4 Klamath Basin was never fixed and that those families  
5 and that those communities downstream had to continue to  
6 suffer because of those dams. And the privilege that  
7 the people here didn't want to comply with national  
8 guidelines and national standards of water quality.

9           I'm asking you, let's follow federal law.  
10 Let's follow rural law. Let's protect our natural  
11 streams and rivers. Let's protect our water quality.

12           I know you're here to take the mic, but I just  
13 figured that you guys had open mic for like -- someone  
14 took five -- well, someone took, like, ten minutes.

15           (Overtalk by audience.)

16           MR. THOMAS JOSEPH: What's that?

17           Okay. Thank you.

18           MS. ERIN RAGAZZI: Thank you.

19           So now we have Daniel F. Simon and  
20 Margo Robbins, and Sarah Rockwell. If there's any other  
21 additional folks that want to provide comments tonight,  
22 if you could fill out a comment card.

23           Kristen will grab it from you right there, sir.

24           MR. DANIEL SIMON: Hello, Board. I'm  
25 Daniel Simon, D-A-N-I-E L, Simon, S-I-M-O-N.

1 I'm a licensed professional civil engineer. I  
2 hold a master's degree in civil engineering focusing on  
3 environmental engineering.

4 I did want to communicate that I speak for the  
5 assurance of aquatic life in the Klamath River  
6 downstream of the dam removal. I wish for assurance as  
7 with the public as with the Karuk and Shasta and Yurok  
8 tribes here today. The assurance I seek is that  
9 sediment and arsenic -- arsenic-laden sediment will not  
10 kill aquatic life when the dams are removed. Has  
11 arsenic been thoroughly studied in the sediment?

12 Years ago, the Fall Creek Fish Hatchery  
13 suffered repeat kill-offs of hatchery fish after heavy  
14 rains. This was reported in another meeting years ago  
15 by Christopher Lyles, the former mayor of Etna. And the  
16 investigation yielded surface soils containing  
17 arsenic-laden soils.

18 And so during the heavy rains, the  
19 arsenic-laden soils, by erosion, went into the  
20 Fall Creek Hatchery killing the fish repeatedly. Years  
21 ago, I informed you folks of this. And I'm just kind of  
22 curious if this has been fully addressed.

23 Let's look at some numbers here. Okay. Twenty  
24 the 30 million yards of sediment -- of course,  
25 obviously, that's not all impacted at toxic levels. But

1 if you happen to find, say, a half a million yards, it's  
2 200 bucks a yard to remove. It is a very expensive  
3 project, about a billion dollars, give or take. It's a  
4 lot cheaper just to flush it down the river.

5 So here's the question, had the various EIS  
6 considered this historical occurrence, what happened at  
7 Fall Creek? Have appropriate tests for arsenic-laden  
8 soil been performed and in specific locations? Are the  
9 dams presently holding sediment containing arsenic?

10 If this is released when the dams are removed,  
11 there is a great potential of another fish kill down the  
12 Klamath River, not just coho salmon, but arsenic can  
13 impact all aquatic life down the Klamath, as it  
14 repeatedly occurred at the Fall Creek Hatchery. So,  
15 again, has arsenic been properly considered?

16 I've done environmental reports, phase I and  
17 the phase II, remedial plans, process plans, et cetera,  
18 et cetera, et cetera. Okay. It is a professional  
19 standard to investigate any sign historically or any  
20 historical hint or tip for environmental impacts. When  
21 we do a phase I, we go to the hot spots. When you find  
22 a problem, you get into phase II and start sampling.

23 I'm giving you this significant historical tip  
24 on the Fall Creek Hatchery. So, again, have the various  
25 EIRs considered this historical occurrence, what

1 occurred at the Fall Creek Hatchery?

2 We are in a mining area and you get, of course,  
3 gold, silver, but you also get platinum, chromium. You  
4 get arsenic, other heavy metals, lead, mercury,  
5 et cetera, et cetera, et cetera. And it's pretty common  
6 in mining areas. Any geologist will tell you this. So  
7 I'm talking about testing in a precise location near the  
8 Fall Creek Hatchery, not tests like every quarter mile  
9 which I've seen in the EIR years ago.

10 So then I want to make a short political  
11 statement. I mean, if you do want to kill the coho  
12 salmon and aquatic life in the Klamath River, then just  
13 remove the dams, kill 'em with a flood of arsenic. And  
14 if that happens and it impacts the Yurok's food supply,  
15 then I would guess that they would probably sue alphabet  
16 agencies -- alphabet-soup agencies for hurting their way  
17 of life.

18 And if you wanted your job professionally,  
19 which I'd hope you would, I would hope you're not scared  
20 of the present administration. They have two words that  
21 are quite scary for those not being professional, and  
22 those two words are "you're fired."

23 MS. ERIN RAGAZZI: Margo Robbins, Sarah  
24 Rockwell, and Al Khart.

25 Margo? Okay.

1 Sarah Rockwell?

2 Al.

3 MR. AL KHART: My name is A-L, K-H-A-R-T,  
4 Al Khart.

5 So I am resident of Copco Lake for five years.  
6 I bought property five years ago and I was very happy  
7 and I am happy now.

8 So Copco Lake saved my house couple years ago.  
9 It was fire. So because of taking water from Copco  
10 Lake, they stopped fire and my house is still alive, so  
11 I like Copco Lake.

12 Have you been at Copco Lake, guys? So do you  
13 know anything about Copco Lake? And you want this lake  
14 to disappear? All right.

15 And I'm American citizen for 27 years. I got  
16 my citizenship because I work in science, so it gave me  
17 a special right. I'm alien who's admission is  
18 beneficial for the United States of America so I'm very  
19 beneficial alien. That's what immigration told me  
20 27 years ago.

21 So I work in mathematics. I did modeling  
22 simulation. So did you model the impact of dams  
23 removal? You know, what is modeling? You know, what  
24 simulation? No. I don't see any scientific grounds for  
25 removal dams.

1           By the way, I have scientific grounds for  
2 removal Internet. Would you like me to remove Internet?  
3 No, I'm really -- it's bad for kids.

4           So you are young people. I am 69 year old.  
5 I'll be 70 in couple months, so I know a lot. I lived  
6 in Germany and Germans do not remove dams which are  
7 hundred years old. Don't give me trouble because  
8 German. I know a lot of people don't like Germans but,  
9 you know, they're not stupid because these dams created  
10 new environment.

11           Copco Lake and Iron Gate Lake created new  
12 environment, very positive in that environment by the  
13 way. And you know, I'm -- okay, you know, I am  
14 foreigner, so I look at different point of view but it's  
15 beauty. It's beautiful.

16           So I would never vote for removal dams. It's  
17 bad for anybody. It's scientifically not grounded --  
18 grounded. It's not economically grounded. It's not  
19 humanitarian grounded for this. Look for removal of the  
20 dams, young people.

21           So do you respect old people, guys? You don't.  
22 And you don't respect me as well. So I vote for keeping  
23 dams for the rest of the life of the river.

24           (Applause.)

25           MS. ERIN RAGAZZI: Do you want to come back up,

1 Grace, and make another comment?

2 MS. GRACE BENNETT: Yes.

3 In the document that I gave you had fixes for  
4 the river. And one of those was to put a filtration  
5 plant on where the water comes out of Oregon. We will  
6 never have a healthy river with the water that comes  
7 from Oregon. It's just nasty.

8 The other one was to fix -- and this hasn't  
9 been addressed. We have learned how to grow fish.  
10 We've learned that because we've worked really hard at  
11 growing fish. We put millions and millions of small  
12 fish back in the river.

13 When they get to the river, the disease kills  
14 those baby fish. That has to be addressed. It's --  
15 it's just unconscionable to put our farmers and ranchers  
16 through all of the things that they've had to do to grow  
17 more fish and then they get to the river and they die.  
18 And that's not fair to our citizens.

19 The other thing was -- I don't remember -- to  
20 improve what happens at the fish-counting stations.  
21 Currently, there are three fish-counting stations, one  
22 at the Scott, one at the Shasta, one on Bogus Creek. We  
23 have no idea how many fish the tribes take. We have no  
24 idea how many fish go up the other 84 creeks and rivers  
25 that go into the Klamath below Iron Gate Dam.



1           There's 471 miles of spawning habitat in those  
2 creeks and rivers, so we don't know how many fish come,  
3 actually, into the Klamath River. We need to have a  
4 counting station at the mouth of the Klamath River so we  
5 have accurate counts of the fish.

6           By the time they get here, they are black with  
7 sores and ready to spawn and die, but we don't know how  
8 many are in those 84 creeks and rivers before they get  
9 here. That's very, very important to all of this.

10           We need to thank our people that live here for  
11 all the work that they've been doing for the last --  
12 well, since 1986. We've done thousands and thousands  
13 and thousands of dollars worth of projects. We've done  
14 thousands and thousands of voluntary hours to improve  
15 the health of the river.

16           Our greatest fear is that there won't be enough  
17 water in the river, then they'll tell our Scott and  
18 Shasta River farmers that they cannot farm anymore  
19 because that water has to go in the river for the fish.  
20 And that is not justice for our hard-working people.

21           I want you to really, really think about those  
22 things when you're discussing and going over those  
23 studies. I -- while sitting here, I decided to go  
24 through my box -- my box of wonderful things. I'm going  
25 to send you a box of wonderful things for you to look

1 at. So enjoy your mission through the -- through the  
2 miles and miles of documents that are out there.

3 Thank you.

4 (Applause.)

5 MS. ERIN RAGAZZI: Thank you. Okay. Okay. I  
6 just want to do a check really quick. I don't know what  
7 time it is, but I'm sure it's past 7:00.

8 So how many people still would like to say  
9 something? If people could just raise your hands. Two  
10 people. Three people. I'm going to give each of you  
11 two minutes.

12 MS. GRACE BENNETT: Okay. Thank you. I'll  
13 make mine fast.

14 I want to talk about the City of Yreka's water  
15 supply. Fall Creek, too. We've had that water supply  
16 since 1969. We're very, very nervous about what will  
17 happen to that water supply. That is the only water  
18 supply that the City of Yreka has, and it's very, very  
19 important to us.

20 There are 7,500 people that live here. We need  
21 that water. And if there isn't enough cold water for  
22 the fish hatchery at Iron Gate, there is a fish hatchery  
23 at Fall Creek, but we don't want the water supply for  
24 the City of Yreka to be endangered.

25 Thank you.

1 (Applause.)

2 MR. RICHARD MARSHALL: Are there any actual  
3 members of the Board here representing your group, or  
4 are you all staff?

5 MS. ERIN RAGAZZI: We're staff.

6 MR. RICHARD MARSHALL: All staff.

7 How many of you were in the Sacramento meeting?  
8 Actual board members?

9 MS. ERIN RAGAZZI: No board members were in the  
10 room. It was webcast.

11 MR. PARKER THALER: Correction, I'm not staff.

12 MR. RICHARD MARSHALL: Okay. Mr. Thayer,  
13 you're the head guy in this group here?

14 MR. PARKER THALER: No.

15 MR. RICHARD MARSHALL: Senior --

16 MR. PARKER THALER: No, I'm the lead technical  
17 staff.

18 MR. RICHARD MARSHALL: Who is the senior person  
19 in this room?

20 MS. ERIN RAGAZZI: I'm the program manager and  
21 Marianna is the attorney.

22 MR. RICHARD MARSHALL: All right. So I have  
23 here a petition signed by about 500 people in Siskiyou  
24 County for a class action lawsuit regarding these issues  
25 that we're talking about this evening and the surcharges

1 that we've been billed for that we don't want to pay.

2 MS. ERIN RAGAZZI: And just so it's on the  
3 record, can you state your name?

4 MR. RICHARD MARSHALL: Richard Marshall,  
5 Siskiyou Water Users.

6 (Applause.)

7 MS. ERIN RAGAZZI: Thank you.

8 MR. JOHN MENKE: John Menke, M-E-N-K-E.

9 One more item real quickly. I served for one  
10 year as a volunteer for Siskiyou County on the Klamath  
11 Fisheries Task Force Technical Work Group.  
12 Peter Brucker from Salmon River was the chair.

13 I got to know Tom Shaw very well, a fisheries  
14 biologist with the Arcata U.S. Fish and Wildlife  
15 Service. He handed me a document by Robert T. Milhous,  
16 M-I-L-H-O-U-S, Fort Collins Science Center, U.S.  
17 Geological Survey, Fort Collins, where I did my Ph.D.  
18 That's irrelevant, though, in this case.

19 In this document Milhous reports, from 1962  
20 through 2006, 81 percent of the Trinity River water was  
21 diverted to Southern California.

22 UNIDENTIFIED WOMAN: What?

23 MR. JOHN MENKE: I consider everything south of  
24 Sacramento Southern California.

25 81 percent. This effort by Sacramento is a

1 cover for the theft of the water of one of the finest  
2 rivers in North America, the Trinity. They've been  
3 stealing that water all these years.

4 This is Chinatown once again. If you ever  
5 enjoyed it like I did, the Jack Nicholson Chinatown,  
6 it's theft of the water.

7 If the State of Jefferson gets enacted, I'm  
8 going to push very hard for ceasing any diversion at  
9 Lewiston down to Whiskeytown and down the Sacramento  
10 River. Look what the recent election has done, brought  
11 all the illegal people from Mexico into Southern  
12 California.

13 I was trained a little bit in land use planning  
14 during my natural resources career. You don't continue  
15 to create more and more demand for water when you're  
16 stealing it.

17 Thank you.

18 (Applause.)

19 MS. ERIN RAGAZZI: Okay. I want to thank  
20 everybody for coming out tonight. The comment period is  
21 5:00 p.m. on February 1st. And I really appreciate you  
22 all sticking around and providing your comments. We  
23 really appreciate it.

24 (The proceedings concluded at 8:11 p.m.)

25

1 CERTIFICATE OF REPORTER  
2  
3

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

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

16 I hereto declare under penalty of perjury that  
17 the foregoing is true and correct. I have hereunto set  
18 my hand on February 5, 2017.  
19  
20  
21  
22  
23

24 \_\_\_\_\_  
25 Carol J. Chase, CSR #13538

|                                                                                                                                                     |                                                                                                 |                                                                                                                        |                                                              |                                                                |
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