

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

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REPORTER'S TRANSCRIPT OF PROCEEDING

Tuesday, January 26, 2016

10:06 A.M.

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Karuk Tribe Community Room

39051 Hwy 96

Orleans, California 95556

Jennifer L. Yang, CSR 12367

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1 ORLEANS, CALIFORNIA

TUESDAY, JANUARY 26, 2016

2 10:06 A.M.

3 * * *

4 LEAF HILLMAN: Good morning and welcome. I
5 would like to begin with a blessing, ask that you stand.

6 [A blessing was offered in Karuk language.]

7 Thank you for being here today. We say that
8 this is, right here, is our country. This is where we're
9 born and raised as our long ago people have been.

10 At the beginning of time, the spirit people
11 roamed this place and -- and that's the time of the great
12 transformation. Some of those spirit people were
13 transformed, some into the rocks and the trees, some into
14 the animals and the fish and the birds, the sun, the moon,
15 the stars, the wind and the fire.

16 Some of those spirit people were transformed
17 into human beings. This is from this time forward, from
18 the time of that transformation, as Karuk people, we've
19 continued to recognize that we are closely related to all
20 the other spirit people, and as we all know, we owe an
21 obligation to our relations to care for our relations and
22 the future of our relations, for we depend on them as they
23 depend on us.

24 So in the spirit of this relationship, we have
25 gathered here today to address important issues, important

1 not just to this community, but to the global community,
2 both human and non-human relations, so I thank you for
3 coming, and welcome to Orleans.

4 MR. WETZEL: Thanks for having us and thanks
5 everyone for coming. Obviously, this is the Klamath
6 Hydroelectric Project. The purpose of this meeting is to
7 inform you guys of our process and receive feedback as it
8 relates to the Klamath Hydroelectric Project with the
9 State Water Resources Control Board.

10 My name is Jeff Wetzel, an engineer with the
11 State Water Board Division of Water Rights and I'll
12 introduce some other staff and team members. We have
13 Parker Thaler, he's the lead technical staff on the
14 project. We have Marianna Aue who's our legal counsel on
15 the project. Erin Ragazzi is our program manager.
16 Richard Hunn, with AECOM, is our consultant. Kristen, in
17 the back, is also with our staff, and Jennifer Yang today
18 is the court reporter and the transcriber.

19 I'm going to go over some meeting logistics and
20 ground rules, Parker's going to give a short, technical
21 presentation, and I will receive comments by those in
22 attendance and then adjourn the meeting, so please sign-in
23 on the sheet in the back. If you wish to speak, fill out
24 a blue speaker card and hand it to Kristen or Erin of the
25 State Water Board staff. If you guys have those now, it's

1 a great time to get them on over so they can start
2 compiling them.

3 When you come up to give your comments, please
4 speak into the microphone, give your first and last name
5 with spelling so Jennifer, the court reporter, can
6 transcribe it correctly.

7 A hand-out is also provided in the back with
8 information on how to submit written comments, or on the
9 speaker cards there's a no-speak check box if you want to
10 write a quick comment on the card.

11 Quick ground rules today: Please silence
12 electronic devices. Respect all speakers and their points
13 of view. One person speaks at a time. Use the
14 microphone. Please hold questions or comments until the
15 end of the presentation -- it will only take about 15
16 minutes, a quick one -- and then we do have a short time
17 frame to receive oral comments, so please respect the
18 allotted time so we can receive a comment from everyone
19 that comes in attendance today.

20 Written comments are also an alternative for
21 those who want to provide additional comments beyond oral
22 comments or for those who don't want to speak today.

23 A quick context to why we're here before Parker
24 gives his presentation. PacifiCorp, the applicant for the
25 Klamath Hydroelectric Project, submitted a water quality

1 certification application to the State Board, and the
2 State Board uses these certifications to condition the
3 hydroelectric projects, which is section 401 of the Clean
4 Water Act, and also the California Environmental Quality
5 Act requires that environmental impact report to inform
6 the State Water Board and the public about the project's
7 significant impacts and ways to reduce them.

8 Parker.

9 MR. THALER: Hello. My name is Parker Thaler
10 and I'm an environmental scientist with the State Water
11 Resources Control Board. I'm also the lead technical
12 staff assigned to the Klamath Hydroelectric Project and
13 I've been working on it for over three years.

14 I'm happy to say I'm seeing some familiar faces
15 out in the audience now.

16 Today I'll be providing an overview of the
17 Klamath Hydroelectric Project facilities, a background of
18 the Klamath Hydroelectric Project, or KHP, Federal Energy
19 Regulatory Commission, FERC, relicensing process, an
20 overview of the California Environmental Quality Act
21 process and a discussion of the notice of preparation
22 public comment period.

23 Showing in this slide is a map illustrating the
24 general locations of PacifiCorp's Klamath Hydroelectric
25 Project facilities. Owned and operated by PacifiCorp, the

1 Klamath Hydroelectric Project is located in Northern
2 California and in Southern Oregon.

3 The Oregon Klamath Hydroelectric Project
4 facilities include East Side and West Side, which are
5 located adjacent to Bureau of Reclamation's Link River
6 Dam, Keno and J.C. Boyle.

7 The California portion of the Klamath
8 Hydroelectric Project from upstream to downstream includes
9 Copco 1, Copco 2, and Iron Gate Dam, all located on the
10 main stem Klamath River, and Fall Creek Diversion
11 Facility, which is located on Fall Creek, a tributary to
12 the Klamath River.

13 Iron Gate Dam is the most downstream Klamath
14 Hydroelectric Project facility and is the current limit of
15 anagamous fish passage on the Klamath River as the dam was
16 not constructed with fish passage facilities.

17 Just to note here, today our focus is on the
18 California portion of the Klamath Hydroelectric Project
19 because that is the portion of the project subject to the
20 California Environmental Quality Act. For context, the
21 State of Oregon also has a water quality certification
22 application for their portion of the Klamath Project and
23 it is a separate action from what we are discussing today.

24 Now that I've provided some information on the
25 Klamath Hydroelectric Project's general facility

1 locations, I will briefly provide background information
2 on the Klamath Hydroelectric Project's progress through
3 the Federal Energy Regulatory Commission, or FERC,
4 relicensing process.

5 FERC is the federal agency that issues
6 hydroelectric projects' licenses for construction and
7 operations. Modern licenses are often issued with
8 conditions or measures that project operators must follow
9 in order to protect environmental and public resources.
10 Licenses are issued on typical 30- to 50-year terms.

11 Beginning in 1956, FERC issued the original
12 license for the Klamath Hydroelectric Project's
13 construction and operation. The original license was not
14 subject to today's environmental standards, as many of
15 them had not been created, such as the Federal Clean Water
16 Act and associated section 401 water quality certification
17 requirements.

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

22 In March of 2006, PacifiCorp filed a water
23 quality certification application with the State Water
24 Board. PacifiCorp's filing opened the State Water Board's
25 first opportunity to condition the Klamath Hydroelectric

1 Project for the protection of water quality and beneficial
2 uses.

3 In January of 2007, the United States Department
4 of Interior and National Marine Fishery Services provided
5 FERC with mandatory conditions. For context, mandatory
6 conditions are conditions issued by federal agencies in
7 the FERC relicensing process and must be implemented as
8 they are mandatory.

9 In 2007, FERC issued its final environmental
10 impact statement for the National Environmental Policy Act
11 compliance. Following FERC's issuance of an environmental
12 impact statement, in 2008, the State Water Resources
13 Control Board issued a notice of preparation for the
14 Klamath Hydroelectric Project and help scoping meetings.

15 Throughout the relicensing process, some Klamath
16 Hydroelectric Project-interested parties began discussions
17 for a settlement agreement that resulted in the Klamath
18 Hydroelectric Settlement Agreement, or KHSA.

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

1 At the request of interested parties, the State
2 Water Board held the certification application in abeyance
3 from May of 2010 to June of 2013. I would like to note
4 here that the State Water Board is not a signatory to any
5 of the Settlement Agreements and maintains its independent
6 authority to condition the Klamath Hydroelectric Project
7 for the protection of water quality and beneficial uses.

8 The settlement process is a separate process
9 from the FERC relicensing process, and during the
10 abeyance, the State Water Board staff continue to
11 participate in Klamath Hydroelectric Project-related
12 forums such as the Klamath Hydroelectric Settlement
13 Agreement -- and in June or July of 2013, the State Water
14 Board's abeyance lifted and the State Water Board resumed
15 the certification process.

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

23 Finally, on November 30 of 2015, in light of new
24 information such as the Klamath Hydroelectric Settlement
25 Agreements' joint CEQA-NEPA document, the State Water

1 Board issued a new notice of preparation for an
2 environmental impact report for the Klamath Hydroelectric
3 Project.

4 Now for a CEQA discussion. The CEQA process is
5 needed for state law. The State Water Board cannot issue
6 a water quality certification application without a final
7 CEQA document. Information developed in the CEQA process
8 will be used to inform the State Water Board's actions on
9 the Klamath Hydroelectric Project.

10 We're all here today because the State Water
11 Board re-initiated the CEQA process for the Klamath
12 Hydroelectric Project by releasing the notice of
13 preparation.

14 Shown here is an overview of a typical CEQA
15 process in which the State Water Board is a CEQA lead
16 agency and has determined a environmental impact report is
17 necessary.

18 The purpose of a notice of preparation is to
19 gather information from resource agencies and interested
20 parties on what should be included in an environmental
21 impact report. Following the notice of preparation public
22 comment period, the State Water Board will review all
23 comments received and other available information and use
24 that information to prepare a draft environmental impact
25 report.

1 Shown here is a list of the typical resource
2 areas we plan to evaluate in our CEQA process. Some of
3 this information was evaluated in FERC's Environmental
4 Impact Statement and the Klamath Hydroelectric Settlement
5 Agreements' joint CEQA-NEPA document, and to the extent
6 possible, we would like to use that information.

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

15 Similar to the notice of preparation public
16 comment period, the State Water Board will consider all
17 comments received on the final environmental impact
18 report. Following issuance or concurrent with the final
19 environmental impact report, the State Water Board will
20 take an action on PacifiCorp's water quality certification
21 application.

22 The CEQA-proposed objectives identified in our
23 notice of preparation are modify the Klamath Hydroelectric
24 Project as needed to comply with California water quality
25 standards and in conformance with mandatory conditions

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

8 If a water quality certification is issued, its
9 conditions become mandatory and must be implemented in the
10 FERC license.

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

19 The alternatives we've identified include a
20 range, from PacifiCorp's project as proposed in the water
21 quality certification application, which is continued
22 operations with additional environmental measures along
23 with the State Water Board's condition of mandatory
24 conditions, to full main stem Klamath Hydroelectric
25 Project facility removal. Other alternatives include

1 implementation of Settlement Agreement measures, FERC's
2 staff alternative and partial facility removal scenarios.

3 Receiving input on these alternatives is a key
4 part of this scoping process. All comments received
5 during the comment period, including comments received on
6 the 2008 notice of preparation, will be considered.

7 Some key items that we are interested in hearing
8 from the public and resource agencies include the range of
9 alternatives or specific alternatives that we should be
10 considering, potential impacts that should be evaluated,
11 potential mitigation measures, and any other items that
12 you feel is relevant to this process.

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

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

24 MR. WETZEL: Thank you. So before we go into
25 the comment portion, where the public can give comments,

1 we'll offer a short question-and-answer session right now
2 for those who have general questions or questions related
3 to the overall process. And come on up, please take the
4 microphone, and when giving questions or comments, do
5 first and last name spelling. Turn that on as well.

6 FELICE PACE: Okay. Felice Pace. I'm here on
7 behalf of myself today -- F-e-l-i-c-e P-a-c-e -- and my
8 question is about these -- the scope of what you're going
9 to be looking at in terms of water quality, because the
10 one thing -- one of the things that has not been assessed
11 is whether there are toxic legacies around these
12 facilities.

13 Very often when you have old electric generation
14 facilities, you have PCPs and things like that and other
15 chemicals that can leech into the water, and as far as I
16 know, that's been un-assessed, and I was wondering if
17 that's within the scope because of possible impacts to
18 water quality and because it's the only thing that I could
19 think of that hasn't been assessed. We have so much
20 science on so many things. I was curious about that.
21 Thank you.

22 MS. RAGAZZI: So as part of the FERC relicensing
23 process and development of the water quality
24 certification, we need to look at the project's ability to
25 meet water quality standards, so those are including the

1 parameters that you mentioned earlier.

2 We need to make sure that the whole project as a
3 whole complies with water quality objectives and standards
4 that say you need this much dissolved oxygen, you need
5 these levels of water quality, so if we receive those
6 types of comments -- and you raised that here -- that
7 would be something we would include in our evaluation of
8 the project as well.

9 Were there any other questions before we move on
10 to comments?

11 KONRAD FISHER: I was just curious. The
12 objectives don't seem to jive with the scope objective, to
13 comply with the Clean Water Act, to bring the project in
14 compliance with the Clean Water Act. The scope includes
15 dam removal, so should the objective maybe be slightly
16 different, not to continue generating power or least other
17 possible objectives?

18 Second was about scope. Is it possible to bring
19 California into compliance with the Clean Water Act
20 without Oregon's cooperation or without exerting some of
21 California's possible authority over Oregon?

22 MS. RAGAZZI: So two questions, one was on the
23 objectives. The second objective talks about continued
24 power generation, but the second half of that says when
25 you also consider ability to meet water quality standards,

1 so as we develop the CEQA document, as we do our
2 evaluation, we'll have to look at whether or not continued
3 operation and power generation will allow us to meet water
4 quality standards or not, and that's why one of the
5 alternatives is full dam removal, so that is an objective.
6 It may not be an achievable objective. We'll have to see
7 that through the evaluation.

8 The second question was on?

9 KONRAD FISHER: Scope. Can California --

10 MS. RAGAZZI: Scope and Oregon. Thank you.

11 KONRAD FISHER: Yeah.

12 MS. RAGAZZI: We will be looking and working
13 cooperatively with Oregon. We do communicate with Oregon,
14 and we will be looking at the water that comes from
15 Oregon, because obviously, we need to know what's going on
16 up there and be able to condition the certification to
17 meet water quality standards in California. We don't have
18 direct control over what happens in Oregon, but the entire
19 project as a whole needs to be able to comply with water
20 quality standards.

21 Any other questions or --

22 PAUL ROHDE: My name's Paul Rohde, R-o-h-d-e.

23 I'm unclear how the EIS process progressed,
24 because I know that the settlement process asked that the
25 State delay their EIR process, and then that was a delay

1 and then there was a restarting of the process again, and
2 I'm unclear on how that progressed and then why it is that
3 it will take another year to complete your EIR process.
4 That's my general question.

5 MS. RAGAZZI: So where have we been and where
6 are we going?

7 This process has been ongoing for a long time,
8 since 2006 is when PacifiCorp's license expired. The
9 Water Board initiated the CEQA process previously. There
10 was a request from settlement parties to have an abeyance,
11 which basically put a hold on the certification process,
12 so that put a hold on the water quality certification
13 application which included the CEQA process at that point
14 in time. The Water Board was still engaged in what was
15 going on in the Klamath, meeting with tribes in the area
16 as we went through that abeyance period.

17 The abeyance lifted. When the abeyance lifted,
18 that's when we started to work again on the water quality
19 certification process in earnest, and so PacifiCorp
20 submitted an updated water quality certification
21 application, which is on our web page, and right now we're
22 initiating the CEQA process.

23 We chose to reinitiate the CEQA process with a
24 new notice of preparation because there's been a ton of
25 information that's occurred in the past few years.

1 There's a lot of new information we wanted to take into
2 account, recognize that the KHSA, the Klamath
3 Hydroelectric Settlement Agreement, EIR/EIS is available
4 to us now and so we wanted to fold all of that into the
5 mix, so we reinitiated that process now.

6 The CEQA process before was only getting
7 started, so we had started scoping meetings and started
8 the initial steps. We'll take what was developed as part
9 of that process and fold in what we hear here today
10 through these meetings, but we haven't gotten very far in
11 the CEQA process. That's why it's going to take a lot of
12 time.

13 If you've seen the Klamath Hydroelectric
14 Settlement Agreement EIR/EIS, it's a huge document.
15 There's also a ton of information from the Environment
16 Measures Implementation Committee as well as from the FERC
17 process previous to that, so we need to fold all that in.
18 That's why we're anticipating we'll get a draft EIR out
19 later this year. It's going to take a lot of time to pull
20 all that information together and put a document out.

21 LISA ROBERTS: Lisa Roberts -- easy to spell,
22 R-o-b-e-r-t-s. I have a further question, I think it's a
23 point of clarification on the second objective for the
24 CEQA process, and my question is it references certifying
25 the project to the extent that it's compatible with water

1 quality standards. Is it possible to certify the project
2 knowing that the water quality will not meet those
3 standards?

4 MS. RAGAZZI: So the certification is the State
5 Water Board saying that, with the conditions we're
6 imposing, the project will meet water quality standards.

7 We wouldn't be certifying a project that didn't
8 meet water quality standards; however, we could put
9 conditions on the project that would allow it to meet
10 water quality standards, and one of those is a possible --
11 a range of alternatives. One of those alternatives could
12 be full dam removal.

13 We don't know what the final project's going to
14 be, but it could be any range, and the Water Board in the
15 end does need to certify that the project will meet water
16 quality standards.

17 CINDY GERARD: Hi. My name is Cindy Gerard,
18 G-e-r-a-r-d. I don't know much about this mumbo-jumbo. I
19 just know I've lived around here for a long time.

20 When I moved here years ago, the water would
21 fluctuate, but it still was clean. All I know now, in the
22 last, what, six years or better that you guys have
23 promised we're going to get something done, our water is
24 worse and worse and worse.

25 Now we can't go in the water, our dogs can't

1 drink from the water, and we still have tourists coming
2 here eating the fish from that yucky water.

3 I know they've taken and given Trinity more
4 water to flush it out, but it seems nobody cares about
5 here. It's just continually gotten worse.

6 We moved here because -- and a lot of the
7 families are here because there is good water, and a lot
8 of these people in the tribe, they depend on the salmon to
9 come from this water and they're still eating it, so, you
10 know, if it's Water Quality Control Board and we're
11 talking about the dams and we're promised something's
12 going to be done for years and years and you guys are
13 going to look into it, when do you?

14 You know, when we can pick out a jar of water
15 and it's green, when does somebody take note of that, you
16 know?

17 I have gotten poisoned from the water here, and
18 it's taken me a lot of years to get better, and I don't
19 want to get poisoned again, so I'm wondering when is
20 somebody actually going to answer these questions and when
21 is something going to be done.

22 MS. RAGAZZI: We're actively engaged now. We
23 are, as I said, trying to get the draft EIR out later this
24 year. That was a lot of a comment, too, so I think we're
25 ready to move to the comment phase. I'm going to let Jeff

1 get that started unless there's a question.

2 FRANKIE MYERS: Yeah. Frankie Myers,
3 F-r-a-k-i-e M-y-e-r-s. My question is: How is the Water
4 Board going to review culture and cultural resource,
5 tribal cultural resources?

6 MS. RAGAZZI: So we actually have our cultural
7 resources consultant sitting right there, so she's here to
8 participate in all these meetings and hear, you know, what
9 you guys have to say in terms of all your comments. We
10 received a lot of comments previously, too, so we'll be
11 taking those all into account as well.

12 We'll also be consulting with the tribes, so one
13 of the things that's happened recently -- independent of
14 this we would be doing this, but Assembly Bill 52 passed,
15 and that is an opportunity for tribes to engage in the
16 CEQA process and to consult with State agencies on the
17 development of projects, so we'll be engaging through that
18 venue for tribes that want to engage in that process.
19 We'll also be reaching out and working with tribes, too,
20 to make sure we're aware of what your cultural concerns
21 are.

22 Also, in the Basin Plan, there's been a big push
23 to put in some water quality objectives that are specific
24 to cultural resource, subsistence fishing, those types of
25 things, so if you have specific things you want to call

1 out for us to pay attention to, please do so.

2 MR. WETZEL: Okay, so we'll get started with the
3 comment portion. I think we have about 15 or so cards, so
4 we'll go about five-minute time allotment, and the first
5 speaker tonight will be Craig Tucker followed by Dave
6 Meurer.

7 CRAIG TUCKER: Thank you, and I really
8 appreciate you guys. The Tribe requested you guys stop in
9 Orleans as you traveled upriver, and I appreciate you guys
10 acquiescing that request. I think it's really important
11 that the people who live here have access to the process.
12 I appreciate that.

13 I want to appreciate the Water Board for
14 responding to the settlement parties' request for an
15 abeyance five years ago, and I think it's been to the
16 consternation of both people on Water Board staff and
17 people in the community who felt like the last few years
18 we've been really spinning our wheels trying to pass a
19 bill in Congress so we could see dam removal happen
20 through negotiated settlement.

21 It's not been off and on. There's been a lot of
22 progress in the last five years to get us to the endgame,
23 and I point out we passed SB76 in Oregon which allows to
24 collect \$200 million from PacifiCorp ratepayers. That
25 collection of that money was approved by public utility

1 commissions in California and Oregon, and that's a big
2 step forward.

3 We had, when the California Water Bond passed,
4 we have in that water bond \$250 million directed for
5 implementation of Klamath dam removal settlement, so we
6 have \$450 million on the table for dam removal.

7 We also had a DOI receive the EIS/EIR that
8 evaluated dam removal and concluded or recommended dam
9 removal as the preferred option. We had a secretarial
10 determination overview report which dug deeper into the
11 science and answered some of these questions about toxins
12 upstream and how sediment would be transported within dam
13 removal, and then we generated tons and tons of publicity.
14 We were the feature of documentaries and films. I think
15 baseline awareness gets us closer.

16 In the end, we failed to pass a bill in the U.S.
17 Congress, and that led to the termination of parts of
18 these agreements, but the Klamath Hydroelectric Settlement
19 Agreement has not terminated. It's still there.

20 Recently, PacifiCorp has articulated to the
21 press that that is their preferred path forward is
22 implementation of KHSAs. I would say it is the view of the
23 Karuk Tribe that is the best way to secure dam removal is
24 to negotiate settlement with the company, but if that
25 doesn't happen for whatever reason, if the T's aren't

1 crossed and the I's aren't dotted, this process becomes
2 the backstop, so we really need you guys to do an amazing
3 job evaluating the range of options, and we look forward
4 to having the government consultations with the Water
5 Board, and it is the view of the Karuk Tribe, based on the
6 data at hand, that it would be impossible to permit these
7 dams' operation in a manner that complies with the Federal
8 Clean Water Act, and we'll be providing much more
9 comprehensive comments in writing by the end of the week.
10 Thanks again for coming out.

11 MR. WETZEL: Thank you.

12 Dave Meurer is next with Bob Rohde on deck.

13 DAVE MEURER: Dave Meurer, M-e-u-r-e-r, and I'm
14 with the office of California State Senator Ted Gaines.

15 I want to start out by saying thank you to the
16 Karuk Tribe for making this community space available.
17 Jerm Attabury, I don't know if he's here, but I called
18 Buster and said, "Are you going to be in Yreka or Orleans?
19 I'm going to be in Orleans." If he doesn't show up, I'm
20 going to hear from him.

21 My purpose for being here is -- also, by the
22 way, thank you to the Board. It's really a big deal for
23 you to come out to the non-booming metropolitan areas like
24 Orleans, where affected communities are involved.

25 I am here to conduct our own scoping session and

1 to listen. As Craig just noted, this has been a complex
2 issue, a lot of moving parts, and some -- all the action
3 kind of has been at the federal level and now some things
4 look like they're kind of shifting to the State, so I'm
5 here to listen.

6 Senator Gaines is interested in playing a
7 peacemaking role and seeing communities get well together
8 and listening to you as to what that might look like.
9 There are moving goalposts, so we're kind of watching and,
10 again, listening.

11 I was up in Klamath Falls listening to the farm
12 community, their concerns. I want to hear from tribal
13 communities and other stakeholders, the environmental
14 community, and again, about where do we go, how do we get
15 there, and what are your key concerns, but I'm here to
16 listen, not really comment, so thank you. You can catch
17 me after the meeting. Thank you.

18 MR. WETZEL: Thank you very much.

19 Bob Rohde followed by Felice Pace.

20 BOB ROHDE: My name is Bob Rohde, R-o-h-d-e.

21 I'm a retired district conservationist from USDA. Before
22 that, I was a director of the watershed restoration for
23 the Yurok Tribe, and before that, I was natural resources
24 manager for the Karuk Tribe from 1991 to 2000.

25 When I left in 2000, I had a severe -- my wife

1 had a severe condition and I had to leave. I had just
2 completed a report for the Karuk Tribe with PacifiCorp
3 that was called "The Fish Passage Conditions on the Upper
4 Klamath River" and so I just made a copy of the cover to
5 make sure that you included this in your analysis, and
6 I've provided my information on the attachment.

7 One of the general misconceptions about this
8 report when we -- we did a really detailed analysis of the
9 reservoirs and the limitations of getting fish past the
10 dams. It's a really well-prepared report, what I was
11 able to do, so work with PacifiCorp and we hired a
12 mutually-acceptable consulting firm out of Washington
13 State and they did a detailed analysis of all the reaches,
14 from Iron Gate to Link River. We even have in here the
15 drawings of the of the dams and how they were constructed,
16 how the plumbing works and everything else, but one of the
17 misconceptions about the report that I've heard since it
18 was prepared was that everyone just naturally draws the
19 conclusion that it's going to be really difficult to get
20 fall Chinook through the system, given the impediments and
21 the water quality, but at the time we were really thinking
22 initially that we would focus on the spring Chinook,
23 because the spring Chinook come at a time when the
24 irrigators aren't using the water and -- and there's a lot
25 of water in the system and the water quality improves

1 because there so much water in the system. Basically, the
2 irrigators are even getting rid of water off their fields,
3 trying to prepare for early planting, so it really -- I'm
4 not saying that we wouldn't eventually be able to tackle
5 the fall Chinook, certainly we would, but the spring
6 Chinook offers a win-win kind of a solution and so I've
7 included also a copy of "The Spring Chinook Refuse Report"
8 from the Salmon River Restoration Council that I also want
9 you to consider.

10 The spring Chinook have been suffering since
11 conquest, and so they really need our help, and we have a
12 seed source here on the Salmon River that could serve for
13 reintroduction, but along the way, when we took a look at
14 the river and the impediments, Copco 1 really is a major
15 impediment. There is no easy way to get fish beyond
16 Copco 1, and we may not have to take the whole dam out if
17 we just cut open the dam so that the fish could migrate
18 through. You know, sand off the edges so that they don't
19 run off the rough edges. That would be a tremendous
20 improvement.

21 There's also a possibility that we could get
22 fish through Iron Gate through the emergency spillway and
23 adjust the elevations of the lake to allow for the various
24 life cycles to move through, so Iron Gate would probably
25 have to stay in place while we're working on Copco

1 anyways, because we're going to have a fair amount of
2 mercury in the system, a lot of sludge and sediment that
3 has built up, so we would need probably Iron Gate in place
4 to catch that as it moved downstream.

5 Also, I think it's important to think of the
6 dams and the hydroelectric plants as point sources,
7 because they fall under the definition of point sources if
8 the water's discharged at specific locations.

9 I also think it's important we look at the
10 hydroelectric plants as a problem that is perpetuating
11 water quality problems by churning the water up, aerating
12 the algae and that sort of thing.

13 One of the most striking things that I remember
14 from the first relicensing process was Dr. Kari Norgaard's
15 report that pointed out that the dams were functionally
16 genocide on the native people of the region. I think you
17 need to get back and look at that as well. Thank you.

18 MR. WETZEL: Thank you very much.

19 Felice followed by -- I'm going to mess this
20 up -- Bethany Reis, Sandy Bar Ranch.

21 FELICE PACE: Good morning. My name is Felice
22 Pace. I think you spelled it enough by now.

23 I want folks to know I spoke last night in
24 Arcata on behalf of the Sierra Club. The Sierra Club is
25 on the record in this process and is strongly for dam

1 removal. The Sierra Club does not believe that these dams
2 can be certified as compliant with the Clean Water Act and
3 is going to stay engaged, I hope. I represent the water,
4 North Coast Water. I'm their water chair.

5 I want to acknowledge the elders here and
6 acknowledge the Creator that gave us this land to stand on
7 and this river to work for, and it's great to be with all
8 of you and to be on this Karuk land, and I'm grateful for
9 the ability to be here, and whatever wisdom is in what I
10 say comes from the spirits of these mountains.

11 This is on behalf of myself: My name is Felice
12 Pace. I've lived in the river basin for 40 years, 25 up
13 on the Scott River and the last 15 at Klamath Glen on the
14 Yurok reservation about five river miles up.

15 I began working for Klamath River restoration in
16 1986 with some of the people that are in this room, and
17 I'm an editor and principal writer of KlamBlog, and
18 anyway, the State Water Board's number one, the State
19 Water Board's responsibility. In this instance, the State
20 Water Board's primary responsibility is to honor the North
21 Coast Basin Plan which implements the Clean Water Act and
22 the California portions of the Klamath River Basin.

23 Honoring the Basin Plan by faithfully adhering
24 to its provisions will fulfill the State Water Board's
25 responsibility to protect the beneficial uses of the

1 Klamath River and its waters, including Klamath River
2 salmon, the aquatic ecosystems on which those salmon
3 depend, and the cultural uses of salmon by the indigenous,
4 native people of the Klamath River Basin.

5 In this regard, I call your particular attention
6 to the following key basic plan requirement which you can
7 find on page 3-1.00 of the Basin Plan:

8 Controllable water quality factors shall conform
9 to the water quality objectives contained
10 herein. When other factors result in the
11 degradation of water quality beyond the levels
12 or limits established herein as water quality
13 objectives, then controllable factors shall not
14 cause further degradation of water quality.

15 Controllable water quality factors are those
16 actions, conditions, or circumstances resulting
17 from man's activities that may influence the
18 quality of the waters of the State and that may
19 be reasonably controlled.

20 The record is clear and the data do not lie.

21 PacifiCorp's Klamath Hydroelectric Project receives poor
22 quality water from the upper basin and makes that water
23 quality much worse, in violation of the Basin Plan.

24 Furthermore, the hydroelectric project makes the water
25 quality worse in ways that scientists and water quality

1 specialists, some of whom work right here on this land, as
2 well as in Oregon State University and other universities,
3 threatens human health and damages Klamath River salmon
4 and the aquatic ecosystems on which those salmon depend.

5 No amount of mitigation can render PacifiCorp's
6 Klamath project compliant with the basin plan, including
7 the "no further degradation" provision cited above,
8 therefore no amount of mitigation can justify certifying
9 that the project is compliant.

10 The people of the Klamath River Basin, many of
11 whom have devoted their lives to restoring the river,
12 expect the State Water Board to do its duty by declaring
13 the Klamath Hydroelectric Project ineligible for
14 certification as Clean Water Act compliant.

15 I got to turn the page.

16 My second message to the Board is just to get on
17 with it. We have already had four 401 certification
18 abeyances, two environmental impact statements, and one
19 environmental impact report.

20 The EIS's and EIR's already completed have taken
21 hard looks at the impacts of the project, including a
22 relicense project, removal of four dams, and all other
23 feasible alternatives. The State Water Board should use
24 that information, and all of us here I am sure, including
25 the tribes, the agencies, the restoration councils and the

1 citizens, will help you find whatever you need to complete
2 this process, so in the name of justice and propriety,
3 please just get on with it.

4 Third point: Do not aid and abet -- this is my
5 last point. Thank you for the indulgence. But my last
6 point: Do not aid and abet PacifiCorp's delay strategy.

7 I am a PacifiCorp ratepayer. That means I get
8 my electricity from and pay my power bill to PacifiCorp.

9 The company says it's acting in my interests, but
10 PacifiCorp's behavior shows its priority. It prioritizes
11 stockholder interests over the interests of its
12 ratepayers.

13 Using PacifiCorp's own data, the California
14 Energy Commission calculated that removing the dams would
15 be about 114 million less costly than relicensing the
16 project, installing the fish ladders, etcetera. Referring
17 to those calculations, CDCC Commissioner Geesman said the
18 new analysis clearly indicates that it's best for the
19 ratepayers that these four dams be removed.

20 In its 27 EIR, FERC calculated that if
21 relicensed with modern requirements already approved by
22 the administrative law judge in the FERC process, the
23 project would operate at a \$20 million loss each and every
24 year, FERC EIS table 4.3 on page 4-2.

25 Certainly, clearly, relicensing a hydroelectric

1 project that will lose 20 million each year does not make
2 common sense and is not in the interest of PacifiCorp's
3 ratepayers, whether those ratepayers live, like me, in
4 Northern California, or in Oregon, Idaho, or Utah.

5 If the dams come out, PacifiCorp must find or
6 build replacement power. If the dams are relicensed, the
7 project will lose 20 million. That means the status quo,
8 year-after-year licenses without changing maximizes
9 shareholder equity as compared to relicensing or dam
10 removal. PacifiCorp's stockholders' interest is delay,
11 and that is precisely what PacifiCorp corporate operatives
12 have pursued, so I'm just going to say in these
13 negotiations that people are going back into, keep that in
14 mind. Their interest is delay, and we have to get on with
15 it. No linking back of the KBRA into this process to get
16 it further mired up. Let's get on with dam removal.
17 Thank you.

18 MR. WETZEL: Sandy Bar.

19 BLYTHE REIS: I'll give it to you
20 electronically, too.

21 MR. WETZEL: -- followed by Frankie Myers.

22 BLYTHE REIS: My name is Blythe Reis. I am the
23 owner of Sandy Bar Ranch along with my husband, Mark
24 DuPont. It's a recreational business with focus on
25 fishing in the fall and a lot of families that come in the

1 summers, and we submitted comments in 2008. We'll
2 resubmit some written comments now, but just wanted to go
3 on record as saying that since 2008, we've really seen a
4 huge amount of algae in the water and it's affected
5 drastically our summer business, which was an alternative
6 we had developed to the fact that the fishing business had
7 started dying out as a result of not having any fish in
8 the river, so wanted to make sure that that went on
9 record.

10 We also have a little research station there,
11 it's with the Karuk Tribe and the University of Oregon,
12 and I want to make sure that those reports go into the
13 clean water analysis of the studies they've been doing on
14 fish disease and water temp and quality there and just --
15 just put in a concern that even though there may be some
16 effects from dam removal to businesses like us in the
17 short-term as the dams come down and perhaps there's more
18 sediment in the system, in the long-term, this is just
19 going to be beneficial to businesses like us and that I
20 encourage us to think long-term over short-term. Thank
21 you.

22 MR. WETZEL: Thank you.

23 Frankie Myers followed by Mark DuPont.

24 FRANKIE MYERS: Ai-yu-kwee. Nek-now Frankie
25 Myers. May a koom an chuk -- (speaking in tribal

1 language.) I want to thank you for coming here and
2 meeting with us and as well as thank you for the abeyances
3 that we've been granted over the past few years to try to
4 solve the issues on the Klamath River.

5 I'm a representative of the Klamath Justice
6 Coalition as well as a cultural practitioner. My comments
7 today will be in regards to the cultural resources on the
8 Klamath River.

9 We believe, as a people, that there's no way for
10 us to -- for our cultural resources to be met with dams on
11 the Klamath River. There's no way for them to be met for
12 our needs as a people. We want them to come out. We'd
13 like for the only option to be dam removal. There's no
14 other way for us to feel that our needs have been met or
15 the resources have been met in a spiritual way with them
16 in, and they need to come out.

17 I agree with Mr. Pace that we need to move on.
18 We need to move forward as quickly as we can, and know
19 that you have the support of the people here in moving
20 forward with dam removal 100 percent. Thank you.

21 MR. WETZEL: Thank you.

22 Mark DuPont.

23 AUDIENCE MEMBER: He stepped out of the room.

24 MR. WETZEL: Is he coming back?

25 AUDIENCE MEMBER: Yeah.

1 MR. WETZEL: We'll put him next.

2 Molli Myers is next followed by Clifford
3 Marshall.

4 AUDIENCE MEMBER: She'll be right back.

5 MR. WETZEL: Set her aside. Clifford?

6 CLIFFORD MARSHALL: Good morning. My name is
7 Clifford Marshall. I'm a fierce and mighty warrior and
8 I'll fight to the death for my sovereign rights. I'm
9 former chairman at the Hoopa Valley Tribe at the time that
10 the KBRA was negotiated, and the Hoopa Valley Tribe is the
11 tribe that did not agree and did not sign on with the
12 KBRA. I appreciate that after ten years and I've referred
13 to this as KBRA was a ruse, and I think hindsight is
14 always 20/20.

15 I believe we have blown a decade. We've lost
16 the opportunity, but I would also point out that the
17 California board that you represent is part and party to
18 that ruse. I don't understand to this day how a state
19 agency can ignore environmental laws, environmental
20 studies like the Hardy Report, Hardy II Report, set
21 minimum flows for the river, only allow the KBRA to allow
22 Oregon to keep 375,000 acre feet of water a year that
23 should have been in the river for fish, and because of
24 this board's inactivity, refusal to set water quality
25 standard for the Klamath River, the last year has -- ten

1 years has turned the Klamath River into a sewer for
2 Oregon.

3 We talk about environmental destruction, and I
4 believe the destruction is because of the policy of not
5 doing anything for ten years that this river here, and
6 everybody can attest to this, toxic algae is deadly.

7 In the last ten years, we have signs now, toxic
8 algae is deadly. There's a man who lives in this town
9 whose horses died, so it's toxic enough to kill horses.
10 You can't let your dogs in the river. You can't let your
11 kids in the river.

12 This is the board that is supposed to set the
13 water quality standards. It didn't do it. It held it in
14 abeyance. I don't know what the California Wild and
15 Scenic Rivers Act means or the Federal Wild and Scenic
16 Rivers Act means or the Environmental Protection Act or
17 the Endangered Species Act if you can just hold it in
18 abeyance until something dies. I think oh, um, yeah, um,
19 now we going to do that now. Ten years of nothing, and
20 the people are saying let's move on with it.

21 Being a member of the Hoopa Valley Tribe, which
22 is the largest land-based tribe in the State of
23 California, Hoopa Valley Tribe has legally-defensible,
24 reserved water rights, and people don't just release water
25 to the Trinity River. Hoopa Valley Tribe sends a federal

1 attorney down to Fresno every year and file a lawsuit,
2 costs thousands of dollars, to sue for water that should
3 be in the river anyway, and we do it because we have a
4 right and it's also in the CVP, California Central Valley
5 Plan, that there's a legal obligation by the State to
6 mitigate for damages to the fishery.

7 You don't need a cultural resources specialist.
8 You need a specialist in Federal Indian Law that
9 understands what reserved water rights, U.S. v. Winters
10 water rights means. That's what Hoopa stands on, and we
11 sue. Every year we got to sue. We get 50,000 acre feet
12 of water for the Klamath River.

13 Ten years of KBRA and negotiation and protest
14 and etcetera, etcetera, etcetera hasn't put one extra
15 gallon of water back into the Klamath River.

16 You have to address the 375,000 acre feet that
17 Oregon has now grown accustomed to, and we have to figure
18 out how we're going to get that back. There's got to be a
19 base flow for this wild river out here, for the species
20 that live, that live in it, or survive in it at this
21 point.

22 The KBRA was a wonderful dance, let's all sit
23 down, sing "Kumbaya" and hold hands, but anybody and
24 everybody that supported that needs to take a real hard
25 look at that whole strategy. I just heard a list of

1 wonderful things accomplished during the KBRA. I can't
2 disagree more because the river is virtually dead, and
3 when you read the paper yesterday, it said 90 percent of
4 the progeny is dead.

5 I realize I'm talking to the -- we're the ants
6 and you're the drones, so we're just the little people,
7 except that there are two tribes in the Lower Klamath with
8 reserved water rights whose rights make us bigger than
9 ants.

10 There's a FERC process that's going on that was
11 undermined and it was held in abeyance, too, so as we come
12 around to the FERC relicensing process -- I should have
13 asked this question when you asked for questions -- you
14 don't have the authority to order dam removal, and
15 everybody in this room should know that. That's a FERC
16 job. That's the only process.

17 You can set -- you can issue a permit or not,
18 and then you get to manage your permit, but without water
19 quality standards, what does that mean?

20 You haven't set water quality standards for the
21 Scott and Shasta River. They're almost dead.

22 I'm killing the messenger here, but the truth's
23 got to be said. We've got to move forward. This river
24 can't take another ten years of what good intentions.
25 It's got to be dealt with legally, and my reason for being

1 here is just this: Don't become an obstacle to dam
2 removal with bureaucratic dances and all the other stuff
3 that you're going to do now because the science was there
4 ten years ago. Nothing's been -- you got a lot more.

5 I think it's true the KBRA is proof-positive
6 that 375,000 acre feet of water is something that this
7 river cannot live without. This river is almost dead. No
8 one's protected it, not for the citizens or the State of
9 California or the tribes who have rights to it. It's --
10 it's really that bad. We hope that the State is prepared
11 to and willing to view it as necessary to restore this
12 river.

13 FERC relicensing process is a process that says
14 they have to either provide for volitional fish passage or
15 abandon their license. When that happens, we will all be
16 able to share a victory in that. Until that happens, we
17 get to do the bureaucratic dance and you guys get to do
18 documents like this. Don't impress the ants. Action
19 impresses the ants. No action for ten years. I hope that
20 California does better than the last administration.

21 MS. RAGAZZI: Thank you.

22 Make one statement for my attorney's benefit
23 because I think she would think I was remiss if I didn't
24 say that the State Water Board does feel it has the
25 authority to order dam removal as part of its

1 certification, in which case it would be incorporated into
2 the FERC license. We're not debating here today. We're
3 just accepting comments.

4 MR. WETZEL: Mark DuPont.

5 AUDIENCE MEMBER: I'll let you know if he comes
6 back.

7 MR. WETZEL: Molli Myers followed by Chris
8 Hatton.

9 MOLLI MYERS: Molli Myers, M-o-l-l-i M-y-e-r-s.

10 So I've met you guys before. It's really hard
11 for me not to be emotional today because you know we have
12 done this before and I've made these comments before, and
13 I guess you know nobody is denying we have made mistakes.
14 I think we all know that. I think you guys know that
15 you -- I think you guys probably feel like you've made
16 mistakes, but I do think it's clear that we are moving
17 forward and I think you guys do know that you have the
18 opportunity now to, like you said, to order dam removal
19 and I think that you've seen how important it is to the
20 people that come from here.

21 You know, growing up, my dad was a traditional
22 fisherman, and my brothers, and now my husband, you know,
23 and so I have seen the decline of the fish firsthand and I
24 just think that, you know, now is the time that we all
25 have a chance to make a difference, like a real

1 difference, and you guys have the opportunity to do the
2 right thing and order dam removal because you know that
3 it's right, and there's science and there's a cultural
4 resources specialist and, you know, there's -- everything
5 points to this being the right thing to do for the river
6 and for the people, and we had hoped that we wouldn't end
7 up, after dam removal, fighting for water -- maybe that
8 was inevitable from the beginning -- but we're moving
9 forward and, you know, I just wanted to make sure that I
10 came here today again to let you guys know that you have
11 the opportunity to do the right thing and to save this
12 river that desperately does need protection, so I do
13 appreciate you guys coming here today. I hope to not have
14 to do this again.

15 MR. WETZEL: And Chris Hatton followed by
16 Annelia Hillman.

17 CHRIS HATTON: Chris Hatton, C-h-r-i-s
18 H-a-t-t-o-n, and thanks for coming here today. I just --
19 I recognize a lot of your faces, been here before, and I
20 run -- my wife and I run the Sandy River Outpost, it's a
21 small store in Somes Bar, and I wanted to speak on behalf
22 of the small business community along the river.

23 I'm not sure if you guys rode out from Arcata
24 today and then will be continuing on to Yreka so you can
25 see kind of the state of your average small town along the

1 Klamath River right now, and I think there's a real
2 connection between how these towns look and how the river
3 is, and I know our, you know, store has -- I feel like
4 we've, you know, we've done okay over these last ten
5 years. We've grown, we've gotten bigger, and I see that
6 connection as because we are next to the Salmon River and
7 there's a beautiful stream there. There's beautiful water
8 quality. People come in the summer and swim and it's a
9 real refuge both for people and for fish, and I think that
10 abundance could exist throughout this river canyon if we
11 took these dams out, and so I hope that you reflect on the
12 connection between people and communities and water
13 quality.

14 I mean, the odd thing is that if you drive along
15 today, this is about as beautiful as the Klamath ever
16 looks right now. It's big, it's full of water, and I feel
17 like the tragedy of the Klamath is that contrast of we all
18 know it's this big, beautiful river that provides
19 abundance, and then we walk in it in the summer and, you
20 know, algae sticks to your feet and it's -- it's -- it's
21 -- it's dying. It really is dying.

22 And it's the most beautiful place. It's a
23 really beautiful place. People don't see how beautiful it
24 is in times like this and how awful it is in the summer,
25 and you guys have a right to do it, and now is the time to

1 do it, and it's time to take the dams out and it's time to
2 give this place a little life and give it hope, otherwise
3 it's done and we're like the rest of this -- this place
4 that is -- it's just it's time to take the dams out.
5 We've done enough, and you guys can do that, and we need
6 to all get together and do that because that's what we
7 have to do.

8 MR. WETZEL: Annelia followed by Marc Robbi.

9 ANNELIA HILLMAN: Annelia Hillman. I spoke to
10 you last night, but I want to again emphasize that you
11 consider the psychological impacts that this state of our
12 river has on our people.

13 The Yurok Tribe has just recently declared a
14 state of emergency. Our suicide rate has skyrocketed.
15 Again, our people are directly connected to this water
16 and, you know, when it's sick and unhealthy, we feel that.

17 You know, this is in our DNA, and we understand
18 what's going on and it -- it drains our psyche and, you
19 know, we're stressed we have to come here, you know,
20 again. You know, it stresses us out. It's really
21 impacting our -- our -- our health, and I don't know how
22 much you have looked into the effects that water quality
23 has on human health and so -- and psychological health, so
24 that needs to be considered also, and we're out of time,
25 like I said.

1 You have the power to do what you need to do to
2 get these dams out, and we are counting on you to do that,
3 otherwise we will take other measures. Thank you.

4 MS. RAGAZZI: Thank you.

5 MR. WETZEL: Thank you.

6 Marc Robbi followed by Lisa Hillman.

7 MARC ROBBI: Thanks for coming out today so we
8 may give our input. My name is Marc Robbi. I raised my
9 family and we run our business, Rolling River Nursery and
10 Farm, here in Orleans, right on the Klamath River.

11 Our property is located right on the river. We
12 have a nice beach, great view of the river, and as such we
13 are very, very in touch with the river's quality. It's
14 part of our life. Fishing, boating, swimming are all very
15 important parts of our life.

16 Sadly, our beloved river is in very, very sad
17 shape. Water quality in the summer is terrible. There
18 are folks that have referred to it as a sewer, and, you
19 know, it's really sad, but yes, we refer to it as a sewer
20 a lot of times in the summer.

21 It's hard to convey maybe how bad it is. Like
22 Chris was saying, you come this time of year and the water
23 looks beautiful, but it's night and day. You know,
24 there's just windrows of foam. We smell the river. We're
25 way -- we're up on a hill above the river. It smells.

1 You can just day by day feeling it going downhill.

2 My children get sick if they go in the river.

3 We have stopped swimming in the Klamath River. We used to
4 try to swim in the spring during snow melt, maybe we'll
5 try a plunge or two, but as soon as the snow melt's gone,
6 it's not safe for us to swim. My son, last time we went
7 swimming, just sipped a little bit of water and spiked a
8 major fever that night, no other symptoms whatsoever, and,
9 you know, went away the next day.

10 You get skin rashes, ear infections. The river
11 isn't safe to swim in, and yeah, just can't. With the
12 toxic algae the dams are producing, it's unsafe. Horses
13 die. You don't want your dog to drink the water, and the
14 water is too polluted and warm for the fish. We all know
15 that.

16 You know, we go down to our beach. We see the
17 baby salmon. You'll see little schools of them next to
18 the shore. Half of them have big blotches on them.
19 They're sick. They're crippled. They're swimming, um --
20 it's just, you know, it's just really, really sad. It is
21 a tragedy unfolding, you know, summer by summer, day by
22 day.

23 I'm not really quite sure how to tell my
24 children no, you can't swim in this beautiful river that
25 we live on, you know? Our property borders the river, you

1 know? How do people allow this pollution to continue that
2 is making us sick, you know, these fish sick?

3 Look in the river and just see little baby fry
4 contorted, white spots, even early in the season, you
5 know? It's getting worse every year, and I think that's
6 what a lot of people are saying. It is getting worse
7 every year, earlier and earlier. It's affecting the
8 river.

9 Our community depends on the salmon for their
10 sustenance. The salmon are traditional and necessary food
11 for our Karuk brothers and sisters, and as we all know,
12 these dams heat the water and breed toxic pathogens that
13 just outright kill the salmon. Truly, this is an act of
14 genocide against the people of our community, and as such,
15 it must stop.

16 In so many ways these dams, and the awful water
17 quality conditions they seriously contribute to, you know,
18 really degrade our lives here, from health, community
19 well-being, our quality of life, the economic
20 opportunities, property values, everything is negatively
21 impacted in a direct way by the four dams in question, so
22 I implore you, please do not permit these killer dams to
23 continue running.

24 The science is in. The science was in ten years
25 ago. There is no way these dams can continue operating

1 and legally pass the California Water Board's water
2 standards. It's -- it's proven. I mean it's, you know,
3 the evidence is in. It's piling up every year. We don't
4 need anymore evidence. It's true.

5 Do not relicense these dams. They must be taken
6 down as soon as possible, and we thank you very much.

7 MR. WETZEL: Lisa Hillman is up, followed by
8 Clifford Marshall.

9 LISA HILLMAN: Ai-yu-ki. Lisa Hillman. I'm
10 from the villages of Katimin, Amaikiara, Panamenik,
11 Sawuara, and Chimmekanee. As a very little girl, so in
12 our family place at Chimmekanee, I was able to go to the
13 river every day in the summertime with my cousins. We
14 went down alone, crazily enough, and swam all day long,
15 and it was beautiful and I enjoyed that. I think I'm a
16 strong swimmer because of that.

17 Right about the time that I got my first moon,
18 the river became so congested with the thickest green
19 swaths of algae that that was what we did at the beginning
20 of the swimming season is we went and tried to pull out as
21 much as we could to get a little of our swimming hole back
22 year after year. That was impossible, and it was okay, so
23 we all packed up into the car and drove what seemed to be
24 really far to the Salmon River. I guess now it doesn't
25 seem that far because we do it all the time every year.

1 We don't go anymore to the Klamath River to
2 swim, so the trail down to my swimming hole where we had
3 plates and durilla and all of the greatest games as kids
4 growing up, that, you can't find the trail any longer.
5 You can't. You can't even get there. I tried one time.
6 I was really mad at my boss. I thought okay, I'm going to
7 go down to the river. I could not physically get down to
8 the river anymore from that trail.

9 So here it is then, many years later, so I'm
10 taking my kids so they grow up going swimming, learning
11 how to swim on the Salmon River, not at Ishkeesh, which is
12 actually where we belong.

13 One year, so I -- I went on a rafting trip on
14 the Klamath, and this was about 2008, and it was a really
15 fun trip. We went with the whole family. We were all on
16 that river, so I went over and swam this kind of
17 traditional -- swam over to one of the other rafts and
18 grabbed a gun, so one of those kind of squirt guns, and I
19 was swimming back, and I could see my cousin's face was so
20 mad that I had gotten it from his boat, so I started
21 laughing and was giggling so much that I inadvertently
22 swallowed some of that river water, and about three weeks
23 later -- I was a teacher at the time and I was working in
24 schools, and I thought Oh, wow. I'm getting this kind of
25 swine flu or something. I better go to the doctor.

1 So I went and got my blood tested, everything
2 checked out. The next morning, I was taken from the
3 school and I was quarantined for almost four weeks,
4 naturally away from all of my jobs and also from my four
5 children, quarantined for four weeks because of toxics
6 levels of -- or lethal levels of toxins to my liver and --
7 and I wasn't able to work for four weeks.

8 Now, in the meantime, I've been working here in
9 the Department of Natural Resources as the food security
10 project coordinator, and so one of the main -- our main
11 goals are is to -- to get our -- our people back to
12 subsistence living. We have so many resources right here.
13 Why are we driving out to Eureka two hours? Why are we
14 stuck on, you know, these -- so the commodity foods?

15 If you don't have a car, where are you going to
16 get your food if you can't drive up to a place where you
17 can buy some food for an inordinate amount of money. It's
18 problematic. It's problematic on many, many different
19 levels, but what's really problematic is the fact that I
20 cannot do my job because we didn't get any salmon last
21 year, and so here it is Christmas time and we're wanting
22 to give, just to our elders, fish. We want to give them
23 acorns. We want to give them huckleberries. We want to
24 give them native foods that should be in abundance for us.

25 We're not trying to -- to cut water off to feed

1 some -- some big porkers that have nothing to do with this
2 land, that take a lot of extra resources and toxins to
3 keep those suckers alive and so we can all have prime rib
4 or whatever it is. No. We want to have the foods that
5 are right here available to us, low carbon -- so
6 footprint. We have them. We don't have to drive and
7 drive our, you know, cruddy vehicles two hours down and
8 two hours back to get some food from wherever they
9 produce. We want to get them here. But can we? No. No,
10 we can't. And this is where we need to see that as well,
11 so not only just for our enjoyment, not just for the
12 beauty of the land. We're talking food. Thank you.

13 MR. WETZEL: Clifford Marshall, followed by
14 Stefan Dosch. Clifford Marshall Sr. was the other one.
15 Clifford Marshall Jr.?

16 AUDIENCE MEMBER: I think he had to leave.

17 MR. WETZEL: Okay. We'll move on to Stefan
18 Dosch followed by Ron Reed.

19 STEFAN DOSCH: Stefan, S-t-e-f-a-n D-o-s-c-h.
20 Make it quick. I just earlier -- earlier it was
21 expressed -- I forget your name, sir, but that you wanted
22 to listen to different communities and you had referred to
23 the community upriver as a farmer community and this
24 community as an environmental community, and I wanted to
25 address that statement because I wanted to express that

1 this community, along with the other mid-Klamath
2 communities, are more than just environmental communities,
3 and as earlier stated, and this community is working
4 diligently to ensure integrity of the river in the
5 interest of human health, as well as the interests of the
6 river on which all the life here depends on, and I just
7 wanted to say if your arteries were blocked and I would
8 hope that, regarding the people like me helping make
9 decisions regarding your condition, would look past, like,
10 lethal levels of particulates in the blood downstream to
11 make the decision on removing that artery or that clot in
12 your artery.

13 If the water quality does meet standards here,
14 then there's some serious issues in what the standards
15 are, because it's like anyone with eyes or nose or talks
16 around here like -- or goes to the river and sees it can
17 see there's a problem. It's not -- you don't need a
18 microscope to see there's an issue, so I wanted to bring
19 that up that, like, it's cool and it's good that there are
20 legal boundaries and this can help us make the right
21 decision, but at the end of the day, this is, like,
22 obviously a human health concern, and in such, it's almost
23 an act of violence on the people that live here, and
24 that's unfortunately been par for the course for a while
25 to weaken the people in this way.

1 So I just wanted to, like, the damage dealt by
2 the farmers and dams upriver and give you a story of
3 people upriver historically have a different view of the
4 world than people living downriver and the ages of people
5 dumping into rivers, and it's been a human mistake for a
6 long time, so you're going to get one story from those
7 people, but if they lived here, they'd give you the same
8 story the people here are giving you. It's the people.

9 So I was just hoping that you would hear me in
10 saying that the damage dealt by the farmers and dams
11 upriver must be addressed, so please support the removal
12 of these remnants of a dark age in human intelligence.

13 MR. WETZEL: Thank you.

14 Ron Reed followed by Will Harmon.

15 RON REED: Hello. My name is Ron Reed, and at
16 one point I was a native Karuk. I grew up not
17 understanding the contemporary world because we was taught
18 the traditional ways of life. With those traditional ways
19 of life, we participate in the ceremonies.

20 Some of my first memories were ceremonies and
21 harvesting traditional foods. A lot of the world that was
22 the way it was explained to me then didn't make sense to
23 me because the contemporary issues that -- about getting
24 food on the table, not having to run to the store and
25 being poor and not being able to live like everybody else,

1 so it was pretty hard to understand the inherent
2 responsibilities of a traditional family, a medicinal
3 family that took care of our World Renewal ceremonies,
4 took care of our ways of life.

5 I come from a family of medicine doctors and fa
6 too wee ans and common people. I feel like I'm a product
7 of inter-generational trauma that has stripped the
8 scientific knowledge of who we are as a people that was
9 handed down generation after generation after generation
10 for a very long time.

11 We had people so smart in each village that we
12 didn't need anybody else anywhere else. We had a complex
13 process of dealing with our social, physical values, our
14 religious values all connected into one, and growing up as
15 a confused individual, pre-adolescent to adolescent, I
16 become a very angry person in not being able to manage
17 myself in the world that I was given.

18 Through that process, I question. I question my
19 heart, why I had to be born into this family, this poor
20 family. I thought we was up here, but it really felt we
21 was down here, but as I grow up and I have children -- I
22 have six children of my own -- the teachings that were
23 taught to me rang very true to the word.

24 It's my responsibility, an inherent
25 responsibility from the family, the bloodline I come from,

1 to enhance and protect and to maintain the resources that
2 made me who we are, and when you come into this world, it
3 is our inherent responsibility to leave this world when
4 those resources are in a better place. That had come to
5 me until later on in my life it had become a passion. I
6 disrespected my mother growing up because of these issues
7 I just mentioned, and I will, for the rest of my life, be
8 fighting this fight, this fight of reestablishing our
9 religion, reestablish our vitality, and reestablish the
10 respect that we deserve as a people on a landscape that is
11 us.

12 This is not no environmental community. This is
13 not anything other than a community that is love, that was
14 protected, that was enhanced and maintained over time to a
15 level of perfection.

16 In this process, I was able to land a job in
17 Karuk Department of Natural Resources from a very dear
18 friend of mine, and it gave me the ability to express, in
19 the beginning, a expression of anger that I was able to
20 have the passion to get the snot knocked out of me many a
21 time from commercial fishermen, agriculture, state boards,
22 federal board, etcetera, etcetera, but the passion in me
23 and the medicine that comes through me provide an ability
24 to articulate the issues that are important in this
25 process.

1 I was a tribal representative in the FERC
2 relicensing process. I've already said this, been
3 recorded on this. One week every month for five years, I
4 participated in the FERC relicensing process. I was a key
5 informant with Kari Norgaard, denied access traditional
6 foods. I did some work with county P.A., identifying --
7 excuse me.

8 Before I came aboard, cultural beneficial uses
9 and the Water Quality Act was identified, but never
10 defined. I, with the help of my mother, which is no
11 longer with us, a lot of the colleagues I worked with
12 diligently are no longer with us, so their heart is within
13 my heart, so now it's my responsibility to take these
14 things to the next level, so with that information was
15 able to define the cultural beneficial uses that the tribe
16 needs to maintain our sovereignty and our intellectual
17 capacity, more importantly, our lifestyle.

18 I've done this until I was sick. I done this
19 until I lost contact with my family. I thank The Great
20 Creator that I was able to step back after this process,
21 after it seemed as if the settlement process would kind of
22 cruise into dam relicensing or dam unlicensing, dam
23 removal, so I was able to work with my boss, Lisa Hillman,
24 on this food security grant to be proactive and had to
25 maintain that's who we are to get healthy again.

1 My children were small when I started this. Now
2 they're all in college. I have one child left. Is it
3 time to come back and fight this fight again? It might
4 be, but I need more time than this.

5 MS. RAGAZZI: You can come back up at the end,
6 too. There's extra time.

7 RON REED: I'll try to wrap this up in about as
8 soon as I can.

9 So I've participated in this process with due
10 diligence, do my part in life, threw it out there over and
11 over, went around the world talking in this process, so
12 the last place I thought I'd ever have to come back to do
13 this again is here. Thank you for coming here, but no
14 thank you.

15 Are we ready to go out and do some direct action
16 again? Probably. Will my job allow that? Probably not.
17 Will we do this somehow? Yes, we will. There's no time
18 line for me. I will be here until the end of time, and if
19 I do my job, my spirit will be here the end of time
20 because I will do the job of my children, their children,
21 children after that. That's how it's supposed to be.

22 World renewal is a lifestyle. It's a way of
23 life that's been stripped from us. We've done our due
24 diligence. We went around the world talking to people
25 around the world. We laid the science out there. We sent

1 it to Congress. What else can we do? What else do we
2 have to do? Everything you've done, everything you've
3 told me to do to get heard, I've done. Now we're back
4 here again. What do we have to do? Our people are dying.
5 I've already kicked out of here.

6 AUDIENCE MEMBER: Let him talk.

7 RON REED: Does that work?

8 MS. RAGAZZI: I haven't taken the microphone
9 away.

10 RON REED: You were looking like you would.

11 MS. RAGAZZI: If you want to come back at the
12 end --

13 RON REED: I think I've said enough. I think
14 I've done this. I've argued enough of this process and
15 argue again. I'll be willing to argue. We can go outside
16 and argue, but I'm just saying that my heart is in this
17 110 percent. I've stepped away for a minute, but my heart
18 has never left. My spirit will always be on this river,
19 and my spirit is connected to The Great Creator, to my
20 children throughout time. My job here is to connect the
21 past to the future, and the time is now.

22 MR. WETZEL: Will Harling followed by Susan
23 Corum.

24 WILL HARLING: My name is Will Harling, W-i-l-l
25 H-a-r-l-i-n-g. I'm the director of the Mid-Klamath

1 Watershed Council, the nonprofit working with the tribe
2 and other organizations to help restore this river and
3 bring fire back to these mountains, and I just want to
4 say, listening to all these voices of all my teachers and
5 all the people that have spent so much blood and time
6 sweating the game, trying to make a change for the last
7 10, 20, 30, 40, 50 years, thank you. Thank you for coming
8 out here and inspiring me, because that's really what it's
9 about.

10 I don't know what's going to happen talking to
11 these guys. It's been a long time that we've been talking
12 and we haven't seen those dams come down, and those dams
13 need to come down for all of us, for our spirits.

14 I was born and raised on the Salmon River, been
15 a fisherman my whole life. When I was a kid, the fishery
16 on the Salmon River started to go away and so I started
17 asking why, and that journey led me down to the Klamath
18 River, because the issue was not with the Salmon River, it
19 was the issue that the fish couldn't make it to the Salmon
20 River anymore to spawn because the conditions were so bad
21 in the Klamath, and so the fish that we used to feed our
22 family with because we were poor, living below the poverty
23 line, that was our job. That was my job and my older
24 brother's job was to go get fish out of the river and
25 bring them up so we'd have food on the table, and, you

1 know, I don't -- I mean, I don't know the people who are
2 doing all this planning about whether or not we should
3 take the dams out, they consider those kind of things when
4 they're considering that.

5 It is -- it is life and death, and the -- the
6 effects of a polluted river are deep all down this river
7 and they affect everybody, and definitely, you know,
8 growing up with the tribal community, like Marc said, it's
9 just a travesty to see these dams continue to stand in
10 this river after all that's been done.

11 So that fight, you know, coming down river and
12 seeing what was going on in the Klamath, led me to move
13 down here and start to work on river issues, so one of the
14 hats that I wear is a fisheries biologist, and I've been
15 swimming in the Klamath every year of my life, 41 years,
16 and pretty much every year I get an ear infection from
17 swimming in the river because you can't go in the river
18 all the time and not get ear infections or other sickness
19 from just being in the water.

20 You know, part of the fisheries restoration work
21 we do is to make manual fish passage so the fish can get
22 out of Klamath, because the fish that are in the river
23 die, and to see all these fish cram into the creek mouths
24 until literally the plume of cold water that goes into the
25 river is completely packed with fish, and every fish that

1 can't make it into that plume dies, and then you have all
2 these hatchery fish coming down from the dams and crowding
3 out the native fish and pushing them into the warm water
4 to die. It's sick.

5 And then the other thing I do, I'm a scuba
6 diver. When we have our fish kills or when there's
7 alerts, I dive down to the bottom of the Klamath to see
8 what's there, to check in on the health of the river, and
9 I wish -- I wish I could -- I wish I could show you.

10 I mean, you can't take video down there because you can't
11 see two feet, but what you can see when you get your face
12 right down there is the bottom of the river that's filled
13 with dead fish, all kinds of dead fish -- salmon,
14 steelhead, eels, sculpin, you name it. Death.

15 Every summer the Klamath is a big killing zone,
16 and the Water Board has the ability to take out those dams
17 and turn that around and change this sad story to one of
18 hope and renewal, and, you know, I wish I could spend a
19 lot more of my time restoring fire to this land, because
20 that's what it really needs, but ultimately, we spend a
21 lot of time because there's an urgency, you know?

22 We're hanging on to the last genetic stock of
23 these wild runs of fish that are millions of years old.
24 We hold that, you know, barely in our grasp, you know?
25 What are we going to do when that's gone?

1 And I think what you're going to find is, you
2 know, there's a lot of people that are normally giving a
3 lot, even their lives, for this river. Like, when you
4 look at your kids and you think about a future with no
5 fish, what is it worth, you know? You lose. You lose
6 your place in life.

7 I mean, just personally, man, it's like you get
8 so wrapped up in these causes when you see what happens
9 out there in the rivers, on the land, and I know everybody
10 has been working on these environmental issues all these
11 years. It affects our personal lives. A lot of us have
12 gotten divorces. A lot of us have broken families because
13 we're pushing hard to make something move, and we're going
14 to put our backs to that wheel and we're going to stay up
15 all night long and write those comments and whatnot, but
16 we just pray that it goes somewhere, that it does
17 something, because what's it all for if it doesn't?

18 So, you know, just to be clear, we need to take
19 all the dams out of the river and we need to let the river
20 run free again, and I think it will pay us all back, and I
21 hope that you work with our people across the border to
22 look at the stuff in Oregon, too, because that affects our
23 water quality here, and I really hope and pray for a day
24 soon that that happens. Thank you.

25 MR. WETZEL: Susan Corum followed by Laura

1 Horowitz.

2 SUSAN CORUM: Susan Corum, S-u-s-a-n C-o-r-u-m.
3 I am the water quality coordinator for the Karuk Tribe,
4 but first, I'd like to talk for a second.

5 I also have a little piece of property up past
6 Inam, past Clear Creek, where we have a little edge that
7 goes right down to the river, and I have two boys that I
8 love to take there, and we have a pack of dogs -- and,
9 like Lisa and other people, it's just so inspiring to see
10 our community here, because normally I don't get to talk
11 about being a community member and living on the river --
12 but I don't take my dogs or my kids to the river during
13 summertime because I'm afraid my old dog, who now passed
14 away in the past month, I didn't want him getting in the
15 river because we have liver toxins that come through from
16 microcystin, so it's definitely a concern of mine.

17 I am really so thankful the community is here to
18 do their testimony because I need to move on to something
19 more technical now.

20 I've been working for the Karuk Tribe as the
21 water quality coordinator since 2005 on and off. I took a
22 little break to go work at one of the schools when my kids
23 were little. I've been working -- one of the things that
24 I really love to work on, which is a weird thing to love,
25 is working on toxic algae issues because it's such a

1 glaring issue in our community. It's something the
2 community can see. It affects everybody all the time
3 during the summertime and throughout the year, too, and
4 we've done various different things, and you guys have the
5 reports from them.

6 We're also submitting technical comments that
7 will give you more of the recent reports since the 2008
8 review, but we've looked at fish tissue and we've shown
9 that the toxin can accumulate in the livers of the salmon.
10 We've looked at the perch up on the reservoirs and shown
11 that it can accumulate in -- the microcystin, the toxic,
12 can accumulate in the fillets.

13 We looked at the muscles, traditional food.
14 When they're traditionally harvested, there are too high
15 of levels for anybody to really be eating is what we've
16 found, and we don't know when the toxin flushes all the
17 way out of the system. As I was talking at the CC/HAB
18 meeting in Sacramento last week -- big toxic algae
19 California nerd conference -- we don't know when that
20 toxin goes away. Those muscles could still be
21 contaminated in November, December, January. We don't
22 know. That's something we need to look at.

23 What we found most of the time is that the
24 reservoirs produce these very large blooms of toxic algae,
25 the *Microcystis aeruginosa*, which then produces a liver

1 toxin called microcystin, and we've also been looking for
2 another toxin which is a neurotoxin called anatoxin-a.
3 That's the ones that caused the dog deaths in the lagoons,
4 the Eel River. It's kind of a little bit more nefarious
5 of a toxin. When you get the algae, it doesn't always
6 produce the toxin. It has a really short half-life, so
7 half of it goes away in about ten days. It's a little
8 harder to catch. Microcystin, the one we have in the
9 river every summer, likes to stay around. It's hard to
10 kill. It starts in the reservoirs and goes all the way
11 190 miles down to the mouth.

12 This year, this summer, I got the lab report
13 confirmed just like two minutes ago that we did have
14 anatoxin, a neurotoxin, in our river up by the I-5 bridge.
15 We don't sample it very often because it's very expensive,
16 like \$400 a sample, it's hard to catch, we don't have good
17 sampling for that, but we had 128 micrograms per liter,
18 and that is above the hazard level the State's developed
19 of 100. This is new information, very, very new, that we
20 now have anatoxin that's being discharged into the river
21 below the reservoirs. I've got the lab report here. Try
22 to submit something else, but this is here for the CEQA
23 scoping. You can include this as well into here. I'm
24 sorry it is very last-minute, but it's something. It's
25 one more thing that the people and the fish and the

1 wildlife are all having to deal with on the river, and as
2 someone who works on water quality, it's unfortunate.

3 I'd like to make this river better, but until we
4 see if we can get these dams out, I don't see a good way
5 to remove this kind of issue from the river. Thank you.

6 MR. WETZEL: Laura followed by Thomas Wilson.

7 RON REED: Can I get my name recirculated into
8 your pile -- Ron Reed -- or I'd like to talk again.

9 MR. WETZEL: Yeah.

10 RON REED: All right. As long as it's not too
11 long.

12 LAURA HURWITZ: My name is Laura Hurwitz,
13 H-u-r-w-i-t-z. I'm speaking as a citizen and a community
14 member. I've been living here on the river for the past
15 20 years and I've learned the most invaluable lessons that
16 I ever could learn in my life being here being amongst
17 indigenous peoples who have been in place since time
18 immemorial, people who have time-tested knowledge, science
19 knowledge, like, through trial and error have figured out
20 how to live in a way that works, that is going to continue
21 to foster the ability for life on earth to continue.
22 Really it's a pretty big deal.

23 I've also learned about responsibility and,
24 like, being witness to people, like, taking responsibility
25 and saying this is my responsibility as a human being, and

1 so my question to you as individuals and as the State
2 Water Board -- and this is a question I ask myself every
3 day: What is our responsibility as a people, like, in
4 this situation right now that we find ourselves in?

5 You have a lot of power. You are the
6 California -- you're the State Water Board. You have
7 power in this situation.

8 I've also borne witness to the divisions that
9 have been created amongst people. We have heard from so
10 many different humans, entities, organizations saying the
11 same thing. We have the science. We have the knowledge.
12 We have just common sense just looking around us and
13 noticing what is happening here, and it's really
14 frustrating and sad to see people having to -- the
15 divisions that are created amongst people who all know
16 what needs to happen.

17 These dams need to be removed, and seeing people
18 scrambling around trying to do this process and that
19 process and this science and how can we figure out how to
20 make this all work, y'all got a lot of power. What is
21 your responsibility?

22 I ask you as a human, as a person who has been
23 living here, please do the right thing. Use your power as
24 a person to be responsible and use the power in where you
25 find yourself. We all landed somewhere in this mess. The

1 world is looking pretty bad these days. Things aren't
2 good, we all know it, and, like, y'all could make a pretty
3 big difference here.

4 This dam removal could really be a model for the
5 world, and this is for everyone. This is for all life.
6 This is -- this is a real opportunity here.

7 So thank you for coming here today, and I ask
8 you to do everything within your power to remove all these
9 dams on the Klamath. Thank you.

10 MR. WETZEL: Thomas Wilson followed by Jeanette
11 Jacups.

12 THOMAS WILSON: Thomas Wilson. I'm from the
13 village of Pectaw, and my grandfather was Kagama, Pectaw
14 Bill, Pectaw, and I'm just here to speak for the things
15 that can't speak for themselves, like all of our wildlife,
16 all of our fish.

17 Seventh generation ain't here yet. You guys got
18 in your hands that you could help our seventh generation
19 out here that's going to be here one day and say Hey, we
20 ain't got no more fish because our -- our people never,
21 never took care of what their obligations are.

22 The Creator put us on this Earth to take care of
23 our resources, to help promote for the next generations,
24 but all we're doing is chasing around this dollar bill
25 like it's got some value. It don't got no value. The

1 resource got some value. If you don't got no resource,
2 you can try like heck to eat that dollar bill, but you'll
3 never be able to eat that dollar bill. You can salt and
4 pepper the heck out of it. It's never gonna taste no
5 better. From my heart, I hope you guys really think a
6 little bit harder what's going to nourish you, a dollar
7 bill from Washington D.C. or a fishery or a viable region.

8 I got roots that go in here pretty darn deep,
9 and I'm going to be here until The Creator tells me to go
10 away, but I'm going to be here fighting. Thank you.

11 MR. WETZEL: Jeanerette Jacups-Johnny followed
12 by Jenny Stats.

13 JEANERETTE JACUPS-JOHNNY: Ai-you-kii. My name
14 is Jeanerette Jacups, J-e-a-n-e-r-e-t-t-e, J-a-c-u-p-s --
15 J-o-h-n-n-y. Jacups was my grandmother's name and Johnny
16 was my grandfather's name, and I've been here a long, long
17 time, too.

18 When I was born in 1936, way long time before
19 you were here, I grew up and I played in the water and I
20 had the trout you could just swallow from the dish in the
21 creeks, and I had my family. I raised my kids to get into
22 the river, the Salmon River, because that's where I'm
23 from, the Salmon River, the Salmon River and Katimin and
24 Ice.

25 I just know that we need the spring salmon

1 ceremony January, February, March, and April. In 1980, up
2 in Oregon -- really '70s -- I saw milk poured down into
3 the drains that came into our river eventually. I saw
4 potatoes dug up and buried, not to feed the people, but
5 because it didn't make enough money, and I knew lots of
6 people that could eat those potatoes, and then I came home
7 and the -- in 19 -- I was home in 1980, but in 1982, I
8 started my trek, doing exactly what they've been doing,
9 and in the -- in my work alone, there wasn't lots of
10 people doing it. There was three of us: Leaf Hillman,
11 Blue Eyes, and myself.

12 They had -- they had this dam stuff and I went.
13 I went to the meetings up and down the river. I didn't go
14 out to Sacramento or anyplace, but the Hillstrom Company
15 in Sacramento had ten large books that one of my friends
16 read to summarize it for me and to be able to talk to the
17 Forest Service, to whoever I had to talk to, and I just
18 want you to try to understand that we're here and we're
19 always going to be here. Yootva.

20 MR. WETZEL: Jenny Staats followed by Mark
21 DuPont.

22 JENNY STAATS: My name is Jenny Staats,
23 S-t-a-a-t-s, and I've been documenting water quality with
24 the Klamath Salmon Media Project since 2030, and that's an
25 organization that's made up of -- that's an organization

1 made up of the Mid-Klamath Watershed Council, the Karuk
2 Tribe's Department of Natural Resources, the Salmon River
3 Restoration Council, the local fire safe councils, and a
4 lot of the work, it all comes down to water quality, a lot
5 of the issues, and I've been helping do video and
6 photography documentation, so I'm going to be submitting
7 video documentation by e-mail in my comments as well, and
8 not just documentation from when the water quality looked
9 terrible in 2005 or 2006 or 2007, 2008, because that's
10 already been submitted to you guys, but I'll document --
11 I'll send in things that are from 2011, 2012, 2013 and
12 -14, and so some of that documentation that I'll send in,
13 it's just showing how PacifiCorp, they cannot come into
14 compliance with the Clean Water Act, and I want to ask
15 that you only give a clean water certificate if it
16 requires dam removal.

17 They've been doing these Mickey Mouse mitigation
18 measures, experimental measures up in the reservoirs at
19 times of year when it's dangerous. It's dangerous for
20 people downriver and dangerous for traditional things
21 happening downriver, and that can't continue. Can't keep
22 on doing these experiments, and it's dangerous for us.

23 People talked about the difference between these
24 farmers that are upriver and then people who are
25 downriver, and you're hearing about generational trauma

1 down here. You're going to hear generational trauma above
2 the dams, also, and that's the generational trauma of
3 people who are continuing to make greedy choices that
4 continue to degrade the water quality of the river and a
5 way of life, and that's killing themselves, and you'll
6 hear people talking about fearing losing a way of life or
7 fearing, like, living behind the reservoirs and they're
8 going to lose their way of life back there. They're
9 eating sick fish, eating fish that have toxins in their
10 livers, and continuing to do that because that's their way
11 of life. That's sickness. That's sickness.

12 Up there, it's fear of losing a way of life.
13 Down here, it's fear of losing life. I'm an E.M.T. on the
14 volunteer fire department, and I'm seeing us losing life,
15 not losing a way of life. You hear other people talk
16 about that, but just from my experience, losing life. So
17 I want to say we need to have those dams come down now.
18 We can't give any water quality permits if it means dams
19 not coming down, so thank you very much for being here.

20 MARK DUPONT: Hi name is Mark DuPont. Myself
21 and my wife Teresa -- I think she may have spoken
22 earlier -- we moved up here in 1992 and acquired a place
23 called Sandy Bar Ranch, and I'm going to address the
24 impacts of the river on our business in economic terms,
25 not necessarily because I think that's the most egregious

1 tragedy that's going on, but because that's what some
2 people listen to, and say a few words about what I've
3 borne witness to living here, moving here in 1992.

4 In 1992, we bought the Sandy Bar Ranch. We
5 started -- it's located right along the Klamath River.
6 The Klamath River is the last thing I look at at night
7 before I go to bed and the first thing I see in the
8 morning and it's what I hear all night.

9 When we moved here, we started to build up more
10 of a summer vacation business because the fishing business
11 had already had experienced such a big crash -- this is
12 also all documented in a letter that I'm going to leave
13 with you -- and starting in about the year 2000, we
14 started experiencing extreme algae blooms on the river
15 that were highly impacting ourselves and the people that
16 use our resort. There was a huge increase in rashes and
17 itching. There was large algae mass starting to form on
18 the river, and we had to go down and clear those by hand
19 so that people had a way to get in and out of the river.
20 There's photos of this.

21 This phenomenon starts happening in August, even
22 earlier recently due to the drought, July sometimes, and
23 goes all the way through the end of the season, so that's
24 fairly well-documented in here, available for, you know,
25 questions and whatnot as far as we can document how it's

1 impacted our business, and we can direct you to people who
2 have experienced that directly.

3 As I said, I think the real tragedy is what
4 people have already very eloquently spoken to, the broken
5 hearts that people feel in this community at the demise of
6 this recent agreement that people have spent so long and
7 had so many hopes in these dams coming down. It's a
8 palpable feeling.

9 Our river is broken before we even get it. It
10 leaves Oregon and it leaves the upper basin and it enters
11 into the lower basin in a severely degraded state where,
12 before it even gets to us, it's full of algae, it's warm,
13 it's full of fish disease, it's sick, and it should be one
14 of the most healthiest rivers on the West Coast and it's
15 probably the best chance we have of keeping and claiming
16 and restoring a watershed.

17 It's got a population in the basin that's
18 smaller than most cities. It's got a huge amount of
19 wilderness. In our area, there's a over 60 cold-water
20 tributaries that actually improve the quality of the water
21 as it approaches the ocean, but all of this is meaning
22 less and less in the face of climate change and less
23 water, and it's becoming more and more clear that the dams
24 themselves, which are the main source which is what makes
25 the heart of the river sick before it even gets a chance,

1 is what really needs to come out, so I hope you'll take
2 these comments and I'll leave these written comments.
3 Thank you.

4 MR. WETZEL: Erin Cadwell.

5 ERIN CADWELL: Hi. My name is Erin Cadwell,
6 C-a-d-w-e-l-l. I've only lived here 11 years, but in that
7 time the degradation to the water quality, or rather the
8 lack of water quality, has been fairly obvious, and I'd
9 like to tell you a story of my time volunteering as an
10 E.M.T. on the Orleans Volunteer Fire Department.

11 I remember one day we got a call that there had
12 been a suicide threat. A young person who lived here
13 locally had threatened to jump from -- or had left a note
14 to the effect that they were going to jump from the
15 Orleans Bridge into the river, and I remember going down
16 there -- I believe this was in the spring -- and the water
17 was green and full of disgusting, viscous bubbles and foam
18 and it stank and, you know, I've seen some pretty messed
19 up shit being a E.M.T. in a community as beset by poverty
20 and substance abuse as this one, but I asked myself that
21 day, like, how could I -- I did not know if I could deal
22 with pulling the bloated carcass of a local young person
23 out of that river. And as it turned out, that suicide
24 threat was just that, a threat, but, you know, you can say
25 that's a happy ending I suppose, but it didn't feel happy

1 at the time, and, um, the memory of it doesn't feel happy
2 now, and given the high rates of suicide that we have
3 around here, that scenario is not unlikely to end. I
4 don't know how I would deal with that even now, you know?

5 Amongst other things, one of the ways that I
6 make my living is as a farmer, so I'm an irrigator, and I
7 have to say that as a farmer who loves farming as a
8 vocation, no amount of irrigated agriculture is worth what
9 we're seeing here, and no amount of electricity is worth
10 what we're seeing here. The despair that is being created
11 by the lack of water quality is directly affecting the
12 health of the people here. The river's sick and the
13 people are sick, and you don't have to live here very long
14 to see that, so what is the freaking hold-up?

15 MS. RAGAZZI: So we don't have any cards at this
16 time. I recognize it's ten minutes -- it's ten minutes
17 after the hour, so if folks want to leave, they're welcome
18 to leave. I am going to allow people who want to take a
19 few more moments to speak to do so now, recognizing that
20 we're going to wrap it up by 12:30. If you'd like to come
21 back up, you're more than welcome, but if folks want to
22 leave, they're welcome to do so.

23 AUDIENCE MEMBER: If people want to stay behind,
24 we can talk a little bit about what's happening.

25 RON REED: Excuse me. I've been away from this

1 process. I forgot a few things.

2 I think one of the most important things I stand
3 for, I'm a traditional dip net fisherman at Ishi Pishi
4 Falls, ten miles upriver from here. It's the only place
5 that the Karuk people are allowed to fish traditionally
6 without getting thrown in jail. I'm not sure exactly how
7 that happened. I'm not here to talk about that.

8 What I'm talking about is that 2002, we, because
9 of the water quality -- I'm sorry, it might be 2001 --
10 fishkill 2002, the water got shut off, something like
11 that, but anyway, we caught less than 100 fish at Ishi
12 Pishi Falls that year, or prior to that, and that's a big
13 problem.

14 As a traditional fisherman, your obligation is,
15 number one, to your family, number two, to the ceremonies,
16 and number three, to the community, and not necessarily in
17 that order, but it's an inherent responsibility, and when
18 the ceremonies are going on, you're supposed to give fish
19 to the ceremonies. Been very few years I've been able to
20 hit all the ceremonies. This year I was able to give one
21 fish to the Panamenik World Renewal. Pretty honored,
22 pretty proud, but also pretty humbling.

23 Elders, people who have been dependent on this
24 fishery for a very long time, people do not get fish. The
25 fish are unhealthy. The elders look at you like you're

1 not taking care of those fish properly.

2 One of big things that I do is I try to provide
3 for those things I just said, and when you're not able to
4 take care of your inherent responsibility, there's a
5 vacancy that's being left. I try to fill that vacancy
6 with these type of actions.

7 Right now, working on food security and we're
8 trying to get them into salmon, we're trying to get them
9 into good food into our people's bellies as possible, and
10 it cannot be over-emphasized that that sacred fishery is
11 the only fishery that Karuk people have. We're the second
12 largest tribe in California, with over 3,500 tribal
13 members, and this year we might have caught maybe 400
14 fish. Maybe 400 fish. That simple mathematics tells you
15 that's not enough fish to subside anybody.

16 One thing I want to leave you with is my memory.
17 One of the things I mentioned earlier is that one of my
18 first memories is of harvesting traditional food, and that
19 was down in Ishi Pishi Falls. Stories are told when
20 you're gathering resources from generation to generation
21 to generation. The things I learned there I have passed
22 on to my children because they're down there with me. The
23 tribal community is not down there, so they're not
24 learning a lot of those things.

25 It's understood by me there's eight Chinook runs

1 of fish that used to go through Ishi Pishi Falls. Now we
2 maybe have remnants of three.

3 When I was young, my first memories, we'd be
4 done fishing by Labor Day. That was spring salmon going
5 up through our fishery. That was before Iron Gate Dam.
6 That was before Iron Gate Dam.

7 Iron Gate dam got put up. It wasn't because of
8 anything other than, my understanding, a fisherman got
9 washed down by the surges of the river. Stories were told
10 that the river would fluctuate up to three feet before
11 they put Iron Gate Dam in, so every -- every other day
12 they would generate hydroelectricity and then you get
13 these big bolts of water coming down. A fly fisherman got
14 washed out; Iron Gate Dam got put in, so we fish that
15 remnant of the fish from that spring run Chinook fishery.
16 We fished that until it was no longer there. No, excuse
17 me, until the population was so remnant that we no longer
18 fish it because we like to see those fish get up river,
19 but my point being is that in my lifetime, I have seen the
20 days where we'd be catching 100 fish on one side of the
21 river, catching 100 fish on the other side of the river
22 for the same time two or three weeks where we'd be able to
23 get enough fish for our subsistence purposes and for our
24 ceremonies. That is the direct relationship of the dams
25 on the Klamath River that we're trying to get out of here.

1 We laid all the science out there to demonstrate
2 the will of the people. This is not just the Karuk Tribe
3 now. It's the will of the people. All the people that
4 depend on the Klamath River resources have got together
5 and we've decided the dams need to come out. Legislation,
6 Congress, would not allow that, so now we're here again.

7 I guess I'll leave you with the same question I
8 left you before: What do we have to do to illustrate, to
9 articulate, to demonstrate that the dams on the river, on
10 the Klamath River, need to come out not just for the
11 indigenous communities, not just for the river
12 communities, but for all people?

13 And that fits into the religion that are denied
14 as of today, as of yesterday, World Renewal. This is who
15 we are. This is what we do. This is not just a
16 past-time. It's not just a job. It's a way of life that
17 if we do not do this, if we do not come here and
18 continually talk about this issue, we're not doing our
19 job. I think I did my job.

20 DEBORAH BRUCE HOSTLER: My name is Deborah Bruce
21 Hostler, D-e-b-o-r-a-h B-r-u-c-e H-o-s-t-l-e-r. I live in
22 Pearch Creek just up the road. I've sacrificed a certain
23 amount of my safety and comfort in speaking out on behalf
24 of Pearch Creek, speaking out for its sake against the
25 human impacts that I see happening right here from I guess

1 what you could call agriculture, so that has been
2 acknowledged here already. I think people here grow
3 greens, too, and we need to clean up our act as well as
4 talking about what happens upriver.

5 I'm married to a Hoopa tribal member, and
6 salmon, acorns are essential for our way of life. Water
7 Board, I am not aware of your jurisdiction including salt
8 water -- I think you're just about fresh water, I'm not
9 actually sure -- but I think it's really important that
10 you mesh with Fish & Wildlife, NOAA or whoever, to include
11 in your analysis of impacts what happens to the ocean when
12 a highly-polluted, overheated river flows out into our
13 coastal waters. Our ocean is dying, too.

14 And then, kind of similarly, in relation to
15 responsibility, to take into account climate change. The
16 river performs what some people call environmental
17 service. It's kind of a cold way to say it, but it needs
18 to be cold, and an overheated, warm river I think is not
19 able to do what it needs to do to keep things relatively
20 cool in relation to climate change, so it's a bigger
21 picture, but I think it needs to go into what gets
22 analyzed for an EIS or EIR. Sorry.

23 In regard to the health impact, I'm not sure
24 whether this one detail has been listed in the list of
25 health impacts, but as has been mentioned here, we get a

1 lot of wildfire in fire season. We love fire. We want
2 more fire, but when the fires are big enough to bring in
3 the incident command teams and helicopters, etcetera --
4 eight or nine years ago when big fire was on our side of
5 the river, we had one of our young grandsons from Hoopa
6 staying with us, and he was outside, overjoyed, saying it
7 was better than Disneyland seeing these helicopters
8 carrying buckets of water from the river up to the fire
9 zone. This was exactly at the time when one of the worst
10 health alerts -- don't go into the water, high toxic algae
11 levels, don't touch the water, don't let your dog go in,
12 etcetera -- and we were getting over-spray sprinkling down
13 on us, including on our grandson who was jumping up and
14 down in the orchard, loving seeing this low-flying
15 helicopter pass over us, so I'd be concerned about this
16 stuff touching your skin, inhalation, etcetera, just from
17 that kind of event. It's not that we cannot enter the
18 water or not irrigate with it when there's a health alert.
19 There's things that are more out of our control.

20 I support dam removal. I never supported the
21 Settlement Agreements. I support the comments made in the
22 past decade by Hoopa Valley Tribe. I support pretty much
23 everything Felice Pace has ever said. I support what Lyle
24 Clifford Marshall has said.

25 I would really caution against relying too much

1 on language in the Settlement Agreements to proceed,
2 because there's so many fatal flaws, including the
3 precedent that would have been set to waive federal trust
4 responsibility in terms of Hoopa and other tribes who do
5 have water rights, and I'm also similarly against any
6 waiver of liability for us, as Felice mentioned, any toxic
7 legacy. If the company gets to have a waiver of liability
8 on the toxic legacy, that will create another funding
9 impasse that would continue to devastate water quality.

10 Thank you.

11 MS. RAGAZZI: Thank you very much.

12 MR. WETZEL: Thank you very much.

13 MS. RAGAZZI: I want to thank everybody for
14 coming out today. Is there anyone else who wants to make
15 a final comment?

16 Okay, we'll close the meeting. Thanks again for
17 everybody coming out today. You guys shared a lot of
18 really good thoughts and information, and the comment
19 deadline is Friday, so if you have additional thoughts,
20 please submit them.

21 (Whereupon, the California State Water Board
22 public meeting in Orleans, California on January
23 26, 2016, adjourned at 12:23 P.M.)

1 STATE OF CALIFORNIA)

2 COUNTY OF HUMBOLDT)

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

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

14

15

16

IN WITNESS WHEREOF, I have

17

hereunto set my hand this

18

14th day of February, 2016

19



20

21

Jennifer L. Yang, CSR No. 12367

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23

24

25