

WALLY HERGER
2d DISTRICT, CALIFORNIA



COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEES:

CHAIRMAN
HUMAN RESOURCES
TRADE

- PLEASE REPLY TO:
- WASHINGTON OFFICE:
2268 RAYBURN HOUSE OFFICE BUILDING
(202) 225-3076
- DISTRICT OFFICES:
- 55 INDEPENDENCE CIRCLE, SUITE 104
CHICO, CA 95973
(530) 893-8363
- 410 HEMSTED DRIVE, SUITE 115
REDDING, CA 96002
(530) 223-5898

Congress of the United States
House of Representatives
Washington, DC 20515--0502

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
NOTICE OF CEQA SCOPING WORKSHOP
SEPTEMBER 27, 2005
CHESTER MEMORIAL HALL
3:00PM TO 7:00PM

TESTIMONY FROM
THE HONORABLE WALLY HERGER
U.S. REPRESENTATIVE CA-02

I appreciate the opportunity to address the members of the CA State Water Resources Control Board and to offer my comments concerning the Upper North Fork Feather River (UNFRR) Hydroelectric Project Water Quality Certification. It is my understanding that because of the level of controversy surrounding the UNFFR Project and the likelihood of significant impacts, the State Water Board has decided to prepare an environmental impact report (EIR).

As I have previously stated, the proposal for a Thermal Curtain project for Lake Almanor is an ill conceived and misguided idea that seeks to employ a plan to resolve river problems by harming the lake and the surrounding communities.

I would like to review some recent findings that may result from implementation of the Thermal Curtain(s):

** According to the Thomas Payne and Associates report, it states that the Lake Almanor salmonid habitat could be reduced up to 40%.

** A. Joe Odgaard (one of the researchers that presented the Thermal Curtain alternative) is quoted in a May 20, 2004 Iowa State news release saying that, "...a continuous withdrawal of

only cold water could deplete the lakes' cold water supply, resulting in damage to the lake habitat."

**According to Ron DeCota, a seasoned Cal Fish & Game fish biologist, he wrote in a June 14, 2003 letter to FERC concerning the Thermal Curtain and stated in part, "We are not willing to take a chance that our concerns will not upset the delicate ecological balance in these two prized trophy trout lakes, (referring to Butt Reservoir being the second lake). Therefore, we recommend the feasibility study be abandoned and deepwater releases at Prattville (and Canyon Dam not be pursued."

** The 2004 Payne and Associates report indicated that the Thermal Curtain would virtually eliminate the pond smelt that provide the major food source for the trophy trout in Butt Reservoir and require mitigation measures to restore the appropriate level of Dissolved Oxygen.

Simply put, even though there may be reasons for reducing the water temperature down stream, current information shows that the installation of a Thermal Curtain at the Prattville Intake will be detrimental and negatively impact both Lake Almanor and Butt Reservoir.

Recent data indicates that \$53 million will be borne by PG&E ratepayers in construction costs, plus maintenance of the Thermal Curtain(s). With this price tag, what benefits can you accurately cite that will substantiate the enormous tax you are affecting? What evidence has been presented to establish a positive cost v. benefit ratio? What will be the net increase in fish population and at what cost? Where is the science that will guarantee the success of the Thermal Curtain(s) and finally, who will take responsibility if millions of dollars are spent with no measurable results?

The state's water quality standards need to be met in a way that we all get well together. We need to ensure that we address the fisheries in the entire watershed, not at one isolated point. We also need to make certain that state and federal actions are not detrimental to the fisheries and the ecology of Lake Almanor and Butt Reservoir.

In summary, CEQA requires that an EIR incorporate a reasonable range of alternatives. CEQA guidelines also suggest that alternatives analyzed should be limited to those that would avoid or substantially lessen any of the significant impacts of the project and that the EIR need examine in detail only the alternatives that the lead agency determines could feasibly attain most of the basic objectives of the project.

There is virtually no public support for the Thermal Curtain(s) proposal. The licensee cannot recommend the project, nor can they designate another alternative as "reasonably acceptable."

Local Tribes have objected and stated their opposition. Lake Almanor residents and area businesses have come together to state their opposition through the Save Lake Almanor Committee. There are socio-economic considerations that have not been fully reviewed and addressed.

Based on existing information and studies, the Thermal Curtain should be abandoned and taken off the list of considerations.

I urge the State Water Board to provide some leadership in this process by recognizing the futility of the Thermal Curtain proposal and proceeding in an expeditious manner to utilize taxpayer's resources in the most cost effective and prudent manner possible.

Thank you for this opportunity to comment.