

PUBLIC SCOPING MEETING
STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD

In the Matter of:)
)
LONG-TERM MODIFICATION AND INTERIM)
OPERATION OF THE KLAMATH)
HYDROELECTRIC PROJECT, AND CONTINUED)
LONG-TERM OPERATION OF ALL OR PART)
OF THE KLAMATH HYDROELECTRIC)
PROJECT, TO MEET CONDITIONS OF WATER)
QUALITY CERTIFICATION AND TO)
CONFORM WITH WATER QUALITY STANDARDS)
_____)

YUROK TRIBE HEADQUARTERS
190 KLAMATH BOULEVARD
KLAMATH, CALIFORNIA

MONDAY, OCTOBER 20, 2008

6:00 P.M.

REPORTED BY:
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State Water Resources Control Board

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4 Marianna Aue, Staff Counsel
State Water Resources Control Board

5 Jennifer Watts, Ph.D., Environmental Scientist
State Water Resources Control Board

6
7 Daniel R. Tormey, Ph.D.,
Entrix, Inc.

8

9 PUBLIC SPEAKERS

10 Joe Hostler

11 Dale Ann Frye Sherman, Yurok Tribal Councilwoman

12 George Pantell

13 Rich Mossholder

14 Eileen Cooper, Del Norte County Democratic Party,
Friends of Del Norte

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16 Dave Severns

17 David Gensaw, Sr.

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19 Ray Mattz

20 Annelia Norris

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22 Mike Belchik

23 David O'Neill

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25 Peggy O'Neill

26 Robert McConnell

27 Pergish Carlson

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29 Victoria Carlson

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31 Ken Fetcho, Yurok Tribe Environmental Program

1	APPEARANCES (Continued)
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1 P R O C E E D I N G S

2 FACILITATOR KAPAHI: My name is Gita Kapahi. I
3 am the State Water Board's ombudsman. I'm also the
4 Director of the Office of Public Participation. I will be
5 your facilitator this evening. I'll try and keep us on
6 time, make sure that everyone understands the ground
7 rules.

8 The logistics, as I said, please sign in, check
9 the speaker box if you wish to speak. Oral comment time
10 may be limited depending on the number of speakers that we
11 have tonight. Please speak into the microphone so that
12 your comments may be correctly transcribed. We do have a
13 court reporter here, so please identify yourself and spell
14 your name for her so that she can get it down correctly.

15 Sorry, this is a much larger room than this
16 afternoon.

17 Okay. Written comments will be accepted as well
18 as any comments that you make here tonight. The
19 information regarding that is located in the Notice of
20 Preparation, the document at the back of the room.

21 The bathrooms are located outside of this room
22 and to the right. There are exits. Follow the exit signs
23 in case of emergency tonight.

24 Tonight with me I have Dr. Dan Tormey, the
25 project manager for Entrix. He is the contractor working

1 for the State Board. He is a geologist, a geochemist, and
2 a civil engineer. And Dr. Jennifer Watts, the
3 environmental scientist in the Division of Water Rights,
4 Water Quality Certification Unit, the project lead for the
5 Klamath project. And Marianna Aue, the staff counsel for
6 the State Water Board on this particular project.

7 Ground rules. Only one person can speak at a
8 time. Please respect the speaker and their views, even if
9 you do not agree with them. Keep it professional, focus
10 on the issues, not people. Be concise. Threats or acts
11 of violence or derogatory conduct will not be tolerated.

12 Please turn off your cell phones. Recognize that
13 we have a short time to receive a lot of information, and
14 the time may be limited depending on the number of people
15 that wish to speak. In the event that not everyone can
16 speak at this meeting, there is an opportunity, like I
17 said, for providing written feedback or participating in
18 another meeting. As I said, this is the second of five
19 public CEQA scoping meetings.

20 There will be a short staff presentation, and
21 then we'll open it up to comments. And I'll determine how
22 many people wish to speak and determine the time
23 accordingly.

24 We wish to thank the tribe for providing meeting
25 space for us tonight.

1 And with that, Dan.

2 DR. TORMEY: Okay. Hello. Thank you to everyone
3 for coming out tonight. We're starting a process of
4 conducting an environmental review of the operations of
5 the Klamath Hydroelectric Project and also looking at
6 alternatives to that operation. And so tonight we're at
7 the early part of the process. And the main objective
8 tonight is to solicit your input on the project. And I'll
9 go into that a little bit more as we go on, but the --
10 I'll be doing some talking now, but our main interest is
11 in hearing what you guys have to say.

12 The Klamath Hydroelectric Project obviously is
13 operated by PacifiCorp, and the grayed-out facilities, the
14 East Side, West Side, Keno, and J.C. Boyle, those are in
15 Oregon; and then Copco 1 and 2, Iron Gate, and Fall Creek
16 are in California. And as the California State Water
17 Resources Control Board, the direct jurisdiction is over
18 the facilities in California, but the analysis of the
19 environmental impact has to consider the cumulative
20 impacts of the project, so we'll also be looking at the
21 effects of the facilities in Oregon; but the primary
22 jurisdiction is over the California facilities.

23 The FERC has finished their Environmental Impact
24 Statement in November of 2007, and then there's been some
25 subsequent permitting activity by other federal agencies,

1 National Marine Fishery Service, Bureau of Reclamation,
2 Bureau of Land Management. And the State is now -- the
3 project is really awaiting the water quality certification
4 under Section 401 of the Clean Water Act by both
5 California and Oregon.

6 And as part of the California State Water
7 Resources Control Board's review, there is an
8 environmental review that is similar to the one that the
9 FERC conducted. Theirs wound up with a document called an
10 Environmental Impact Statement. The California version is
11 called an Environmental Impact Report. And that's what
12 we're starting on now. And in the rest of my talk I'll
13 tell you a little bit more about the distinction between
14 those.

15 This is just a facility map. I won't spend a lot
16 of time here, but might be a little difficult to see
17 there, but it just shows the project area; the dams, you
18 can see, is the black lines. And then our analysis is
19 going to consider the effects from the dams all the way
20 down to the mouth of the river at Requa.

21 So today we're not making decisions; today we're
22 here to find out what your input is. And so in order to
23 help that along, I'm first going to tell you about our
24 process, about what the State Board -- the steps in this
25 environmental review will be and the specific times when

1 you'll have an opportunity for input and to participate in
2 that process.

3 And then, again, we're looking for comment. And
4 we're interested in whatever you have to tell us, really;
5 and the more environmental, the better. And then to the
6 degree to which it fits into these categories, it more
7 closely links up with our overall process.

8 And so the things that we're specifically looking
9 for are places where the Federal Energy Regulatory
10 Commission, the FERC, where their environmental review
11 either didn't meet your standards for adequacy or you felt
12 that the range of alternatives that were addressed in that
13 was inadequate or certain environmental impacts were not
14 properly addressed in that or if you have additional
15 information that feeds into those. Those are things that
16 we're all interested, very interested in hearing about.

17 And then we'll be working to develop mitigation
18 measures, measures designed to reduce the impacts. And
19 some of those are going to be short-term measures,
20 immediate, or interim measures; and so we're interested in
21 hearing any suggestions you have along those lines as
22 well.

23 So the next couple of slides are going to just
24 depict the overall process that we're in. And so the
25 first two are going to be our State process, and then the

1 third slide will be how that process fits in the overall
2 relicensing of this series of dams.

3 So the first bubble is that the applicant submits
4 their application to the State Board. And they recently
5 resubmitted their application in September of 2008, so
6 that officially kicked off our process, so we're very
7 early in it right now.

8 The second bubble there is where we are now.
9 We've issued our Notice of Preparation; and there's copies
10 of that available for you in the back. And I encourage
11 you -- it looks like most of you have them, but if you
12 don't, I encourage you to get them because it writes down
13 everything that I'm going to be saying tonight. So if you
14 missed something or wanted a little more detail, it would
15 be in that Notice of Preparation. So that's been issued.

16 And now we're conducting our scoping meetings.
17 So in this process, it's the first opportunity for you to
18 have input. And this is a very important part because
19 it's early on, so the things we hear now can be
20 incorporated in the environmental analysis that we're
21 going to be conducting over the next several months. So
22 this is really an important time. And again, I really
23 thank you for coming here because it makes our analysis
24 that much better.

25 The third bubble up there is we actually conduct

1 our analysis, and that will wind up with a report called a
2 Draft Environmental Impact Report, or a DEIR as it says up
3 there. And then the next thing is that that Draft
4 Environmental Impact Report will be published and issued
5 for your review. And at that point, once you've reviewed
6 it, that's another opportunity for public input. At that
7 point it's a little different than what we're after now.

8 Now, we are seeking to find out as much as we can
9 about what issues should be addressed, additional
10 information, but then once the Draft Environmental Impact
11 Report is issued, at that point your comments are more
12 along the lines of, well, I wanted you to look at this but
13 you didn't, or you missed some information. So at that
14 point you're more critiquing the work that we did.

15 And then in the middle bullet, we then take those
16 comments, we respond to them, we modify the document to
17 the degree that we can. And then at the end a final
18 Environmental Impact Report is issued. And that document
19 is used in order to provide information to the State Board
20 when they decide whether or not to issue a water quality
21 certification for the project.

22 And it's a really important thing to know about
23 the Environmental Impact Report that we're preparing, and
24 that's that it didn't make the decision, it doesn't give
25 you the yes, no answer. The document is intended to fully

1 disclose the environmental effects both of the project and
2 of the alternatives. And if there's disagreement on
3 particular issues, the job of the Environmental Impact
4 Report is to clearly describe the areas of disagreement,
5 the basis, pro and con. And if there's enough -- if
6 there's enough of a basis to make a decision or to make a
7 ruling on which side, you know, appears to be correct,
8 then we do that; but if both sides seem to have an
9 argument, the job of the document is to clearly describe
10 that.

11 And so when you're reviewing the Draft
12 Environmental Impact Report, it's particularly important
13 to look at it with an eye towards that, that we get it
14 right, you know, what your facts are on what your views
15 are.

16 And when the State Board makes their decision,
17 that occurs at a public hearing, and that's the last of
18 the public input parts to the process.

19 (Conversation beyond the range of the
20 microphone.)

21 DR. TORMEY: So I made a mistake. It's not a
22 public hearing. The State Board makes a decision, and
23 that's available for public viewing.

24 (Conversation beyond the range of the
25 microphone.)

1 DR. TORMEY: Yes, for public viewing and
2 reconsideration.

3 She's my legal counsel over there, so she gets
4 those things correct. Thank you.

5 Okay. So this slide shows how the CEQA process,
6 the one that we're conducting, fits in the overall
7 relicensing process that's been going on for the last
8 several years.

9 The first bubble is the applicant's FERC
10 application. And that included applications for
11 supporting permits. The second bubble, that occurred in
12 November 2007, that was the FERC issuing their EIS. And
13 they are -- they have currently issued an annual license
14 to allow continued operation while the rest of the permit
15 process proceeds.

16 And that third bubble up there is the other
17 permits that are being -- that have been considered and
18 issued, the National Marine Fisheries, Bureau of
19 Reclamation, Bureau of Land Management, California
20 Department of Fish and Game, many, and some of those
21 conditions are what are called mandatory conditions, and
22 so they have to be incorporated as part of the project.

23 And so the fourth bullet is where we are now. So
24 now we're evaluating the 401 application and conducting
25 our environmental review.

1 And as you'll see in the alternatives, those --
2 some of the alternatives that were analyzed by the FERC
3 don't meet the mandatory conditions, and so we aren't
4 considering those, they aren't feasible.

5 Okay. And then the final bubble up there is when
6 we issue the decision. And if the State decides to
7 approve the 401 certification, then the FERC can issue
8 their long-term license. So it's kind of the last of the
9 permits before the FERC issues their long-term license.

10 And if we do not approve the project, then the
11 FERC cannot issue the long-term license.

12 Okay. So, really, I think the process part is
13 the most important for where we are now. So the next
14 slides I'm going to go through a little more quickly to
15 give you guys more time to comment.

16 So briefly the CEQA project, the project that's
17 being considered is the long-term modifications as
18 described by the mandatory conditions and the original
19 application, as well as interim measures that we are
20 considering for near-term improvements to the project
21 operations. And so it's the long-term modifications, the
22 interim actions, and then long-term operation of the
23 project in a way that meets the conditions of the water
24 quality certification and meets California's water quality
25 standards.

1 So these are the two project objectives. And
2 these aren't -- a project objective is a mixture of what
3 the applicant is seeking as well as other considerations
4 that come in to inform what the objectives of the project
5 are. And the important thing about the objectives is that
6 they are the means by which alternatives are considered.
7 So alternatives have to substantially meet the project
8 objectives. They don't have to meet them entirely, but
9 substantially.

10 And so the CEQA project objectives are to
11 continue generation of power from a renewable resource to
12 serve the applicant's customers as compatible with the
13 water quality standards and mandatory conditions as
14 established with the FERC's process, and then we've added
15 an additional -- that objective has kind of been going
16 along throughout the process, and we have added a
17 condition that the Klamath Hydroelectric Project would be
18 modified so as to comply with California water quality
19 standards.

20 Now, when you see the Draft EIR, the first thing
21 you'll see is it describes -- it seeks to describe the
22 existing conditions. And so this very briefly just
23 summarizes some of the key existing conditions. One is
24 that there's -- that the water bodies are impaired, and
25 they're listed on the list of impaired water bodies for

1 several parameters including temperature, nutrients,
2 dissolved oxygen, and microcystin toxins. Also, the fish
3 populations have declined and the Coho salmon has been
4 listed as threatened.

5 And then water quality impairment and the reduced
6 fish populations have a host of secondary adverse effects.
7 So they affect the tribes, and I'm hoping that we'll hear
8 some detail about that tonight, they affect local
9 communities. And those impacts have effects to
10 commercial, recreational, and subsistence fishing. So
11 that's the existing environment.

12 And when we come to the CEQA analysis itself,
13 this just briefly describes our approach. And as a start
14 we're going to -- our starting point will be the FERC EIS.
15 So the efforts that have been conducted to provide
16 information for that, we're looking at the comments to
17 that, we're looking at the document itself. So that's our
18 starting point; we're not starting at zero.

19 But the Environmental Impact Report has to differ
20 in several ways. One is that it has to reflect the
21 independent judgment of the State Water Resources Control
22 Board; another is that there's more recent information,
23 there's a number of ongoing studies that provide
24 additional information on some of the impacts. Some of
25 the resource categories required by the State review are

1 not analyzed by the Federal Energy Regulatory Commission,
2 so they'll receive review.

3 We need to have a focus on meeting water quality
4 standards. We have to disclose any potential conflicts
5 with downstream water uses, obviously, such as the tribal
6 uses. And then as you'll see, certain alternatives,
7 because of where we are in the process, certain
8 alternatives that were analyzed in that EIS are no longer
9 feasible. So those will be taken out.

10 Okay. So this -- the different colors looked
11 pretty good on my computer screen; you probably can't see
12 them very well here, but the -- I'll just go through it.

13 So the top -- so the first, the darker -- these
14 are gray and that's black. And those were alternatives
15 that were in the FERC's EIS. And the green are ones that
16 we have added, those are new alternatives that were not
17 analyzed by the FERC. So the first one, the no action
18 alternative is -- we have to replace that just for
19 regulatory purposes with a CEQA no project alternative.
20 It's a little different in format than the NEPA no
21 project.

22 PacifiCorp's original proposal that was analyzed
23 in the EIS is no longer feasible because of the mandatory
24 conditions that have been required by the other permitting
25 agencies; so that we won't analyze.

1 The FERC staff described an alternative. They
2 added 25 additional conditions to those originally
3 proposed by PacifiCorp, but they did not include
4 compliance with the mandatory conditions. So again, that
5 one isn't feasible and won't be analyzed. The FERC staff
6 alternative with the mandatory conditions that was in the
7 EIS, and we will be analyzing that one as well. FERC also
8 looked at retirement of and removal of Copco 1 and
9 Iron Gate. We'll be looking at that one. We're including
10 removal of Iron Gate, Copco 1 and Copco 2.

11 We're looking at -- there's -- as you know,
12 there's an ongoing series of settlement negotiations, and
13 right now we don't know what the outcome of that is going
14 to be. Depending on the timing, if the settlement
15 negotiations produce an alternative that we can analyze,
16 we'll include that in our review.

17 And then the FERC looked at a four dam removal
18 alternative. And J.C. Boyle in Oregon is beyond the State
19 Board's authority, so that one will not be looked at in
20 this particular EIR.

21 Okay. So the long-term modifications that are in
22 the various alternatives, including removal, take time,
23 five, seven years, it's hard to predict exactly how long,
24 but to implement those actions it takes time. And one
25 thing that we've been hearing loud and clear is that

1 there's conditions that suggest maybe we really don't have
2 that much time; and so in response to that we're
3 considering interim actions, actions taken in the meantime
4 before the long-term modifications are fully implemented.
5 And so we've got a host of those.

6 One of those is PacifiCorp's original proposals
7 for enhancement measures, the additional ones looked at by
8 the FERC, and then anything that comes from the
9 settlement.

10 And as I said at the start, that's also another
11 place where we particularly like to hear any suggestions
12 that you have for possible interim measures.

13 Okay. The next two I'm really just going to go
14 over very quickly. These bullets are the various resource
15 categories, socioeconomic, cultural and tribal resources,
16 recreation, land use, aquatic biology that were analyzed
17 in the FERC EIS and that we'll be using as a starting
18 point and enhancing as I had described earlier.

19 And then these are the additional resource
20 categories that were required by CEQA but were not
21 analyzed in the FERC EIS. And again, I'm not going to go
22 through these in detail, they're in the NOP, and you can
23 read them there.

24 I think the one that I'd like to mention is the
25 cumulative impacts. So those are the impact analysis that

1 we conduct as part of the California review is required to
2 considered the interrelated actions that aren't
3 necessarily related to the dam but that are related to
4 impacts to those environmental resources. So the
5 operation of the Bureau of Reclamation's agency leg, for
6 example, has to be part of our review. The downstream
7 effects have to be part of our review. So those are all
8 classed under cumulative impacts.

9 Okay. And so now this -- now we're coming to the
10 end; you'll get up here soon. So this, again, to the
11 extent that you can provide your comments in these general
12 forms, again, it just makes it easier for us, but any
13 input you have is valuable and we'll work with it.

14 The first, again, is adequacy of the FERC EIS.
15 And especially some of you have been involved in that
16 process and reviewed the draft and wrote comment letters.
17 To what degree did the final EIS adequately respond to the
18 comments that you had in your letters? That's something
19 that we don't have access to; you guys have to tell us.

20 The range of alternatives. You've heard what
21 we're thinking of now, it's summarized in the NOP. Are
22 those an adequate range of alternatives? Impacts that
23 weren't addressed in the EIS, any potential mitigation
24 measures that you think would be good but you haven't seen
25 mentioned in any of these forums yet. And then other

1 interim measures that could be included in kind of a
2 near-term list of actions. Those are things we'd like to
3 hear about.

4 And, you know, because this is a public setting,
5 we want to hear what you have to say here, and we have a
6 court reporter who will record what you said. It also is
7 very helpful to us if you submit written comments. And
8 you can submit them either by email or by regular mail to
9 the address shown up there.

10 And that's all I have to say. Thank you.

11 FACILITATOR KAPAHI: Thank you. I think that the
12 sign-up sheet is over there, if I could get it, please.
13 Just if I could get a show of hands, how many of you wish
14 to speak tonight just so I can allot the time accordingly?
15 If someone could count for me.

16 Okay. I will read you off in order that you've
17 signed in. There are two microphones. One of these is
18 for the benefit of the court reporter. They do need to be
19 close together. So if you hold it close to your mouth
20 when you speak and not wander too far away, it would be
21 appreciated.

22 I will start out with -- oh, and in the interest
23 of time, I think I will go through the five minutes
24 depending on how much time we have and how many people
25 wish to speak. So for now, Joe Hostler, Dale Ann Sherman,

1 and George Pantell. That's the order so far.

2 Thank you.

3 UNIDENTIFIED SPEAKER: Some of us didn't see
4 that.

5 FACILITATOR KAPAHI: It is circulating. If
6 you'll make sure that you sign on the sheet, we'll get to
7 you as you are on the list.

8 Sorry, one more logistical thing. When you come
9 up to the microphone, could you please spell your name for
10 the purpose of the court reporter.

11 Thank you.

12 MR. HOSTLER: My name is Joe Hostler. Last name,
13 Hostler, H-o-s-t, as in Tom, l-e-r. I'll keep it really
14 short. Thank you for coming and hearing public comment;
15 do appreciate that. It's part of tribal consultation,
16 which is really important, community consultation also.

17 I just had a couple ideas. I have worked in the
18 basin as a water quality biologist, so I have actually
19 sampled some of this green stuff. In the little bit of
20 time that I did sample, I noticed that in the Iron Gate
21 and Copco reservoirs, the preferred alternative should be
22 to decommission all dams. They cause -- they are the
23 single cause for blue-green algae blooms. Even the
24 science shows that upstream the algae is not as high, and
25 then when you get down in the reservoirs, then it balloons

1 up, and then it starts to go back down a little bit the
2 farther you go down below the reservoirs. So the
3 reservoirs is what causes it, and it's the only way to get
4 rid of the algae, microcystin aeruginosa, is to
5 decommission all the dams.

6 I don't support the alternative for mitigation.
7 I don't think mixers are very effective. The top mixers,
8 they don't really effectively break up the blue-green
9 algae. And then also I don't want to use a pesticide.
10 Copper sulfate is very toxic and it would violate many
11 environmental laws.

12 Some people may argue that property values, which
13 is not very important to me, but some people around there
14 might argue that property values will decrease with dams
15 gone. I argue that they'll increase. Because nobody who
16 lives up there wants to live in a smelly, nasty
17 environment; and that's what those dams cause, is smelly,
18 nasty algae. The only way to reduce nutrient loads is to
19 decommission the dams. And you also have to consider
20 global warming; as it gets warmer, the algae blooms sooner
21 and hits harder. So the algae just spikes up into the
22 multimillions of cells per milliliter.

23 And I also think that although the State doesn't
24 really have a play in it, I think you guys should factor
25 in that the Hoopa tribe has treatment as a state and they

1 have standards for blue-green algae. And from my
2 understanding, those have already been exceeded.

3 And then one final thing I guess is that I would
4 encourage the politicians from the State Water Control
5 Board to listen to their staff, because I know that the
6 staff works really well; and that doesn't always happen,
7 the politicians don't always listen to the scientists and
8 the staff and the people on the ground and the community,
9 so I hope that they will actually listen to the people and
10 bring the dams down.

11 Thank you.

12 FACILITATOR KAPAHI: Thank you. With that,
13 you're up, Tribal Councilwoman Dale Ann Sherman, followed
14 by George Pantell.

15 COUNCILWOMAN SHERMAN: Good evening. Dale Ann
16 Frye Sherman, Yurok tribal councilwoman. Sherman,
17 S-h-e-r-m-a-n.

18 I'm here this evening to talk about the green
19 water you see in front of you. When I was a young girl
20 the water didn't look like that, it was blue and clear,
21 and you could see the salmon on the bottom of the river
22 and you could count the rocks on the bottom of the river.
23 And the Creator made us here and he put us in the most
24 beautiful place in the world. And that's been changed by
25 the dams. Our lifestyle is changed by the dams.

1 We are called Yurok or Pohlik-la, and we are the
2 people of the river, we're the people of the mouth of the
3 river. We never gave up the right to clean water. We
4 never asked for this green water that you see sitting in
5 front of you. We depend on the upon the river. It's our
6 creation.

7 We're inexplicably interlinked with the salmon;
8 they're our brothers and our sisters, and we belong to
9 them and they belong to us. And we can't expect them to
10 live in that kind of water. The Creator says that when
11 the salmon run low, the numbers of Yurok people will run
12 low, and we see that happening. We've had over a hundred
13 deaths in our tribe since January.

14 Other people may call it superstition, but we
15 don't. It's our old legends speaking to us. It's the
16 Creator speaking to us, because he gave us -- he gave us a
17 job that we can't do anymore. He told us to take care of
18 the river, but we don't own the river. He told us to take
19 care of the land, and we don't own the land either. All
20 we have left is our identity. Our identity links us to
21 that land and to that river. We belong here. We were put
22 here in the beginning of time.

23 Our ceremonies keep us alive, and we cannot do
24 our ceremonies without salmon. We can't live without the
25 salmon. Our stories tell us that we'll be here only as

1 long as the salmon are. For you it may be superstition,
2 but for us it's our truth.

3 Our creation stories keep us alive. Words keep
4 us alive. Words, when they go out into the world, carry
5 weight, and that's why you see all of these people here
6 tonight; they're speaking for the river because the river
7 can't speak for itself. The salmon can't speak for
8 itself. That's why we're here. We're not raised to be
9 public speakers, but in times of necessity it comes to us.

10 Our spirituality and our cultures are linked to
11 the river and the salmon. We can't base our beliefs on
12 anything without the river and the salmon. This is where
13 we belong. This is our community; we belong here.

14 And also, in our world everything comes around
15 again, everything is circular. So time is of the essence.
16 The salmon doesn't -- the salmon don't have that long
17 left. Each year there are fewer of them. And it makes us
18 sad. Each year there are fewer Yurok people. Each year
19 there are fewer redwood trees. And all of this is linked
20 to the dams.

21 The dams are taking away our life, and we ask
22 that you look at that seriously.

23 FACILITATOR KAPAHI: George Pantell followed by
24 Rich Mossholder, Eileen Cooper.

25 MR. PANTELL: Being a taxpayer that enjoys having

1 electricity, and then you hear they're going to blow up
2 four dams, which I believe is for flood control also, and
3 I've seen Klamath underwater a number of times, so if you
4 blow up the four dams how are you going to stop the flood
5 control? You know, they can let so much water out at
6 every time -- I'm not taking sides, I'm just thinking
7 about what people --

8 (Comments from unidentified audience member
9 beyond the range of the microphone.)

10 MR. PANTELL: What do you mean? They can let
11 water out any time they want.

12 (Comments from unidentified audience member
13 beyond the range of the microphone.)

14 FACILITATOR KAPAHI: Excuse me. If I could just
15 ask you please to allow each speaker to speak, and you
16 will get your chance. Thank you.

17 MR. PANTELL: Every dam has flood control. They
18 can let as much water out -- well, what do you mean by
19 that?

20 (Comment from unidentified audience member
21 beyond the range of the microphone.)

22 MR. PANTELL: Well, the dam has to fill up with
23 water, don't it? And that takes a lot of water. And then
24 they send it over to some farmers, don't they, when
25 there's too much water?

1 (Comment from unidentified audience member
2 beyond the range of the microphone.)

3 MR. PANTELL: What are they complaining about all
4 the time, they're sending too much water to the farmers.

5 FACILITATOR KAPAHI: Okay. If you could please
6 keep the side discussions separate. We're allowing each
7 speaker a limited time to speak, if they could speak, and
8 then you'll get your turn. Thank you. And it also makes
9 it difficult for the court reporter; so please respect
10 that. Thank you.

11 MR. PANTELL: I'm also a salmon fisherman, not a
12 commercial, out of Crescent City, and you probably know
13 there's no salmon this year, and they wouldn't let us
14 fish, but I've counted -- nobody mentions the sea lions.
15 I counted 300 and something out by Saint George reef. The
16 only fish I seen caught on the Klamath the other day was
17 by a sea lion. I see them pulling nets in, but they
18 didn't have no fish; but the sea lion had a nice big fish
19 out there.

20 So there's a hundred thousand of them along the
21 coast right now because they're endangered; so if you want
22 to blow up something, blow up the sea lions because I
23 think that's where the fish are going. We fish for perch.
24 There was 65 of them down at the opening of the Smith
25 River the other day, of seals. So a sea lion eats about a

1 ton of fish probably in three or four months. They don't
2 only eat the issue, they tear the bellies out of them, so
3 it's just a waste there.

4 So if you're going to blow up anything, I would
5 get to the California legislature to get the sea lions the
6 hell out of there, because they're the ones that are
7 killing the salmon as far as I'm concerned. If you don't
8 believe me, see how many is out there. And they've taken
9 a lot of fish from me when I'm out in my boat too.

10 So hatcheries, I don't understand it, why they
11 don't build a big hatchery, take the money from the
12 casinos and build a great big hatchery. It may be the
13 world's biggest hatchery. Then you could have all these
14 fish coming down the river. So I think that would be a
15 good idea because the casinos are making a lot of money
16 and they're helping the Indians and stuff too, so that
17 would be a good idea. So, okay.

18 FACILITATOR KAPAHI: Thank you. Next I have Rich
19 Mossholder followed by Eileen Cooper followed by the Del
20 Norte Democratic Society, I don't have a speaker listed.
21 Thank you. And if there's anyone else that wishes to
22 speak, I have the sheet here.

23 MR. MOSSHOLDER: I'm Mossholder,
24 M-o-s-s-h-o-l-d-e-r.

25 Well, first of all I'd like to say I've been

1 around the river for a long time. I've been fishing this
2 river every summer except the time in Vietnam since 1955.
3 I've watched the decline of the fish. I've listened to a
4 lot of the arguments out here, and they're very good. And
5 I'll be honest with you, I am probably one of the most
6 against dams of anybody in here. I've seen the
7 destruction of many rivers because of dams. And I believe
8 the dams here have had some destructive qualities on the
9 Klamath River, we all know that.

10 But we haven't really talked about what happens
11 if we remove these dams. We haven't talked -- somebody
12 said there is no flood control. Yes, there is some flood
13 control, but matter of fact, during '97 and 2005,
14 everybody was bitchin' about, oh, they let all the water
15 out of the dams and flooded us. Well, that didn't happen
16 either. But what I'm saying is there's a lot of problems
17 with them, but there's a lot of benefits that we receive
18 now.

19 50 years ago or so when they put the dams in,
20 they shouldn't have done it, it was a bad thing, it's done
21 a lot of bad things, but what's going to happen if we take
22 them out? Has anybody here ever seen rivers where they've
23 taken and let all that silt come down into the rivers and
24 what it does? The riparian vegetation that will grow
25 along? The Klamath River will not be the Klamath River

1 anymore.

2 People are telling me, oh, it's going to clear up
3 in one or two years. Baloney. It's going to take 50
4 years for this river to come back. It's going to be a
5 mudhole. You're going to have silt that's going to filter
6 down into this loose gravel, it's going to create it just
7 like cement. You're going to have willows growing that
8 are going to root; you're not going to be able to get them
9 out. This river will become a mud-slow river. And it
10 will take generations for it to come back. We don't want
11 that.

12 I mean, I love the fish in this river, I love the
13 people that live along this river, they're great people.
14 They have good ideas and they all want -- everybody wants
15 it to work. I do too. But I think the removal of the
16 dams at this point in time is not really a good idea. I
17 think we really need to look at some alternatives, some
18 ways to take care of the blue-green algae.

19 Someone said it wasn't here before. Blue-green
20 algae has been here since the beginning of time. It's one
21 of the oldest living organisms on earth. It just wasn't
22 quite as prevalent as it is now. And that's because of
23 the warm waters.

24 We're taking a look at the future, we're looking
25 at the future when we're talking about global warming.

1 Some people don't believe in global warming. Well, take a
2 look at the ice caps, take a look at the weather, take a
3 look at the waters that come down the Klamath River, the
4 temperatures of them. If you remove the dams, you're not
5 going to have that water flow during the summer. You're
6 going to have -- that mouth's going to be closed. You're
7 going to have the blue-green algae still in the river.
8 The waters are going to be warmer, and we're going to have
9 more of a bloom.

10 So let's take a look at alternatives, alternative
11 environmental ways to save the river, use the dam, use the
12 electricity. Talking about some of the waters going over
13 to the farmers, well, I don't know about growing alfalfa,
14 if that's going to be real important to us, but if we go
15 into a world famine, we're going to need to have some sort
16 of growth of food sources and that water's going to be
17 very important.

18 So the idea of just taking it out because we want
19 to solve a couple little problems, or some major problems
20 to some people, and I agree with that, but we need to look
21 at the alternatives first, not just take the river and
22 just get rid of all the dams and so forth to satisfy a few
23 needs. We need to find out what the results are going to
24 be, not just for this generation, but for our kids, for
25 our grandkids, for the time coming, the tribe, your

1 generations coming up, your kids coming up. You're going
2 to want them to fish on this river, you're going to want
3 them to enjoy it, you're going to want them to see that
4 water flowing down the river in the summertime, during the
5 wintertime.

6 Global warming. What do you think would happen
7 if we had another '97 or '64 or a '55 without any dams
8 there? People say it doesn't slow it down; well, there
9 was more water coming in behind the dams than were coming
10 out of it. This river would go up quite a bit higher. We
11 would see most of the things along the river wiped out.
12 I'd hate to see that. I like to see this river the way it
13 is.

14 So I don't say let's just forget this and just
15 let them have their power company and so forth, what I'm
16 saying is let's look at the alternatives, let's look at
17 how we can control these blue-green algae up in the lakes
18 and so forth, let's see what we can do to do that before
19 we just automatically say let's just remove it. You know,
20 you don't burn down a house because you spilled jelly on
21 the floor; we shouldn't do that with our dams either.

22 And I appreciate your time. Thank you.

23 FACILITATOR KAPAHI: Thank you. Next I have
24 Eileen Cooper followed by Del Norte Democratic Party,
25 David Severns -- I can't quite read the name, followed by

1 David Gensaw, Sr.

2 Ms. COOPER: Hi. Eileen Cooper, C-o-o-p-e-r, and
3 I am here to make two different presentations.

4 Let me do the short one first.

5 Del Norte County Democratic Party here would
6 proudly present here their declaration in support of
7 restoration of the Klamath River and the salmon runs.

8 Whereas we recognize the interconnectedness of all
9 life and that the Klamath watershed is an integral part of
10 the global ecosystem, that the Klamath River watershed
11 contains the most biologically-diverse conifer forests in
12 the world, irreplaceable habitat for elk, Pacific fisher,
13 wolverine, Martin, flying squirrel and anadromous fish,
14 mollusks and amphibians, that it is intrinsically linked
15 with the culture, sustenance, livelihood, and health of
16 both indigenous and immigrant populations, that it once
17 contained one of the healthiest and most prolific salmon
18 fisheries in the world.

19 And whereas six dams obstruct 350 miles of fish
20 habitat along the Klamath River, three of which provide no
21 safe passage and a fourth provides insufficient passage
22 for fish.

23 Gross environmental resource mismanagement,
24 including diversions and obstructions that degrade water
25 quality, wholesale use of pesticides and herbicides, and

1 logging have devastated river and ocean fisheries, all who
2 depend upon them and the Klamath River watershed.

3 And whereas the Klamath River flows through
4 multiple sovereign American Indian nations, flowing in its
5 entirety through the Yurok Indian nation, in the area
6 known as Del Norte County. Alternative energy such as
7 solar, wind and oceanic should be implemented that may
8 surpass the energy production by hydroelectric projects
9 thereby obviating dams upon the Klamath River.

10 Therefore, be it resolved that the Del Norte
11 County Democratic Party supports the environmentally
12 responsible removal of dams, cessation of water
13 diversions, pesticide and herbicide use, and old growth
14 logging, the implementation of wise, intelligent,
15 cooperative and multi-national environmental resource
16 management, implementation of alternative energy
17 production, and urge restoration and preservation of the
18 Klamath River and watershed.

19 Adopted by the Del Norte County Democratic
20 Central Committee at its monthly meeting on August 7th,
21 2007. And signed by Debra Broner, our chair.

22 FACILITATOR KAPAHI: Thank you.

23 MS. COOPER: And the second presentation which
24 I'm being representative for is the Friends of Del Norte,
25 which is committed to our Del Norte environment since

1 1973, nonprofit, membership-based conservation group.

2 And I guess there are long lists of the water
3 quality problems that we have on this river, and I will
4 not enumerate them here, but I have them written. But I
5 want to remind you of your trusteeship and your fiduciary
6 responsibilities.

7 I was looking up the definition of water. And it
8 states that this term includes the use of water. And that
9 water quality criteria established standards necessary to
10 protect and ensure that beneficial uses are attained. And
11 that this criteria should be designed to restore and
12 maintain the chemical, physical, and, most importantly,
13 the biological integrity of a water body. And to that
14 standard is what we must measure this EIR and these goals
15 for water body by designating its uses, setting these
16 criteria to protect those uses and establishing provisions
17 to protect water bodies.

18 And you already have the long lists of all the
19 water uses of this river. But I think of this, that the
20 biological integrity of this water body has been so
21 terribly compromised, and it's to that standard that we
22 want it restored.

23 Thank you.

24 FACILITATOR KAPAHI: Thank you. I do encourage
25 you to submit written comments if you have more extensive

1 comments than can be concisely represented here with a
2 statement.

3 With that, trying to get through the rest of the
4 speakers, next I have David -- and I cannot quite make out
5 the last name, S-e-v-e-u-n, I believe. Oh, sorry. And
6 then followed by David Gensaw, Sr., and Frank Pier. Thank
7 you.

8 MR. SEVERNS: Dave Severns, S-e-v-e-r-n-s. My
9 name is Dave Severns. I'm a Yurok tribal member and I
10 live in Blake's Rivolier. My family's lived there
11 forever. And for us, we -- my family and the boys of my
12 community here, we're probably directly exposed to that
13 river more than -- way more than your average people and
14 maybe even more than your average Indians around here.

15 We move my camp usually around April 12th, my
16 grandmother's birthday, and we stay there. I'm still
17 there now. And sometimes we don't leave till December,
18 but it's 'cause for us, that camp fishing and all that, it
19 all balls around the river. So that's our second home.
20 And for me, I've lived my lifetime on this river, and I
21 see the deterioration of it. You know, the algae bloom
22 used to be a thing we experienced for three, four days
23 during the summer, and sometimes a week; now it's turned
24 into months.

25 And for us, I have nephews that come to live with

1 me during the summer because they live in areas like Hoopa
2 where it reaches 115 degrees and it's hot and miserable
3 for them in summer for them, so they spend their summer
4 with me.

5 My nephew Kahlika has been with me for the last
6 six years since he was three years old. In the last two
7 years, where normally he'd be enjoying the river, swimming
8 in it, we've had to remove him from the river because of
9 the blue algae, and, excuse my French, but complaining he
10 had itchy nuts, and it went from this to rashes on his
11 legs and everything else. And here's a boy who's spent
12 his life enjoying the river, and all of a sudden he can't
13 swim in it.

14 And the same goes for the fish. You know, us
15 that fish at the mouth, us fishermen here and up there, we
16 have our hands in that water, all the time we're in that
17 water; and your pants get wet, then you have rashes on
18 your legs and rashes on your hands. And I grew up here,
19 and we never had this problem before. Even when we did
20 see the blue algae for them few days, it was never a
21 threat to us, we never really thought much of it other
22 than it was more moss on the net than usual.

23 Now, it's become this health hazard thing for us.
24 And as far as the importance of the river, it's so much
25 more than just water and fish like it may be to other

1 people, our culture resolves around that. And for our
2 boys in our camp, they're experiencing that, and it really
3 bothers me that they may be the last generation to
4 experience that.

5 If things continue the way they go, of course,
6 the environment, the river itself will become smaller, the
7 amount of fish will become smaller that live in that
8 environment, so will the amount of people for us
9 culturally that enjoy it, and that's going to become
10 smaller because we won't be able to.

11 And I know for people outside of our culture, to
12 them it's water, and I know water's a valuable thing and
13 whatever, but it's so much more for us; it's our whole
14 world, our culture revolves around this, and for us to
15 have to watch it deteriorate before our own eyes, and for
16 us, we feel as a tribe -- I see you're talking about
17 tribal ordinances, and somebody, you know, recognizing our
18 tribal ordinances, we're supposed to be the stewards of
19 this world, our world at least, and yet we don't have that
20 authority. And that bothers me, that the rest of the
21 world that may not have that same tie to that will be
22 making these decisions for us. And so I really hope that
23 at some point the tribal would enforce ordinances or find
24 the ability to enforce ordinances to make others quit
25 pooping in our water or messing our water up.

1 And I don't mean to be greedy, but it is -- it's
2 something that's a part of us, so it is ours. And I just
3 hope that you'll find it in your hearts to tear them dams
4 down.

5 And I hear Mossholder talk about the floods and
6 things that could happen, that may potentially happen, but
7 that happened long before the dams were here, and it may
8 forever happen, but the water may be cleaner. And that
9 might be a chance we'll have to take.

10 Thank you.

11 FACILITATOR KAPAHI: Mr. Gensaw, Frank Pier, and
12 Annelia Norris followed by Paul Van Mechler.

13 MR. GENSAW: David Gensaw, Sr., G-e-n-s-a-w.
14 Here you are again; I mean, I don't know how many times,
15 you know, we've come up to this situation talking to
16 people like yourself with our concerns. Okay.

17 This is about PacifiCorp wanting relicensing.
18 Okay. When that happened back then, when those dams were
19 built, there was no concern about habitat, there was no
20 concern about the fishery, there was no concern about
21 tribal people on the river, there was no
22 environmentalists, none of those concerns. We're in a
23 different era now, okay? 2002, that's reality to us. You
24 know, our people, we're -- our history's not written down,
25 it's oral history. We haven't ever heard of a fish kill

1 in this magnitude.

2 Since then, before then, but since then, every
3 year, you know, we're holding our breaths because we see
4 this water coming down the river. We put our nets in.
5 That's our livelihood. We have to take them out an hour
6 later to clean them off. Okay. That's telling you the
7 water conditions. It doesn't take a rocket scientist to
8 see that. Yet we have to come up here and explain to you
9 why those dams need to come down. We need to come up here
10 and explain to you why PacifiCorp doesn't need to be
11 relicensed. But yet, how many times have they come to
12 talk to -- haven't they shunned their obligations of
13 signing the Clean Water Act? Now, does that tell you
14 something? They cannot do anything about it. Those dams
15 need to come down.

16 And again, I mean, I hear a few of these people
17 talking for the dams. Those dams were never -- they're
18 not natural. This river will never flow natural until
19 those dams come down. I've lived on this river all my
20 life too, and every year, I mean since I was a young boy,
21 and to now, my sons, my grandsons, your grandchildren,
22 they're not going to see what we've seen here today if we
23 do not stop what's going on right now.

24 Our people can't afford another fish kill, yet
25 we're holding our breaths every year. And, yes, it is

1 true, our people has told us this, when the fish are gone,
2 so are we. This year they tell us we're going to have the
3 biggest run ever, we're the only river open. Invited
4 everybody to this river. And those people that came here
5 I've never seen before. I felt like it was back in the
6 salmon wars. That's been a long time ago.

7 And those people come here looking at us like
8 this is their river. What are you doing with those nets
9 out there? Okay. That right there to me, I think, is a
10 scheme to kill this river. This is what's really
11 happening; they want to kill this river so they can take
12 that water. That's gold out there, that's oil out there.

13 Those dams right there, they're ancient, and they
14 need to come down. But we don't need new ones up there.
15 That's another thing that worries me. Tear those dams
16 down and keep them down.

17 I hear talk of long lake water storage. It's the
18 same thing. They want to hold water back. This river
19 needs to run free.

20 Thank you.

21 FACILITATOR KAPAHI: Frank Pier. I think I've
22 got the name right.

23 MR. MATTZ: Hi there. I'm Ray Mattz, M-a-t-t-z.
24 I'm not Frank Pier, but I couldn't sit there no longer.

25 You know, I'm 65 years old, and I've been here on

1 the river all my life. And when I was a kid, you know,
2 around ten, I thought that water was cold, I didn't like
3 to swim in the river because there was redwood trees on
4 each side of the river where we was brought up up the
5 river. And I've been fishing probably 50 years. And I
6 went to the United States Supreme Court and won the
7 fishing rights for the lower 20.

8 And I seen logging, and I've seen when they used
9 to raft logs down the river, and people said then we was
10 killing -- they was killing the fish off because there was
11 bark. And we had a lot of fish, cold water, lots of fish.
12 And it didn't hurt the river one bit, but filled the river
13 up with gravel, all the logging.

14 And this algae, now the kids can't even swim in
15 the river, animals can't drink the water. For the last
16 two years it's been so bad you can go up to Klamath Glen
17 and drift in the middle of the afternoon, catch all the
18 fish you want because the water is so green. You know,
19 that's unbelievable, and it's not right. And, you know, I
20 don't know how them fish are up the river, but it's a
21 shame people has to eat that fish going up through that
22 algae, even the Weitchpec in my opinion. And there's
23 going to be a health problem over that. It's going to
24 come up soon I imagine, because it's not good for people.

25 And on my arms I got rash breakouts every couple

1 months. It's starting to break out now, and it started
2 two years ago from the water. And I went to the doctor.
3 And he said, you got to wait till the next time it breaks
4 out, come in and we'll take a biopsy, whatever they do,
5 and we'll ship it off. And so it's starting to break out
6 on one arm now.

7 So, you know, I'm 100 percent for the dams to
8 come out, 100 percent. And I know them dams ain't for
9 flood control. And they say them dams won't -- got no
10 pollution behind them, no sand and no silt to plug up the
11 river. There's science on that, and I believe in the
12 science what comes out. I believe in the science for our
13 fish. That's why we got fish here still. We wouldn't
14 have fish here like the Sacramento River. They don't know
15 why the fish in Sacramento died, and that's got to be --
16 because it could happen here a lot easier than Sacramento
17 in my opinion.

18 And I'd like you guys to take it back there, no
19 dams, no license for the dams. And I'm 100 percent for
20 the dams to come out.

21 Thank you.

22 FACILITATOR KAPAHI: Annelia Norris followed by
23 Paul Van Mechler followed by Mike Belchik followed by
24 David O'Neill.

25 MS. NORRIS: Annelia Norris, N-o-r-r-i-s. Wasn't

1 sure what I wanted to say here today, but I think it's
2 coming to me.

3 From the beginning of time, you know, the Creator
4 put our people here, He created us here, and He created us
5 here with a reason to take care of this place, to take
6 care of this river. And, you know, He gave us all the
7 resources that we needed to survive and live simple and in
8 a good way in His eyes, you know. And, you know, He also
9 gave us these ceremonies that are to keep the balance and
10 renew our world every year, you know. And, you know, we
11 still continue those ceremonies today.

12 And in 2002, we had one of our ceremonies, and
13 immediately afterwards, it was the day after it ended,
14 that's when the fish began floating down; they were dead.
15 There was just -- it was really a tragedy for us to see
16 that right after we had prayed for the balance of our
17 world and for renewal, you know. And I think at that
18 point a lot of us realized that, you know, the world is
19 much larger than what it was when we were created here,
20 you know.

21 And when our -- when our territory here, our
22 river was invaded by a foreign people, you know, they came
23 and they brought a lot of destruction with them, and, you
24 know, created a lot of things that brought imbalance to
25 our world, you know. They cut down the trees, they mined

1 the gold, they did a lot of destructive things to our
2 river, and they put up these dams, you know.

3 And I think, you know, for the survival of human
4 beings at this point, you know, because foreigners have
5 come in here, and now it's their responsibility as well to
6 take care of this place because they've come here, and,
7 you know, to restore this river back to how it was given
8 to us. You know, it's really important, and it's up to
9 all of us to do that, you know. The balance has been
10 disrupted, and it needs to be restored so that humans can
11 survive, because you know that the impact is global
12 warming, you know, the impact is poison in our water.

13 If you look behind those dams, the toxics that
14 fester in there is the state of our water; and you can see
15 that in human beings, you know, we're all sick with
16 cancers, and just we are poisoned, and it's because our
17 water is poisoned. And if we continue to let that happen,
18 we're no longer going to exist. So it's really important
19 that we all take a part in restoring the balance of the
20 world.

21 FACILITATOR KAPAHI: Thank you.

22 Mr. Van Mechler.

23 (Comment from unidentified audience member
24 beyond the range of the microphone.)

25 FACILITATOR KAPAHI: Okay. Next Mike Belchik.

1 (Comment from unidentified audience member
2 beyond the range of the microphone.)

3 FACILITATOR KAPAHI: Oh, sorry, Belchik, sorry.

4 MR. BELCHIK: Hi. My name is Mike Belchik.
5 That's B-e-l-c-h-i-k. I'm a fisheries biologist for the
6 Yurok tribe, and I've been working for Yuroks for about 15
7 years now, and my primary duties are to watch out for the
8 fish on the science. There's a lot of different ways the
9 tribe watches out. There's people, teams of people,
10 scientists, lawyers, spiritual people, all of them trying
11 for the same thing.

12 The issues that I've worked on have been
13 undamming the Klamath and the water flow issues and large
14 scale restoration. And I wanted to talk a little bit
15 about some of the things that I heard about flood control
16 and sediment in the river.

17 I'm not really worried that the Water Board is
18 going to write that those dams are flood control, because
19 they're not. And the facts speak for themselves, the
20 numbers speak for themselves, the engineering does. Same
21 with the sediment.

22 If anybody wants to learn about the sediment and
23 the studies that have been done, Yuroktribe.org, click on
24 fisheries, click on the dam removal page. You can
25 download any of the studies you want and read them for

1 yourselves. So you don't have to take my word for it or
2 go back and forth in public, you can read the studies.
3 They're done by independent third parties, mostly funded
4 by California Coastal Conservancy.

5 I wanted to talk a little bit about some of the
6 things of importance to the Water Board and also to folks
7 about why the dams should come out. And one of the tasks
8 that the Yurok tribe has put towards its fisheries
9 department is to think about the long-term security and
10 health of the salmon into the future.

11 And we live in an era of climate change now, and
12 that's a fact. And I know the first speaker, Joe Hostler,
13 talked about it, and I think it's really important. So I
14 really think this is an important issue for you guys to
15 address in your CEQA document.

16 And one of the things is that -- that for the
17 long-term security of the salmon, we need to get them to
18 cold water. And when you look in the basin where the cold
19 water is, it's above the dams. That's where the cold
20 springs come out, whether it's in J.C. Boyle springs right
21 below J.C. Boyle dam in Oregon, or whether it's the huge
22 springs in upper Klamath Lake or on the Williamson River,
23 that's the water that's cold, that's the water that's
24 going to stay cold when the climate's changing, and we're
25 losing our snowpack, and that's the water that's important

1 to get our fish to, and that's the reason we need to get
2 the fish above the dams.

3 Now, we argued against the power company about
4 fish ladders, and the company argued that there was no
5 good habitat above the dams and that its own reservoirs
6 would kill salmon going through there. And we were
7 successful, we won against them in court in every way, in
8 a -- in a most complete victory you could even ask for in
9 court. And I was one of the -- part of the team that
10 helped argue that.

11 So we argued that you could use fish ladders and
12 downstream passage facilities and still have a salmon run.
13 But that won't fix the water quality. Even if you build
14 the fish ladders, and even if you're able to get the six
15 million young fish downstream, you can't fix the
16 temperature effects that have happened on this dam. And
17 those facts speak for themselves too.

18 The fact is that the dams warm up the water in
19 the fall, so that the water temperatures start cooling
20 down about three to four weeks after. Now, take a look at
21 when you catch fish at the mouth of the river; it's about
22 three or four weeks later. People used to talk about fish
23 runs starting in late July, fish going through all August.
24 Now you start fishing at Labor Day. This has impacts to
25 your fish runs. This means the fish spawn later, this

1 means they hatch later, this means it's warmer when they
2 swim out, and then the dams are causing disease hot spots
3 and warm water right when the fish are swimming out.

4 This is all related to the dams. This is not
5 fixable. There's no engineering fix. That's been looked
6 at too. People say take the cold water from the lower
7 levels of the dam. That's been looked at. You can't get
8 more than about two weeks' of water. You can do the
9 calculations. It's not fixable. The Microcystus, the
10 toxic algae, that's not fixable.

11 We've asked for repeatedly from the company solid
12 ideas and what they could do to fix this algae. And what
13 we get back is solar-powered aquarium bubblers and toxic
14 copper sulfate treatments that they propose to put in the
15 reservoirs right about this time of year when you've got
16 thousands was fish spawning, right below the reservoir.
17 Simply unacceptable to us. We reject any mitigation
18 measures that involve toxic chemicals.

19 And finally, one of the issues that we think is
20 really important is the spring run. And what has happened
21 to the spring run as a result of these dams. There used
22 to be a spring run in the upper Klamath and there isn't
23 anymore. There may be a few stray fish returning near
24 Iron Gate, but the fact is there really is no spring run.
25 Even when Copco was put in in 1917, 91 years almost to the

1 day, October 17th, 1917, is when the dam closed its doors;
2 those fish, the spring run survived in small numbers until
3 Iron Gate put the final nail in the coffin.

4 Those dams come out, we believe the spring run
5 can revive itself because they will have access to the
6 cold water that they need for the summer. And we think we
7 can resuscitate and revive a lost run right now; and
8 that's one of the main reasons.

9 And I think that concludes my comments. Thank
10 you.

11 FACILITATOR KAPAHI: David O'Neil followed by
12 Peggy O'Neil followed by Robert McConnell.

13 MR. O'NEILL: David O'Neil, O-n-e-i-l-l. I'm 62
14 years old and I grew up in Chragon. I used to watch my
15 elders go down there and bathe in the river every day.
16 And my oldest uncle, he was born in the 1800s, and he used
17 to go down there. And he was a World War I veteran. You
18 guys -- he wasn't even a citizen, but he had to fight in
19 World War I, yet he wasn't able to petition and vote
20 against putting those dams in because he wasn't a citizen
21 till 1924.

22 Anyhow, while he used to bathe in the water,
23 right now we can't do that. When we go in the water at
24 night and fish, it's warm. When I was a kid, fishing at
25 Chragon, it was so cold there we'd rather go swimming in

1 the creek, Pekwan Creek, but now you couldn't get your
2 feet wet in Pekwan Creek because of the logging practice.

3 So this -- these dams have to come down. You
4 know, I listen to all the elders talk a long time ago, and
5 they always say, when you see the birds make their nests
6 high, then the river's going to be high. So they knew
7 back then when the river was going to be high even though
8 there wasn't dams. There was never no dams on the river
9 before. They talked about how plentiful the fish were,
10 and now they're dying out.

11 It is beyond me to see -- the people are going to
12 sit here and think that these dams are good for this
13 river. You see, I learned how to go pick roots on the
14 river bars, and a couple years ago some lady asked me --
15 when I went up and picked the roots and stuff like that,
16 my hands were all corroded and stuff, started peeling and
17 stuff. This year too, last year, year before that, my
18 hands started that way. Last year I lost my dog because
19 he had cancer from swimming in the river. All these
20 things are going on and yet they can't see this. I don't
21 understand what eyes they have.

22 And I was reading Mr. Buffet, he's the guy who
23 owns that place, he had an article in the -- on the web.
24 He says, when you get my age, you measure your success in
25 life by how many of the people you want to have love you

1 and actually do love you, the ultimate test of how you
2 live your life.

3 There's a lot of love on this river too. I'd
4 like you to remind him of that the next time you see him.

5 Thank you.

6 MS. O'NEILL: Peggy O'Neil, spelled the same.
7 I'm not going to talk about the culture or the fish
8 because I don't -- I think there's people here who can
9 speak to that better than I, but what I see is PacifiCorp
10 reaping all the economic benefit for the dams, and these
11 are old infrastructure that are deteriorated, but they're
12 getting the money out of them. And the cost to the people
13 down river is so great. And they don't put anything back,
14 they just take.

15 I see the Yurok tribe spending millions of
16 dollars to try to protect the fishery, to do emergency
17 preparedness, to test the water and send out notices to
18 the community and to the residents and the staff when the
19 algae is bad and it's dangerous to go in the river, but I
20 don't see PacifiCorp taking any economic responsibility at
21 all. I just see them taking the money for the power that
22 they generate off of those dams.

23 You know, I went to one of their trainings they
24 had on dam failure, and they don't reach out to the Yurok
25 tribe or the Karuk tribe or any of the other tribes along

1 the river that would be impacted if those dams would fail.

2 And I really think that -- you know, people say,
3 well, the dams are there for flood control; and what I see
4 instead is that they cause flooding because when the
5 rivers are high and there's a lot of rain and bad weather,
6 they start releasing water, and they're releasing it in
7 surges. And when the tides are coming in and water's
8 coming out of the dams, it actually causes worse flooding.

9 And I think we saw that in '97 from the Trinity
10 dam when they started letting water out when -- they're
11 concerned that their deteriorating dam is going to fail,
12 they're not really concerned and they're not going to call
13 us up and say, hey, you might have some problems because
14 we're letting out a little bit too much water right now.
15 So I think that, you know, there's an environmental
16 injustice going on here where you have people that have
17 very limited resources.

18 The Yurok tribe, they have a lot of needs, a lot
19 of social needs, lot of educational needs, employment
20 needs; and the money that we spend, I could see it being
21 put to better use. We shouldn't have to spend millions of
22 dollars on attorneys. And the State shouldn't have to
23 spend their money; and they are. The State is giving
24 grants to the tribe, federal government gives grants to
25 the tribe to try to fix the problem with the fish, but

1 what can you do after 20 years of trying and nothing's
2 working, because the only real thing that's going to work
3 is that the water levels need to increase.

4 So we can study the water, we can take water
5 tests every day. And people go out every day from the
6 Yurok tribe in their boats, at their expense, the tribe's
7 expense, not PacifiCorp, because they're not -- they're
8 not down here testing the water and letting the people
9 know what's going on, they're not doing any education,
10 they're not teaching the people.

11 Nobody in this room would know what to do if the
12 dam failed. You know, they haven't bothered to educate
13 people. If, you know, someone wants to show up in Yreka
14 like I did, you might learn something, but they're not
15 doing any community education. They're not doing any
16 community education on the algae and what the effects are.
17 You know, it's not their problem. They don't live down
18 here. But the people that do live down here have to deal
19 with the economic burden that exists while they take out
20 all the resources.

21 Thank you.

22 FACILITATOR KAPAHI: Robert McConnell followed by
23 Pergish Carlson followed by Victoria Carl son.

24 MR. McCONNELL: Robert McConnell, M-c
25 C-o-n-n-e-l-l. I'm a Yurok tribal member, and I'm just

1 old enough to remember the rivers before we had the dams.
2 There was a lot of fish back in those days, lot of
3 fishermen. There was some thriving economies along the
4 river. You could go to Orleans and see people camped all
5 along the river. Bluff Creek Resort was actually a
6 thriving business. You go there now, it looks like a
7 ghost town.

8 I've seen pictures of the mouth of the river
9 here, place called the lips. And there was a thing called
10 suicide row; a row of boats completely across the mouth of
11 the river. A couple of gentlemen there, they can tell you
12 all about it, they took part in that. Many, many
13 fishermen, happy fishermen going home with fish in their
14 icebox. It's pretty hard to do these days, and even when
15 you do, it's -- you have to take special care. You have
16 to wash the fish, you have to make sure that the entrails
17 are buried so that your dog won't get them and become
18 poisoned.

19 I was 19 years old before I was allowed to swim
20 in that river. I've had a rash on my body ever since.
21 That was 40 years ago. Doctors can't tell me why I have
22 that, not to this day. And I never really suspected the
23 river until recently when the river tribes and our tribes
24 started to investigate and see this connection. I think
25 that's been in there that long and some people are more

1 susceptible to things than others, and I think I'm one of
2 those that has that going on.

3 We have ceremonies that take place every two
4 years. There's a deer skin dance that happens up river at
5 Weitchpec. We have a boat dance. Have to get in that
6 water to perform this dance. And you kind of wonder, am I
7 going to be affected by this, and it kind of wears on you
8 a little bit.

9 Our medicine people, when they go to the river to
10 bathe, they have to get in that water, they have to bathe
11 in it, it's part of the ritual, you can't change that, but
12 they do it. And they do it for everybody; they don't do
13 it just for us as a people, they do it for the world.

14 You look in this picture, painting, real nice art
15 work up there, done by a tribal member. The water,
16 there's fish, the big rock in the background, it's Oregos.
17 She's supposed to guide the fish into the river. I wonder
18 what she thinks when she's got to guide fish into this
19 river as it exists now. In the clouds you can see the
20 representation of all of our ceremonies.

21 There's definitely something wrong when a giant
22 corporation can make money at the expense of a group of
23 people. And I think that there's definitely an
24 environmental injustice issue.

25 Early on when we went up to the FERC meetings, I

1 guess I thought, hey, this is finally going to happen,
2 we're going to have a voice. We tried to get PacifiCorp
3 to admit that there was a possibility that there was a
4 downstream effect from their dams. They would not explore
5 anything below the footprint of the dam itself. There was
6 no downstream effects. I think that's something that
7 needs to be addressed.

8 Lastly, I want to thank you all for being brave
9 enough to come up here. FERC didn't do it, PacifiCorp
10 didn't do it. Thank you.

11 MR. CARLSON: Hello. I'm Pergish Carlson,
12 P-e-r-g-i-s-h C-a-r-l-s-o-n. I'm a Yurok tribal member.
13 I grew up here in Klamath all my life. And I'm raising my
14 family here, you know; and my family, we come from Blue
15 Creek. That's up the river a little ways, and it's a
16 really beautiful place.

17 And I come up here to talk. And I'm scared, you
18 know, for what's going to happen to this river because I'm
19 100 percent against dam removal. And I'm not only scared
20 for the salmon, I'm scared for the eels, the sturgeon, and
21 all the other animals that live in the river. And, you
22 know, once those are gone, the people are gone; it's like
23 everyone says, the Yurok people are gone. And not only
24 the Yurok people, the Hoopa people, the Karuk people, and
25 all the Indian people that are around us, you know, that

1 count on those fish to come to them, that we trade with
2 them and stuff, you know. And so it really -- it scares
3 me in my heart to see that our river would die.

4 And, you know, like a man said, you know, it
5 might take 50 years for this river to get back to health
6 again, but I would take a sacrifice. I would say that's
7 great, I'll take that sacrifice right now if someone said,
8 you know, you could do it, take it. I would. I'll take
9 that sacrifice for my kids and my kids' kids to see a
10 clean river and a beautiful river once again.

11 The way we're going now, you know, the old people
12 always talk about the good old days, you know. I ain't
13 going to have no good old days to talk about the way we're
14 going now, it's going to be nothing, you know. And, you
15 know, I participate in all the ceremonies and stuff, and,
16 you know, I sing and I try to live my life right, you
17 know, the way that, you know, I was taught.

18 And my uncle, he was a real important person in
19 my life, and he always told me, you know, take care of
20 that river, take care of your people, you know, help your
21 neighbor. And the river's dying.

22 And I would love to see the dams go. We need to
23 see the dams go. We need to come together, you know, come
24 together as a people and take these dams out, you know.

25 People say sea lions are overpopulated; I say

1 people are overpopulated. There's hardly no sea lions,
2 you know. Look at all the people in the world.

3 And the Yurok people, they say -- like non-native
4 people come up to me and they go, man, how big is your
5 tribe, you know? And I go, oh, we got like close to
6 6,000. And they go, man, that's huge. I go, well, how
7 many people you got in your tribe? You know, millions
8 upon millions, you know.

9 So hopefully this is a step for us to go into the
10 future and take these out and look -- you know, look
11 like -- you know, people know that's good. They got to
12 know this has got to be right. And I feel, you know, we
13 fought for our river a long time ago, our ancestors fought
14 for this river; and they couldn't get us out, they
15 couldn't kill us. They made the decision to fight. And I
16 think we're going to make the decision to fight to take
17 these dams.

18 Thank you.

19 FACILITATOR KAPAHI: Victoria Carlson, Ken Fetcho
20 followed by Jim McQuillen and Dania Colegrove.

21 MS. CARLSON: My name is Victoria Carlson,
22 V-i-c-t-o-r-i-a C-a-r-l-s-o-n.

23 (Ms. Carlson speaks in another language.)

24 MS. CARLSON: So the issues that we're facing
25 today are really important to all of us. Some of the

1 people might not have been able to be here, some might not
2 have heard of it, but I know there's probably many more
3 people that would want to talk.

4 But what I want to talk about is the decline that
5 we have had with our chinook and Coho salmon, our
6 sturgeon, our steelhead, our candle fish, our sur fish,
7 our eels; those are the things that have been declining
8 for the past, you know, years and everything.

9 Some of the ceremonies that they're talking about
10 when we have our ceremonies, I don't know if you know, but
11 one is called the brush dance, another one is called the
12 jump dance, and there's the deer skin dance. These are
13 the things that we've had since time immemorial. I've
14 participated since the time I was born, you know, and
15 being brought up with the culture and the language.

16 Some of the stories that I've heard that aren't
17 found in books that I have to bear in my heart that I've
18 heard from elders that have happened to our people and our
19 land and our animals is, you know, it's terrible; and now
20 that I'm an adult, I can try my best to help change and do
21 stuff for the better.

22 Like some of the things like, you know, our land,
23 our land was taken. That's a little bit off the side, but
24 you know the Dawes Act, that's -- everybody hears about
25 that one, the allotments. But then you hear -- you don't

1 hear the stories where, you know -- like my grandma told
2 me when the soldiers came there to -- wanted to buy her
3 land. We want to buy your land. And she said, I don't
4 want to sell my land. Well, they said, if you don't sell
5 it to us, we're going to end up taking it. So, you know,
6 as a native person, her family ended up having to sell
7 that land because it was going to get taken; that's how
8 they scared her.

9 And some of the things that were also told to
10 some of our elders that are gone now; oh, we just want to
11 buy your trees, we don't want to buy the land, we just
12 want some of your timber. Well, when the Indian couldn't
13 read that writing and they signed it, maybe by their "X"
14 or by a little thing, they sold their land and their
15 timber, but they didn't know it. Some of those things
16 happened in the past, and in history that's what some of
17 the things that have happened.

18 And one of the stories that has to do with the
19 river that my grandfather who's alive still, he's 94 years
20 old, he talks about how he used to travel up the river in
21 the canoe, and you could go so far with your canoe, and
22 then you would, you know, have to get out and then carry
23 it; but even to the part where they used to make it to,
24 you can't even go there anymore, you can't even -- you
25 know, the canoe doesn't make it that far. So that's one

1 of the effects that has been as far as culturally to our
2 people, like we can't do that no more, that's something
3 that used to happen, but now it can't.

4 And so right now currently, I live here in
5 Klamath, but I travel every day, five days a week, some
6 weeks six, seven to Arcata to go to Humboldt State
7 University because I'm an environmental resources
8 engineering major student. My focus is water resources
9 engineering. And the reason I chose this was because when
10 I was young, I didn't know what I wanted to be -- and I'm
11 a first-year college student -- but my grandma, she only
12 went to school till she was in third grade, and then her
13 parents hid her because they didn't want the boarding
14 schools to take her. But even though she went to school
15 till she was in third grade, she told me when I was very
16 young, she said, Victoria, she said, you have to get that
17 piece of paper on the wall to fight against the white
18 people. And not to be prejudiced or anything against you
19 guys or anything, but, you know, the fight -- fight
20 PacifiCorps, you know, we have to get that piece of paper
21 on the wall.

22 And at the time I didn't really know what she
23 meant, that piece of paper on the wall; but as I got
24 older, I understood that she meant the college degree,
25 because people always put their college degrees on their

1 walls, you know, what they got. But that's what it's
2 going to take for us to fight.

3 And so I'm alone most of the time when I go to
4 school; you don't see other Indians, but that's something
5 I have to go through for my people, for our land, for our
6 water, for the future generations for all families; and
7 hoping, you know, when I complete this, I'll be able to
8 come and help more as far as scientifically and
9 mathematically and everything with the river restoration.

10 And then as far as what our river has to go
11 through, some of the things are diseases that the -- gets
12 put on, and the pesticides that gets sprayed by the Green
13 Diamond Resource Company, and deforestation, you know,
14 because the river needs trees to survive also, and also
15 the low flows. But mainly the dams. And I believe the
16 dams need to be removed. Thank you.

17 FACILITATOR KAPAHI: Before you begin, just a
18 time check. It is eight o'clock. The meeting was noticed
19 from 6:00 to 8:00 p.m., we did, however, start late. I
20 have about four more speakers. Is there anyone in the
21 room who wishes to speak that did not sign up on the
22 sheet?

23 Okay. Thank you. So we will continue; but if
24 you could be concise so that we could --

25 MR. FETCHO: Good evening. My name is Ken

1 Fetcho. Last name is spelled F, as in Frank, e-t-c-h-o.
2 So I work for the Yurok tribe. I'm assistant director of
3 the Yurok Tribe Environmental Program. And we will be
4 providing written comments, much more exhaustive comments
5 than you've heard from myself and other tribal employees
6 that will cover the major issues that you guys need to
7 consider. But I did want to speak to some of the comments
8 you're soliciting, the input you requested in the NOP.

9 First off, on the FERC EIS, the Yurok tribe did
10 provide extensive comments on the Draft Environmental
11 Impact Statement that the FERC paid a consultant to write.
12 Those comments on the Draft EIS are in the FERC record,
13 and everybody has access to those, including the State of
14 California.

15 Based on our comments, we believe that the FERC
16 EIS was improved from the draft, and the Environmental
17 Impact Statement did strengthen their analysis details and
18 citations regarding the KHP or Klamath Hydroelectric
19 Project -- I'll refer to it as KHP -- regarding the KHP's
20 impacts to water quality. They discussed the results of
21 all the new studies that many of us participated in,
22 Karuk, Yurok tribes. They dealt with Microcystis,
23 nutrient fish disease studies. The EIS did include new
24 figures and tabs and additional analysis.

25 And the FERC EIS agreed with the Yurok tribe that

1 the KHP degrades water quality and has an impact to fish
2 health in a variety of ways including increased
3 temperature -- like as Mike mentioned in detail, and I
4 appreciate that -- and in regards to the toxic algae
5 blooms that occur and the role nutrient dynamics occur to
6 impact dissolved oxygen and pH that affects fish.

7 However, the FERC EIS lacked in describing the
8 impacts of the loss of fish and the associated economic
9 impacts to the tribes, commercial and sport fisheries and
10 the associated economy. It is important for the EIR to
11 fully describe the geographic scope of the economic
12 impacts not only along the river but also coastal
13 communities who are known to be fishing, all the way south
14 to Monterey Bay and up north to Cape Farella.

15 So that's the comments you guys want on the EIS;
16 and again, we'll provide a lot more written.

17 Now, the range of alternatives should be
18 including sort of the impacts of J.C. Boyle and Keno.
19 Potentially, if you remove the three dams in California
20 and keep J.C. Boyle dam and J.C. Boyle will need to be
21 operated differently and base loaded. Assuming if
22 J.C. Boyle does stay in, this will likely result in
23 changes to water quality and could impact the fisheries,
24 and so you need to be looking at those impacts and that
25 alternative. It's also appropriate for the Board, as you

1 guys said, in the cumulative impacts to be considering the
2 discharge of the entire project as it exists today,
3 including the Keno operations, even though PacifiCorp
4 wants to walk away from those.

5 The Yurok tribe believes that the only
6 alternative that can be preferred is all dams out in
7 California, if that's all you guys can consider. Because
8 it's highly unlikely that the State of California can
9 certify that the project in any re-operation, any way you
10 want to change that engineering-wise, that that can ever
11 meet water quality standards that are prescribed in the
12 North Coast Basin Plan and in Hoopa Valley's Water Quality
13 Control Plan.

14 You guys requested input to mitigation measures.
15 And we've had a lot of discussions, not only with tribal
16 and consultants but also with State of California North
17 Coast Regional Water Board staff, and it's quite clear
18 that the major mitigation measure that needs to be
19 considered immediately is a use of constructed wetlands
20 and innovative water treatment facilities to reduce
21 nutrient loads above and in the Klamath hydro project, or
22 KHP.

23 These treatment facilities should be considered
24 and all alternatives proposed, because it is unlikely any
25 approach that does not reduce nutrients entering the KHP

1 will be effective in improving water quality. There's no
2 way they can improve water quality, as we have heard, with
3 mixers and stirrers and engineering feats. Those dams
4 need to come out, and they need to reduce the nutrients
5 entering those reaches.

6 And in closing, and Peggy O'Neill mentioned, and
7 I really appreciate that she brought this up, the impact
8 to the tribal life way has been significant, and it is
9 unfairly burdened by the tribes in the Klamath basin both
10 above and below the KHP. All of these impacts amount to
11 an environmental injustice. And these environmental
12 injustices stated by the State of California need to be
13 considered in the EIR.

14 Thank you.

15 FACILITATOR KAPAHI: Jim McQuillen followed by
16 Dania Colegrove followed by Felice Pace. And then the
17 final speaker is Sophie Blake. Thank you.

18 MR. McQUILLEN: Thank you. My name is Jim
19 McQuillen, M-c Q-u-i-l-l-e-n. I'm a Yurok tribal member.
20 I also coordinate the tribe's education programs. I'm
21 very proud to see some of our younger people get up here
22 and say a few words, as Victoria.

23 This past year we've had over 160 tribal members
24 reaching for higher education and going on to college.
25 And you'll be surprised at how many of those tribal

1 members who are in higher education speak about their
2 motivation to come back and help the people and help the
3 river. It's something I just thought of as she was
4 speaking, of how common that is now for our young adults
5 to say they want to help the river because they see the
6 decline and the quality of water declining with our river.
7 That's really not what I wanted to share.

8 But on a personal note, my children are grown
9 now, and I know I've had to pull them from the river
10 because the quality of water has disrupted the ability for
11 them to play when they were younger. And they broke out
12 in rashes from swimming and playing on the river. And now
13 I have to worry about my grandchildren. When it gets warm
14 in the summertime in July and August, that my
15 grandchildren, I have to say no, I can't take them to the
16 river and play in the water because I'm worried about what
17 this toxic algae blooms may do to their health. And I
18 know rashes break out, they've broken out with my own
19 family.

20 One of the things I also am involved in is
21 coordination of some of our dances. The brush dance
22 ceremony at the mouth of the river that we've been having
23 there, and I've been involved since my days in high
24 school. I've been in that dance along with many of the
25 families here.

1 In that dance, hundreds of people show up for the
2 dance and the ceremony, and it's in the month of July, and
3 we -- I have to get concerned now that when the children
4 and families go down to the river to cool down or wade in
5 the water or swim, I have to be concerned what this toxic
6 algae bloom may be doing to them. And that's a new
7 concern in the years I've been involved in that dance, and
8 it's -- it's a concern. Or the quality of fish that come
9 in. Our fish, our natural foods are a part of these
10 ceremonies, and we have to be concerned what the fish
11 might be doing to the people.

12 You know, many of us know that our ceremonies
13 have been coming back and have made a revival in these
14 past 30 or 40 years, and our dances are becoming
15 healthier; and we see more and more people returning to
16 our dances all up and down the river from the mouth to a
17 village named Chragon to Weitchpec where hundreds of
18 people turn out for these dances.

19 In this past five years we had the opportunity to
20 rebuild a sweat house, a sweat lodge at the mouth of the
21 river. And it's a very private -- a private activity and
22 it's not something you come into a public forum and talk
23 about; but, you know, I've had the opportunity to take a
24 sweat with some of our younger people that sweat, and when
25 you're done taking a sweat, you're supposed to go out to

1 the river and cool down in the river after that sweat.

2 But again, it comes to my mind, what's going to
3 happen when these young people or myself, we jump in the
4 river to cool down, if there's a toxic algae bloom
5 occurring? And it's interrupted that ability to practice
6 our religion and our customs. And so it goes without
7 saying, if a dam removal will improve the quality of the
8 water of the Klamath River, I'm 100 percent for removing
9 those dams.

10 So thank you.

11 MS. COLEGROVE: I thank you guys all for coming
12 here, and I really don't want to take up too much of your
13 time, but I'm all about visual aid. And so I presented
14 the toxic algae to you today. This here is a net full of
15 moss. I don't know if I should bring it in here or not,
16 but I wanted you guys to really see it. This is basically
17 what it ends up being. This is kind of cleaned up a
18 little bit; but he said he took two drifts in the river
19 today, and this is basically -- this is basically what you
20 end up with. How do you catch a fish in that? And that
21 actually is a clean smelling net. A stink smelling net,
22 you would walk away. That was only one of my comments.

23 Another one is you guys have children. You let
24 them go to public pools. Do you have concerns about your
25 children swimming in public pools with bad diseases that I

1 know everyone has to test their pool daily for health
2 purposes? Do you guys -- nobody does that for us around
3 here. This is what we have to swim in. You don't even
4 want to swim in it. I mean, I'm just -- where do we go
5 from here?

6 We really need your guys' help. You guys have
7 the ability to clean up the river. I'm sorry, but I'm not
8 used to speak being in front of people either. But you
9 guys have the ability and I can sure hope you guys do
10 something about it.

11 Thank you for your time.

12 MR. PACE: It's Felice Pace, F-e-l-i-c-e P-a-c-e.
13 I want to start out by thanking the Yurok people for the
14 hospitality, bringing the food, thank the people who
15 prepared the food and the ladies who prepared the food.
16 It's nice to be with the Yurok people here today talking
17 up for the river.

18 I'd also like to call everybody's attention,
19 including the folks that are making the EIS, that there's
20 a lot of information on a blog that I run on Klamath River
21 issues. I'm going to give you a paper with it. But all
22 of you, you might check it out. It's
23 Klamblog.blogspot.com. And says some things that
24 sometimes are a little controversial, but tries to get
25 people thinking about the river and talking about the

1 river with each other, which we need to do.

2 I'm also part of a group that has petitioned the
3 California Public Utilities Commission because we're rate
4 payers, to have them come in to this whole process and
5 protect the people that pay the electric bills. Most of
6 you are on PacifiCorp's electric bills, and some of you
7 are on this petition, if you want to get on it. It's to
8 say, you know, they're spending our money and they want to
9 come back and charge us more to pay for all this stuff
10 they want to do to these dams, and the cheapest thing is
11 get them out of the river and let the river run.

12 I also want to -- I don't know if any of them are
13 here, but we do have to -- I spent 35 years living up
14 river, up in the Scott Valley in the mid-Klamath, what we
15 call the mid-Klamath, but we have to travel up and down
16 and we have to learn as much as we can about the river,
17 all of us. And, you know, I've been studying it for 35
18 years, I'm still learning about it, and this will be a
19 great opportunity for these folks, you folks to take a
20 look at it.

21 But on flood control, it's important for people
22 to understand that the real flood control in the upper
23 basin is the Bureau of Reclamation. Before the water gets
24 down to the dams, to the PacifiCorp dams, they can put it
25 over on those wheat lands. When you go up 97 and you see

1 them on both sides, they divert the water up there and let
2 it spread out over those big lands up there, that's the
3 flood control that we have.

4 Anything that comes down -- I can't remember the
5 number, Mike probably has it in his head, but, you know,
6 it's something like 14 feet of dam space. I remember Mike
7 Belchik telling me the last time we had a flood, when was
8 it, 2005 or one of those floods, it almost got over
9 Iron Gate. If it goes over Iron Gate, Iron Gate's done,
10 and then we're looking at all that water at once, because
11 it's an earthen-filled dam. And so it's really --

12 (Comments from unidentified audience member
13 beyond the range of the microphone.)

14 MR. PACE: Okay. Anyway, there's no irrigation
15 that comes out of it either. So those guys left though,
16 so we don't have to worry about that.

17 It's important to get down now to the water
18 quality, okay. And the key question, you know, that the
19 EIR needs to answer is will the project as it's proposed
20 by PacifiCorp meet the applicable water quality standards.
21 That's the basic question that we want a very clear answer
22 in the EIS. Yes or no. Is it legal to operate those
23 dams?

24 And there's a petition. Some people way may not
25 know this, but there's a petition to the State Water Board

1 right now, it went through the North Coast Board, to say
2 you have to make these dams comply right now, not 20 years
3 from now when they come out, because they will come out.
4 And so that's also part of it, these interim measures.

5 But that's the basic question. Is it legal to
6 operate the dams because can they meet the standards as
7 proposed by PacifiCorp; and if not, okay, what are those
8 alternatives? If the project as proposed by PacifiCorp
9 isn't legal and will not meet standards, what are the
10 alternatives that can meet the standards? And that's
11 where the alternatives come in. And there -- I think the
12 EIR needs to be a little creative because we must look
13 upstream, we can't stop at the border. This is an
14 Environmental Impact Statement, the environment doesn't
15 stop at the border, so the EIR can't. And we must look
16 upstream when looking at both effects and alternatives.

17 For example, alternative -- one alternative
18 should have four dams out, which is the proposal that the
19 tribes and the coalition with the environmental groups and
20 the fishermen all have; and that would leave Keno in
21 because the farmers want Keno.

22 But behind Keno, if we're going to leave Keno in,
23 what are the mitigations that would bring Keno -- it's the
24 worst water quality in the basin; it's even worse than
25 what you got right here in some ways, or in the dams in

1 some ways. So what would happen to Keno reservoir? It's
2 another one of those really bad reservoirs, one that --
3 some of the tribes are saying we should go along with
4 leaving that in because the farmers want it in. If it is
5 left in, then there's got to be mitigation measures. And
6 they have to be creative, things like the way it used to
7 clean the water, upper Klamath Lake, you know, lower
8 Klamath Lake with its wetlands used to do a lot of that.

9 Lower Klamath National Wildlife Refuge -- and in
10 terms of looking at an interim, and I'll write this to you
11 as well, I'll be submitting written comments because I
12 know it's tough, I've done some of that kind of
13 analysis -- but the -- they've done studies and they've
14 shown that the wildlife refuge, lower Klamath National
15 Wildlife Refuge can clean the water with their permanent
16 wetlands.

17 So maybe one of the interim measures, maybe we
18 got to put more water through those wetlands and have in
19 the long term, if they do want to keep Keno, and it's a
20 PacifiCorp dam, and before they can give it away they
21 should have to mitigate it or make some arrangements so
22 that the water quality there would also comply. And
23 that's part of the cumulative impacts, of course. So
24 there is a bit of coordination that needs to be done with
25 the Oregon side on this.

1 We also -- you know, we all need to recognize
2 that the dams aren't the whole problem, that they get some
3 really bad water. And like I learned in the upper basin,
4 when they put in the deep drains, to drain the water
5 through the crop lands, they doubled the amount of
6 pollution, okay, because all that phosphorous, all those
7 nutrients moving through, that was done in the 1970s, and
8 that's a key to when the water quality started getting
9 bad.

10 So these dams, they make bad water quality worse,
11 but they're not the whole problem, and some people have
12 lost sight of that.

13 That's about all I'm going to say.

14 One thing about climate change -- I know you're
15 anxious to get going, but you did start late -- so climate
16 change is a key factor. And there's a new paper out, and
17 it's cited in here, and it's by -- I want to take just a
18 second to give it, because it's Van Kirk and Namen, and
19 it's now published, it's peer-reviewed, "Relative Effects
20 of Water Use and Climate on Base Flow Trends in the Lower
21 Klamath Basin," it's "Journal of American Water
22 Resources." And what it says and what it's found is
23 climate change, you can already see the impact of it. So
24 what Mike said is very, very wise, because we do have to
25 look to the cold springs and the groundwater, the

1 accretion of groundwater into the streams quite a bit
2 because we're losing our snowpack, and that needs to be
3 considered. And this cites the paper, so I'll leave this
4 with the gentleman there.

5 Thanks for bearing with me. If anybody wants to
6 sign this petition, come and see me afterwards.

7 FACILITATOR KAPAHI: Okay. And then our last
8 speaker, comment person, would be Sophie Blake.

9 MS. BLAKE: I'm going to sit over here by myself;
10 usually I did have my dad beside me. Excuse me, the
11 emotions. My dad's name is Virgil Blake. Many of the
12 elders in this room might know him.

13 On the day I was born, they brought me here down
14 here to the Klamath River and let me swim in it for the
15 first time. By the time I was two years old, I was able
16 to swim by myself; by the time I was five, I could make it
17 halfway across the river with my dad. (Unintelligible)
18 live down here, my dad won't even let me get in the water.
19 I'm only 23 years old, and it's already been taken from
20 me.

21 I stood in the back and I listened to a lot of
22 people speak. And I understand where they're coming from.
23 I've lived in the Hoopa most of my life. And what Hoopa
24 people say is the fish taste different. It really does.
25 And that's why I moved down here, because I wanted

1 fresh-tasting fish. It tastes totally different when it
2 comes straight out of the mouth, straight out of the lips
3 where brave men go and stand and fish. And I wanted that.
4 And then I came down here, and it was right after the big
5 fish kill.

6 And I have to think about -- I'm standing here
7 right now for my grandfather, Harold Blake, and my dad,
8 Virgil Blake, who were both not able to both be here, one
9 of them is deceased, one of them isn't. But I have to
10 wonder what's going to happen with my kids and what's
11 going to happen with my grandkids and everybody else, the
12 younger people that stood up. What's going to happen with
13 everything? What's going to happen if you guys don't give
14 us back our water?

15 If you guys brought your kids down here, would
16 you guys really let them swim? I mean, truthfully, when
17 you see the foam that floats down the river, when you see
18 the blue-green algae, when you smell the smell of that
19 water, would you guys really let your kids swim here? I
20 wouldn't. I thank the Great Spirit right now that I don't
21 have kids because I wouldn't want to have to hold them
22 back from something that I was doing when I was young.
23 Anybody that has kids understands that.

24 It goes on with the ceremonials. Like they said
25 earlier, we've always been here, the dams haven't. So why

1 change something that's already good. Yeah, people down
2 here know that they might flood every now and then. It's
3 something that they've lived with for this long, why are
4 they going to change now? Like the jump dances do, it's
5 all out with the old, back in with the new; things have to
6 change over like that and everybody makes it. Look at
7 these elders sitting in this room right now. They've made
8 it this long.

9 But I think truthfully in my heart, which is why
10 I stood up, I think those dams need to come down.

11 FACILITATOR KAPAHI: Thank you. This concludes
12 the evening's comments and presentations. I want to thank
13 everyone for coming today. I want to thank you for --
14 thank the Yurok tribe for providing this meeting space.

15 The next steps, remember that the comment period
16 is open till November the 17th. You can submit written
17 comments to the address above. The information is also in
18 the packet that you've received. And we thank you for
19 coming.

20 (Thereupon, the October 20, 2008,
21 California State Water Resources Control Board
22 Public Scoping Meeting
23 was adjourned at 8:25 p.m.)

24 --oOo--

25 *****

CERTIFICATE OF REPORTER

I, DEBORAH BAKER, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California State Water Resources Control Board Public Scoping Meeting; that thereafter the recording was transcribed.

I further certify that I am not counsel or attorney for any of the parties to said Public Scoping Meeting, or in any way interested in the outcome of said Public Scoping Meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of November, 2008.

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